

External Report re:  
Completion of  
105 Recommendations

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**Baylor University**

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## Table of Contents

	Page
I. Executive Summary .....	1
II. Overview of Steps Taken to Assess Completion .....	8
A. Stakeholders .....	8
B. Criteria Applied/Standard of Review .....	8
C. Background and Qualifications .....	10
III. Regulatory Framework and Guidance .....	14
A. Title IX .....	14
1. The Title IX Obligation to Address Sexual Harassment .....	14
2. Law vs. Guidance .....	16
3. Implementing Regulations: Required Elements of An Institution’s Approach to Sexual Harassment .....	17
4. Sub-regulatory Guidance: Additional Elements of An Institution’s Approach to Sexual Harassment .....	22
B. Overview of the Clery Act .....	46
1. Crime Statistics .....	47
2. Campus Security Authorities .....	50
3. Daily Crime Log .....	52
4. Timely Warning Notification .....	53
5. Policies, Procedures, and Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking .....	55
6. Enforcement .....	61
C. New Texas Laws Related to Campus Sexual Misconduct .....	61
D. NCAA Requirements .....	61
1. NCAA Handbook .....	62
2. NCAA Toolkit .....	63
3. Failure to Comply with NCAA Regulations .....	65
E. Big XII Athletic Conference .....	66
IV. Overview of Effective Practices .....	67
V. Assessment of Completion of Recommendations .....	70
A. Overview .....	70
B. Restorative Remedies and Remedial Actions in Response to the Investigation .....	72

C.	Institutional Commitment to a Culture of Compliance Through Effective Leadership, Sufficient Resources, and Ongoing Attention to Sustainability.....	80
D.	Action to Eliminate, Prevent and Address the Effects of Sexual and Gender-Based Harassment and Violence.....	90
E.	Adherence to Coordinated and Accessible Policies and Procedures, Including Prompt and Equitable Procedures for Investigation and Resolution of Reports that Separate Support and Advocacy Functions from Impartial Investigative and Adjudicative Processes, Are Conducted by Experienced and Trained Implementers Free from Actual Bias or Conflict of Interest, and Provide Appropriate Procedural Protections for Both a Complainant and a Respondent.....	95
F.	An Independent Title IX Coordinator with Sufficient Authority and Resources to Effectively Navigate Oversight Responsibilities .....	104
G.	A Coordinated Multi-Disciplinary Response Team to Implement Policies and Procedures Consistently and Equitably Through Delineation of Roles and Responsibilities and the Coordination of Information and Personnel to Facilitate Informed Decision-Making Consistent with the Legal Framework and Institutional Values .....	115
H.	A Centralized Reporting and Review Process to Ensure Consistent Application of Policies, Procedures, and Practices that Foster Increased Reporting by Providing Clear Information to Campus Community Members.....	123
I.	Regular Communication with the Parties and the Community and Transparency about Processes to Build and Maintain the Trust of Individual Stakeholders and the Community.....	135
J.	Centralized Record-Keeping and Documentation for Tracking and Monitoring Reported Incidents, Monitoring Patterns and Assess Campus Climate.....	142
K.	Consistent Training, Education and Prevention Programs .....	145
L.	Athletics Department .....	161
M.	Counseling Center and Other Support Resources.....	176
N.	Baylor University Police Department.....	182
VI.	Sustainability.....	187
VII.	Conclusion .....	188
	APPENDIX I: Findings of Fact .....	A-1
	APPENDIX II: Baylor University Report of External and Independent Review Recommendations.....	A-15
	APPENDIX III: Overview of University Prevention, Education and Training Programs .....	A-26

APPENDIX IV: Exhibits .....	A-81
Exhibit 1	Publication entitled <i>Our Commitment. Our Response. Our Progress.</i> ..... A-84
Exhibit 2	Summary of Board Actions taken on May 13, 2016 ..... A-130
Exhibit 3	Guideline for Interaction between Head Coaches and Members of the Board of Regents ..... A-132
Exhibit 4	Guidelines for Board Operations ..... A-137
Exhibit 5	August 14, 2016 Memorandum from Cathy A. Trower to Cary Gray and Ron Murff re: Governance Process ..... A-156
Exhibit 6	October 4, 2016 Memorandum from J. Cary Gray to Dr. Reagan M. Ramsower and Brandyn J. Hicks re: Status Report to Sexual Assault Task Force..... A-159
Exhibit 7	Report of the Governance Review Task Force of the Baylor University Board of Regents, January 16, 2017 ..... A-166
Exhibit 8	July 19, 2017 Memorandum from J. Cary Gray to Doug Welch and Rob Carter re: Supplement to October 4 <sup>th</sup> Status Report..... A-196
Exhibit 9	Title IX Survey Summary ..... A-200
Exhibit 10	2017 Social Climate Survey Findings..... A-203
Exhibit 11	<i>Sexual and Gender-Based Harassment and Interpersonal Violence Policy</i> (January 2017 Policy) ..... A-252
Exhibit 12	August 2, 2017 Memo from Rob Carter to Wesley Null re: Review of Adherence to Title IX Policy ..... A-293
Exhibit 13	<i>Sexual and Gender-Based Harassment and Interpersonal Violence Policy</i> (October 20, 2017)..... A-296
Exhibit 14	Policy to Protect Children and Prevent Abuse..... A-336
Exhibit 15	Baylor Report It Webpage ..... A-358
Exhibit 16	Threat Assessment Group Policy ..... A-363
Exhibit 17	Complainant Intake/Checklist Form ..... A-371
Exhibit 18	Respondent Intake/Checklist Form..... A-379



Exhibit 19	Closeout Checklist/Form .....	A-385
Exhibit 20	Your Rights, Options and Resources .....	A-389
Exhibit 21	Title IX Pocket Guide .....	A-403
Exhibit 22	2017 Annual Fire Safety and Security Report .....	A-406
Exhibit 23	November 12, 2016 Memorandum re: Title IX Coordinator Contact Information .....	A-482
Exhibit 24	Strategic Communications Plan – Academic Year 2016-2017 .....	A-497
Exhibit 25	It’s On Us Awareness Policy .....	A-502
Exhibit 26	“The Path of a Report of Student Prohibited Conduct” and “Disciplinary Resolution Process for Students” Infographic .....	A-504
Exhibit 27	“Title IX Process and Procedure” Infographic .....	A-507
Exhibit 28	Public Incident Report .....	A-509
Exhibit 29	Athletics Integration with Campus .....	A-514
Exhibit 30	Athletics Student Misconduct Reporting Form .....	A-517
Exhibit 31	Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol.....	A-520
Exhibit 32	Prospective Student Athlete Background Assessment Policy .....	A-527
Exhibit 33	Counseling Services Organizational Charts.....	A-534
Exhibit 34	Sexual Violence Response and Investigation Policy, Baylor University Police Department Policy Number 13.01.08 .....	A-537
Exhibit 35	Training Requirements Overview.....	A-556

## **I. Executive Summary**

In August 2015, Baylor University commissioned Gina Maisto Smith and Leslie Gomez to conduct an independent and external review of Baylor University's institutional response to Title IX and related compliance issues through the lens of specific cases.<sup>1</sup> A Special Committee of the Board of Regents, on behalf of the University, accepted the President's recommendation to engage outside counsel in order to ensure that the review was objective and conducted by professionals with appropriate subject matter expertise. Baylor provided us, as external investigators, with unfettered access to University personnel and data. The review was detailed, thorough and rigorous.<sup>2</sup> While keeping within the scope of the engagement, we engaged in an open exploration of the issues with no limitation by the University.

Following an extensive investigation, in May 2016, we provided the Board of Regents with a detailed and comprehensive presentation of our findings and recommendations. After that presentation, the Board of Regents released a Findings of Fact which acknowledged that Baylor had fundamentally failed to consistently implement Title IX of the Education Amendments of 1972 (Title IX) and related authority. The Findings of Fact also detailed specific failings within the football program and Athletics Department leadership, as well as significant concerns about the culture within Baylor's football program as it related to the institutional response to student-athlete misconduct. At the conclusion of the presentation of our findings, we presented the Board of Regents with 105 Recommendations that addressed the following areas: broad recommendations; restorative remedies; governance, leadership and compliance; Title IX infrastructure, resources and internal protocols; Title IX policy; centralized reporting and resolution of reports; resources and support; training, education and communication of efforts; culture and climate; Athletics Department; Baylor University Police Department; community

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<sup>1</sup>At the time of the investigation, Ms. Smith and Ms. Gomez were partners at Pepper Hamilton LLP. In February 2017, Ms. Smith and Ms. Gomez created the Institutional Response Group at Cozen O'Connor. *See* <https://www.cozen.com/practices/institutional-response-group>.

<sup>2</sup>We conducted document-based interviews to ensure accuracy, integrity and efficiency, and our findings and recommendations are based on the law, related authority, facts supported by documents and interviews, and reasonable inferences from the facts.

We reviewed emails, mobile device data and documents from current and former Baylor employees. Our review of documents included: current and prior policies and procedures; Judicial Affairs and Title IX files related to specific reports and investigations; relevant trial transcripts; personnel files, student records, training and educational materials; prior internal and external audits; Title IX Task Force materials; and other relevant and available information. In addition to an exhaustive review of data, counsel interviewed more than 65 individuals, including current employees, former employees, current students and former students. The current and former students included individuals who identified as victims/survivors of sexual assault or dating violence. We interviewed witnesses across multiple departments, including the President's Office, Executive Council, Student Life, Student Conduct Administration, Office of General Counsel, Athletics, the football program, Athletics Compliance, Risk Management, Human Resources, the Counseling Center, Health Services, Baylor University Police Department, the Title IX Office, Faculty Athletic Representatives, the Admissions Office and outside counsel. Many individuals were interviewed more than once to allow for a full and fair opportunity to reconcile and synthesize information in the context of documents and available information from other interviews.

partnerships; and the Clery Act. The Findings of Fact, as released by the Board of Regents, are attached as Appendix I. The 105 Recommendations are attached as Appendix II.

Our recommendations were informed by: the findings in the investigation; the legal and regulatory framework; our experience working with hundreds of higher education institutions across the country; and an understanding of the dynamics of trauma and sexual and gender-based harassment and violence. The recommendations were not limited to compliance concerns; to the contrary, they were sweeping recommendations that addressed compliance, effective and promising practices, restorative and remedial steps in light of the Findings of Fact, and opportunities for Baylor to implement a holistic commitment to integration of Title IX and Clery obligations across all aspects of the University's educational programs and activities. The recommendations, which should be read and considered holistically, rather than individually, required action at every level of the institution. Some of the recommendations were granular in nature, while others were more aspirational and sought to foster an ongoing culture of compliance and accountability that would reinforce effective implementation of Title IX. In short, the recommendations contemplated a herculean effort by Baylor.

Baylor's Board of Regents adopted the 105 Recommendations in their entirety, and the University immediately initiated a coordinated, University-wide action plan to implement the recommendations. In University communications on May 26, 2016,<sup>3</sup> and June 10, 2016,<sup>4</sup> the University's Board of Regents classified the 105 Recommendations as "mandates" and announced the creation of two action-driven task forces to implement the recommendations and foster a campus culture of care and respect: the Sexual Assault Task Force and Spiritual Life and Character Formation Task Force. The Sexual Assault Task Force was comprised of 17 teams of faculty, staff, administrators and students, and included representation from departments across the University, including the President's Office, the Provost's Office, the Title IX Office, Information Technology, Student Life, Marketing and Communications, Athletics, Finance and Administration, Operations and Facilities Management, Baylor University Police Department, Human Resources, and the Office of General Counsel. To monitor the progress of the teams and assist in coordination of implementation efforts, the University hired a Director of Special Projects & Initiatives. In this role, Brandyn Hicks, Esq. exercised leadership, project management and organizational oversight.<sup>5</sup> Baylor's Director of Internal Audit and Management Analysis, Robert A. Carter, subsequently assumed oversight of the implementation efforts.

On June 30, 2016, Baylor University expanded the terms of our engagement to include the following tasks: (1) review of cases between 2011 and 2015 to address the restorative and ongoing needs of complainants in these cases and determine pattern, trends and climate; (2) development of a new Title IX policy; (3) review and revision of protocols, systems and

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<sup>3</sup>Baylor University Board of Regents Announces Leadership Changes and Extensive Corrective Actions Following Findings of External Investigation – May 26, 2016

<sup>4</sup>Baylor University Names Task Forces to Act Upon 105 Recommendations and Implement Improvements to Address Sexual Violence Prevention and Response – June 10, 2016

<sup>5</sup>Ms. Hicks is a former prosecutor who currently serves as an Assistant General Counsel at Johns Hopkins University.

templates used in the Title IX Office to ensure consistency with the new Title IX policy; (4) assistance in facilitating the development of memoranda of understanding with community partners and law enforcement agencies; and (5) ongoing advice and consulting regarding the implementation of Title IX and the Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013. In keeping with this engagement, we have been assisting Baylor in the informed implementation of the 105 Recommendations.

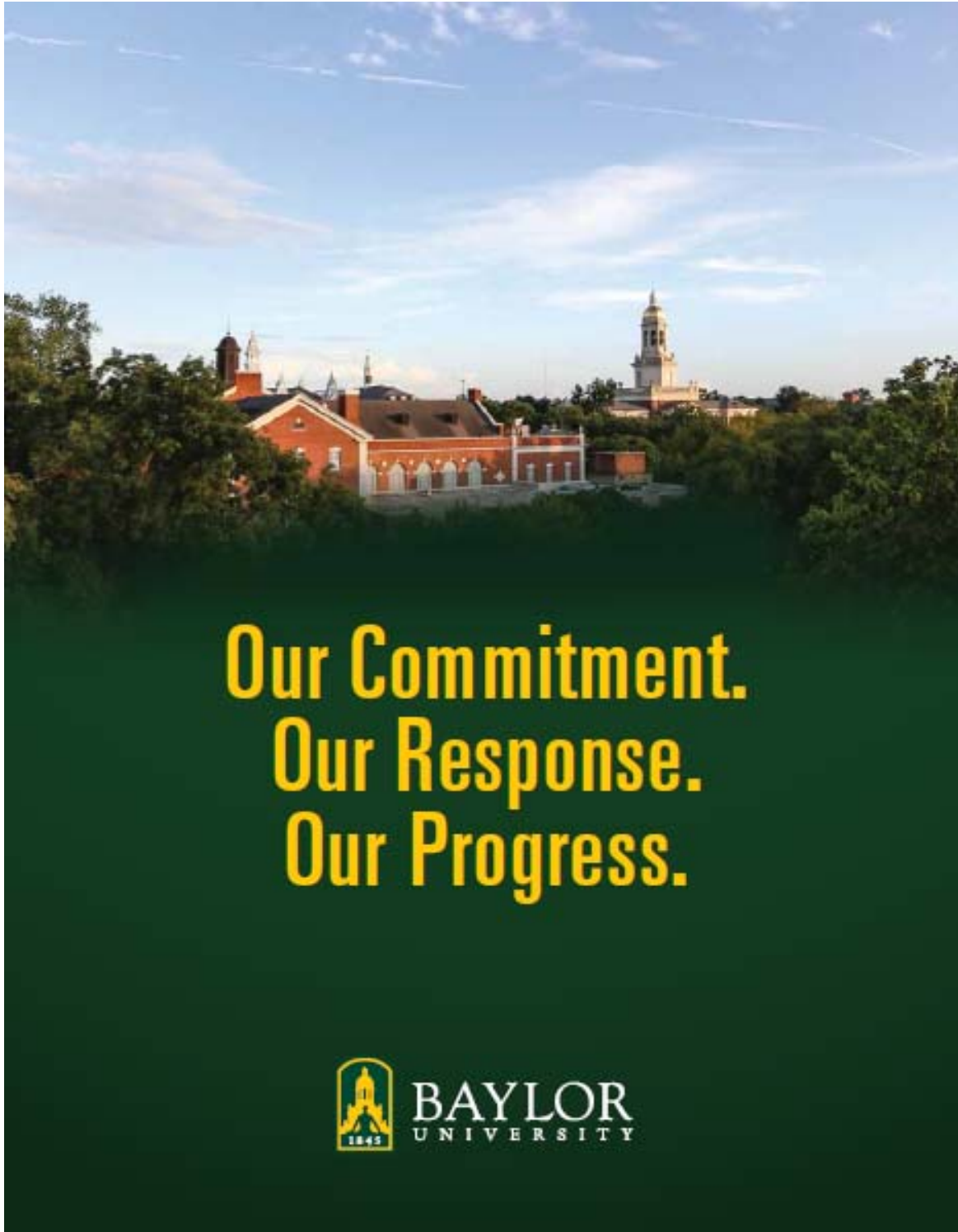
As part of the extended engagement, in a sincere effort to make sure the 105 Recommendations were implemented, and in response to reviews by the U.S. Department of Education's (DOE) Office for Civil Rights (OCR), DOE's Clery Compliance Division, the Texas Rangers, the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), the National Collegiate Athletic Association (NCAA), and the Big XII Conference, Baylor asked us to evaluate the status of completion of the implementation of the 105 Recommendations and to issue a public report of our assessment of Baylor's efforts.

On April 18, 2017, Baylor announced the selection of Dr. Linda Livingstone as its 15<sup>th</sup> President, effective June 1, 2017. Dr. Livingstone has been clear with faculty, staff, students, and media about her commitment to student safety and to continuous improvement of Baylor's response to sexual violence. Dr. Livingstone met with us at the beginning of her presidency to receive a detailed briefing of our investigation and the foundation for the 105 Recommendations. In presentations to the University's Board of Regents and throughout the campus community, Dr. Livingstone pledged that the University would continue full implementation of Title IX policies and procedures, including the 105 Recommendations, embedding the University's efforts in the institutional culture of compliance and accountability.

In May 2017, the Board of Regents announced the structural completion of the implementation of all 105 Recommendations. The Board explained that the term structural completion meant that all of the infrastructure, foundation and necessary policies and procedures were in place, and the University would continue to work diligently to enhance and integrate implementation efforts across all departments in the institution. While some of the recommendations involved a discrete task that could be checked off as completed, many of the recommendations were more open-ended in nature and require ongoing commitment and engagement to satisfy their completion.

We have been actively working with the University since the completion of the investigation to assist in the implementation of the recommendations. Because we developed a nuanced and detailed understanding of the challenges Baylor faced, we were well positioned to assist Baylor in making meaningful changes in accordance with the 105 Recommendations. While certain aspects of the implementation will continue to be improved and enhanced, we have observed a firm and unwavering commitment by the University to implement all 105 Recommendations. As outlined in the report, we evaluated the recommendations through the lens of the federal, state and local laws and athletics compliance, the dynamics of sexual and gender-based harassment and violence, and our experienced understanding of effective practices. Based on our observations, and the objective data we gathered and reviewed, Baylor has engaged in a significant investment of personnel, time and financial resources to create a viable and sustainable model for Title IX and Clery implementation.

On May 26, 2017, Baylor University released a comprehensive report outlining Baylor's Title IX initiatives and programs. The 45-page report, entitled *Our Commitment. Our Response. Our Progress*, included detailed information about Baylor's commitment to responsiveness, advocacy, safety, prevention and leadership. See Exhibit 1, *Our Commitment. Our Response. Our Progress*.



Baylor's commitment to effective Title IX and Clery implementation includes the following key accomplishments and initiatives:

- A commitment to effective leadership and corrective action to remedy past failures;
- A commitment by the Board of Regents to critically examine and assess Board structure, operations and governance;
- Investment of resources in Title IX Office, including expanded personnel, administrative support, infrastructure and physical plant improvements;
- A legally compliant and uniform Title IX policy which is consistent with promising and effective practices nationally;
- Policies, procedures and protocols that foster increased reporting and clearly communicate employee reporting responsibilities under Title IX, Clery, state law and University policy;
- A centralized reporting system with dedicated intake protocols and effective use of multi-disciplinary collaboration between departments;
- Investment in the development of internal protocols, template communications and documentation for consistent implementation of the policy and tracking of reports, time frames and outcomes;
- Enhanced support services for complainants and respondents, including dedicated personnel responsible for the imposition of interim measures and increased access to counseling and victim services;
- Trauma-informed, prompt and equitable investigation and adjudication procedures with appropriate procedural protections for both a complainant and a respondent;
- Significant investment of resources, personnel and training in the Baylor University Police Department;
- Development of a central compliance office and chief compliance officer to identify, centralize and oversee compliance obligations across campus;
- A commitment to prevention, education and mandatory training for all students and employees, including robust training of all student-athletes and athletics staff;
- Attention to a culture of compliance and responsibility at every level of the Athletics Department, from student-athletes to all athletics staff;

- Development of cutting edge Athletics policies regarding student-athlete misconduct reporting, privilege to play, prospective student-athlete background assessment and student-athlete drug testing program;
- A communications campaign designed to raise awareness and increase access to University policies, procedures, resources and supports, including consistent engagement of the student population through the *It's On Us* campaign;
- The application of the lessons learned through Title IX to all forms of protected class discrimination and harassment through the exploration of a central University Equity Office; and,
- The ongoing recognition and commitment to sustainability of the University's efforts, as demonstrated by the development of policies and systems that incorporate controls, checks and balances.

On October 2, 2017, we prepared a preliminary draft of this report for the SACSCOC in anticipation of the special committee site visit. On October 13, 2017, SACSCOC provided a preliminary assessment confirming that Baylor was compliant with the three implicated Principles of Accreditation: CR 2.10 (Student services); CS 3.2.11 (Control of Athletics); and CS 3.11.2 (Institutional environment). While this preliminary assessment does not constitute final action by the Commission on Colleges, the special committee also addressed the implementation of the 105 Recommendations.<sup>6</sup> SACSCOC wrote:

Finally, the institution claimed in their monitoring report that they have implemented all 105 recommendations from the 2016 Pepper Hamilton external audit. The special committee received a new report from the external auditors dated October 2, 2017. This report stated that all 105 recommendations have been implemented. The special committee reviewed the report and met with administrators, faculty, student and staff to verify that, in fact, all 105 recommendations have been implemented.<sup>7</sup>

In preparing this report, we relied on our on-the-ground work, interviews with stakeholders and thousands of documents detailing Baylor's implementation of the recommendations.<sup>8</sup> This report represents our best efforts, to date, to capture and articulate the actions taken by Baylor. We sought to capture as many actions, programs, and initiatives as possible in this report, but recognize that the University's efforts extend beyond the voluminous efforts detailed in this report. This review is necessarily a snapshot of a moment in time, as Baylor's efforts are ongoing.

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<sup>6</sup><https://www.baylor.edu/thefacts/doc.php/299752.pdf>

<sup>7</sup>*Id.*, at page 6.

<sup>8</sup>In some instances, the information in this report was based on information previously provided to SACSCOC by the University, and the language may reflect similarities in organization and content.

We find that the University has effectively implemented the 105 Recommendations. From all walks of the University community – students, faculty, staff, senior leadership, the President, and the Board of Regents – we have seen tremendous effort and engagement that has met or exceeded the tasks set forth in the recommendations. We note and the University recognizes that implementation is an ongoing task for many of these recommendations. To that end, we find that the University has invested time, energy, resources, personnel, policy, procedures and systems that will continue to support and enhance the ongoing implementation efforts.

Our conclusion that Baylor has completed the 105 Recommendations does not negate our prior findings, nor can the steps taken by Baylor retroactively ameliorate past wrongs. Our hope is that moving forward, Baylor's efforts can continue to proactively, continuously and effectively prevent and respond to sexual and gender-based harassment and violence in a manner consistent with Baylor's institutional values, mission and commitment to maintaining a campus free from discrimination and harassment.



## **II. Overview of Steps Taken to Assess Completion**

### **A. Stakeholders**

During the course of the past 16 months, we have worked closely with stakeholders from across the University, including the Board of Regents, the Interim President, President and members of Executive Council: the Provost; General Counsel; the Senior Vice President and Chief Operating Officer; the Vice President and Director of Intercollegiate Athletics; the Vice President for Constituent Engagement; the Vice President for Governance & Risk; the Vice President & Chief Human Resources Officer; the Chief Compliance Officer; the Vice President of Marketing & Communications; the Chief of Staff to the President and Vice President of Board Relations; the Vice President for Operations and Facilities Management; the Vice President for Student Life; and the Vice President for University Development. We also worked closely with the former and current Title IX Coordinators, the Chief of the Baylor University Police Department, the Associate Vice President for Campus Safety and Security, the Director of Special Projects and Initiatives, and the Director of Internal Audit and Management Analysis.

Consistent with our experience during the investigation, each individual, and each office or department, shared relevant information and articulated an interest in improving the University's response to sexual and gender-based harassment and violence.

### **B. Criteria Applied/Standard of Review**

As outlined in the Executive Summary, the 105 Recommendations were informed by: the findings in the investigation; the legal and regulatory framework; our experience working with hundreds of higher education institutions across the country; and an understanding of the dynamics of trauma and sexual and gender-based harassment and violence. The recommendations were not limited to merely compliance concerns; to the contrary, they were sweeping recommendations that addressed compliance, effective and promising practices, restorative and remedial steps in light of information learned in the investigation, and opportunities for Baylor to implement a holistic commitment to integration of Title IX and Clery obligations across all aspects of the University's educational programs and activities. The recommendations, which should be read and considered holistically, rather than individually, required action at every level of the institution. Some of the recommendations were granular in nature, while others were more aspirational and sought to foster an ongoing culture of compliance and accountability that will reinforce effective implementation of Title IX and Clery.

As a starting point, we considered the enforcement practices of the Office for Civil Rights (OCR) since the release of the April 4, 2011 Dear Colleague Letter (2011 DCL), which clarified and, in some ways, expanded educational institutions' Title IX obligations to respond to student-on-student sexual violence. As practitioners who work closely with hundreds of colleges and universities across the country, we are deeply familiar with the enforcement practices and expectations of OCR as they relate to the 2011 DCL and the April 29, 2014 Questions & Answers on Title IX and Sexual Violence (2014 Q&A). Although those two documents were rescinded on September 22, 2017, during the time frame of the investigation and Baylor's implementation of the recommendations, they were the primary documents relied upon by OCR in their enforcement actions across the country. Our recommendations were also informed by

the requirements of the Clery Act, a federal law that also governs post-secondary educational institutions' response to sexual assault, dating violence, domestic violence and stalking.

Over the past six years, a typical OCR investigation has evaluated both individual and systemic issues. The overwhelming majority of OCR investigations or compliance reviews have resulted in letters of findings detailing Title IX violations, accompanied by resolution agreements with detailed and comprehensive requirements. Common concepts have included: the adequacy and distribution of a notice of non-discrimination; the role and function of the Title IX coordinator; the existence of prompt and equitable grievance procedures (both as written and in practice); training and education; and issues attendant to campus climate and culture. In its resolution agreements, OCR has required educational institutions to revise and consolidate policies, conduct climate surveys and assessments, provide expanded training, conduct a "lookback" at past cases to determine if the matters were handled appropriately, identify the need for individual or community remedies and increase opportunities for student engagement, among other remedial steps.

We considered all of those aspects when formulating the recommendations. We also considered effective practices outside the province of a typical Title IX review. Those concepts included, but were not limited to: governance and leadership considerations; integration of compliance responsibilities; the adequacy of support and resources; infrastructure and sustainability; athletics; and campus police. For example, with respect to Athletics, our recommendations focused on issues of leadership and institutional control, the integration of Athletics within the University, consistent treatment of student-athletes under University policy, reporting protocols for student-athlete and personnel misconduct and targeted training and education. Notably, in October 2016, the NCAA released its Sexual Violence Prevention Toolkit, which post-dated the release of the 105 Recommendations. The Toolkit identified five core commitments necessary for fostering a campus climate free from sexual violence: leadership, collaboration, compliance and accountability, education, and student-athlete engagement.<sup>9</sup> Those core commitments are fully aligned with the content of our recommendations.

In evaluating whether the University had completed each of the 105 Recommendations, we relied upon interviews and meetings with the stakeholders described above, the review of voluminous documents detailing actions taken and, in some instances, our own direct involvement in the completion of the recommendation. For recommendations that were more granular in nature, it was easy to provide the objective evidence of completion. For recommendations that were more aspirational in nature, we applied our best judgement to the efforts taken, and asked whether the requisite structural elements had been put in place that would support continued engagement and ongoing action. We sought to identify whether concrete action had been completed, whether the necessary policies or procedures had been adopted, and whether the infrastructure and systems had been established to allow for ongoing implementation and sustainability. It is important to note that we did not, in evaluating Baylor's completion of the 105 Recommendations, evaluate individual reports of sexual or gender-based harassment and violence, nor assess the appropriateness of the outcomes in each matter; rather,

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<sup>9</sup>See [http://www.ncaa.org/sites/default/files/SSI\\_Sexual-Violence-Prevention-Tool-Kit\\_20161117.pdf](http://www.ncaa.org/sites/default/files/SSI_Sexual-Violence-Prevention-Tool-Kit_20161117.pdf).

we evaluated the completeness and effectiveness of the policies, procedures and implementation practices at a systemic level. We recognize that even with coordinated efforts, legally compliant policies, effective implementation and consistent care and attention to safety and welfare, the University's actions may never fully ameliorate or eliminate the effects of sexual and gender-based harassment and violence on individuals impacted by these complex issues. It is our experience, however, that effective implementation can aid in the prevention, resolution and response at a systemic level, and those efforts can inform individual actions and institutional culture.

Effective Title IX and Clery implementation is necessarily an ongoing and never-ending task. Developing, fostering and maintaining a culture of compliance requires ongoing attention to the identification of risks, the development of effective controls, rigorous and periodic analysis of the efficacy of those controls, and corrective action to facilitate continued compliance. Baylor has taken steps, through the commitment of personnel, financial resources and the building of infrastructure to ensure continued attention to the sustainability of current efforts. Effective institutional responses to sexual and gender-based harassment and violence will continue to require nuanced enhancements and adjustments in light of the evolving legal and regulatory framework, and the evolution of evidence-based approaches to prevention and effective responses.

Our conclusion that Baylor has completed the 105 Recommendations does not negate our prior findings, nor can the steps taken by Baylor retroactively ameliorate past wrongs. Our hope is that moving forward, Baylor's efforts can continue to proactively, continuously and effectively prevent and respond to sexual and gender-based harassment and violence in a manner consistent with Baylor's institutional values, mission and commitment to maintaining a campus free from discrimination and harassment.

### **C. Exhibits**

As noted above, we reviewed thousands of documents. Appendix IV contains a representative sample of documents we relied upon in reaching our conclusions. The following documents illustrate the care, commitment and attention given to policy development, board governance, internal protocols and documentation, effective communication and training efforts:

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|-----------|---|
| Exhibit 1 | Publication entitled <i>Our Commitment. Our Response. Our Progress.</i>                           |
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#### **D. Background and Qualifications**

In the context of higher education, we bring a unique background and skillset that is born of having dedicated more than five decades of our professional careers to the response and evaluation of sexual and gender-based harassment and violence, child abuse and other forms of interpersonal violence, including domestic violence, dating violence, stalking, kidnapping, elder abuse and homicide. As prosecutors, we observed firsthand the need for improved systems, expanded resources, comprehensive training and education, and the development of fair and impartial processes for investigation and resolution that incorporate an understanding of the impacts of trauma. As educators, consultants and advisors, our service to institutions is based on the depth and breadth of our experience. As a direct outgrowth of working with thousands of individuals impacted by interpersonal violence in the context of the law, our advice and counsel are informed by a deep and nuanced understanding of the dynamics of sexual and gender-based harassment and violence, and the impacts of trauma on individuals and communities. Our commitment to these issues is evident in our professional histories, our continued pro bono work, our board service, and our multiple community awards from victim services agencies.<sup>10</sup>

Over the past several years, colleges and universities nationwide have engaged in the proactive – and at times, reactive – assessment of policies and implementation practices related to issues of sexual and gender-based harassment and violence. Educational institutions have

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<sup>10</sup>Our professional biographies are available online at <https://www.cozen.com/people/bios/smith-gina-maisto> and <https://www.cozen.com/people/bios/gomez-leslie>.

sought to evaluate their compliance with complicated and ever-evolving law and guidance, and to improve the effectiveness of institutional responses. We have had the opportunity to work with hundreds of private and public institutions across the country in shaping policy, structuring systems, supporting effective implementation, and delivering training and education programs. We have also had the opportunity to work directly with OCR and the Clery Compliance Division, the negotiated rulemaking committee for the Violence Against Women Reauthorization Act of 2013 (which amended the Clery Act), the White House Task Force, the American Law Institute Project on Campus Sexual Assault, Futures Without Violence and ChildFirst Pennsylvania, and to present educational and training programs through the Clery Center and other professional organizations dedicated to improving campus responses to sexual and gender-based harassment and violence. We are committed to changing the conversation with respect to campus responses by building the framework to develop compassionate, trauma-informed, fair and impartial, and legally compliant practices that tend to the individual needs of students and employees.

#### **E. Acknowledgements**

We would like to commend the leadership exercised by Baylor's Board of Regents, the Interim President, the President, and members of Executive Council. The findings of the external review were grave in nature and reflected the need for dedicated attention to improving campus responses to sexual and gender-based harassment and violence. The University accepted responsibility for the harms identified in the review, publicly shared the outcome of the investigation, and openly embraced the opportunity to demonstrate its commitment to student and employee welfare, campus safety, and compassionate and legally compliant implementation of Title IX and related authority.

We would also like to acknowledge the tremendous efforts of Christopher Holmes, General Counsel, and Kristan Tucker, the University's Title IX Coordinator, both of whom assumed key leadership positions during a time of great transition at the University.

Further, we would like to acknowledge the significant commitment and ongoing efforts by Robert A. Carter, Baylor's Director of Internal Audit and Management Analysis, who brought the precision and training of an internal auditor to the document gathering, synthesis and organization of voluminous information.

Finally, we are humbled to work closely with professionals dedicated to improving institutional responses to sexual and gender-based harassment and violence, and we would like to express our appreciation for the coordinated efforts of members of Cozen O'Connor's Institutional Response Group: Lauren Carella, John DiPaolo, Maureen Holland, Joann Loyden, Kyle Norton, Devon Riley, Mary Sotos, Joseph Tate, and Megan Traversari, each of whom played a significant role in this review.

### III. Regulatory Framework and Guidance

The institutional response to sexual and gender-based harassment and violence is governed by a complex federal and state legal and regulatory framework. The federal framework is based on two primary statutes: Title IX of the Education Amendments of 1972<sup>11</sup> (Title IX), and the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act<sup>12</sup> (Clery Act or Clery), as amended by Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA).<sup>13</sup> Effective institutional responses demand a coordinated and integrated approach to Title IX, Clery and VAWA. Educational institutions must also carefully consider obligations under state and local laws.

#### A. Title IX

##### 1. The Title IX Obligation to Address Sexual Harassment

Title IX is a federal civil rights law that provides that no “person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”<sup>14</sup> Title IX applies to all educational institutions that receive federal financial assistance either directly or indirectly, including public and private elementary and secondary schools, school districts, colleges and universities.<sup>15</sup> The Title IX regulations apply to the participation of any person, including students and employees, in an institution’s education programs<sup>16</sup> as well as to the employment context.<sup>17</sup>

Title IX prohibits discrimination on the basis of sex in all of an institution’s programs and activities, including those related to both education and employment.<sup>18</sup> Title IX applies to all

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<sup>11</sup>Title IX is codified starting at 20 U.S.C. § 1681.

<sup>12</sup>20 U.S.C. § 1092(f).

<sup>13</sup>Pub. L. 113-4, Violence Against Women Act of 2013 (Mar. 7, 2013).

<sup>14</sup>20 U.S.C. § 1681(a).

<sup>15</sup>20 U.S.C. § 1681(a); 34 C.F.R. § 106.11.

<sup>16</sup>While OCR’s guidance typically refers to students, the language of the statute and regulation is broad enough to cover third parties as well. Like the Title IX statute (see above text accompanying n.1), the regulation provides that “no *person*” shall be subjected to discrimination on the basis of sex “in any education program or activity operated by a recipient” of federal funding, including academic, research or extracurricular activities. (34 C.F.R. § 106.31(a) (emphasis added).

<sup>17</sup>See 34 C.F.R. § 106.8(b) (requiring schools to adopt and publish grievance procedures for students and employees); 34 C.F.R. § 106.51 (prohibiting discrimination on the basis of sex in employment in education programs or activities); *see also* 2011 DCL at p.4 n.11 (“Title IX also protects employees of a recipient from sexual harassment.”).

<sup>18</sup>See generally 20 U.S.C. § 1681 *et seq.*; 34 C.F.R. Part 106.

forms of sex discrimination, including sexual and gender-based harassment and violence.<sup>19</sup> By its own terms, Title IX binds institutions that receive Federal funds, not private individuals.<sup>20</sup> However, as discussed below, sexual harassment by an individual, or a failure by an institution to properly respond to sexual harassment by an individual, can itself constitute sex discrimination by an institution in violation of Title IX when that harassment limits or denies an individual the ability to participate in or benefit from the institution’s program on the basis of sex.<sup>21</sup>

OCR has stated that Title IX’s protections encompass conduct that occurs on campus or in the context of any institution-related education program or activity, regardless of location.<sup>22</sup> Further, OCR has stated that a school must evaluate the impact of off-campus conduct that occurs outside of an education program or activity to determine whether there are any continuing effects on campus or in an off-campus education program or activity that are creating or contributing to a hostile environment.<sup>23</sup> OCR reiterated this concept in the 2017 Q&A, stating that, “Schools are responsible for redressing a hostile environment that occurs on campus even if it relates to off-campus activities.”<sup>24</sup>

An institution’s obligation to respond appropriately to sexual harassment complaints is the same regardless of the sex or sexes of the parties involved.<sup>25</sup>

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<sup>19</sup>U.S. Department of Education, Office for Civil Rights Dear Colleague Letter, April 4, 2011 (2011 DCL) at 1. In 2011, OCR defined sexual violence as “physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol.” 2011 DCL at 1. As noted later in this overview, the 2011 DCL was rescinded on September 22, 2017, and replaced with interim guidance, which uses the terms sexual misconduct and sexual violence, albeit without definition. *See* OCR’s September 22, 2017 Questions & Answers on Campus Sexual Misconduct (2017 Q&A).

<sup>20</sup>20 U.S.C. §§ 1681(a), 1682. *See also* *Davis v. Monroe Cty. Bd. of Ed.*, 526 U.S. 629, 641 (1999) (“The Government’s enforcement authority may only be exercised against the funding recipient....”).

<sup>21</sup>U.S. Department of Education, Office for Civil Rights, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (2001) (2001 Guidance), reissued with Dear Colleague Letter dated January 25, 2006 (2006 DCL) at 2).

<sup>22</sup>2001 Guidance at 2-3 (“Title IX protects students in connection with all of the academic, educational, extra-curricular, athletic, and other programs of the school, whether they take place in the facilities of the school, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere.”).

<sup>23</sup>*See* 2011 DCL at 4, and 2014 Q&A at 29, both of which have since been rescinded.

<sup>24</sup>2017 Q&A at 1, fn 3. *See also* 2011 DCL at 4 and 2014 Q&A at 29, both of which have since been rescinded.

<sup>25</sup>*See* 2001 Guidance at 3 (“Title IX protects any ‘person’ from sex discrimination. Accordingly, both male and female students are protected from sexual harassment engaged in by a school’s employees, other students, or third parties. Moreover, Title IX prohibits sexual harassment regardless of the sex of the harasser, i.e., even if the harasser and the person being harassed are members of the same sex.” (citation omitted)). *See also* Resolution Agreements between OCR and University of Virginia, Minot State University, Wesley College, Frostburg State University, and Ohio State University.



## 2. Law vs. Guidance

Title IX is accompanied by implementing regulations that have the force and effect of law.<sup>26</sup> In addition to the implementing regulations, the U.S. Department of Education's Office for Civil Rights (OCR) has issued guidance documents that provide policy guidance to assist educational institutions in meeting their Title IX obligations. Early guidance documents include the 1997 Sexual Harassment Guidance (1997 Guidance) and the 2001 Revised Sexual Harassment Guidance (2001 Guidance).<sup>27</sup> In April 2011, OCR designated its April 4, 2011 Dear Colleague Letter (2011 DCL) as a significant guidance document. In response to questions about implementation of the 2011 DCL, on April 29, 2014, OCR released its Questions and Answers on Title IX and Sexual Violence (2014 Q&A), which was also designated as a significant guidance document. According to OCR, significant guidance documents provide information and examples to inform educational institutions about how OCR evaluates compliance with legal obligations under Title IX.<sup>28</sup> In contrast to both the 1997 Guidance and 2001 Guidance, the 2011 DCL and the 2014 Q&A were not subject to notice and comment, and controversy arose over what some viewed as an overreach by OCR.<sup>29</sup> While these guidance documents did not purport to create or add legally binding requirements to applicable law, enforcement efforts by OCR between 2011 and 2017 held institutions accountable for the tenets set forth in these guidance documents.<sup>30</sup>

On September 22, 2017, OCR issued a Dear Colleague Letter (2017 DCL) rescinding the 2011 DCL and the 2014 Q&A and expressing its intent to implement a policy, through a

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<sup>26</sup>These implementing regulations are codified at 34 C.F.R. § 106.

<sup>27</sup>The 2001 Guidance replaced the *1997 Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*. 62 Fed. Reg. 12,034 (Mar. 13, 1997). The 1997 guidance was “the product of extensive consultation with interested parties, including students, teachers, school administrators, and researchers” and the document was made available for public comment. The 2001 Guidance was also published in the Federal Register, at 62 Fed. Reg. 66,092 (Nov. 2, 2000), and was available for public comment. The 2001 Guidance is available at <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>.

<sup>28</sup>See 2011 DCL at n. 1.

<sup>29</sup>As discussed further below, OCR issued an April 2015 Dear Colleague Letter on Title IX Coordinators and accompanying Title IX Resource Guide. These documents, which were not subject to notice and comment, have not been rescinded by OCR.

<sup>30</sup>While Congress authorized the U.S. Department of Education (DOE) to effectuate the provisions of Title IX, 20 U.S.C. § 1681, by issuing rules, regulations, or orders of general applicability, Congress also specified that “[n]o such rule, regulation, or order shall become effective unless and until approved by the President.” 20 U.S.C. § 1682. The Title IX implementing regulations expressly give the Assistant Secretary for Civil Rights discretion over the implementation of certain requirements, such as the requirement to dictate the information and manner in which the funding recipient disseminates its Title IX policy. 34 C.F.R. § 106.9(a). The enabling legislation and implementing regulations with respect to Title IX do not, however, authorize the Assistant Secretary for Civil Rights to promulgate standards for administrative enforcement that differ from the standards set forth by the Supreme Court. 34 C.F.R. § 106. Moreover, the former Assistant Secretary for Civil Rights has acknowledged that administrative guidance documents, issued without notice and comment, do not have “the force and effect of law.” Catherine E. Lhamon, Assistant Secretary Education, Office for Civil Rights, Letter to U.S. Senator James Lankford, Feb. 17, 2016, p. 2.

rulemaking process, that considers public comment. OCR concurrently issued interim guidance in the form of a Questions & Answers on Campus Sexual Misconduct (2017 Q&A). The 2017 Q&A outlines how OCR intends to review a school's compliance with Title IX, and makes clear that it will continue to rely on its 2001 Guidance, which was reissued in a Dear Colleague Letter issued on January 25, 2006 (2006 DCL). The 2017 Q&A includes concepts that have not yet been subject to rulemaking, and is silent on many of the concepts set forth in the 2011 DCL and 2014 Q&A, leaving many unanswered questions about the current state of Title IX guidance as it relates to critical concepts.

Because this report addresses Baylor's completion of recommendations made in May 2016, this overview retains the key elements from the 2011 DCL and 2014 Q&A, many of which tracked the 2001 guidance, and hence, have remained unchanged. This overview highlights the new or different elements set forth in the 2017 Q&A, and identifies areas where there is uncertainty as to an institution's responsibilities under the 2017 guidance.

### **3. Implementing Regulations: Required Elements of An Institution's Approach to Sexual Harassment**

Title IX's implementing regulations articulate three specific obligations related to how an educational institution must address sex discrimination that occurs in connection with the school: that an institution publish a non-discrimination statement;<sup>31</sup> that it appoint a Title IX coordinator;<sup>32</sup> and that it adopt grievance procedures that are prompt and equitable.<sup>33</sup> As described below, OCR has elaborated substantially upon these regulatory requirements through sub-regulatory guidance.

#### **a. Notice of Non-Discrimination**

The Title IX regulation requires that institutions publish a non-discrimination statement.<sup>34</sup> The statement must notify students, parents, and others that the institution does not discriminate on the basis of sex in its education programs and activities, and that it is required by Title IX not to discriminate in such a manner. Educational institutions must also implement specific and continuing steps to inform students and others about the protections against discrimination on the basis of sex. The notice must make clear that the requirement of non-discrimination in educational programs covers employment and admission (with limited exceptions), and it must indicate that questions about Title IX may be referred to the institution's Title IX Coordinator or

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<sup>31</sup>34 C.F.R. § 106.9.

<sup>32</sup>34 C.F.R. § 106.8(a).

<sup>33</sup>34 C.F.R. § 106.8(b).

<sup>34</sup>34 C.F.R. § 106.9.

OCR.<sup>35</sup> Institutions must include in the notice of non-discrimination the name, office address and telephone number of the designated Title IX Coordinator.<sup>36</sup>

## **b. Title IX Coordinator**

Under the Title IX regulation, institutions are required to appoint a Title IX coordinator to coordinate the institution's Title IX compliance efforts.<sup>37</sup> OCR has addressed the role of the Title IX coordinator in multiple guidance documents, including one devoted solely to that topic issued in 2015.<sup>38</sup> OCR guidance calls for the Title IX coordinator to oversee the centralized review, investigation, and resolution of reports of sexual and gender-based harassment and violence under the institution's complaint processes, and to identify and address any patterns or systemic problems that arise during the review of such complaints.<sup>39</sup> Prior OCR guidance also

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<sup>35</sup>*Id.*

<sup>36</sup>Office for Civil Rights, U.S. Dept. of Education, *Notice of Non-Discrimination*, <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>. See also 34 C.F.R. § 106.8(a) (requiring notification of all students and employees of this information).

OCR reinforced the Notice of Non-Discrimination provision in its resolution agreements and findings letters with the University of Montana, Southern Methodist University, Michigan State University, Frostburg State University, Wesley College, Hunter College of the City University of New York, Elmira College, University of Alaska System, the State University of New York, and the University of Virginia after finding that those institutions' notices lacked some or all of the required information and/or the notice was not adequately distributed. OCR found, for example, Frostburg State University in violation of Title IX where the notice of nondiscrimination did not state that "sex" is a protected basis or that inquiries concerning the application of Title IX may be referred to the Title IX Coordinator or to OCR. Additionally, Frostburg's notice of non-discrimination was not published in each announcement, bulletin, catalog or application form used in connection with the recruitment of students or employees, or unions or professional organizations holding collective bargaining or professional agreements with the University. See Frostburg State University Letter of Findings at 5.

Note: the OCR Resolution Agreements and Findings Letters discussed in this report pre-date the 2017 DCL and 2017 Q&A. Pursuant to the 2017 Q&A, "existing resolution agreements remain binding upon the schools that voluntarily entered into them. Such agreements are fact-specific and do not bind other schools." 2017 Q&A at 7.

<sup>37</sup>34 C.F.R. § 106.8(a).

<sup>38</sup>Office for Civil Rights, U.S. Dept. of Education, *Dear Colleague Letter on Title IX Coordinators* (April 24, 2015) ("2015 Title IX Coordinator DCL"). This document has not been rescinded by OCR.

<sup>39</sup>2015 Title IX Coordinator DCL at 3 ("The Title IX coordinator is responsible for coordinating the recipient's responses to all complaints involving possible sex discrimination. This responsibility includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate."). See also 2001 Guidance at 21 ("While a school may choose to have a number of employees responsible for Title IX matters, it is also advisable to give one official responsibility for overall coordination and oversight of all sexual harassment complaints to ensure consistent practices and standards in handling complaints.").

Oversight has been central to the Title IX coordinator's role in OCR's enforcement of Title IX. For example, in its compliance review of Frostburg State University, OCR determined that the University did not comply with Title IX after finding that the former Title IX Coordinator did not oversee all of the University's efforts to comply with and carry out its Title IX responsibilities and programs. Although the former Title IX Coordinator was notified of some of the incidents brought against employees and students, the evidence showed that the Dean of

states that the Title IX coordinator should be available to meet with students, employees and third parties as needed.<sup>40</sup> The Title IX coordinator's role and responsibilities should be clearly defined, and the Title IX coordinator's contact information should be easily accessible by students and staff.<sup>41</sup>

In its 2015 guidance, OCR stated that institutions must ensure that Title IX coordinators have "comprehensive knowledge in all areas over which they have responsibility in order to effectively carry out those responsibilities, including the recipients' policies and procedures on sex discrimination and all complaints raising Title IX issues throughout the institution."<sup>42</sup> OCR also wrote that the Title IX coordinator should help campus law enforcement understand how to respond to reports of sexual violence and should have access to campus law enforcement investigation notes where relevant to the coordinator's responsibilities.<sup>43</sup>

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Students bore the primary responsibility for the handling of such complaints, with little to no oversight by the former Title IX Coordinator. Information provided by the University also showed that the former Title IX Coordinator only received notice of five of 43 reports of sexual violence and assault that occurred over a four year period and, thus, was not in a position to identify problematic individuals, groups, or locations or to assess whether patterns of conduct or serial perpetration occurred that the University should address. As a result of these findings, OCR concluded that Frostburg State University was in violation of Title IX. *Id.* at 12-13.

As another example, in its compliance review of the University of Virginia, OCR found that the University had named a Title IX coordinator, a deputy Title IX coordinator for student sexual misconduct, and a deputy Title IX coordinator for athletics. However, OCR found that the university failed to comply with Title IX because the Title IX coordinator did not adequately coordinate and oversee all Title IX complaints with regard to employees. *See* University of Virginia Letter of Finding at 22-23. <https://www2.ed.gov/documents/press-releases/university-virginia-letter.pdf>.

<sup>40</sup>2011 DCL at 7.

<sup>41</sup>34 C.F.R. § 106.8(a); 2015 Title IX Coordinator DCL at 5-6; 2011 DCL at 6. This notice requirement is routinely enforced by OCR. For example, OCR found the State University of New York out of compliance with Title IX requirements when it determined that the University did not adequately notify students and employees of how to contact the designated Title IX Coordinator or Deputy. OCR's investigation revealed that although the University hired and designated an employee to serve as its Title IX Coordinator at the system-level, it did not notify students and employees of the name or title, office address, and telephone number of the designated Title IX Coordinator. *See* State University of New York Letter of Findings at 17-18. <http://www2.ed.gov/documents/press-releases/suny-new-york-agreement.doc>. Similarly, during the review period of OCR's investigation into Tufts University grievance procedure, the University's sexual harassment policy identified the Director of the University's Office of Equal Opportunity and Affirmative Action (OEO) as the University's Title IX Coordinator, and required all University personnel to report incidents of sexual harassment to that individual; however, the OEO Director position was vacant during a period of time and was not filled in on a permanent basis for almost two years. OCR found Tufts' reporting structure and communication to students inadequate under Title IX. *See* Tufts University Letter of Findings at 8. <https://www2.ed.gov/documents/press-releases/tufts-university-agreement.pdf>.

<sup>42</sup>2015 Title IX Coordinator DCL at 6. *See also* 2011 DCL at 7, stating that a Title IX coordinator must have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the institution's Title IX procedures operate. *See* the section on training for further discussion of the training requirements.

<sup>43</sup>2011 DCL at 7.

Where an institution chooses to designate more than one Title IX coordinator, it should ensure that one individual has ultimate oversight responsibility,<sup>44</sup> and the others should have titles that clearly show that they are in a deputy or supporting role to the senior coordinator.<sup>45</sup> Finally, the Title IX coordinator should not have other job responsibilities that would potentially create a conflict of interest.<sup>46</sup>

In the 2017 Q&A, OCR reinforced that each educational institution “must designate at least one employee to act as a Title IX Coordinator to coordinate its responsibilities in this area.”<sup>47</sup>

### **c. Prompt and Equitable Grievance Procedures**

The Title IX regulation requires that an institution’s grievance procedures “provide for the prompt and equitable resolution of student and employee complaints.”<sup>48</sup> An institution must provide notice to students and employees of the grievance procedures, including where complaints may be filed.<sup>49</sup> According to the 2014 Q&A, the grievance procedures must state in writing that they apply to complaints filed by any individual alleging sexual or gender-based harassment or violence carried out by students, employees, or third parties and include the

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<sup>44</sup>2015 Title IX Coordinator DCL at 3.

<sup>45</sup>2014 Q&A at 11.

<sup>46</sup>2015 Title IX Coordinator DCL at 6. *See also* 2011 DCL at 7. OCR focused on this requirement of clear roles and reporting among Title IX staff in its compliance review of Yale University. The designated University-wide Coordinator was involved largely in human resource issues. OCR noted that historically, the office handled sexual misconduct matters related to employees and dealt with few complaints. The complaint process at the Coordinator level was informal and did not include a mechanism for disciplining students. Further, the University-wide Coordinator had no relation with the other Title IX complaint mechanisms at the University for students or any mechanism for tracking such complaints. Furthermore, the College-level Coordinator was unclear on her role and responsibilities and the requirements of Title IX. *See* Yale University Letter of Findings at 5. <https://www.documentcloud.org/documents/2644753-OCR-Letter-to-Yale-Closing-Investigation.html>.

In contrast, OCR found Princeton University in compliance with respect to the designation and notice of its Title IX coordinator. The University had designated the Vice Provost for Institutional Equity and Diversity as the Title IX coordinator and notified its students and employees of the name, office address, and telephone number of the designated employee in various university publications, including its publication on rights, rules and responsibilities, its annual security and fire safety report, and a handbook for administrative and support staff. The information was also available on the University’s website. The University’s Title IX coordinator was responsible for overseeing the university’s centralized response to complaints and reports of sexual harassment, including sexual assault and violence. OCR also found that Princeton’s Title IX coordinator was adequately trained. The coordinator’s training covered handling sexual harassment, including sexual assault and violence complaints, and the operation of the University’s grievance procedures. In addition, the Title IX coordinator would regularly attend webinars and conferences relating to sexual harassment, including sexual assault and violence. *See* Princeton University Letter of Findings at 8. <https://www2.ed.gov/documents/press-releases/princeton-letter.pdf>.

<sup>47</sup>2017 Q&A at 2, citing 34 C.F.R. § 106.8(a).

<sup>48</sup>34 C.F.R. § 106.8(b).

<sup>49</sup>2001 Guidance at 20.

following: a statement of the institution’s jurisdiction over Title IX complaints; adequate definitions of sexual and gender-based harassment and violence and an explanation as to when such conduct creates a hostile environment; reporting policies and protocols, including provisions for requesting confidentiality when making a report; identification of the employee or employees responsible for evaluating requests for confidentiality; notice that Title IX prohibits retaliation; notice of an individual’s right to file a criminal complaint and a Title IX complaint simultaneously; notice of available interim measures that may be taken to protect the student in the educational setting; the evidentiary standard that must be used in resolving a complaint; notice of potential remedies for the complainant; notice of potential sanctions against respondents; and sources of counseling, advocacy, and support.<sup>50</sup> The 2014 Q&A also articulated a number of other requirements for grievance procedures, including the following: provision for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and respondent to present witnesses and evidence; designated and reasonably prompt time frames for the major stages of the complaint process; written notice to the complainant and respondent of the outcome of the complaint; and assurance that the institution will take steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, if appropriate.<sup>51</sup> A number of these requirements are discussed further below.

In its 2017 Q&A, OCR identified the following elements in evaluating whether a school’s grievance procedures are prompt and equitable, including “whether the school (i) provides notice of the school’s grievance procedures, including how to file a complaint to students...and employees; (ii) applies the grievance procedures to complaints filed by students or on their behalf alleging sexual misconduct carried out by employees, other students, or third parties; (iii) ensures an adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; (iv) designates and follows a reasonably prompt time frame for major stages of the complaint process; (v) notifies the parties of the outcome of the complaint; and (vi) provides assurance that the school will take steps to prevent recurrence of sexual misconduct and to remedy its discriminatory effects, as appropriate.”<sup>52</sup>

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<sup>50</sup>2014 Q&A at 12-13.

<sup>51</sup>*Id.* Similar requirements were stated in the 2001 Guidance at 20. As discussed in n. 51, below, *supra*, it appears that the requirement to remedy the effects of sexual harassment arises where an employee has engaged in harassment in the context of performing his or her job duties or where a school has not responded to other sexual harassment after it knew or should have known about a hostile environment such harassment had created.

<sup>52</sup>2017 Q&A at 3. OCR has applied these requirements in a number of cases. For example, OCR found Yale University’s grievance procedure in violation of Title IX because when a Respondent elected to admit to the validity of the charges and chose a disposition proceeding, the grievance procedure did not include an investigation into the allegations or input from the Complainant; rather, Respondent went directly before the disciplinary board. When a Respondent contested the allegations and an investigation did ensue, the procedures did not provide timeframes for the investigation of the complaint. *See* Yale University Letter of Findings at 7. <https://www.documentcloud.org/documents/2644753-OCR-Letter-to-Yale-Closing-Investigation.html>. Similarly, at the University of Virginia, OCR concluded that the University’s informal resolution process as set forth in the Sexual Misconduct Policy was not equitable either to complainants or to accused students in that it permitted the University to impose sanctions on the basis of an admission without an independent investigation. *See* University of Virginia Letter of Finding. <https://www2.ed.gov/documents/press-releases/university-virginia-letter.pdf>.

OCR's 2011 guidance designated preponderance of the evidence as the required evidentiary standard in evaluating Title IX complaints. In the 2017 Q&A, OCR modified the requirement, allowing for schools to apply a preponderance of the evidence standard or a clear and convincing standard, and which must be consistent with the standard the school applies in all other student misconduct cases.<sup>53</sup>

#### **4. Sub-regulatory Guidance: Additional Elements of An Institution's Approach to Sexual Harassment**

Through sub-regulatory guidance, OCR has built a complex framework governing how institutions must, or in some cases should, address sexual harassment. Key elements of that framework are discussed below.

##### **a. Notice**

An institution's Title IX obligations with respect to sexual harassment by a student, employee acting outside of the context of their job responsibilities, or a third party are triggered by the institution receiving notice of the harassment. "Notice" need not be actual notice: an institution is deemed to have notice of sexual harassment if a "responsible employee" knew or, in the exercise of reasonable care, should have known, about the harassment.<sup>54</sup> A responsible

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OCR also found Notre Dame College's procedures violated Title IX because it had three different grievance procedures to address sexual harassment of student, staff, or both, which created confusion. The policies were not consolidated and were somewhat inconsistent, particularly in identifying appropriate complaint recipients. *See* Notre Dame Letter of Findings at 6. <https://www.documentcloud.org/documents/2652324-Notre-Dame-Letter-of-Findings.html>. Similarly, OCR found Virginia Military Institute's policies to be incomplete and confusing where the sexual assault policy for cadets and employees did not address interim measures to ensure the safety of the complainant while the investigation was in process, the employee discrimination policy for employees did not provide for written notice of the outcome of the investigation, and the sex discrimination complaint procedures for cadets lacked both information on interim steps and written notice of outcome. *See* Virginia Military Institute Letter of Findings at 8-15. <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fed.gov%2Fdocuments%2Fpress-releases%2Fvmi-letter.doc>.

Similarly, OCR found Southern Methodist University in violation when its grievance procedures, among other things, did not specifically address conflicts of interest, and did not specifically disallow evidence of past relationships. *See* Southern Methodist University Letter of Findings at 21. <https://www2.ed.gov/documents/press-releases/southern-methodist-university-letter.pdf>. OCR also found that Michigan State University did not have a system for addressing potential Title IX harassment incidents without a formal complaint. *See* Michigan State University Letter of Findings at 9. <https://www2.ed.gov/documents/press-releases/michigan-state-letter.pdf>.

OCR also found that Harvard Law School's grievance procedure did not satisfy OCR guidance that grievance policies expressly state that a complainant may proceed with a criminal investigation and a Title IX complaint simultaneously, nor did it provide for maintenance of detailed records of each informal and formal complaint, including individuals involved, investigative steps taken, documentation received, individuals interviewed, decisions reached, and reasons for decisions reached. *See* Harvard Law School Letter of Findings at 13-15. <https://www2.ed.gov/documents/press-releases/harvard-law-letter.pdf>.

<sup>53</sup>*Id.* at 5.

<sup>54</sup>2001 Guidance at 13.



employee includes any employee who: (1) has the authority to take action to redress the harassment; (2) has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or (3) a student could reasonably believe has the authority or responsibility to take action.<sup>55</sup> To facilitate the institution's compliance with Title IX, responsible employees are required to share all relevant details about the reported incident, including identifying information about the complainant, respondent, other witnesses, and relevant facts, including the date, time, and location, according to prior guidance.<sup>56</sup> Exceptions to reporting requirements are made for individuals who provide or support the provision of confidential services such as counselors, clergy and volunteers at rape crisis centers, again according to prior guidance.<sup>57</sup>

Notice may come from a direct report or complaint by a student, employee or third party complainant, or a responsible employee may observe or witness prohibited conduct. Notice may also come from indirect sources such as a parent, friend or third party witness; social networking sites; the media; an open, pervasive or widespread pattern; or other facts and circumstances that should cause an institution, in the exercise of reasonable care, to initiate an investigation that would lead to the discovery of additional incidents.<sup>58</sup> The institution's Title IX obligations exist regardless of whether the individual who was harassed makes a complaint or asks the institution to take action.<sup>59</sup>

#### **b. The Obligation to Respond**

Under Title IX, when an educational institution knows or reasonably should know about sexual harassment that creates a hostile environment, the institution must take immediate and appropriate steps to investigate or otherwise determine what occurred.<sup>60</sup> If an investigation reveals the existence of a hostile environment, the institution must then take prompt and effective steps reasonably calculated to eliminate the hostile environment and prevent its recurrence.<sup>61</sup> In some cases, the institution must also remedy some of the effects of the sexual violence.

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<sup>55</sup>2001 Guidance at 13; 2014 Q &A at 15-16. . The only discussion of responsible employee in the 2017 Q&A is the statement that, "Other employees [in addition to the Title IX Coordinator] may be considered 'responsible employees' and will help the student to connect to the Title IX Coordinator." 2017 Q&A at 2. The loss of the exceptions to the reporting requirement for individuals providing confidential support but who might be deemed responsible employees is one of the most problematic gaps in OCR's new sub-regulatory regime.

<sup>56</sup>2014 Q&A at 16.

<sup>57</sup>*Id.* at 22-24.

<sup>58</sup>2001 Guidance at 13-14; 2014 Q&A at 2.

<sup>59</sup>1997 Guidance.

<sup>60</sup>2001 Guidance at 15; 2014 Q&A at 2. Note that in the 2017 Q&A, citing section VII of the 2001 Guidance, OCR states that the school's obligation is to "take steps to understand what occurred and to respond appropriately." 2017 Q&A at 1. This is arguably a broader and less specific requirement than "investigate or otherwise determine what occurred."

<sup>61</sup>2001 Guidance at 12-13.



Specifically, an institution's delay, inappropriate response or inaction in response to a report of sexual or gender-based harassment or violence by a student or a third party may subject the complainant to a hostile environment and require the institution to remedy the effects of the hostile environment that could reasonably have been prevented had the institution responded promptly and appropriately.<sup>62</sup>In the case of sexual harassment by an employee acting in the

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<sup>62</sup>OCR's guidance on the question of how an institution must remedy the effects of sexual harassment by students and third parties has been inconsistent. It made a very clear statement came in the 2001 Guidance:

As long as the school, upon notice of the harassment, responds by taking prompt and effective action to end the harassment and prevent its recurrence, the school has carried out its responsibility under the Title IX regulations. On the other hand, if, upon notice, the school fails to take prompt, effective action, the school's own inaction has permitted the student to be subjected to a hostile environment that denies or limits the student's ability to participate in or benefit from the school's program on the basis of sex. In this case, the school is responsible for taking effective corrective actions to stop the harassment, prevent its recurrence, *and remedy the effects on the victim that could reasonably have been prevented had it responded promptly and effectively.*

2001 Guidance at 12 (footnote omitted; emphasis added). As discussed in the text above, the institution's obligations are greater in the case of sexual harassment by employees acting in the context of their job responsibilities, because such harassment, if it limits or denies a student's ability to participate in or benefit from a school's program, represents a failure of the institution to deliver its program in a nondiscriminatory manner. In such a situation, the 2001 Guidance asserts, the institution is responsible to remedy *any* effects of the harassment on the victim. *Id.* at 10.

In contrast, in 2011, OCR stated,

If a school knows or reasonably should know about student-on-student harassment that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, *and address its effects.*

2011 DCL at 4 (emphasis added).

In 2014, OCR largely restated the framework it had articulated in 2001. It first offered the following general statement with regard to student-on-student sexual violence:

If an investigation reveals that sexual violence created a hostile environment, the school must then take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, *and, as appropriate, remedy its effects.*

2014 Q&A at 2-3 (emphasis added). It may be that the substitution of "as appropriate, remedy its effects" in 2014 for 2011's "address its effects" represents OCR's concession that the language of the 2011 DCL was imprecise (although the "address its effects" phrase was repeated in the cover letter to the 2014 Q&A.) Furthermore, the 2014 Q&A goes on to essentially restate the guidance given in 2001 with respect both to student-on-student sexual violence and employee-on-student sexual violence. 2014 Q&A at 3-4.

Considering the 2011 language, it is hard to imagine the legal theory by which institutions, under a legal obligation not to discriminate on the basis of sex, would become responsible for the effects of acts by non-institutional actors that the institution neither knew nor should have known about at the time, absent some additional factor of liability. Furthermore, the assertion from 2011 that a school must "address" the effects of sexual violence is so vague as to be almost meaningless – address could mean anything from responding in some general way to those effects to remedying them completely. Because the 2011 DCL and 2014 Q&A have both been rescinded, the 2001 discussion stands as the most articulate and legally justified guidance available on this question. The 2017 Q&A states only that when sexual misconduct (an undefined concept) is so severe, persistent, or pervasive as to

context of their responsibilities that creates a hostile environment or conditions an educational decision or benefit on a student's submission to unwelcome sexual conduct; however, an institution's obligations are broader: it is responsible for "remedying any effects of the harassment on the victim, as well as for ending the harassment and preventing its recurrence," regardless of whether it had notice of the conduct.<sup>63</sup>

### c. Sexual Harassment Hostile Environment

OCR has never satisfactorily defined sexual harassment. It has at points stated, "[s]exual harassment is unwelcome conduct of a sexual nature."<sup>64</sup> This would be an inadequate definition, as it would make the standard for harassment completely subjective: for example, a classroom discussion of a study on sexual assault in prison, or even an invitation to go on a date, if unwelcome, would arguably be sexual harassment. More useful definitions appear in other contexts, such as the regulations for Title VII of the Civil Rights Act of 1964, applying to employment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.<sup>65</sup>

And, indeed, OCR's guidance goes on to identify two kinds of harassment as violative of Title IX: "*Quid pro quo* harassment," which would correspond to categories 1 and 2, above, and "hostile environment harassment," which would correspond to category 3.<sup>66</sup> This document primarily focuses on hostile environment harassment, as do most OCR guidance and cases.

In the educational context, a hostile environment is created when sexual harassment rises to a level that limits or denies an individual the ability to participate in or benefit from the

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deny or limit a student's ability to participate in or benefit from the school's programs or activities, a hostile environment exists and the school must respond. 2017 Q&A at 1.

<sup>63</sup>2001 Guidance at 9-10. Because Title IX obligates a recipient of Federal funds to provide services in a nondiscriminatory manner, and because an institution typically provides services through its employees, harassment carried out in the context of an employee's responsibilities in relation to students that denies or limits a student's ability to participate in or benefit from the institution's program on the basis of sex represents prohibited discrimination by the institution. *Id.*

<sup>64</sup>*Id.* at 2; 2011 Guidance at 3.

<sup>65</sup>29 CFR §1604.11.

<sup>66</sup>2001 Guidance at 5. OCR's imprecise use of language in this regard creates the further confusion of implying that some of sexual harassment, that which does not involve a *quid pro quo* or create a hostile environment, is *not* prohibited by Title IX.

institution’s program on the basis of sex.<sup>67</sup> Because, as noted above, sexual harassment that limits or denies an individual’s ability to participate in or benefit from an institution’s program can constitute sex discrimination, the determination as to whether the harassment has this effect – whether it creates a hostile environment – is critical in identifying an institution’s obligations under Title IX.<sup>68</sup>

OCR has provided guidance on how an educational institution should determine whether a hostile environment exists. Overall, “the conduct [must] be evaluated from the perspective of a reasonable person in the alleged victim’s position, considering all the circumstances,”<sup>69</sup> and, relatedly, the conduct in question must be considered “from both a subjective and objective perspective.”<sup>70</sup> Additionally, OCR states that a number of factors should be considered:

- “The degree to which the conduct affected one or more students’ education.”<sup>71</sup> Examples of such impact might include a student’s grades going down or a student’s suffering physical injury or mental distress.<sup>72</sup>
- “The type, frequency, and duration of the conduct.”<sup>73</sup> A series of incidents may create a hostile environment where one on its own might not, while more severe conduct need not be as persistent to create a hostile environment.<sup>74</sup> OCR has stated that a single incident of sexual violence, if severe enough, such as rape, may on its own create a hostile environment.<sup>75</sup>

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<sup>67</sup>2001 Guidance at 5. Note that in its 2011 guidance, OCR shifted the language slightly in defining a hostile environment. In 2001, OCR referred to conduct that “*denies or limits* a student’s ability to participate in or benefit from the program,” (2001 Guidance at 5) (emphasis added), while in 2011 OCR referred to conduct that “*interferes with or limits* a student’s ability to participate in or benefit from the school’s program” (2011 DCL at 3) (emphasis added). Whether this shift was intended to substantively change the standard has not been explained, nor has any legal reasoning been presented for the change. In the 2017 Q&A, OCR reverted back to the language used in 2001, and explained “when sexual misconduct is so severe, persistent, or pervasive as to deny or limit a student’s ability to participate in or benefit from the school’s programs or activities, a hostile environment exists and the school must respond.” (2017 Q&A at 1).

<sup>68</sup>2001 Guidance at 5.

<sup>69</sup>2014 Q&A at 1.

<sup>70</sup>2001 Guidance at 5 (citing Supreme Court and other rulings indicating that (in the employment context) a victim of harassment must subjectively perceive the conduct to be abusive for the conduct to actually alter the terms of employment and that conduct should be considered from the point of view of a reasonable person in the victim’s position to determine whether conduct constitutes harassment).

<sup>71</sup>2001 Guidance at 6.

<sup>72</sup>*Id.*

<sup>73</sup>*Id.*

<sup>74</sup>*Id.*

<sup>75</sup>2011 DCL at 3; *see also* 2001 Guidance at 6.

- “The identity of and relationship between the alleged harasser and the subject or subjects of the harassment.”<sup>76</sup> For example, where an alleged harasser is in the more powerful position than the alleged victim, the conduct is more likely to create a hostile environment.<sup>77</sup>
- “The number of individuals involved.”<sup>78</sup> For example, certain comments by a group to an individual might create a hostile environment, where those comments by an individual might not.<sup>79</sup>
- “The age and sex of the alleged harasser and the subject or subjects of the harassment.”<sup>80</sup> For example, sexual harassment by an older student toward a younger student is more prone to create a hostile environment than such conduct between children of the same age.<sup>81</sup>
- “The size of the school, location of the incidents, and context in which they occurred.”<sup>82</sup> For example, sexual harassment in a confined or secluded area may be more intimidating, while harassment in public may be more humiliating, either of which factors could contribute to a hostile environment.<sup>83</sup>
- “Other incidents at the school.”<sup>84</sup> For example, series of actions by different individuals at a school toward a student could in the aggregate create a hostile environment.<sup>85</sup>

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<sup>76</sup>*Id.*

<sup>77</sup>*Id.* at 6-7.

<sup>78</sup>*Id.* at 7.

<sup>79</sup>*Id.*

<sup>80</sup>*Id.*

<sup>81</sup>*Id.*

<sup>82</sup>*Id.*

<sup>83</sup>*Id.*

<sup>84</sup>*Id.*

<sup>85</sup>*Id.*

- “Incidents of gender-based, but nonsexual harassment.”<sup>86</sup> Such incidents may be considered along with incidents of sexual harassment to determine if a hostile environment was created.<sup>87</sup>

In conclusion, an educational institution must consider the totality of the circumstances, along with common sense and judgment, in evaluating whether a hostile environment exists.<sup>88</sup>

#### **d. Interim Measures**

Once an institution has notice of an allegation of sexual or gender-based harassment or violence allegation, it must promptly take steps to ensure equal access to its education programs and activities and protect the complainant as necessary, including, possibly, taking interim measures while the investigation is pending.<sup>89</sup> Prior guidance stated that the institution should notify the complainant of reasonably available measures and any available resources, such as

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<sup>86</sup>*Id.*

<sup>87</sup>*Id.*

<sup>88</sup>*Id.*

<sup>89</sup>*Id. at 16*; 2017 Q&A at 3; 2014 Q&A at 32-33. OCR has reiterated in Resolution Agreements that interim measures should be considered in every complaint and implemented wherever appropriate. OCR found notable, for example, in its review of Yale University, that there was only one instance in which an interim measure was put in place for a student through the grievance process. See Yale University Letter of Findings at 5. <https://www.documentcloud.org/documents/2644753-OCR-Letter-to-Yale-Closing-Investigation.html>.

OCR found that Tufts University’s grievance procedures did not make clear that interim measures (including academic adjustments and housing changes as necessary) are not only available *but will be provided*. See Tufts University Letter of Findings at 22. <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/01102089-a.html> (emphasis added).

OCR found in 2014 that Tufts University failed to provide a complainant with effective interim measures. The University had issued a stay-away order that prevented communication; however, the University’s policies and procedures at the time did not include any mechanism to enforce physical separation of students (e.g., in the residence halls or classroom) unless/until there was an actual finding in a case or a court order required separation. The complainant then obtained a court-ordered restraining order that the University enforced in the residence hall by requiring the accused to move out of the residence hall. At this point, as noted above, the University allowed the complainant and the accused to alternate weekly attendance at the University’s leadership program in which they were both involved. When the restraining order was vacated, the University initially required the complainant to attend weekly leadership seminars for the fall semester together with the accused or risk expulsion from the program. That requirement was later modified and the complainant was permitted her to miss the seminars altogether without penalty, which resulted in her not attending any program seminars. None of these arrangements allowed the complainant equal access to the leadership program, according to OCR. OCR also noted that the University did not inform the complainant that she could request to move out of her residence hall for several months after she reported the sexual assault. The University was also not responsive to the complainant’s reports that the TUPD escort services it offered were not working. Overall, OCR found, “The University’s failure to provide effective interim protective measures for the Student and, instead, placing the burden of interim measures largely on the Student was contrary to the requirements of Title IX to provide effective interim measures that minimize the burden on complainants of sexual harassment/violence.” See Tufts University Letter of Findings re: Complaint No. 01-10-2089 at 20-21. <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/01102089-a.html>.

victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance.<sup>90</sup>

OCR previously directed institutions to consider a range of factors when determining the appropriate interim measures: the facts and circumstances of the particular case; the specific need expressed by the complainant; the age of the students involved; the severity or pervasiveness of the alleged harassment; any continuing effects on the complainant; any intersections between the complainant and respondent (shared residence hall, dining hall, class, transportation, or job location); and whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).<sup>91</sup>

In prior guidance, OCR stated that when taking interim measures, an institution should minimize the burden on the complainant and carefully consider the facts of the case when determining whom to remove from a shared class or residence hall.<sup>92</sup> In the 2017 Q&A, OCR stated that “a school may not rely on fixed rules or operating assumptions that favor one party over another, nor may a school make such measures available only to one party.”<sup>93</sup> That guidance also states that the Title IX Coordinator should make every effort to avoid depriving any student of their education in considering interim measures.<sup>94</sup> Furthermore, interim measures should be individualized and appropriate based on the information gathered by the school and the Title IX Coordinator should communicate with each student throughout the investigation to ensure that any interim measures are necessary and effective as students’ needs may evolve over time.<sup>95</sup>

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<sup>90</sup>2014 Q&A at 32-33. In the 2017 Q&A, OCR did not include victim advocacy in its list of recommended interim measures: “counseling, extensions of time or other course related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations.” 2017 Q&A at 2.

<sup>91</sup>*Id.*

<sup>92</sup>*Id.*

<sup>93</sup>2017 Q&A at 3.

<sup>94</sup>*Id.*

<sup>95</sup>*Id.*

### e. Complainant Agency and Autonomy<sup>96</sup>

An institution should attempt to obtain a complainant's consent before beginning an investigation.<sup>97</sup> However, OCR says it strongly supports a complainant's interest in confidentiality, it also states that there are cases in which the institution must take some action to meet its Title IX obligations despite the complainant's request.<sup>98</sup>

When a complainant makes a report but requests that his or her name or other identifying information not be shared with a respondent or that the institution not pursue an investigation, the institution should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the respondent.<sup>99</sup> The institution should also explain that Title IX prohibits retaliation against an individual who raises a good faith civil rights claim and that the institution will take steps to prevent and respond to retaliation.<sup>100</sup>

If the complainant persists in requesting no investigation or the preservation of his or her anonymity, the institution must balance the interest of the complainant with its dual obligation: 1) to provide a safe and non-discriminatory environment for all community members and, 2) to fulfill principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a respondent. In making this determination, institutions should consider:

- Whether circumstances suggest there is an increased risk of the respondent committing additional acts of sexual violence or other violence, such as the following:

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<sup>96</sup>The continued viability of the specific principles identified in this section, including the risk factors set forth in evaluating a complainant's request for anonymity or not to pursue an investigation, is in question in light of the rescission of the 2011 DCL and 2014 Q&A. There is no reference in the 2017 Q&A to the conundrum that arises when a complainant requests anonymity or that no investigation occur, but the educational institution still bears the obligation to take action in light of the Title IX obligation to maintain a campus free from discrimination and harassment. The only reference, albeit tangential, in the 2017 Q&A is the provision that a school may use informal resolution if "a school determines that the particular Title IX complaint is appropriate" for informal resolution. 2017 Q&A at 4. In contrast to the 2014 Q&A, which provides a detailed framework for evaluating the appropriateness of a school's response, the 2017 Q&A provides only the undefined and amorphous standard of "appropriate."

<sup>97</sup>2011 DCL at 5.

<sup>98</sup>2014 Q&A at 18-19. OCR's enforcement actions show that it has required explicit analysis of the merits of refraining from investigations at a complainant's request. In OCR's compliance review of the University of Virginia, OCR identified nine situations in which a complainant requested confidentiality, requested that no investigation occur, or chose not to pursue formal resolution. OCR criticized the University for failing to have any record that it had evaluated these requests in the context of its responsibility to provide a safe and nondiscriminatory environment for all students, including students other than the student who makes the allegation. *See* University of Virginia Letter of Finding. <https://www2.ed.gov/documents/press-releases/university-virginia-letter.pdf>.

<sup>99</sup>*Id.*

<sup>100</sup>*Id.*

- There have been other complaints or reports of harassment or misconduct against the respondent;
- The respondent has a history of arrests or records from a prior school indicating a history of violence;
- The alleged perpetrator threatened further sexual violence or other violence against the student or others;
- The complainant’s report reveals a pattern of perpetration, such as via the illicit use of drugs or alcohol;
- Certain elements indicating the seriousness of the conduct, including:
  - Whether the sexual violence was committed by multiple perpetrators;
  - Whether the sexual violence was perpetrated with a weapon;
- The respective ages and roles of the complainant and respondent;
- The rights of the respondent to receive notice and relevant information before disciplinary action is sought; and,
- Whether the institution possesses other means to obtain relevant evidence (e.g., security cameras or personnel).<sup>101</sup>

Where the school has no credible information about prior sexual violence by the alleged perpetrator and the alleged sexual violence was not committed using a weapon or accompanied by threats of further violence, nor part of a larger pattern at a given location or by a particular group, the relevant factors would typically compel a school to respect a complainant’s request for confidentiality.<sup>102</sup>

Where an institution accedes to a request for confidentiality or a request not to pursue an investigation, it should still take all reasonable steps to investigate and respond to the complaint consistent with that request, although its ability to do so may be limited.<sup>103</sup> The institution should still “determine whether interim measures are appropriate or necessary” and take other steps to limit the effects of the alleged sexual or gender-based harassment or violence and prevent its recurrence.<sup>104</sup> An institution may take immediate and corrective action through the imposition of individual and community remedies designed to maximize the complainant’s access to the educational, extracurricular and employment activities and to eliminate a hostile

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<sup>101</sup>2014 Q&A at 19-22.

<sup>102</sup>*Id.* At 22.

<sup>103</sup>*Id.*

<sup>104</sup>*Id.*



environment, prevent its recurrence and address its effects. Potential remedies include providing increased monitoring, supervision, or security; providing training and education materials for students and employees; changing and publicizing institutional policies on sexual and gender-based harassment and violence; conducting climate surveys regarding sexual violence; imposing short- or long-term protective measures for a complainant; and, other measures that can be tailored to the facts and circumstances.<sup>105</sup>

#### **f. Investigations and Resolutions of Complaints**

In the 2014 Q&A, OCR used the term “investigation” to refer to the process an institution uses to resolve sexual violence complaints, including the fact-finding investigation and any hearing and decision-making process the institution uses to determine whether the conduct occurred by a preponderance of the evidence and if so, the appropriate sanctions and remedies to end the sexual violence, eliminate the hostile environment, and prevent its recurrence.<sup>106</sup> This section focuses on the fact-finding aspects of prompt and equitable grievance procedures.

While an investigation may include a hearing to determine whether the conduct occurred, Title IX does not require a hearing.<sup>107</sup> Furthermore, neither Title IX, its implementing regulation nor OCR’s guidance specifies who should conduct the investigation.

In the 2017 Q&A, OCR states that the burden is on the school, not the parties, to gather sufficient evidence to reach a fair, impartial determination as to whether sexual misconduct has occurred and, if so, whether a hostile environment has been created that must be redressed.<sup>108</sup> For an educational institution, the fact-finding investigation of sexual and gender-based harassment and violence is one of the most sensitive and difficult tasks involved in the institutional response. The quality and integrity of an investigation is vital in providing a sufficient factual foundation to support determinations of responsibility and establishing faith in outcomes and sanctions. In the context of word-against-word credibility assessments, it is imperative that this aspect of the institution’s response be conducted by individuals with appropriate training and experience.

According to the 2011 DCL, Title IX requires adequate, reliable and impartial investigations that are conducted by investigators with sufficient experience or training.<sup>109</sup> OCR outlined significant training requirements for investigators, discussed below, and stated that “provisions for adequate, reliable, impartial and prompt investigation of complaints require the opportunity for both parties to present witnesses and evidence; interim measures to be implemented before the final outcome of the investigation; periodic updates on the status of the investigation to be presented to the parties; and the application of the preponderance of the

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<sup>105</sup>2014 Q&A at 20.

<sup>106</sup>2014 Q&A at 24-25.

<sup>107</sup>2017 Q&A at 5; 2014 Q&A at 25.

<sup>108</sup>2017 Q&A at 4.

<sup>109</sup>2011 DCL at 9-12.

evidence standard.”<sup>110</sup> OCR also stated that “a balanced and fair process that provides the same opportunities to both parties will lead to sound and supportable decisions.”<sup>111</sup> Notably, OCR has not provided specific standards of care for investigations beyond broad descriptors such as adequate, reliable, impartial and thorough.<sup>112</sup>

In the 2017 Q&A, OCR confirmed that the investigator must be “free of actual or reasonably perceived conflict of interest and biases for or against any party.”<sup>113</sup> It further described an equitable investigation as requiring “a trained investigator to analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence – including both inculpatory and exculpatory evidence – and take into account the unique and complex circumstances of each case.”<sup>114</sup> Further, OCR provided that any rights or opportunities that a school makes available to one party during the investigation should be made available to the other party on equal terms.<sup>115</sup> OCR also noted restricting either party from discussion of the investigation will likely deprive the parties of the ability to obtain and present evidence or otherwise to defend their interests and therefore is likely inequitable and should be avoided.<sup>116</sup>

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<sup>110</sup>2014 Q&A at 3, 12-14.

<sup>111</sup>*Id.* at 24-26.

<sup>112</sup>OCR found that Princeton University did not provide for an adequate, reliable, and impartial investigation, as appeal rights were provided only for the accused student, not the complainant; the process did not use of the preponderance of the evidence standard in investigating allegations of sexual harassment, including sexual assault/violence; written notice was not required to be provided to the parties of the outcome (and appeal) and sanctions imposed on the perpetrator that directly relate to the complainant; and there was no assurance that the University would take steps to prevent further harassment and to correct its effects, if appropriate. *See* Princeton University Letter of Findings at 11. <https://www2.ed.gov/documents/press-releases/princeton-letter.pdf>.

OCR found that Harvard Law School’s grievance procedures were inconsistent with Title IX where it provided additional post-hearing rights to the respondent if the sanction imposed involved dismissal or expulsion. In such cases, the respondent-student was afforded the right to a supplementary hearing on the facts before a hearing officer, but did not afford a similar opportunity to both parties to seek review. *See* Harvard Law School Letter of Findings at 10-11. Note that under the 2017 Q&A, such a provision would not appear to violate Title IX.

Lastly, OCR found that Frostburg State University’s policy violated Title IX where it did not expressly provide that the parties had an equal opportunity to provide evidence and witnesses during the investigation. *See* Frostburg State University Letter of Findings at 6. <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/03132328-a.pdf>.

<sup>113</sup>2017 Q&A at 4.

<sup>114</sup>*Id.* OCR noted, “Training materials or investigative techniques and approaches that apply sex stereotypes or generalizations may violate TIX and should be avoided so that the investigation proceeds objectively and impartially.” OCR provided no additional explanation about this cautionary statement.

<sup>115</sup>*Id.*

<sup>116</sup>*Id.*

In the 2017 Q&A, OCR added procedural requirements to the investigation process. OCR stated at the outset of an investigation, and before any fact gathering has begun, the responding party must receive notice from the school of the allegations, including sufficient details and with sufficient time to prepare a response before any initial interview.<sup>117</sup> Sufficient details include “the identities of the parties involved, the specific section of the code of conduct allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident.”<sup>118</sup> Additionally, each party should receive written notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation. A written report summarizing the relevant inculpatory and exculpatory evidence should follow the conclusion of the investigation.<sup>119</sup> The parties and appropriate officials must have timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.<sup>120</sup> Additionally, the parties should have the opportunity to respond to the report in writing in advance of the decision of responsibility and/or at the live hearing to decide responsibility.<sup>121</sup>

OCR also wrote in the 2017 guidance that in any adjudication, the process should be equitable between the parties.<sup>122</sup> For example, the same rights must be afforded to both parties, including the right to have an attorney or other advisor present or participate in the interview or hearing and the right to cross examine the parties and witnesses or to submit questions to be asked of parties and witnesses.<sup>123</sup> The decision on sanction can be made by the fact-finder, the person who made the decision on responsibility, or a different person.<sup>124</sup> In deciding the appropriate sanction, the decision maker should consider how best to enforce the school’s code of student conduct while also considering the impact of separating a student from her or his education.<sup>125</sup> OCR states that any disciplinary decision must be made as proportionate response to the violation, but does not provide examples or further discussion of what is proportionate.<sup>126</sup>

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<sup>117</sup>*Id.*

<sup>118</sup>*Id.*

<sup>119</sup>*Id.*

<sup>120</sup>*Id.*

<sup>121</sup>*Id.* at 5.

<sup>122</sup>*Id.*

<sup>123</sup>*Id.*

<sup>124</sup>*Id.* at 6.

<sup>125</sup>*Id.*

<sup>126</sup>*Id.*

Schools should provide written notice of the outcome of disciplinary proceedings concurrently to the parties.<sup>127</sup> The Clery Act, discussed below, requires that for complaints of dating violence, domestic violence, sexual assault, and stalking post-secondary institutions must include in the notice of outcome any initial, interim, or final decision by the school; any sanctions imposed by the school; and the rationale for the result and the sanctions.<sup>128</sup> For all other Title IX complaints (e.g., harassment or retaliation) OCR recommends that the school inform the reporting party whether it found that the alleged conduct occurred, any individual remedies offered to the reporting party or any sanctions imposed on the responding party that directly relate to the reporting party, and other steps the school has taken to eliminate the hostile environment.<sup>129</sup> If offering an opportunity to appeal, the school may choose to allow appeal (i) solely by the respondent; or (ii) by both parties, in which case any appeal procedures must be equally available to both parties.<sup>130</sup>

### **g. Alternative Resolution Procedures**

An institution may offer a less-formal mechanism for resolution of sexual harassment complaints than that established by its standard grievance procedures.<sup>131</sup> Often referred to as voluntary, informal or remedies-based resolution, an alternative form of resolution can sometimes eliminate a hostile environment without taking disciplinary action against a respondent. The inclusion of an alternative form of resolution may aid complainants or third parties who are seeking anonymity or confidentiality or for whom pursuing formal disciplinary action may be a barrier to reporting or moving forward with a complaint. It may also provide an institution with additional mechanisms to tailor a response to the unique facts and circumstances of a particular incident, particularly where there is not a broader threat to individual or campus safety, or to address conduct that might not rise to the level of creating a hostile environment.

Participation in an alternative form of resolution must be voluntary.<sup>132</sup> Under the 2011 and 2014 guidance, a complainant must be able to request to end voluntary resolution and initiate an investigation at any time.<sup>133</sup> OCR also previously provided that while an institution may offer mediation in appropriate cases, mediation should not be used in cases involving sexual assault.<sup>134</sup> In addition, OCR had directed that an institution should not compel a complainant to

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<sup>127</sup>*Id.* Compare 2014 Q&A at 36 (“Title IX *requires* both parties to be notified, in writing, about the outcome of both the complaint and any appeal.” (Emphasis added.)).

<sup>128</sup>34 C.F.R. § 668.46(k)(3)(iv).

<sup>129</sup>2017 Q&A at 6.

<sup>130</sup>*Id.* Under the Clery Act, a postsecondary school must provide simultaneous notification of the appellate procedure, if one is available to both parties. 34 C.F.R. § 668.46(k)(2)(v)(B).

<sup>131</sup>2017 Q&A at 4; 2011 DCL at 8.

<sup>132</sup>2017 Q&A at 4.

<sup>133</sup>2011 DCL at 8.

<sup>134</sup>*Id.*

engage in mediation, to directly confront the respondent, or to participate in any particular form of alternative resolution.<sup>135</sup> Given OCR’s understanding that Title IX calls for “a balanced and fair process that provides the same opportunities to both parties,”<sup>136</sup> it would seem that a respondent should have the same rights in an informal process as those prescribed for the complainant, as described above. In its 2017 Q&A, OCR clarified that informal resolution may be appropriate if all parties voluntarily agree to participate, after receiving full disclosure of the allegations and their options for formal resolution, and the school determines the particular complaint is appropriate for informal resolution.<sup>137</sup> OCR also seemingly removed the exception to mediation for sexual assault complaints and provided that “the school may facilitate an informal resolution, including mediation, to assist the parties in reaching a voluntary resolution.”<sup>138</sup> The institution should maintain records of all reports and conduct referred for alternative resolution, and ensure that the resolution is completed within an appropriate time frame following the initial report.<sup>139</sup>

#### **h. Documentation**

Title VI’s implementing regulation requires that a recipient of Federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination.<sup>140</sup> This requirement is incorporated by reference in the Title IX implementing regulation.<sup>141</sup> Accordingly, it is important that the institution develop a centralized case management system where all complaints, investigations, and resolutions are well documented.

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<sup>135</sup>2011 DCL at 8.

<sup>136</sup>2014 Q&A at 26.

<sup>137</sup>2017 Q&A at 4.

<sup>138</sup>*Id.*

<sup>139</sup>An example of procedures that OCR found to improperly force students into an informal process and into direct contact between the complainant and the respondent comes from OCR’s review of Ohio State University. OCR found the Ohio State’s procedures inappropriately suggested and, in some instances, seemed to require that parties work out alleged sexual harassment directly with the accused harasser prior to filing a complaint with the University. With respect to student peer harassment, the school’s policy recommended that in “simple situations” (a term that is not defined), the complainant should talk to the responsible party or seek to resolve the situation. If the situation was not resolved, then the complainant was directed to contact student conduct officials. The employee guidelines stated that a complainant should talk with the responsible party or seek to resolve the situation in consultation with the supervisor and/or college or unit human resources professional, and only after that step, if the issue were still unresolved, could the individual file a complaint. Ohio State University Letter of Findings at 7. <https://www2.ed.gov/documents/press-releases/ohio-state-letter.pdf>.

Similarly, OCR found Southern Methodist University in violation when its grievance procedures did not include specific notice that the parties might end the informal resolution process and begin the formal process at any time. Southern Methodist University Letter of Finding at 18 (Dec. 11, 2014), <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/06112126-a.pdf>.

<sup>140</sup>34 C.F.R. § 100.6(b) & (c).

<sup>141</sup>34 C.F.R. § 106.71.

During an OCR compliance review or investigation, OCR will ask for copies of all grievances filed by students alleging sexual harassment or violence, along with documentation related to the investigation of each complaint, such as witness interviews, investigator notes, evidence submitted by the parties, investigative reports and summaries, any final disposition letters, disciplinary records, and documentation regarding any appeals.<sup>142</sup> Adequate and complete record keeping by the school is critical not only to allow an institution to respond to OCR, but also to give the Title IX Coordinator a sightline over all reports to better identify and address patterns or systemic problems that arise during the review of such complaints and to assess the institution's climate.<sup>143</sup>

### **i. Coordination with Law Enforcement**

OCR previously stated that a criminal investigation and a Title IX investigation are two distinct processes, each with its own set of procedural protections and legal standards.<sup>144</sup> The purpose of a criminal investigation is to determine whether an individual violated a law, possibly leading to imprisonment or other criminal penalties.<sup>145</sup> In the criminal justice context, the Constitution provides criminal defendants who face the risk of incarceration numerous protections including the rights to counsel, a speedy trial, a jury trial, the confrontation of witnesses and the right against self-incrimination.<sup>146</sup> In addition, police and prosecutors have discretion to decide which complaints to investigate and immunity for civil liability when they decline to investigate or prosecute.<sup>147</sup>

In contrast, Title IX investigations, which will never result in an incarceration, have less exacting procedural protections and legal standards.<sup>148</sup> Furthermore, under Title IX, institutions are required to respond to all complaints of Title IX-related conduct.<sup>149</sup> The Title IX obligation to resolve all complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students is not discretionary.<sup>150</sup>

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<sup>142</sup>2011 DCL at 19.

<sup>143</sup>In some resolution agreements and findings letters OCR has found institutions to have satisfied the requirements to promptly and equitably resolve complaints based largely on those institutions' records. For example, Occidental College was able to provide evidence, through its well-documented steps, of its prompt and equitable resolution of anonymous complaints. *See* Occidental College Letter of Findings at 21-22 (June 9, 2016), <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/09132264-a.pdf>.

<sup>144</sup>2014 Q&A at 27.

<sup>145</sup>*Id.*

<sup>146</sup>*Id.*

<sup>147</sup>*Id.*

<sup>148</sup>*Id.*

<sup>149</sup>*Id.*

<sup>150</sup>*Id.*

In all Title IX cases, the institution should notify the complainant of the right to file a criminal complaint and should not dissuade a complainant from doing so at any stage of the institution’s investigation.<sup>151</sup> While Title IX does not require an institution to report alleged incidents of sexual violence to law enforcement, an institution may have reporting obligations under state, local, or other federal laws.<sup>152</sup> Where there are concurrent investigations, an institution should coordinate investigations and establish appropriate fact-finding roles for each investigator.<sup>153</sup> An institution should also consider whether information can be shared among the investigators so that complainants are not unnecessarily required to give multiple statements about a traumatic event.<sup>154</sup> However, an institution should not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own Title IX investigation.<sup>155</sup> Although an institution may need to delay temporarily the fact-finding portion of a Title IX investigation while law enforcement is gathering evidence, the institution must still take interim measures to protect the complainant and the community.<sup>156</sup>

OCR had recommended that an institution enter into a memorandum of understanding (MOU) or other agreement with local law enforcement and local prosecutor’s office regarding the protocols and procedures for referring allegations of sexual violence, sharing information and conducting contemporaneous investigations.<sup>157</sup> Any MOU or other agreement must allow the institution to meet its Title IX obligation to resolve complaints promptly and equitably and must comply with the Family Educational Rights and Privacy Act (“FERPA”) and other applicable privacy laws.<sup>158</sup>

#### **j. Timeframes**

As noted above, institutions are required to designate reasonably prompt timeframes for the major stages of the complaint process, which include timeframes for the investigation, notice of the outcome and any appeal. OCR has found institutions in violation of Title IX where their grievance procedures do not provide a timeframe for the investigation, including its major stages.<sup>159</sup> In the 2011 DCL, OCR opined that a typical investigation takes approximately 60

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<sup>151</sup>*Id.*

<sup>152</sup>*Id.*

<sup>153</sup>*Id.* at 24-26.

<sup>154</sup>*Id.*

<sup>155</sup>*Id.* at 28.

<sup>156</sup>*Id.*

<sup>157</sup>*Id.*

<sup>158</sup>*Id.*

<sup>159</sup>*See, e.g.,* Letter of Findings with Virginia Military Institute at 9 (May 9, 2014), <https://www2.ed.gov/documents/press-releases/vmi-letter.doc>.

calendar days following receipt of the complaint.<sup>160</sup> OCR further noted that a determination of timeliness may depend on the complexity of the investigation and the severity and extent of the harassment.<sup>161</sup>

In the 2014 Q&A, OCR clarified that the 60 days referenced are calendar days and inclusive of the entire investigation process, including the fact-finding investigation, determining the outcome, and imposing any appropriate sanctions and remedies.<sup>162</sup> OCR also stated that the 60-day timeframe does not include appeals, but noted that undue delays in the appeal process may impact the promptness of the institution's response under Title IX.<sup>163</sup>

OCR also stated that it does not require an institution to complete every investigation within 60 days and that it will evaluate promptness on a case-by-case basis.<sup>164</sup> In addition to considering the complexity of the investigation and the severity and extent of the alleged conduct, OCR will also evaluate the impacts of a parallel criminal investigation, school breaks, witness availability and other factors affecting the integrity of the process.<sup>165</sup>

Most recently, OCR rescinded this guidance and provided that there is no fixed time frame under which a school must complete a Title IX investigation.<sup>166</sup> When evaluating whether a school promptly conducted an investigation, OCR will consider the school's good faith effort to conduct a fair, impartial investigation in a timely manner "designed to provide all parties with resolution."<sup>167</sup>

#### **k. Remedies**

If a school knows or reasonably should know about student-on-student harassment that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment and prevent its recurrence.<sup>168</sup> If the school does not respond promptly and effectively when it knows or should have known of such harassment, the school must also address the effects of the harassment that could reasonably have been prevented had it responded

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<sup>160</sup>2011 DCL at 12.

<sup>161</sup>*Id.*

<sup>162</sup>2014 Q&A at 31-32.

<sup>163</sup>*Id.*

<sup>164</sup>*Id.*

<sup>165</sup>*Id.*

<sup>166</sup>2017 Q&A at 3.

<sup>167</sup>*Id.*

<sup>168</sup>2001 Guidance at 12.



as required.<sup>169</sup> OCR had stated that effective responsive or remedial action may include disciplinary action against the accused, but it also includes, “providing counseling for the perpetrator, remedies for the complainant and others, as well as changes to the school’s overall services or policies.”<sup>170</sup>

Remedies for the complainant, according to previous guidance, may include: providing an escort for the complainant between classes and activities; ensuring that the complainant does not have to share classes, extracurricular activities or living quarters with the respondent; providing services such as medical, counseling, and academic support services; making academic arrangements such as extra time to complete a class or allowing the complainant to withdraw from a class without a penalty; and reviewing whether there were any disciplinary actions taken against the complainant that might have resulted from actions by the complainant in response to the sexual violence.<sup>171</sup>

Remedies for the broader student population may include: making available someone from the school’s counseling center who is specifically trained in providing trauma-informed comprehensive services to victims of sexual violence to assist students whenever needed; training or retraining school employees on the school’s Title IX responsibilities; developing materials on sexual violence to be distributed to all students; providing bystander intervention and other sexual violence prevention programs with students; clearly communicating, through policy statements or other steps, that the school does and will not tolerate sexual violence and will appropriately respond to all grievance complaints; conducting, in conjunction with student leaders, a campus climate check to assess the effectiveness of the school’s efforts to eliminate sexual violence, and using that information to inform future proactive steps; offering targeted training to a group of students (e.g., the residence hall, fraternity or sorority, or the athletic team if a hostile environment was identified in that group); and developing protocols to work with local law enforcement.<sup>172</sup>

## I. Training

This section details the training requirements under the 2011 and 2014 significant guidance documents, the standard by which we assessed Baylor’s completion of specific training recommendations. Where the training requirement stems from the 2001 Guidance, that requirement is cited appropriately. The 2017 Q&A does not address training specifically, except to note that an equitable investigation requires a “trained” investigator, and that, “Training materials or investigative techniques and approaches that apply sex stereotypes or

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<sup>169</sup>*Id. at 12-13.*

<sup>170</sup>2014 Q&A at 34.

<sup>171</sup>*Id. at 34-35.*

<sup>172</sup>2014 Q&A at 35-36.

generalizations may violate Title IX and should be avoided so that the investigation proceeds objectively and impartially.”<sup>173</sup>

Title IX requires educational institutions to provide education and prevention programs.<sup>174</sup> Title IX requires training of all community members regarding what constitutes sexual harassment and sexual violence, the institution’s policies and disciplinary procedures and the consequences of violating those policies.<sup>175</sup> Title IX also requires more specific training for employees, implementers and adjudicators relating to the institution’s grievance procedures and its proper response to complaints of sexual harassment and sexual violence.<sup>176</sup>

## (1) Employees

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<sup>173</sup>2017 Q&A at 4.

<sup>174</sup>2011 DCL at 14-15. As an example of apparently approved practice, OCR identified no concerns with Elmira College’s training efforts under Title IX where the College each year during new student orientation hosted an interactive workshop for students. The workshop focused on sexual and gender-based misconduct; the role of societal pressures, gender stereotypes, and alcohol in such incidents; and bystander intervention training. The college distributed a booklet to new students that contained detailed information about the college’s sexual harassment and assault policies and procedures. The college also included detailed information on its sexual harassment and sexual assault policy and procedures in its parent information booklet, which it distributed to parents in person or by mail. Residence life staff in each first-year dormitory met with first-year students at the start of each academic year to review the student handbook, including specifically the harassment and assault policies and procedures. Additionally, each fall the college would have a local organization provide an interactive workshop for all students about sexual assault awareness and prevention. See Elmira College Letter of Findings at 10. <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/02142316-a.pdf>.

Similarly, OCR identified no concerns in connection with the City University of New York Hunter College’s annual training to staff regarding Title IX requirements and the College’s policies on sexual assault and non-discrimination. These trainings were attended by a wide range of employees, including student affairs staff, title IX staff, deans, athletics staff and campus safety personnel. The College provides training to residential life staff in the fall and spring semesters. The College also engages students, staff, and faculty in educational and creative activities that aim to instill a sense of civic responsibility, community participation, activism, and awareness about sexual and domestic violence and other issues impacting gender. The College also posted a Title IX training curriculum for students on its website. See City University of New York Hunter College at 13. <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/02132052-a.pdf>.

<sup>175</sup>2011 DCL at 14-15.

<sup>176</sup>*Id.* at 4, 7-8, 12; 2014 Q&A at 38-42. OCR has evaluated the content of the training offered to students and staff to determine whether it is sufficient. For example, OCR reviewed the annual training the University of New Mexico offered to students and employees and found the mandated training for employees lacked content and depth and did not reflect current research or align with best practices in the field. In the course of its investigation, OCR also spoke with students about the training and found that after the training the students lacked basic understanding about consent, reporting, and the Title IX process and procedure. See University of New Mexico Letter of Findings. <https://www.thefire.org/unm-findings-letter/>. Similarly, OCR determined the training offered at Frostburg State University to be insufficient because while it addressed sexual harassment in the employment context, it did not address sexual harassment and sexual violence as it related to students or Title IX, and it did not provide any information specific to the university, such as the university’s procedures for reporting sexual harassment or violence or responsible employees. See Frostburg State University Letter of Findings at 14. <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/03132328-a.pdf>.

According to OCR, training should be provided to employees on a regular basis, although there is no minimum number of hours required.<sup>177</sup> Each institution should determine, based on its particular circumstances, how training should be conducted, who has the relevant expertise required to conduct the training and who should receive the training, to ensure that the training adequately prepares employees, particularly responsible employees, to fulfill their duties under Title IX.<sup>178</sup>

All employees likely to witness or receive reports of sexual violence (including teachers, professors, school law enforcement unit employees, school administrators, school counselors, general counsel, athletic coaches, health personnel and resident advisors) should receive practical information, including the following:<sup>179</sup>

- How to prevent and identify sexual violence, including same-sex sexual violence;
- The behaviors that may lead to sexual violence;
- The attitudes of bystanders that may allow sexual misconduct to continue;
- The potential for re-victimization by responders and its effect on students;
- Appropriate methods for responding to a student who may have experienced sexual violence, including the use of nonjudgmental language, and the impact of trauma on victims;
- The persons to whom sexual misconduct must be reported;
- Information on how to inform students of the reporting obligations of responsible employees;
- Students' option to request confidentiality and available confidential advocacy, counseling or other support services; and
- Rights to file a Title IX complaint with the school and to report a crime to campus or local law enforcement.<sup>180</sup>

In addition, employees designated as responsible employees should receive specific training on their reporting obligations, including how to respond appropriately to reports of sexual violence, what should be included in a report, any consequences for the failure to report,

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<sup>177</sup>2014 Q&A at 39. In the 2001 Guidance, OCR stated, "training for administrators, teachers, and staff and age-appropriate classroom information for students can help to ensure that they understand what types of conduct can cause sexual harassment and that they know how to respond. *Id.* at 19.

<sup>178</sup>*Id.*

<sup>179</sup>*Id.*

<sup>180</sup>*Id.* at 38-39.

and the procedure for responding to students' requests for confidentiality, including providing the contact information for the Title IX coordinator.<sup>181</sup> Responsible employees should also understand that they do not need to determine whether the alleged sexual harassment or sexual violence actually occurred or that a hostile environment has been created before reporting an incident to the Title IX coordinator.<sup>182</sup>

Professional counselors, pastoral counselors and non-professional counselors or advocates must understand the extent to which they may keep a report confidential.<sup>183</sup>

In addition, because complaints often involve an institution's law enforcement personnel, all school law enforcement employees should be given copies of the institution's Title IX policies and receive training on the institution's Title IX procedures and any other procedures used for reporting and investigating reports of sexual violence.<sup>184</sup>

Finally, all persons involved in implementing an institution's grievance procedures (e.g., Title IX coordinators, others who receive complaints, investigators and adjudicators) must have

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<sup>181</sup>*Id.* at 38. See also 2001 Guidance, which states that "schools need to ensure that employees are trained so that those with authority to address harassment now how to respond appropriately, and other responsible employees know they are obligated to report harassment to appropriate school officials. Training for employees should include practical information about how to identify harassment and, as applicable, the person to whom it should be reported." *Id.* at 13.

Prior to the 2011 DCL, OCR found Eastern Michigan University in violation of Title IX for providing insufficient training to the institution's Title IX Coordinator and deputies. The online sexual harassment training offered to the Title IX staff only addressed sexual harassment in the workplace and did not instruct the Title IX staff how to conduct a Title IX investigation or otherwise fulfill their duties as Title IX staff. See OCR Letter of Findings, Eastern Michigan University at 5. <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/15096002-a.pdf>.

Following the release of the 2011 and 2014 guidance, OCR found that Frostburg State University did not comply with Title IX where the former Title IX policies and procedures were largely silent with respect to the responsibility of employees to report sexual harassment or sexual assault. Only the sexual harassment policy addressed responsible employees, stating that "members of the University community with personal knowledge of incidents of harassment are encouraged, and University employees are required, to report such knowledge to the Title IX Coordinator." By contrast, OCR endorsed a subsequent Title IX website and set of policies because they informed the campus community of which employees are considered responsible employees and which are considered confidential employees, and defined each of those terms. Specifically, the policies stated that responsible employees who learned of or witnessed prohibited conduct were required to report it to the Title IX Coordinator, and except for confidential employees, all university employees were designated as responsible. Confidential employees were defined as employees who were not required to report incidents and were limited to employees of the health and counseling centers. See Frostburg State University Letter of Findings. OCR also faulted Minot University for failing to train *all* responsible employees. While new hires were providing training, others, including security officers and faculty, were not. See Minot State University Letter of Findings at 27-28. <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/05142061-a.pdf>.

<sup>182</sup>2014 *Q. & A.* at 38.

<sup>183</sup>2014 *Q. & A.* at 38.

<sup>184</sup>2011 DCL at 7.

training or experience in handling sexual violence complaints and in the operation of the grievance procedures.<sup>185</sup> Training for implementers should include:

- Information on working with and interviewing persons subjected to sexual violence;
- Information on particular types of conduct that constitute sexual violence, including same-sex sexual violence;
- The proper standard of review for sexual violence complaints;
- Information on consent and the role drugs or alcohol can play in the ability to consent;
- The importance of accountability for individuals found to have committed sexual violence;
- The need for remedial actions for the perpetrator, complainant and school community;
- How to determine credibility; how to evaluate evidence and weigh it in an impartial manner;
- How to conduct investigations;
- Confidentiality;
- The effects of trauma, including neurobiological change; and,
- Cultural awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.<sup>186</sup>

## **(2) Students**

Institutions should provide age-appropriate training to their students regarding Title IX and sexual violence.<sup>187</sup> Training may be provided separately or as part of the institution's broader training on sex discrimination and sexual harassment.<sup>188</sup> However, sexual violence is a unique topic that should not be assumed to be covered adequately in other educational

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<sup>185</sup>2014 Q&A at 40. The 2001 Guidance states that "the school must make sure that all designated employees have adequate training as to what conduct constitutes sexual harassment and are able to explain how the grievance procedure operates." *Id.* at 21.

<sup>186</sup>*Id.*

<sup>187</sup>2014 Q&A at 41.

<sup>188</sup>*Id.*

programming or training provided to students.<sup>189</sup> The institution should include this training in its orientation programs for new students; training for student-athletes and members of student organizations; and back-to-school nights.<sup>190</sup> Institutions should consider educational methods that are most likely to help students retain information when designing its training, including repeating the training at regular intervals.<sup>191</sup> OCR recommends that, at a minimum, the following topics (as appropriate) be covered in this training:

- Title IX and what constitutes sexual violence, including same-sex sexual violence, under the institution's policies;
- The institution's definition of consent applicable to sexual conduct, including examples;
- How the institution analyzes whether conduct was unwelcome under Title IX;
- How the institution analyzes whether unwelcome sexual conduct creates a hostile environment;
- Reporting options, including formal reporting and confidential disclosure options and any timeframes for reporting;
- The institution's grievance procedures used to process sexual violence complaints;
- Disciplinary code provisions relating to sexual violence and the consequences of violating those provisions;
- Effects of trauma, including neurobiological changes;
- The role alcohol and drugs often play in sexual violence incidents, including the deliberate use of alcohol and/or other drugs to perpetrate sexual violence;
- Strategies and skills for bystanders to intervene to prevent possible sexual violence;
- How to report sexual violence to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and,

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<sup>189</sup>*Id.*

<sup>190</sup>*Id.*

<sup>191</sup>*Id.*

- Title IX’s protections against retaliation.<sup>192</sup>

The training should also encourage students to report incidents of sexual violence and should explain that students (and their parents or friends) do not need to determine whether incidents of sexual violence or other sexual harassment created a hostile environment before reporting the incident.<sup>193</sup> OCR recommends that institutions inform students that the primary concern is student safety, and that use of alcohol or drugs never makes the complainant at fault for being a victim of sexual violence.<sup>194</sup> It is also important for institutions to educate students about the persons on campus to whom they can confidentially report incidents of sexual violence, including the offices or individuals who can provide resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services and legal assistance.<sup>195</sup>

## **B. Overview of the Clery Act**

The Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act is a federal statute enacted in 1990 that requires all public and private postsecondary institutions that participate in any of the Federal financial aid programs under Title IV of the Higher Education Act of 1965<sup>196</sup> to keep and publish information about crime on or near their campus.<sup>197</sup> The purpose of the Clery Act is to provide students, their families, and employees with accurate, complete, and timely information about campus safety to better inform future decisions.<sup>198</sup> The Clery Act requires that schools report offenses and disclose statistics for crimes that were reported to the local police or campus security authorities (“CSA”) in their annual security reports.<sup>199</sup> Specific provisions of the Clery Act were subsequently amended by the Violence Against Women Reauthorization Act of 2013.<sup>200</sup> Section 304 of VAWA amended the Clery Act by revising colleges and universities’ obligations with respect to education and prevention, reporting, and policies and procedures relating to sexual assault and expanding those same

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<sup>192</sup>*Id.*

<sup>193</sup>*Id.* at 41-42.

<sup>194</sup>*Id.* at 42.

<sup>195</sup>*Id.*

<sup>196</sup>20 U.S.C. § 1001 *et seq.*

<sup>197</sup>*See generally* 20 U.S.C. § 1092 (f); 34 C.F.R. § 668.46. In addition to reports on crime and dating violence, the Clery Act also requires institutions to submit reports on fire prevention procedures, missing person procedures, and on-campus safety procedures, which are not discussed in this report.

<sup>198</sup>34 C.F.R. § 668.46; Clery Handbook at xi, <http://www2.ed.gov/admins/lead/safety/handbook.pdf>.

<sup>199</sup>20 U.S.C. § 1092(f)(1)(F); 34 C.F.R. § 668.46(c); Clery Handbook at 1-6.

<sup>200</sup>Public Law 113-4. VAWA regulations became effective July 1, 2015. 34 C.F.R. § 668.46.

categories of required steps to domestic violence, dating violence, and stalking.<sup>201</sup> VAWA requires that schools disclose statistics for incidents of dating violence, domestic violence, sexual assault, stalking, and new categories of hate crimes; implement and disclose programs to prevent dating violence, domestic violence, sexual assault, and stalking; disclose procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred; and implement and disclose procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, and stalking.<sup>202</sup> OCR's 2017 Q&A reiterated that when addressing allegations of dating violence, domestic violence, sexual assault, or stalking, institutions are subject to the Clery Act regulations as well as Title IX.<sup>203</sup>

There are three sources of authority relevant to the Clery Act: (1) the Clery Act statute, 20 U.S.C. § 1092(f), which sets forth the law; (2) the Clery Act's implementing regulations, 34 C.F.R. § 668.46, which are issued by the U.S. Department of Education and have the force and effect of law; and (3) the U.S. Department of Education's June 2016 Handbook for Campus Safety and Security Reporting ("Clery Handbook"), which is not legally binding but is intended to provide guidance on interpreting the regulations. The Clery Act statute and its implementing regulations therefore take precedence over the Clery Handbook.

## 1. Crime Statistics

The Clery Act requires institutions to include in their annual security reports four general categories of crime statistics ("Clery Crimes"). These four categories are:

- (i) "Primary Crimes," which include criminal homicide, including murder and non-negligent manslaughter, and negligent manslaughter; sex offenses, which are broken down and reported in subcategories of rape, fondling, incest, and, statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson.
- (ii) Arrests and referrals for disciplinary actions, which include: liquor law violations; drug violations; and illegal weapons possession.
- (iii) "Hate Crimes," which include primary crimes and those that involve larceny-theft, simple assault; intimidation; and destruction/damage/vandalism of property.
- (iv) "VAWA Offenses," which include dating violence, domestic violence and stalking (further described below).<sup>204</sup>

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<sup>201</sup>Sexual assault is defined as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. 34 C.F.R. § 668.46(a).

<sup>202</sup>*Id.* Clery Handbook at 1-1 through 1-2.

<sup>203</sup>2017 Q&A at 2.

<sup>204</sup>34 C.F.R. § 668.46(c); Clery Handbook at 3-1.



A hate crime is “a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.”<sup>205</sup> Hate crimes must be recorded by category of bias, which include the victim’s actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and disability.<sup>206</sup> When reporting sex offenses, the offenses must be divided into four categories: (a) rape; (b) fondling; (c); incest, and (4) statutory rape.<sup>207</sup> In addition to these sex offenses, VAWA requires institutions to report (1) dating violence; (2) domestic violence; and (3) stalking under the category of offenses titled, “VAWA Offenses.”<sup>208</sup>

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<sup>205</sup>34 C.F.R. 668.46(c)(4).

<sup>206</sup>34 C.F.R. § 668.46(c)(4). VAWA revised and expanded the definition of reportable hate crimes to include bias crimes that are based on an individual’s ethnicity, national origin, or gender identity. The Clery Handbook provides the following guidance on these categories of bias. (1) Race: “A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.”; (2) Religion: “A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.”; (3) Sexual Orientation: “A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. ‘Sexual Orientation’ is the term for a person’s physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals”; (4) Gender: “A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female”; (5) Gender Identity: “A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. ‘Gender non-conforming’ describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such”; (6) Ethnicity: “A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors”; (7) National Origin: “A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin”; (8) Disability: “A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.” Clery Handbook at 3-25 through 3-27.

<sup>207</sup>34 C.F.R. § 668.46(c). Sexual Offense is defined as “Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.” 34 C.F.R. § 668.46(a). Clery Handbook at 3-6. Rape is defined as “[t]he penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”; (2) Fondling: “The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental incapacity.”; (3) Incest: “Sexual intercourse between persons who are related to each other with the degrees wherein marriage is prohibited by law.”; (4) Statutory Rape: “Sexual intercourse with a person who is under the statutory age of consent.” 34 C.F.R. § 668.46(a); Clery Handbook at 3-6 through 3-7.

<sup>208</sup>20 U.S.C. § 1092 (f)(4)(A); 34 C.F.R. § 668.46(a); (1) Dating Violence: “Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length

All reports of Clery crimes need to be included, regardless of the ultimate disposition of the report (e.g., a not responsible or not guilty finding).<sup>209</sup> VAWA clarified that an institution may withhold, or subsequently remove, a reported crime from its crime statistics where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore unfounded.<sup>210</sup> It is important to note that only sworn or commissioned law enforcement personnel may unfound a crime report for purposes of reporting.<sup>211</sup> Separately, however, the school must report the total number of crime reports that were unfounded and subsequently withheld during each of the three most recent calendar years.

**a. Location - Clery Geography**

The annual security report must include statistics on Clery Crimes that are committed within the institution's "Clery geography." Clery geography is the area within the institution that

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of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship." Dating violence includes, but is not limited to "sexual or physical abuse or the threat of such abuse."; (2) Domestic Violence: "A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred."; (3) Stalking: "Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress. 'Course of conduct' means "two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. 'Reasonable Person' means "a reasonable person under similar circumstances and with similar identities to the victim." 'Substantial emotional distress' means "significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling." 34 C.F.R. § 668.46(a).

<sup>209</sup>34 C.F.R. § 668.46(c)(2). Institutions must include in their crime statistics the number of all reported offenses, without regard to the findings of a court, coroner or jury, or the decision of a prosecutor. Clery Handbook at 3-3.

<sup>210</sup>34 C.F.R. § 668.46(c)(2).

<sup>211</sup>*Id.*

is either (1) on-campus,<sup>212</sup> (2) in or on noncampus buildings or property,<sup>213</sup> or (3) on public property within or immediately adjacent to and accessible from the school's campus.<sup>214</sup> The differences among these three categories is important because the Clery Act requires institutions to provide a breakdown of crime statistics per category.<sup>215</sup> Thus, an aggravated assault that occurred on campus will be reported differently than an aggravated assault that occurred on public property adjacent to campus. Location is the single most important factor in determining whether an event should be reported. A crime that occurs outside of an institution's Clery geography must not be reported in its Clery Act statistics, even if the crime involved its students or employees.<sup>216</sup>

## 2. Campus Security Authorities

All reported crimes must be recorded in the school's annual security report.<sup>217</sup> A crime is reported when it is brought to the attention of a CSA, the institution's police department or

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<sup>212</sup>34 C.F.R. § 668.46(c). The Clery Act defines on-campus as "buildings and properties that meet the following criteria: (1) your institution owns or controls them; (2) they are reasonably contiguous to one another; and (3) they directly support or relate to the institution's educational purposes." 34 C.F.R. § 668.46(a). On-campus also includes a second category for buildings the institution owns but does not control. These include buildings or properties that (1) the institution owns but does not control; (2) which are frequently used by students, and; (3) are used to support the institution's educational purposes. Controlled by means that the institution directly or indirectly rents, leases, or has some other type of written agreement (formal or informal) for the use of a building, property, or a portion of a building or property. *Id.* It is important to note that the crime does not have to involve students or employees, but only needs to have taken place in a controlled property or an area that is used by students to access the institution's controlled property. Institution includes institutional-associated foundations, holding companies, alumni associations, athletic booster clubs, or any other institution-associated entity, including state owned buildings and properties. *Id.* Reasonably contiguous refers to a building or property that the institution and students consider to be, and treat as, part of campus. *Id.* Generally, locations within one mile campus border are presumed to be reasonably contiguous with campus. If the institution has more than one campus, each campus must comply independently with all of the Clery Act requirements.

<sup>213</sup>34 C.F.R. § 668.46(a). *Clery Handbook, supra*, at 2-18 through 2-24. Noncampus buildings or property includes "any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution." 34 C.F.R. § 668.46(a). In addition to covering buildings owned by officially recognized student organizations, it also includes any location that (1) is owned or controlled by the institution; (2) supports or is used for the institution's educational purposes; (3) is frequently used by students; and (3) is not considered part of the core campus. *Clery Handbook* at 2-18 through 2-24.

<sup>214</sup>34 C.F.R. § 668.46(a). Public Property includes "all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus," and includes only those areas owned by a public entity, such as a city or state government. *Clery Handbook* at 2-11 through 2-17. The Clery Act creates two categories of public property: (1) public property within your campus, and; (2) public property that immediately borders and is accessible from the campus. *Id.*

<sup>215</sup>34 C.F.R. § 668.46(c)(5). Crimes must be recorded by location.

<sup>216</sup>*Clery Handbook* at 2-1.

<sup>217</sup>34 C.F.R. § 668.46(c)(2).

campus safety office, or local law enforcement personnel by a victim, witness, other third party or even the offender.<sup>218</sup> CSAs include four groups of individuals and organizations:

- 1) Individuals who work within a campus police or security department,<sup>219</sup>
- 2) Individuals who have responsibility for campus security but are not a part of a campus police or security department (e.g., individuals who provide security at campus parking kiosks, monitor access into campus facilities, provide event security, or escort students around campus after dark (including other students));
- 3) Individuals who are named in an institution's policy as persons to whom students and employees should report,<sup>220</sup> and
- 4) Individuals who have significant responsibility for student and campus activities.<sup>221</sup>

A CSA is required to report any Clery Act crime allegations that the CSA believes was made in good faith to the individual or office designated by the institution to collect crime report information (such as the campus police or security department).<sup>222</sup> A CSA is not responsible for investigating or reporting an incident that they learn about in an indirect manner, such as overhearing students talking in the hallway or in class, that is discussed during an in-class

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<sup>218</sup>*Id.*

<sup>219</sup>34 C.F.R. § 668.46(a); Campus police or security departments include institutionally staffed security departments, private companies contracted to provide security, and municipal, county, or state law enforcement agencies contracted to provide security. However, they do not include local law enforcement agencies that are not contracted but who patrol on or near campus, security individuals with limited responsibilities such as checking student IDs at campus buildings, and security personnel employed by a landlord from whom an institution rents classroom space. If the institution employs or contracts at least one person to provide security services as defined above, the institution has a "security department" per the Clery Act, and is required to create and maintain a daily crime log. Clery Handbook at 5-1.

<sup>220</sup>The Clery Act requires institutions to publish a number of safety and security related policy statements. Any person or department that is named in those statements as a person or department to whom crimes should be reported is considered a CSA. Clery Handbook at 4-2.

<sup>221</sup>34 C.F.R. 668.46(a). These individuals may be people who have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. Examples of such individuals include a dean of students who oversees student housing, a director of athletics, all athletic coaches, a faculty advisor to a student group, a student resident advisor or assistant, a student who monitors access to dormitories or buildings owned by recognized student organizations, a coordinator of Greek affairs, a Title IX coordinator, an ombudsperson, the director of a campus health or counseling center, victim advocates or others who are responsible for providing victims with advocacy services, physicians in a campus health center, counselors, health educators, etc. This does NOT include faculty members who do not have any responsibility for student and campus activity beyond the classroom; and clerical or cafeteria staff. Clery Handbook at 4-2 through 4-4.

<sup>222</sup>34 C.F.R. § 668.46(b)(2)(iii); Clery Handbook at 4-5.

discussion, or that is mentioned during a speech, workshop, or a group presentation.<sup>223</sup> CSAs are responsible for reporting allegations of Clery Crimes that are reported to them in their capacity as a CSA.<sup>224</sup> It is not necessary for the crime to have been investigated by the police or a CSA, nor must a finding of guilt or responsibility be made to constitute a reportable crime: as long as there is a reasonable basis for believing the information is not rumor or hearsay, the crime should be reported.<sup>225</sup>

### 3. Daily Crime Log

The Clery Act requires that the school maintain a public daily crime log of all crimes reported to it, not just Clery Crimes.<sup>226</sup> The daily crime log is separate from and in addition to the annual security report and includes specific information about criminal incidents (as opposed to crime statistics, which are captured in the annual security report).<sup>227</sup> The daily crime log is designed to provide crime information more timely than the annual security report (which is published annually).<sup>228</sup> A crime entry must be made within two business days of when the school learned the information (i.e., when either campus police or security department learned of it independently, or learned of it through a CSA or local law enforcement), unless disclosure would jeopardize the confidentiality of the victim.<sup>229</sup> Each entry into the daily crime log must include information about: (1) the nature of the crime,<sup>230</sup> (2) the date of the crime, (3) the time of the crime, (4) the general location of the crime,<sup>231</sup> and (5) the disposition of the complaint,<sup>232</sup> if known.<sup>233</sup> The daily crime log requires more specific locations, such as “on the first floor of the

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<sup>223</sup>Clery Handbook at 4-5.

<sup>224</sup>*Id.*

<sup>225</sup>Clery Handbook at 4-1.

<sup>226</sup>20 U.S.C. § 1092 (f)(4)(A); 34 C.F.R. § 668.46(f). Clery Handbook at 5-3.

<sup>227</sup>Clery Handbook at 5-3.

<sup>228</sup>*Id.*

<sup>229</sup>34 C.F.R. § 668.46(f)(2); Clery Handbook at 5-3. Neither the regulations nor the Clery Handbook provides additional guidance on what would jeopardize the confidentiality of the victim in this circumstance; however, an example may include a reported incident of domestic violence or dating violence that was committed by a person who may have a high likelihood to see the daily crime log and discover the report.

<sup>230</sup>This can be a brief description such as “Simple Assault,” or a more detailed description such as “Simple Assault—non-student victim involved in an encounter with a student offender.” The crime log should not include any personal information about the victim, alleged perpetrator, or source of the information. Clery Handbook at 5-3.

<sup>231</sup>Include specific location of the crime such as “South Campus Hall” rather than “in dormitory.” *Id.*

<sup>232</sup>Include the current status of each complaint in the crime log, if known; for example, “pending,” “judicial referral” or “criminal arrest.” *Id.*

<sup>233</sup>20 U.S.C. § 1092 (f)(4)(A); 34 C.F.R. § 668.46(f)(2), Clery Handbook at 5-3.

administration building,” rather than “on campus.”<sup>234</sup> The Uniform Crime Reporting Hierarchy Rule<sup>235</sup> does not apply to the crime log, therefore if multiple crimes were committed, all crimes should be recorded.<sup>236</sup> A school may withhold some of the required information if there is clear and convincing evidence that the release of the information would jeopardize an ongoing investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.<sup>237</sup> The log must be accessible to the public during normal business hours and remain open for 60 days, after which it must be made available upon request within two business days.<sup>238</sup>

The Daily Crime Log must include all crimes reported to campus police or security for the required geographic location.<sup>239</sup> The geographic location is larger than the Clery geography, and includes all reported crimes that occur “on campus, in or on noncampus buildings or property or on public property within the campus or immediately adjacent to and accessible from the campus,” (i.e., Clery geography) as well as all crimes that occur within the patrol jurisdiction of the campus police.<sup>240</sup> The patrol jurisdiction comprises any property that does not meet any of the Clery geographic area definitions but is regularly provided with police or security patrol services by campus security.<sup>241</sup>

#### **4. Timely Warning Notification**

The Clery Act requires timely warning notification to the campus community of all Clery Act crimes that are reported to campus police or security, CSAs, or local police, and are considered by the school to represent an immediate threat to students and employees.<sup>242</sup> Warnings are to be made as soon as the pertinent information is available, so as to effectively alert the community of a continuing threat to safety and aid in the prevention of similar

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<sup>234</sup>Clery Handbook at 5-3.

<sup>235</sup>34 CFR § 668.46(c)(9). The UCR Hierarchy Rule provides that when more than one criminal offense is committed during a single incident, only the most serious offense is counted. *See also* Clery Handbook at 3-24.

<sup>236</sup>Clery Handbook at 5-3.

<sup>237</sup>*Id.* An institution may withhold only that information that could cause a specifically identified adverse effect. The withheld information must be disclosed once the adverse effect is no longer present. The person making the decision to withhold information should document the reason for doing so. Clery Handbook at 5-7.

<sup>238</sup>20 U.S.C. § 1092 (f)(4)(B); 34 C.F.R. § 668.46(f)(5). The crime log may be either hard copy or electronic. If an electronic log is unavailable due to technical problems, a hard copy backup must be provided until the problem is solved. Clery Handbook at 5-7.

<sup>239</sup>20 U.S.C. § 1092 (f)(4)(A); 34 C.F.R. § 668.46(f); Clery Handbook at 5-3.

<sup>240</sup>34 C.F.R. § 668.46(f); Clery Handbook at 5-3.

<sup>241</sup>*Id.*

<sup>242</sup>20 U.S.C. § 1092 (f)(3); 34 C.F.R. § 668.46(e); Clery Handbook at 6-2.

crimes.<sup>243</sup> Schools must issue a timely<sup>244</sup> warning when a Clery crime is considered by the school to represent a “serious or continuing” threat to students and employees.<sup>245</sup> The decision to warn is to be made by the school on a case-by-case basis taking into consideration the nature of the crime, the threat of continuing danger and the coordination with law enforcement.<sup>246</sup> If the school concludes that a warning is appropriate, the warning should be made in a format that is reasonably likely to reach the entire campus community, (e.g., via e-mail, intranet, text message, etc.).<sup>247</sup>

VAWA permits schools to withhold the names of complainants as confidential in timely warnings notifications of all Clery crimes.<sup>248</sup> Schools must also provide information in their policy about how they will protect the confidentiality of individuals, including protecting such information in publicly-available records.<sup>249</sup>

The Clery Act also requires that schools have and disclose “emergency response and evacuation procedures” in their annual security report.<sup>250</sup> The institution’s emergency response and evacuation procedures statement must include: (1) the procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation; (2) a description of the process the institution will use to confirm the existence of an emergency or dangerous situation, including which segments of the campus will

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<sup>243</sup>Clery Handbook at 6-12.

<sup>244</sup>Although the Clery Act does not define *timely*, the intent of a warning regarding a criminal incident is to enable people to protect themselves. Warnings should be issued as soon as pertinent information is available. *Id.*

<sup>245</sup>*Id.*; see also 20 U.S.C. § 1092 (f)(3) (requiring that campus security “make timely reports to the campus community on crimes considered to be a threat to other students and employees”); 34 CFR 668.46(e)(iii) (requiring warnings when crimes are “[c]onsidered by the institution to represent a threat to students and employees”). The Clery Handbook provides “Your institution is not required to provide a timely warning for non-Clery Act crimes or for crimes reported to a pastoral or professional counselor. There are no other exemptions.”) Clery Handbook at 6-13.

<sup>246</sup>*Id.* at 6-13.

<sup>247</sup>*Id.* at 6-4.

<sup>248</sup>34 C.F.R. § 668.46(e).

<sup>249</sup>The comments to 34 C.F.R. § 668.46(e) provide the following additional guidance: “institutions must not disclose the names and personally identifying information of victims when issuing a timely warning. However, in some cases to provide an effective timely warning, an institution may need to provide information from which an individual might deduce the identity of the victim. For example, an institution may need to disclose in the timely warning that the crime occurred in a part of a building where only a few individuals have offices, potentially making it possible for members of the campus community to identify a victim. Similarly, a perpetrator may have displayed a pattern of targeting victims of a certain ethnicity at an institution with very few members of that ethnicity in its community, potentially making it possible for members of the campus community to identify the victim(s). Institutions must examine incidents requiring timely warnings on a case-by-case basis to ensure that they have minimized the risk of releasing personally identifying information, while also balancing the safety of the community.”

<sup>250</sup>34 C.F.R. § 668.46(g); See also Clery Handbook at 6-1.

receive notification, the content of the notification, and the system initiation process; (3) a statement that the institution will initiate the notification system without delay, unless a notification will compromise efforts to assist a victim or to contain, respond to or mitigate the emergency, and; (4) a list of the persons or organizations responsible for carrying out the notification process as a whole.<sup>251</sup> Emergency notifications differ from crime notifications in that they encompass a wide range of emergency or dangerous situations, rather than solely crime, and apply only to situations occurring on campus, not on Clery Act geography.<sup>252</sup>

## **5. Policies, Procedures, and Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

The Clery Act, as amended by VAWA, mandates that schools develop policies, procedures, and programs to prevent dating violence, domestic violence, sexual assault, and stalking, as discussed below.<sup>253</sup>

### **a. Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Schools are required to include in their annual security report, a statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking.<sup>254</sup> The statement must include a description of the institution's educational programs and campaigns that promote awareness of domestic violence, dating violence, sexual assault, and stalking.<sup>255</sup> Primary prevention and awareness programs must be provided to all incoming students and new employees, and ongoing prevention and awareness campaigns must be provided for students and faculty.<sup>256</sup> The statement of policy must include a description of

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<sup>251</sup>*Id.*

<sup>252</sup>Examples of significant emergencies include: an outbreak of meningitis, norovirus, or other serious illness; approaching tornado, hurricane or other extreme weather conditions; earthquake; gas leak; terrorist incident; armed intruder; bomb threat; civil unrest or rioting; explosion; and nearby chemical or hazardous waste spill. Examples of situations that would not necessitate an emergency notification include: power outage; snow closure, string of larcenies. Clery Handbook at 6-2 through 6-3.

<sup>253</sup>20 U.S.C. § 1092 (f)(8); 34 C.F.R. § 668.46(b)(11).

<sup>254</sup>34 C.F.R. § 668.46(j).

<sup>255</sup>*Id.* Two types of programs are required: (1) primary prevention programs and (2) awareness programs. Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. Awareness programs can be community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. All such programs should be directed at all incoming students and new employees. It is good policy to mandate training for all incoming students and new employees to ensure compliance. Clery Handbook at 8-4.

<sup>256</sup>The comments to 34 C.F.R. § 668 provide the following additional guidance: "The regulations require only that institutions offer training to all of these specified parties and that the training includes the contents of



the institution's primary prevention and awareness programs for all incoming students and new employees, which must include:

- A statement that the school prohibits the offenses of domestic violence, dating violence, sexual assault and stalking;
- The definition of domestic violence, dating violence, sexual assault and stalking in the applicable jurisdiction;
- The definition of consent, in reference to sexual activity, in the applicable jurisdiction;
- Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against a person other than such individual;<sup>257</sup>
- Information on risk reduction to recognize warning signs of abuse behavior and how to avoid potential attacks;<sup>258</sup>
- Possible sanctions or protective measures that the school may impose following a final determination of an institutional disciplinary procedure regarding sexual assault, domestic violence, dating violence or stalking;
- Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault or stalking has occurred, including information in writing about:
  - The importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault or stalking, or in obtaining a protection order;

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§ 668.46(j)(1)(i)(A)-(F) and meets the definition of 'programs to prevent dating violence, domestic violence, sexual assault, and stalking.' Institutions must be able to document, however, that they have met these regulatory requirements. Although the statute and regulations do not require that all students and employees take or attend training, we encourage institutions to mandate such training to increase its effectiveness."

<sup>257</sup>Bystander intervention under the Clery Act means "safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safer and effective intervention options, and taking action to intervene." 34 CFR § 668.46(j)(2).

<sup>258</sup>Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- To whom the alleged offense should be reported;
- Options regarding law enforcement and campus authorities, including notification of the victim's options to:
  - Notify proper law enforcement authorities, including on-campus and local police,
  - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses and
  - Decline to notify the authorities.
- The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders or similar lawful orders issued by a criminal, civil or tribal court;
- Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault or stalking, which shall include a clear statement that the proceedings shall:
  - Provide a prompt, fair and impartial investigation and resolution;
  - Be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
  - Assure that the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice;
  - Simultaneously inform both the accuser and the accused, in writing, of: the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault or stalking; the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding, of any change to the results that occurs prior to the time that such results become final; and when such results become final.<sup>259</sup>

The school's annual security report must also contain information relating to ongoing prevention and awareness campaigns for students and faculty, which must be the same

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<sup>259</sup>34 C.F.R. § 668.46(j)

information as the school's primary prevention and awareness program and include programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.<sup>260</sup>

**b. Procedures for Victims of Dating Violence, Domestic Violence, Sexual Assault, or Stalking**

Institutions must include in their annual security report procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred.<sup>261</sup> The procedures must include written information about: the importance of preserving evidence; how and to whom the alleged offense should be reported; options regarding notifying law enforcement and campus authorities about alleged offenses, including the option to be assisted by campus authorities in notifying law enforcement authorities or to decline to notify authorities; and information on individual rights and the school's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court.<sup>262</sup>

**c. Information Relating to Confidentiality of the Victim**

Institutions must include in their annual security report information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, and maintain, as confidential, accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.<sup>263</sup>

**d. Procedures for Institutional Disciplinary Action in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking**

VAWA requires that an institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.<sup>264</sup> The statement of policy that addresses the procedures shall include:

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<sup>260</sup>*Id.* Clery Handbook at 8-4.

<sup>261</sup>20 U.S.C. § 1092 (f)(8)(B)(iii); 34 C.F.R. § 668.46(b)(11)(ii).

<sup>262</sup>34 C.F.R. § 668.46(b)11.

<sup>263</sup>34 C.F.R. § 668.46(b)11.

<sup>264</sup>34 C.F.R. § 668.46(k).

1. A description of each type of disciplinary proceeding used by the institution (i.e., informal or formal resolution), which shall include the steps of each, the anticipated timeliness and decision-making process for each, how to file a disciplinary complaint (including contact information for the person with whom it is to be filed), and how the institution determines which type of proceeding to use based on the circumstances of an allegation (e.g., risk factors, whether the respondent or complainant is an employee or student);<sup>265</sup>
2. The standard of evidence used during disciplinary actions;<sup>266</sup>
3. A list of sanctions that may be imposed following a final determination of sexual assault, domestic violence, dating violence, or stalking;<sup>267</sup> and,
4. The range of protective measures that may be offered following an allegation of dating violence, domestic violence, sexual assault, or stalking.<sup>268</sup>

VAWA further provides that the proceedings will entail a prompt, fair, and impartial investigation and resolution<sup>269</sup> and be conducted by “officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.”<sup>270</sup> This requirement builds on OCR’s 2001 Guidance, which directed schools to “ensure that employees are trained so that those with authority to address

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<sup>265</sup>*Id.*

<sup>266</sup>*Id.* VAWA does not require an educational institution to impose a specific evidentiary standard.

<sup>267</sup>20 U.S.C. § 1092 (f)(8)(B)(ii); 34 C.F.R. § 668.46(b)(11)(vii). The Clery Handbook explains, “[t]he Clery Act does not specify the sanctions an institution may impose. Each institution must determine which sanctions it will impose for each of the VAWA offenses and list all possible sanctions in this statement.” Clery Handbook at 8-20. Sanction descriptions should be specific. For example, if suspension is a sanction, it should include the type and length of the suspension and any requirements that must be met for reinstatement. In addition, institutions are not restricted from using a sanction not listed in the statement so long as they include the sanction in the next published security report. *Id.*

<sup>268</sup>*Id.*

<sup>269</sup>VAWA provides that a prompt, fair, and impartial proceeding includes a proceeding that is “(A) completed within reasonably prompt timeframes designated by an institution’s policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay; (B) conducted in a manner that is (1) consistent with the institution’s policies and transparent to the accuser and accused; (2) includes timely notice of meetings at which the accuser or accused, or both, may be present; and (3) provides timely and equal access the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and (C) conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.” *Id.* VAWA further provides that compliance with these provisions does not constitute a violation of FERPA.

<sup>270</sup>*Id.*

harassment know how to respond appropriately,<sup>271</sup> and the 2011 DCL, which requires that schools: “ensure that all persons involved in implementing grievance procedures (e.g., Title IX Coordinators, investigators, and adjudicators) have training in the recipient’s grievance procedures” and “applicable confidentiality requirements,”<sup>272</sup> and ensure that “in sexual violence cases, the fact-finder and decision-maker have adequate training or knowledge regarding sexual violence.”<sup>273</sup>

During disciplinary actions, both parties must be given timely and equal access to information that will be used in the decision. VAWA provides that the parties have a right to an advisor of their choice, including an attorney, who may be present at any meeting or disciplinary proceeding, but schools are permitted to define the scope of the advisor’s role.<sup>274</sup> For example, the school may include in its policy that the advisor may serve as a proxy for the student and whether the advisor is permitted to speak or otherwise participate in the proceeding. Additionally, VAWA provides that both parties must be simultaneously informed in writing of the following: the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking; the institution’s procedures for both parties to appeal the results of the disciplinary proceeding; any change to the results of the proceeding that occurs prior to the time that such results become final; and when results of the proceeding become final.<sup>275</sup>

Schools also must notify individuals of the following remedial and interim measures: on and off campus counseling, health, mental health, victim advocacy and legal assistance programs; interim remedies that are available regardless of whether an individual chooses to report an alleged crime to campus police or law enforcement; and a written explanation of an individual’s rights and options when a student or employee reports that they have been a victim of on or off campus domestic violence, dating violence, sexual assault, or stalking.<sup>276</sup>

VAWA also requires schools to prohibit retaliation, intimidation, threats, coercion or any other type of discrimination by the institution’s employees or agents against any individual for reporting domestic violence, dating violence, sexual assault, or stalking.<sup>277</sup>

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<sup>271</sup>2001 Guidance at 13.

<sup>272</sup>2011 DCL at 12.

<sup>273</sup>*Id.*

<sup>274</sup>34 C.F.R. § 668.46(k).

<sup>275</sup>*Id.*

<sup>276</sup>*See* n.45 at 7.

<sup>277</sup>34 CFR § 668.46(m), providing that “[a]n institution, or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this section.”

## **6. Enforcement**

Enforcement of the Clery Act is also through the U.S. Department of Education, albeit not through OCR. The Clery Compliance Division of Federal Student Aid investigates complaints of Clery Act violations. And in stark contrast to Title IX's ultimate penalty of withdrawal of federal funding, which cannot be imposed unless an institution fails to come into compliance after a violation is identified by OCR (a scenario that has not occurred), a Clery Act violation can subject an institution to a fine of nearly \$55,000 *per* violation.

### **C. New Texas Laws Related to Campus Sexual Misconduct**

In 2017, the Texas legislature passed three laws relating to sexual misconduct on campus: SB 968, SB 969 and HB 355.

SB 968 addresses sexual assault policies and electronic reporting. Regarding policies, it provides that each higher education institution must adopt a policy on campus sexual assault that covers all students and employees; that the policy must be made available to students and staff through a variety of means; that new students must be required to attend an orientation on the policy; that the institution must implement a public awareness campaign on the policy; that the institution must to the extent possible provide separate mental health counselors to the parties in, as well as witnesses to, an alleged sexual assault and allow the complainant or respondent to drop a course in which both are enrolled without academic penalty; and that every other year, the institution will review and revise as necessary its policy.

Regarding electronic reporting, SB 968 requires each institution to provide a means for individuals to report sexual misconduct, dating violence and stalking electronically, with an option for anonymous reporting.

SB 969 prohibits an institution from taking disciplinary action against a student who makes a good faith report of sexual misconduct, dating violence or stalking for violating the school's code of conduct at or near the time of the incident.

Finally, HB 355 prohibits registered sex offenders from living on the campus of an institution of higher education. It does not bar them from living in privately-owned facilities.

### **D. NCAA Requirements**

The National Collegiate Athletic Association ("NCAA") is a member led organization dedicated to the well-being and lifelong success of college athletes. It also serves as the governing body over an institution's compliance with its bylaws and policies. Through various initiatives to raise awareness and establish policy, the NCAA has been actively engaged in addressing sexual violence prevention since 2010. Below is a summary of the NCAA's efforts to date, including directives, publications, statements, and policy.

In 2010, the NCAA Executive Committee (now NCAA Board of Governors) directed the NCAA Committee on Sportsmanship and Ethical Conduct to address the issue of sexual violence on campus. In response to the directive, the NCAA staged the 2011 Summit on Violence Prevention. In 2012, the NCAA sponsored a think tank, which led to the NCAA's Executive

Committee passing a resolution in August 2014 that specifies that appropriately addressing sexual violence is integral to responsible intercollegiate athletics programs. The issued resolution provides:

Now, Therefore, Be It Resolved, that the Executive Committee recognizes the importance of addressing the abhorrent societal issue of sexual violence, especially when it occurs on our campuses. The Executive Committee acknowledges that it is our members' collective responsibility to maintain campuses as safe places to learn, live, work and play. The Executive Committee expects NCAA members to ensure that the values and principles articulated in the Constitution to protect the health and safety of student-athletes, operate fairly and ethically, and further to assure that student-athletes are neither advantaged nor disadvantaged by special treatment and that institutions' athletics departments must:

- Comply with campus authorities and ensure that all athletics staff, coaches, administrators and student-athletes maintain a hostile-free environment for all student-athletes regardless of gender or sexual orientation; know and follow campus protocol for reporting incidents of sexual violence; report immediately any suspected sexual violence to appropriate campus offices for investigation and adjudication;
- Educate all student-athletes, coaches and staff about sexual violence prevention, intervention and response;
- Assure compliance with all federal and applicable state regulations related to sexual violence prevention and response; and
- Cooperate with but not manage, direct, control or interfere with college or university investigations into allegations of sexual violence ensuring that investigations involving student-athletes and athletics department staff are managed in the same manner as all other students and staff on campus.<sup>278</sup>

## **1. NCAA Handbook**

Weeks after the resolution passed, in September 2014, the NCAA released a handbook entitled, "Addressing Sexual Assault and Interpersonal Violence: Athletics' Role in Support of Healthy and Safe Campuses" (the "NCAA Handbook") to aid athletics administrators in their efforts to create campus communities free of violence and foster safe places for students to learn

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<sup>278</sup>See <http://www.ncaa.org/governance/committees/executive-committee-statement-sexual-violence-prevention-and-complaint-resolution>.

and thrive.<sup>279</sup> The NCAA Handbook is a comprehensive how-to guide for athletic departments' compliance with the 2014 resolution, Title IX, and the Clery Act, and further evidences the NCAA's investment in sexual violence prevention and its members' opportunity and responsibility to prevent sexual violence. It is a self-described "general introduction to the problems that result from sexual assault and interpersonal violence and how they are affecting college students and student-athletes."<sup>280</sup> The NCAA Handbook is a resource for administrators and those who provide educational programming for student-athletes as they develop their own approaches to preventing or reducing incidents of violence on their campuses. It advocates the implementation of effective policies and ongoing collaboration with campus colleagues and educational programming that addresses prevention, including student affairs, and suggests the designation of a point person within the athletics department to serve as a conduit between athletics and the larger campus.<sup>281</sup> It includes the student-athletes' perspective, including a discussion of how the student-athlete views their role in prevention, and identifies student-athletes' top request as having "more discussion and guidance of what to do when they are in a situation where something is not right," beyond that which they are currently receiving from coaches and administrators.<sup>282</sup>

The NCAA Handbook offers practical suggestions on how athletics can be a value-added partner in addressing sexual violence prevention, given its visibility in the campus community, including, for example, offering educational programming that provides student-athletes with strategies for by-stander intervention, the risks of offseason alcohol use, and ways for student-athletes to engage with their non-athlete peers in changing the campus culture. The NCAA Handbook highlights the significant responsibility athletics has in maintaining safety in the areas of: facilities oversight (e.g., locker rooms, team rooms, and athletic training rooms, practice areas, and competition venues), recruiting (e.g., prospective student campus, visits), and dealing with pending cases involving student-athletes (i.e., the reaction of teammates and friends of student-athletes who is either a complainant or a respondent in pending Title IX investigations). The NCAA Handbook proclaims that "effective educational programming requires a long-term action plan that shows how the various educational experiences and methods are presented over a multiyear period," and details best practices, including target audiences and how to maintain interest.<sup>283</sup>

## 2. NCAA Toolkit

In October 2016, NCAA published the Sexual Violence Prevention Tool Kit ("NCAA Tool Kit"), identifying five core commitments essential for athletics departments working to

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<sup>279</sup>See

[https://www.naspa.org/images/uploads/kcs/Athletics\\_Role\\_in\\_Support\\_of\\_Healthy\\_and\\_Safe\\_Campuses.pdf](https://www.naspa.org/images/uploads/kcs/Athletics_Role_in_Support_of_Healthy_and_Safe_Campuses.pdf)

<sup>280</sup>NCAA Handbook at 5.

<sup>281</sup>NCAA Handbook at 25.

<sup>282</sup>See NCAA Handbook at 18, citing a 2012 NCAA Social Environments study.

<sup>283</sup>NCAA Handbook at 28.



achieve a culture on campus that is free from violence.<sup>284</sup> These five core commitments are: leadership, collaboration, compliance and accountability, education, and student-athlete engagement. For each core commitment, the NCAA Tool Kit provides a checklist that athletic departments can use to ensure compliance; lays out implementation tools, including resource support (e.g., links to applicable law and guidance, links to other NCAA programs and handbooks, training workshops, and mentor programs); and provides action plans that detail the actions and resource needed, the responsible people, and the date to be completed. The NCAA Tool Kit also provides a step-by-step response protocol for athletics departments to follow when an incident of sexual assault is reported to a member of the department, provides sample language student host instructions, and includes a guide for students and advisors to “distinguish consent.”<sup>285</sup> It is also a general resource for sexual violence education, and includes a glossary of terms associated with sexual violence.<sup>286</sup> Both the NCAA Handbook and the NCAA Tool Kit are integral resources to an institutions’ compliance with Title IX, the Clery Act, and NCAA bylaws, and should be incorporated into every institution’s compliance program.

The 2014 resolution is the foundation for the Board of Governors’ most recent adoption of the NCAA’s Policy on Campus Sexual Violence (“NCAA Policy”) on August 8, 2017. After detailing the history of the NCAA’s efforts in raising awareness and prevention of sexual violence, the NCAA Policy outlines the following overarching principles:

1. Intercollegiate athletics departments should be fully knowledgeable about and integrated in overall campus policies and processes addressing sexual violence prevention and acts of sexual violence, particularly those related to adjudication and resolution of matters related to sexual violence.
2. Intercollegiate athletics departments should review annually the most current Checklist Recommendations of the NCAA Sexual Violence Prevention Toolkit, using it as a guide with resources to conduct ongoing, comprehensive education for student-athletes, coaches, and athletics administrators.
3. Intercollegiate athletics programs should utilize their platform to serve as leaders on campus through engagement in and collaboration on efforts to support campus-wide sexual violence prevention initiatives. This includes involving student-athletes in prevention efforts in meaningful ways across the campus, including encouraging use of leadership roles on campus to support such efforts.<sup>287</sup>

The Policy additionally provides that each university chancellor or president, director of athletics, and Title IX Coordinator must attest annually that:

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<sup>284</sup>See [http://www.ncaa.org/sites/default/files/SSI\\_Sexual-Violence-Prevention-Tool-Kit\\_20161117.pdf](http://www.ncaa.org/sites/default/files/SSI_Sexual-Violence-Prevention-Tool-Kit_20161117.pdf).

<sup>285</sup>NCAA Tool Kit at 19-38.

<sup>286</sup>NCAA Tool Kit at 16-17.

<sup>287</sup>NCAA Policy at 2.

1. The athletics department is fully knowledgeable about, integrated in, and compliant with institutional policies and processes regarding sexual violence prevention and proper adjudication and resolution of acts of sexual violence.
2. The institutional policies and processes regarding sexual violence prevention and adjudication, and the name and contact information for the campus Title IX Coordinator are readily available within the department of athletics, and are provided to student-athletes.
3. All student-athletes, coaches, and staff have been educated on sexual violence prevention, intervention, and response to the extent allowable by state law and collective bargaining agreements.<sup>288</sup>

The NCAA Policy is effective immediately, and the first deadline for attesting that the requirements have met will be in spring 2018.<sup>289</sup> The education should be completed during the 2017-18 academic year to allow presidents or chancellors, athletics directors, and Title IX coordinators to attest in the spring. The NCAA Policy allows member schools to determine the types and manner of education it will provide, but specifically references the NCAA Tool Kit when identifying the proper education (e.g., the online curriculum myPlaybook, which includes a course on sexual violence prevention). The names of colleges and universities that have complied with the NCAA Policy will be published on [ncaa.org](http://ncaa.org). The Board also directed the commission to partner with other higher education organizations to propose broader solutions and pursue better data to inform future decisions.

### **3. Failure to Comply with NCAA Regulations**

Failure to follow NCAA legislation may result in an investigation, which could lead to findings and sanctions by the NCAA. All members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests must comply with the NCAA Bylaws.<sup>290</sup> Institutions are responsible for compliance and must monitor their programs to assure compliance and identify and report to the NCAA any instances in which compliance has not been achieved.<sup>291</sup> Among other requirements, NCAA member institutions are obligated to maintain appropriate levels of institutional control (i.e., the efforts institutions make to comply with NCAA legislation and to detect and investigate violations that do occur).<sup>292</sup> A lack of institutional control is found when the Committee on Infractions determines that major violations occurred and the institution failed to display adequate compliance measures, appropriate education on those compliance measures, sufficient monitoring to ensure the

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<sup>288</sup>*Id.*

<sup>289</sup>NCAA Board of Governor's Policy on Campus Sexual Violence FAQ.

<sup>290</sup>Bylaw 2.8.1 at <http://www.ncaapublications.com/productdownloads/D116.pdf>.

<sup>291</sup>*Id.*

<sup>292</sup>See NCAA Enforcement Process at <http://www.ncaa.org/enforcement/investigations>.

compliance measures are followed, or swift action upon learning of a violation.<sup>293</sup> A lack of institutional control violation is considered a major violation that can lead to severe penalties. Coaches and staff members can be held personally responsible for failing to adequately monitor and exercise appropriate control over rules compliance in an athletics department or within a sport program.<sup>294</sup> NCAA bylaws require head coaches to promote an atmosphere for compliance and to monitor the rules and compliance of those who report to them.<sup>295</sup>

#### **E. Big XII Conference**

The Big XII Conference is a regional athletic conference that has oversight of its member schools' athletic programs. Its mission is to: advance standards of scholarship, sportsmanship and equity consistent with the highest ideals of conference membership; support the development of national-championship caliber intercollegiate athletic programs; organize, promote and administer intercollegiate athletics among its member institutions; optimize revenues and provide supporting services compatible with both academic and competitive excellence; and encourage collaboration in areas beyond athletics that builds good-will between institutions and promotes the overall missions of the universities.<sup>296</sup>

The Big XII Conference also requires adherence to NCAA Rules. All members of the Conference must comply with NCAA rules and policies. Further, members are required to demonstrate institutional control and ensure that authority for the intercollegiate athletics program is vested in the campus chief executive officer of such member. In addition, the conduct of members shall be fully committed to compliance with the rules and regulations of the NCAA and of the Conference. Each member accepts the primary responsibility for the administration of rules and regulations, for investigating known or alleged violations at that institution, and for taking prompt and effective corrective actions where violations have occurred.<sup>297</sup>

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<sup>293</sup>See NCAA Enforcement Process at <http://www.ncaa.org/enforcement/investigations>.

<sup>294</sup>To be actionable, allegations must be made on violations that have occurred four or fewer years before the time an institution is notified of an investigation. However, the enforcement staff may allege violations that have occurred beyond the four year period if they involve (1) the eligibility of a current student-athlete, (2) a pattern of willful violations that began before the four-year window but continue into the four-year window, (3) a blatant disregard for certain fundamental rules (recruiting, extra benefits, academics, ethical conduct), or (4) an effort to conceal violations.

<sup>295</sup>See NCAA Enforcement Process at <http://www.ncaa.org/enforcement/investigations>.

<sup>296</sup>Big XII 2017-2018 Conference Handbook – Section 1.3.1.

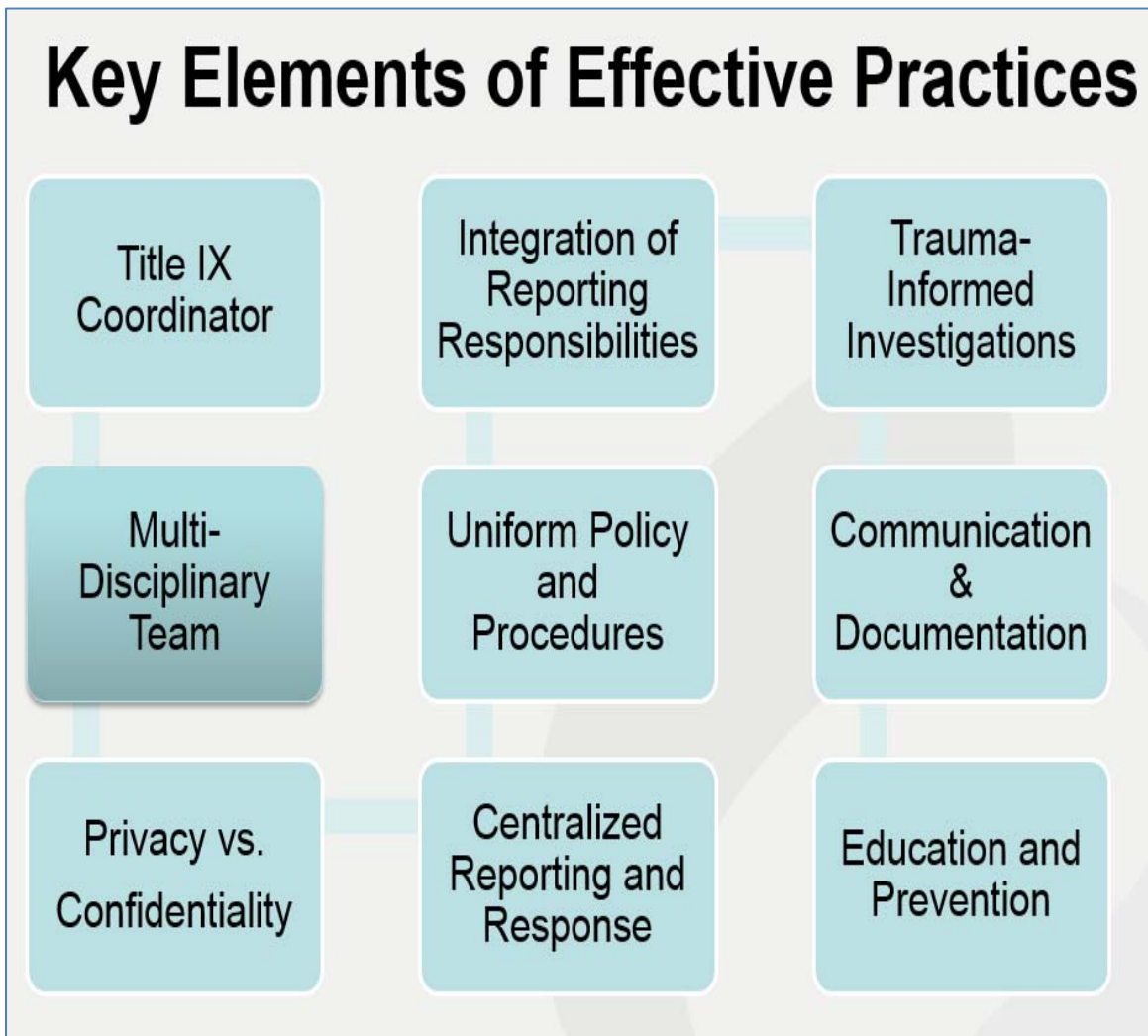
<sup>297</sup>Big XII 2017-2018 Conference Handbook – Section 1.3.2.

#### IV. Overview of Effective Practices

Effective practices require an integrated and coordinated response to all reports of sexual and gender-based harassment and violence. As a foundational matter, an effective institutional response integrates three concepts:

- Compliance with federal law, regulations and guidance, state law, and other legal authority, as outlined above;
- An understanding of the dynamics of sexual and gender-based harassment and violence and trauma-related considerations, as they impact individuals and campus communities; and
- An understanding and acknowledgement of an institution's unique policies, procedures, personnel, resources, culture and climate.

The below graphic highlights key elements of effective practices:



In greater detail, elements of effective institutional response to sexual and gender-based harassment and violence include:

- Institutional commitment to a culture of compliance through effective leadership, dedication of sufficient resources, and ongoing attention to sustainability;
- Coordinated action to eliminate, prevent and address the effects of sexual and gender-based harassment and violence;
- Adherence to coordinated and accessible policies that include prompt and equitable procedures for the investigation and resolution of reports involving students, faculty and staff that:
  - Separate support and advocacy functions from impartial investigative and adjudicative processes;
  - Are conducted by experienced and trained implementers free from actual bias or conflict of interest; and
  - Provide appropriate procedural protections for both a complainant and a respondent;
- An independent Title IX Coordinator with sufficient authority and resources to effectively navigate oversight responsibilities;
- A coordinated multi-disciplinary response team to implement policies and procedures consistently and equitably through delineation of roles and responsibilities and the coordination of information and personnel to facilitate informed decision-making consistent with the legal framework and institutional values;
- A centralized reporting and review process to ensure consistent application of policies and procedures, including:
  - Practices that foster increased reporting by providing clear information to campus community members about the delineation between confidential resources and reporting options; employee reporting obligations under Title IX, Clery, mandatory child abuse reporting, and other state provisions; and, how and where information that is shared with an employee will be disclosed within the institution;
  - Intake protocols that include an initial assessment in each report designed to evaluate known facts and circumstances, balance complainant agency and autonomy with campus safety and environment considerations, take interim measures and other steps to protect the complainant and the campus community, facilitate compliance with Title IX, Clery and VAWA responsibilities, and identify the appropriate institutional response;

- Regular communication with the parties and the community and transparency about processes to build and maintain the trust of individual stakeholders and the community;
- Centralized record-keeping and documentation for tracking and monitoring reported incidents, monitoring patterns and assess campus climate; and,
- Consistent training, education and prevention programs.

In addition to the Title IX framework, educational institutions must also understand the unique context of college athletics, particularly in light of recurrent issues and challenges within high profile athletics departments. Effective institutional practices, as they relate to athletics departments include:

- Leadership and institutional control;
- Integration of athletics department with other campus departments;
- Consistent treatment of student-athletes under university policies and procedures;
- Reporting protocols for misconduct; and,
- Targeted training and education programs.

Effective practices require: an ongoing commitment of leadership and resources; a mastery of the complexity of the legal and psychological framework; adherence to consistent policy and practice; and the capacity to adapt to evolutions in law and evidence-based practices. Effective practices must take into consideration: a nuanced understanding of the institutional culture, history and community; effective modes of communication; and the human impact of the issues involved. Finally, sustainability of effective practices must incorporate: ongoing attention to the identification of risks; the development of effective controls; rigorous and periodic analysis of the efficacy of those controls; and corrective action to facilitate continued compliance.

## **V. Assessment of Completion of Recommendations**

### **A. Overview**

The 105 Recommendations were organized by broad categories:

- I. Broad Recommendations
- II. Restorative Remedies
- III. Governance, Leadership, and Compliance
- IV. Title IX Infrastructure, Resources and Internal Protocols
- V. Title IX Policy
- VI. Centralized Reporting and Resolution of Reports
- VII. Resources and Support
- VIII. Training, Education, and Communication of Efforts
- IX. Culture and Climate
- X. Athletics Department
- XI. Baylor University Police Department
- XII. Community Partnerships
- XIII. Clery

In assessing the completion of the recommendations, we viewed them through the lens of the regulatory framework, as detailed in Section III, and effective practices, as detailed in Section IV. The recommendations are organized thematically according to the below sections, each of which focuses on specific aspects of legally compliant and effective practices:

- B. Restorative Remedies and Remedial Actions in Response to the Investigation
- C. Institutional Commitment to a Culture of Compliance through Effective Leadership, Sufficient Resources, and Ongoing Attention to Sustainability
- D. Action to Eliminate, Prevent and Address the Effects of Sexual and Gender-Based Harassment and Violence
- E. Adherence to Coordinated and Accessible Policies and Procedures, Including Prompt and Equitable Procedures for Investigation and Resolution of Reports that

Separate Support and Advocacy Functions from Impartial Investigative and Adjudicative Processes, Are Conducted by Experienced and Trained Implementers Free from Actual Bias or Conflict of Interest, and Provide Appropriate Procedural Protections for Both a Complainant and a Respondent

- F. An Independent Title IX Coordinator with Sufficient Authority and Resources to Effectively Navigate Oversight Responsibilities
- G. A Coordinated Multi-Disciplinary Response Team to Implement Policies and Procedures Consistently and Equitably Through Delineation of Roles and Responsibilities and the Coordination of Information and Personnel to Facilitate Informed Decision-Making Consistent with the Legal Framework and Institutional Values
- H. A Centralized Reporting and Review Process to Ensure Consistent Application of Policies, Procedures, and Practices that Foster Increased Reporting by Providing Clear Information to Campus Community Members
- I. Regular Communication with the Parties and the Community and Transparency about Processes to Build and Maintain the Trust of Individual Stakeholders and the Community
- J. Centralized Record-Keeping and Documentation for Tracking and Monitoring Reported Incidents, Monitoring Patterns and Assess Campus Climate
- K. Consistent Training, Education and Prevention Programs
- L. Athletics Department
- M. Counseling Center and Other Support Resources
- N. Baylor University Police Department

For each section, we provide brief additional context about the foundation for the recommendations and identify steps taken by Baylor to complete the recommendations. Because the recommendations were drafted through a holistic lens of effective Title IX and Clery implementation, many of the recommendations are referenced in more than one section, and the evidence of completion of the recommendation may also appear in one or more sections.

Each section begins with the applicable recommendations and concludes with a list of supporting evidence for the accomplishments detailed in that section's narrative. In addition, representative documents that illustrate the concepts discussed in the narrative are cited as Exhibits and included in Appendix IV.



## **B. Restorative Remedies and Remedial Actions in Response to the Investigation**

The following recommendations fall within this section:

- I.2 Take swift and certain action consistent with these recommendations.
- I.3 Offer institutional and personal apologies and appropriate remedies.
- I.4 Consider necessary personnel action for accountability and effective implementation of Title IX.
- I.11 Make appropriate external reports to enforcement authorities.
- I.12 Consider the importance of forthright communication to the effective implementation of Title IX.
- II.1 Develop protocols to address the restorative and ongoing needs of victims of reported sexual assault between 2011 and 2015.
- II.2 Contact known victims in the specific cases identified in this review to determine if there are appropriate remedies consistent with the goals of Title IX.
- II.3 Conduct review of past cases from 2011 to 2015 to consider pattern, trends, and climate.
- II.4 Identify victims who are still at Baylor who made reports that did not move forward to determine if the following exist:
  - any current conduct of concern
  - any current need for support
  - any appropriate restorative actions
  - any need for additional investigative steps
- II.5 Identify victims who made reports, but later withdrew from Baylor, to understand if the withdrawal was connected to Title IX concerns.
- III.10 Provide detailed periodic reports to the Board regarding the implementation of these recommendations.
- X.2. Communicate findings to senior leadership and relevant athletic administrators regarding response failures in Athletics Department.
- X.4. Consider appropriate disciplinary response for employee misconduct or employee failure to respond to several reported allegations of misconduct by football players.
- XIII.1. Update Clery analysis and assess reporting obligations based on [Findings of Fact].

Our initial recommendations to Baylor were that the University take swift and certain action, including efforts to offer institutional and personal apologies, consider necessary personnel action for accountability and implementation of Title IX, and engage in forthright communication with the community. Consistent with the law and accompanying guidance as outlined above, the recommendations in this section were designed to ensure that those impacted by sexual or gender-based harassment and violence are offered tailored and appropriate remedies and that sufficient steps were taken to eliminate, address and prevent further harassment.

On May 13, 2016, following our presentation of our findings from the investigation and 105 Recommendations, Baylor's Board of Regents committed to the following actions:

1. The Board adopts the recommendations of Pepper Hamilton and instructs the University's administration or, as appropriate, certain Board committees charged with such responsibility, to implement the recommendations as soon as practicable in a manner consistent with the University's mission and institutional values. The previously formed Title IX Action Team should begin work immediately on such implementation.
2. The Action Team should also review and develop a set of immediate recommendations to foster an even more Christ-centered culture on campus, including the chaplaincy program, involvement of local churches and other Christian ministries on campus.
3. A follow up review will be initiated evaluating Baylor's current Title IX compliance and performance after the changes implemented during 2015-16 and another such review be conducted after the 2016-17 academic year.
4. The University calls on Baylor Nation to pray for healing for the victims of sexual assault at Baylor, for wisdom as to all these matters for all of the leaders, faculty and staff at Baylor, and for each member of the Baylor community to treat one another with dignity and respect as beloved children of God.<sup>298</sup>

On May 26, 2016, Baylor's Board of Regents released its Findings of Fact related to the investigation: "Baylor University Board of Regents Announces Leadership Changes and Extensive Corrective Actions Following Findings of External Investigation."<sup>299</sup> The release of the findings was swift and unprecedented action for a private institution. The findings, which were grave in nature, outlined individual and systemic failures in the University's Title IX and Athletics Department functions. While presented in a format designed to protect student privacy and comply with FERPA, the findings included sufficient information to communicate to stakeholders the reasons underlying significant personnel, policy, practice and administrative changes.

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<sup>298</sup>See Exhibit 2, Summary of Board Actions taken on May 13, 2016.

<sup>299</sup>[Baylor University Board of Regents Announces Leadership Changes and Extensive Corrective Actions Following Findings of External Investigation – May 26, 2016](#)

On May 26, 2016, the University also released a statement by Ron Murff, Chair of Baylor Board of Regents: “We, as the governing Board of this University, offer our apologies to the many who sought help from the University. We are deeply sorry for the harm that survivors have endured.” Two additional letters of apology were issued by Interim President Dr. David Garland. During the summer of 2016, Baylor began the process of reaching out to the eight individual complainants, as identified in the investigation, to offer personal apologies and support. Members of Baylor’s Board of Regents and senior leadership, including Dr. Garland, Dr. Kevin Jackson, Vice President for Student Life, Dr. Reagan Ramsower, Senior Vice President and Chief Operating Officer, Mack Rhoades, Athletics Director, Christopher Holmes, General Counsel, Patty Crawford, Title IX Coordinator, and Dr. Livingstone, the incoming President, met individually with complainants and their families to hear their perspective and experience, offer personal and institutional apologies, and seek to provide remedial and restorative remedies.<sup>300</sup>

On May 26, 2016, the Board of Regents announced personnel changes at the highest level of the institution, including the immediate removal of Ken Starr from his position as President and naming Dr. David Garland as Interim President, effective May 31, 2016. The Board also immediately suspended head football coach Art Briles, terminating his employment relationship approximately one month later on June 26, 2016. In addition, Baylor placed Athletic Director Ian McCaw on probation. Mr. McCaw resigned four days later on May 30, 2016.

Subsequent personnel changes included:

- The creation of a Chief Compliance Officer (CCO) position, filled by Doug Welch in October 2016. The CCO oversees a new Office of Institutional Compliance and Policy (OICP) responsible for the development of a centralized compliance center of excellence to equip and support the University’s work in the areas of research, athletics, Equal Employment Opportunity, Title IX and Clery compliance;
- The elevation of Cheryl Gochis, the Director of Human Resources, to the role of Vice President and Chief Human Resources Officer and a member of Executive Council; and,
- The July 18, 2016 appointment of Mack Rhoades as the Vice President and Director of Athletics, May 30, 2016 appointment of Jim Grobe as the interim Head Football Coach, December 7, 2016 appointment of Matt Rhule as the Head Football Coach and several other Athletics department personnel changes, as outlined in Section V.L.

In addition, the University engaged in significant new hires within the Title IX Office (see Section V.F), the Counseling Center (See Section V.M), Student Life (including an Assistant Director of Case Management Services and a Care Case Manager as discussed in Section V.F), and the Baylor University Police Department (See Section V.N). The University

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<sup>300</sup>Civil settlements have been reached with a number of these complainants, and the University is in litigation or settlement discussions with other complainants.

has also added one additional full-time attorney position in the Office of General Counsel, increasing the total number of legal counsel to 6.

Consistent with the recommendation that the University communicate findings to senior leadership and relevant athletic administrators regarding response failures in Athletics Department, Mack Rhoades received a full briefing of the response failures within the Athletics Department in the summer of 2016. Mr. Rhoades has also discussed these response failures with key athletics administrators, and as outlined in Section V.L, continues to take action to ensure that the lessons learned from the investigation are integrated into all aspects of the Athletics Department. Mr. Rhoades restructured his executive leadership team, hiring three new senior level executives from outside Baylor. As noted above, two high profile athletics personnel are no longer with the University. Significant changes in personnel have also occurred through attrition, termination, reassignment, elimination or non-renewal of position. As of the writing of this report, the Department of Intercollegiate Athletics (“Athletics” or “Athletics Department”) has hired approximately 90 new employees since Mr. Rhoades’ arrival.

In addition to the Findings of Fact, the Board of Regents publicly released and fully adopted the 105 Recommendations. The recommendations were not limited to compliance concerns; to the contrary, they were sweeping recommendations that addressed compliance, effective and promising practices, restorative and remedial steps in light of the Findings of Fact, and opportunities for Baylor to implement a holistic commitment to the integration of Title IX and Clery obligations across all aspects of the University’s educational programs and activities.

Upon assuming the role of Interim President, Dr. Garland communicated to all members of the University community that implementation of the 105 Recommendations was an institutional priority. The University immediately engaged in a coordinated, University-wide action plan to implement the recommendations. In University communications on May 26, 2016,<sup>301</sup> and June 10, 2016,<sup>302</sup> the University’s Board of Regents classified the recommendations as “mandates” and created two action-driven task forces to implement the recommendations and foster a campus culture of care and respect: the Sexual Assault Task Force and Spiritual Life and Character Formation Task Force. The Sexual Assault Task Force was formed to accomplish the following objectives: follow the directives set forth by the Board of Regents of Baylor University; implement administrative and structural changes to areas within the Baylor University community based upon the 105 Recommendations; and, monitor and provide regular progress reports to the Executive Council.

The Sexual Assault Task Force was divided into an Action Team and 17 Implementation Teams. The Action Team, comprised of senior leaders, worked to prioritize the 105 Recommendations and monitor and evaluate the effectiveness of each of the Implementation Teams. The Action Team was responsible for the overall implementation of the 105 Recommendations, and included the following members: Dr. Reagan Ramsower, Senior Vice

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<sup>301</sup>[Baylor University Board of Regents Announces Leadership Changes and Extensive Corrective Actions Following Findings of External Investigation – May 26, 2016](#)

<sup>302</sup>[Baylor University Names Task Forces to Act Upon 105 Recommendations and Implement Improvements to Address Sexual Violence Prevention and Response – June 10, 2016](#)

President and Chief Operating Officer and Dr. Greg Jones, Executive Vice President and Provost, as Team leaders; Patty Crawford, Title IX Coordinator; Cheryl Gochis, Vice President of Human Resources and Chief Human Resources Officer; Dr. Kevin Jackson, Vice President for Student Life; Christopher Holmes, General Counsel; Brandyn Hicks, Director of Special Projects & Initiatives; Karen Kemp, Acting Vice President for Marketing and Communications; Brian Nicholson, Vice President for Facilities and Operations; Todd Patulski, Deputy Athletics Director; and Mack Rhoades, Athletics Director. In addition, David Harper, Kim Stevens, and Dan Hord III, each members of the Board of Regents, served as *ex officio* members of the Action Team and liaisons to the Board of Regents.

The 17 Implementation Teams consisted of a diverse and wide array of community constituents, and included representation from departments across the University, including the President's Office, the Provost's Office, the Title IX Office, Information Technology, Student Life, Marketing and Communications, Athletics, Finance and Administration, Operations and Facilities Management, Baylor University Police Department, Human Resources, and the Office of General Counsel. To monitor the progress of the teams and assist in coordination of implementation efforts, the University hired a Director of Special Projects & Initiatives. The Sexual Assault Task Force met bi-weekly from June 2016 to January 2017, with increased frequency and extended meeting times as necessary.

In addition to the holistic efforts of campus administrators across departments, the University has dedicated significant financial resources to the integration of Title IX and Clery compliance functions across the University. Highlights of some of the significant investments in resources are documented in the budgets of Title IX, Clery, Counseling, Public Safety, and Compliance. For additional details, see Sections V.C, V.F, V.M and V.N.

With respect to forthright communication, in addition to the public release of the Findings of Facts and 105 Recommendations, the University's Marketing and Communications Department has implemented a strategic plan for communicating Title IX progress to the Baylor community. Periodic updates about the University's efforts as they relate to Title IX are distributed via website, print vehicles, social media and through other earned-media sources.<sup>303</sup> Additional information about the University's communications is available in Section V.I.

Baylor's Board of Regents has also received detailed periodic reports regarding the implementation of these recommendations. The Audit and Compliance Committee of the Board received quarterly updates from the Director of Special Projects and Initiatives (the Project Manager for the Sexual Assault Task Force), with the first update provided at the July 2016 retreat. The Board of Regents subsequently implemented governance recommendations that created a stand-alone Compliance and Regulatory Affairs Committee, which received ongoing updates related to Baylor's progress in implementing the 105 Recommendations.

With respect to the restorative recommendations related to victims of reported sexual or gender-based harassment or violence between 2011 and 2015, we have assisted Baylor in completing these recommended tasks. Following the investigation, in accordance with the 105

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<sup>303</sup>See <http://www.baylor.edu/rtsv/>.

Recommendations, Cozen O'Connor conducted a review of past Title IX cases<sup>304</sup> from the 2011 to 2015 academic years to identify complainants who were still at Baylor, or who withdrew without graduating, in order to determine if there is any current conduct of concern; any current need for support; any appropriate restorative actions; or any need for additional investigative steps. We identified 34 cases involving current students. In each of those cases, Baylor contacted the complainants to offer support, and where requested, support and resources were provided. As a follow-up to conclude this review, in September 2017, Cozen O'Connor met on site with representatives from the Title IX Office (Kristan Tucker and Brianna Gilbreath), Student Life (Martha Lou Scott and Meghan Becker), and Student Conduct Administration (Bethany McCraw and Regina Coleman). The purpose was to: (1) confirm any additional contact made with complainants in these cases since the initial review; (2) document any additional support that had been provided to the complainants; (3) determine if any additional support/outreach needed to be completed; and, (4) ensure that the Title IX Coordinator had all available and relevant information from the case review to consider patterns or trends and to inform ongoing prevention, training and other remedial actions. With respect to the remaining cases, there were no identified complainants that, based on review with Title IX, Student Life, or the Student Conduct Administration, who required additional follow-up or contact/support. In those cases, the complainants had graduated, were anonymous or unknown, were not Baylor students, or had been working with the University through counsel in the context of legal process.

With respect to the external reports to enforcement authorities, Baylor's Office of General Counsel has engaged in on-going discussions with local law enforcement authorities, including the McLennan County District Attorney's Office, the Waco Police Department, and the Texas Rangers. On October 21, 2016, the Title IX Coordinator, Title IX Office staff and General Counsel met with Hilary Laborde, Assistant Criminal District Attorney, McLennan County District Attorney's Office, at the McMullen Faculty Center.

In addition to these steps, the University self-reported the results of the investigation to the NCAA. On May 25, 2016, two members of the Board of Regents (Dan Hord and Cary Gray) together with Baylor's Associate General Counsel (Doug Welch) and outside counsel representing Baylor (Rick Evrard), traveled to the headquarters of the NCAA in Indianapolis, Indiana, and met with John Duncan, the Vice President of Enforcement, Tom Hosty and Derrick Crawford, both Directors of Enforcement, and Todd Shoemaker, Assistant Director of Enforcement. The purpose of the meeting was to inform the NCAA of potential infractions uncovered in the investigation and subsequent personnel changes to be made related to the intercollegiate athletics program and University leadership. In addition, the Baylor representatives pledged the University's full cooperation in any proceedings related to potential NCAA by-law or constitutional violation.

With respect to Clery, the transparency associated with accurate reporting of crimes on campus is vital to creating trust and shifting culture. The stated purpose of the Clery Act as described above "is to provide students, employees and their families with accurate complete and

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<sup>304</sup>Although this recommendation was limited to a review of past reports of sexual assault, the University reviewed all reports of sexual assault as well as sexual harassment, dating violence, domestic violence, and stalking.

timely information about campus safety to better inform future decisions.” Baylor initiated a Clery program review and data audit by Margolis Healy, an internationally known consulting firm that specializes in safety, security, and regulatory compliance for higher education.<sup>305</sup> Based on this data audit and consistent with the recommendations, Baylor updated and revised its Clery statistics and provided that data to the U.S. Department of Education.

In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Baylor University Board of Regents Announces Leadership Changes and Extensive Corrective Actions Following Findings of External Investigation – May 26, 2016
- Baylor University Board of Regents Findings of Fact – May 26, 2016
- Pepper Hamilton Recommendations – May 26, 2016
- Baylor University Names Task Forces to Act Upon 105 Recommendations and Implement Improvements to Address Sexual Violence Prevention and Response – June 10, 2016
- Executive Council Leadership Organizational Chart – January 24, 2017
- Message from Dr. David E. Garland re: Apology – November 1, 2016
- A New Season in the Life of Baylor University – A Letter from Dr. David E. Garland – June 3, 2016
- Livingstone Sets Vision, Message of Collaboration for Baylor, Waco Tribune-Herald – April 26, 2017
- New Task Force to Review Board of Regents Governance – November 9, 2016
- Manager of Compliance Training and Monitoring Job Description
- Tucker Named BU’s Title IX Coordinator, Baylor Magazine – Winter 2017
- Strategic Communications Plan: *It’s On Us* to Prevent, Intervene, Care – Academic Year 2016-2017
- Our Commitment, Our Response Website
- Board of Regents Memorandum Re: Status Report to Sexual Assault Task Force – October 4, 2016

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<sup>305</sup><http://www.margolishealy.com/>.

- Report of the Governance Review Task Force of the Baylor University Board of Regents – January 16, 2017
- Baylor University Clery Act Data Analysis – February 2017
- Summary of Baylor Board Actions Taken – May 13, 2016
- Student Life Organization Chart – May 2017
- Title IX Equity Organization Chart
- A Milestone in Our Continuing Progress Recommendations Structurally Complete – May 13, 2017
- Operationalizing Title IX at Baylor, Baylor Magazine – Fall 2015
- Clery Act Report 2016
- Narrative on Baylor Compliance Function – September 19, 2017
- Compliance Committee Update – July 20, 2017
- Compliance Committee Calendar
- Baylor Audit Compliance – May 10, 2017
- 105 Recommendations Update: Big XII – July 20, 2017
- Compliance and Regulatory Affairs Committee - July 2017
- CSA Training Presentation – August 16, 2017
- Request For All 2016 CSA Statistic Reports



**C. Institutional Commitment to a Culture of Compliance through Effective Leadership, Sufficient Resources, and Ongoing Attention to Sustainability**

The following recommendations fall within this section:

- I.1 Establish Title IX obligations as an institutional priority.
- I.6 Take measures to ensure that the level of engagement by board members supports effective oversight of Title IX.
- I.7 Structure senior leadership to ensure appropriate and informed administrative oversight and effective implementation of Title IX and related compliance requirements.
- I.8 Commit sufficient infrastructure and resources for effective Title IX implementation.
- III.1 Resolve current governance issues at the Executive Council and board levels.
- III.2 Empower board committees to take active role in education, oversight, and enforcement of governance issues and fiduciary responsibilities:
  - Provide Association of Governing Boards training for Board of Regents
  - Evaluate and make recommendations regarding board size and composition
  - Review considerations and standards for new board membership, including actual or perceived conflicts of interest, and implement due diligence standards in the selection of board members
  - Educate and train board members to remain within appropriate reporting protocols and lines of communication when addressing members of the administration and the Athletics Department (consistent with employment contracts)
- III.3 Expand representation of departments on the Executive Council in order to integrate Title IX across university functions (e.g., human resources).
- III.5 Hire a full-time, dedicated, and qualified Chief Compliance Officer responsible for identifying risk, the likelihood of occurrence, the effectiveness of existing controls, the action needed to address gaps in compliance, and the consequences of failure to comply.
- III.6 Develop oversight system of checks and balances to recognize non-compliance and hold administrators accountable for failures to comply.
- III.7 Properly resource general counsel's office and the chief compliance officer to track key legal developments in Title IX law and guidance, proactively identify risks associated with Title IX and related compliance requirements, and provide appropriate legal advice.

- III.8 Train senior leadership to understand current federal law and guidance to support the University's Title IX function and set an informed tone at the top that reinforces Baylor's commitment to Title IX.
- III.9 Identify a special oversight committee of the board to work in conjunction with leadership to ensure that these recommendations are properly resourced, completed in a timely manner, and effectively implemented.
- III.11 Provide detailed continuing quarterly reports to the Board on Student Conduct issues, Title IX compliance, and athletics compliance.
- V.7. Commit to conducting an annual review and assessment of Title IX policies, procedures, and practices to incorporate changes in the law and lessons learned from the current year (through student and administrator input).
- X.5. Charge the Board audit committee with ensuring and monitoring appropriate oversight of Athletics Department and Athletic Director by the President or other senior administration.
- X.6. Through an appropriate board committee, ensure that the President and the Athletics Director have appropriate authority over department personnel.

Effective implementation of Title IX requires the commitment of the institution at all levels, starting with the tone at the top as set by the President, the Board and senior leadership. Equally important is commitment of sufficient resources and personnel, ensuring that all implementers have appropriate knowledge about institutional obligations and building a system that prioritizes and reinforces compliance mandates in an integrated and sustainable manner.

As outlined in Section V.B, in response to the detailed presentation of the findings of the investigation and the 105 Recommendations, Baylor took significant responsive action to establish Title IX obligations as an institutional priority. Many of the accomplishments in Section V.B speak directly to this recommendation. This section focuses primarily on the implementation of the recommendations as they relate to the Board of Regents, infrastructure and resources, and the creation of a dedicated compliance function at the University.

At the July 2016 Board of Regents meeting, the Board took a number of significant steps to improve governance and administrative functions. Those steps, each of which are discussed in greater detail below, include:

- Creating an Executive Committee;
- Reinforcing protocols for Regent communication with University employees;
- Designating the President's Chief of Staff as the Board Professional who will serve as the primary point of contact between the Board and administration;
- Directing that the University President report any irregularities in Regent communication to the Board Chair or Chair of the Governance and Compensation Committee;
- Committing to improving the diversity of Board membership; and,

- Disbanding the Athletics Committee and delegating its duties to other standing committees.

The Board of Regents voted in July 2016 to create an Executive Committee. In addition, the Athletics Committee was disbanded and its duties were delegated to other standing committees. During the July retreat, the President's Chief of Staff was designated as the "Board Professional" serving as the primary contact point between the Board of Regents and University Administration. The Board of Regents also discussed appropriate reporting protocols and reinforced protocols for Regent communication with University employees and requested that the President report any irregularities to the Board Chair or the Chair of the Governance and Compensation Committee.

The July retreat was the first meeting for three new "alumni-elected Regents." At the meeting, the Board addressed standards for new Board membership, which are covered in the Bylaws of Baylor University as well as Guidelines for Board Operations and are regularly evaluated by the Governance and Compensation Committee. The Board also determined that no new Regents would be nominated in the near future unless they would improve the Board's overall diversity.

As noted above, on July 18, 2016, Mack Rhoades was hired as Vice President and Director of Athletics. During the interview process, Mr. Rhoades and Baylor agreed that the Board of Regents would not be involved in management of any aspect of the Athletics Department, acknowledging that such management is within the province of the University President. Over the course of this past year, Mr. Rhoades has met with all coaches, Athletic Department staff and student-athletes from each team to reinforce the expectation of a culture of high moral standards, enforcement, and discipline. As a standard part of these meetings, Mr. Rhoades includes reminders about appropriate interaction with Regents. See Exhibit 3, Guideline for Interaction Between Head Coaches and Members of the Board of Regents. As detailed in Section V.L, Mr. Rhoades has implemented a standing meeting for all Athletics staff each semester, with more frequent all coaches' meetings. OICP reviews documentation of these meetings and reports the results to the Compliance Committee.

Additionally, there is language in employment contracts for each coach requiring the coach to "refrain from contacting directly or indirectly any officer, except the AD, or Regent of Baylor about items relating to the administration of [sport], administration of Baylor's athletic program, or this contract or other matters related to [coach's] employment at Baylor." This reinforces that any items relating to the administration of duties or other contract matters be handled within the appropriate channels and not directly through interaction with members of Baylor's Board of Regents. Additionally, Mr. Rhoades has initiated and overseen ongoing training programs to ensure coaches, staff, and student-athletes are provided the tools they need to maintain the culture of high moral standards, enforcement, and discipline.

Also at the July 2016 Board retreat, Cathy Trower, President of Trower & Trower Associates and a national expert on non-profit governance, and Ray Cotton, an attorney who specializes in university leadership, provided Board governance training to the Regents. Ms. Trower also assisted the Board of Regents Governance Committee in establishing committee guidelines and Board member responsibilities, as referenced above. The Governance and

Compensation Committee regularly reconsiders and recommends updates to the Board of Regents bylaws as well as a document titled “Guidelines for Board Operations” regarding board size and composition. See Exhibit 4, Guidelines for Board Operations. Ms. Trower also provided the University with a memorandum to the Board outlining best governing routines, structures, and practices. See Exhibit 5, August 14, 2016 Memorandum from Cathy A. Trower to Cary Gray and Ron Murff re: Governance Process.

An October 4, 2016, memorandum from the Board of Regents Governance and Compensation Committee reported that the new communications protocols were working and that two deviations from communication protocols had been successfully reported and addressed. See Exhibit 6, October 4, 2016 Memorandum from J. Cary Gray to Dr. Reagan M. Ramsower and Brandyn J. Hicks re: Status Report to Sexual Assault Task Force.

The Audit and Compliance Committee served as the primary oversight committee for the Board of Regents and the Executive Committee through May 2017. Oversight responsibility then shifted to the Compliance and Regulatory Affairs Committee. The Audit and Compliance Committee of the Board of Regents received quarterly updates from representatives from the Title IX Office and the Department of Athletics, including the Senior Associate Athletics Director for Compliance. As an example, during the October 2016 Board meeting, the Audit and Compliance Committee received a report from Brandyn Hicks, Director of Special Projects and Initiatives, and Robert A. Carter, Director of Internal Audit and Management Analysis, on student conduct and athlete misconduct matters from the last two academic years.

On November 9, 2016, the Board announced the formation of the Governance Review Task Force, which consisted of three regents and three non-regents. This Task Force was created to review and recommend improvements in the Board’s practices, procedures, and selection process. This Task Force worked alongside the Board’s Governance and Compensation Committee and delivered a 30-page report to the Board in January 2017. See Exhibit 7, Report of the Governance Review Task Force of the Baylor University Board of Regents, January 16, 2017.

The Board adopted a number of additional governance reforms after the receipt of the Governance Review Task Force report. One improvement is the separation of the previous Board committees into eight committees, including a separate Compliance and Regulatory Affairs Committee, liaised by the Chief Compliance Officer. These changes also provided voting power to faculty Board members and, after one year of service on the Board, to student Board members. The new governance structure went into effect at the July 2017 Board meeting.

As a follow up to the October 4, 2016, Status Report Memorandum from the Board of Regents Governance Committee, the Chair issued a supplemental report on July 19, 2017, to certify the completion of twelve Board governance related changes. See Exhibit 8, July 19, 2017 Memorandum from J. Cary Gray to Doug Welch and Rob Carter re: Supplement to October 4<sup>th</sup> Status Report. This update included changes to committee structure and responsibilities. It also included updates on conflict of interest and reporting protocols.

The Board received additional training during 2017. On May 11, 2017, Ms. Smith and Ms. Gomez presented a training entitled, *Understanding Institutional Responses to Sexual and*

*Gender-based Harassment and Violence.* The training included an overview of the regulatory framework under Title IX and Clery, the application of compliance requirements as they relate to the Findings of Fact, and information about promising and effective practices to implement the compliance requirements. In addition, at the July 21, 2017 Board of Regents retreat, David Maxwell, with the Association of Governing Boards, provided Board governance training for all Board members. Training at the July 2017 meeting included presentations from the Athletics Director and the Senior Associate Athletics Director for Compliance on communication protocols. The Title IX Coordinator also repeated the May 2017 Title IX training for new regents and the President.

To support and reinforce the integration of compliance functions at the University, on October 7, 2016, the University appointed Doug Welch as the University's first full-time Chief Compliance Officer (CCO). As noted in Section V.B, the CCO heads the Office of Institutional Compliance and Policy (OICP), which was established to house the central compliance function of the University. The CCO reports directly to the President with a dotted line to the Compliance and Regulatory Affairs Committee of the Board of Regents.

As of September 15, 2017, OICP employs six professional staff members: Chief Compliance Officer, Manager of Policy Development, Manager of Compliance Training and Monitoring, Prevention Trainer, Clery Act Compliance Manager, and Clery Act Associate. Under this new structure, the Clery Compliance Office reports to the CCO. In addition, the CCO has independent oversight over the NCAA/Athletics compliance function. The oversight function of the CCO is campus-wide under a matrix management model, wherein the CCO will partner with current owners of compliance functions to assist with and monitor those departments' obligations. As the compliance functions within OICP evolve, the University will continue to review the organizational structure, including reporting relationships, to ensure effectiveness.

There are several tasks assigned to the OICP as critical functions. In addition to the functions discussed above, OICP is tasked with undertaking all functions related to University-wide policy development, review, implementation, training and monitoring, including developing a central repository for all University policies housed on a word-searchable and indexed policy website. OICP is presently engaged in a review of currently existing policies and procedures and a gap analysis of laws and regulations for which no current policy exists. OICP is also tasked with coordinating all required compliance training through partnering with the owners of the related processes. This task includes either creating training courses or identifying suitable and commercially available course content and subsequently tracking the completion of required training for those for whom training is mandatory.

The CCO serves as the Chair of the University Policy Committee (UPC). That committee is composed of campus leaders from critical operating units and is charged with reviewing and approving draft policies to send to Executive Council or Regents for final approval pursuant to Baylor's Policy on Policies. The UPC members will organize working groups to facilitate policy review and development in their respective divisions.

In addition, the CCO chairs the University Compliance Committee. The Compliance Committee is composed of key personnel overseeing operating units with significant compliance

requirements. This committee is charged with monitoring and reporting law and regulation changes within their areas of responsibility and discussing needed resources and processes in order to accomplish compliance. It will also assist the OICP with disseminating compliance-related information to promote a culture of compliance at the departmental level.

OICP has a three-to-five year goal to elevate the compliance function to a mature process. To achieve this, OICP will initially work toward three primary goals. The first, the initial phase of hiring staff to assist with the CCO with policy development and compliance training and monitoring, has been completed. The second is to establish the matrix model described above, creating a more centralized compliance function without moving operational reporting lines to the CCO. Finally, the OICP will undertake all functions related to policy development, review, implementation, training and monitoring, including becoming the central repository for all University policies housed on a word-searchable and indexed policy website.

In addition to OICP, the Office of Internal Audit and Management Analysis (Internal Audit) supports the University by promoting integrity and providing an independent, objective assurance and consulting activity designed to add value and improve University operations. The Director of Internal Audit oversees a broad, comprehensive program of internal auditing within the University by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. As significant progress was being made toward implementation of the 105 Recommendations, the University and the Audit and Compliance Committee of the Board requested that Internal Audit review the action taken toward completion, ensure there was evidence of completion, and assist in documenting steps needed to ensure the sustainability of the efforts invested in the initial implementation of the 105 Recommendations. Given the precision focused skill set of Internal Audit, and significant investment of resources and documentation, the role of Internal Audit supported not only the identification and gathering of documentation, but the continued coordination of the development and enhancement of these implementation and sustainability efforts.

With respect to the recommendation that Baylor commit sufficient infrastructure and resources for effective Title IX implementation, Baylor has invested significant financial and personnel resources to expanding the functionality and capacity of the Title IX Office, the Counseling Center, Baylor University Police Department, and other departments with implementation responsibilities related to Title IX. This includes the creation of OICP, and, as discussed further below, exploration of the creation of an Equity Office.

Since the creation of the Title IX Office in November 2014, the staff within the office has been expanded considerably to provide greater specialization and support for the needs of students, faculty, and staff. Similar investment of resources has occurred within the Counseling Center). The staff of the Counseling Center has doubled in size to 22 professionals. All counselors have received trauma-informed training and PTSD treatment training. The Department of Public Safety (DPS) has also experienced significant growth and improvements, including the addition of 11 commissioned officers and two dispatchers to the Baylor University Police Department. In addition, as noted above, the University hired three full-time attorneys in the Office of General Counsel (although only the functional equivalent of one full-time attorney given two vacancies) and continues to utilize services from two outside law firms that specialize in the implementation of Title IX and the Clery Act.

This academic year has brought significant new changes, the most prominent being the appointment of new University President, Dr. Linda Livingstone. On June 1, 2017, Dr. Livingstone began her tenure as President. Dr. Livingstone has communicated the Baylor community her commitment to student safety and to continuous improvement of Baylor's response to sexual violence. In presentations to the University's Board of Regents and throughout the campus community, Dr. Livingstone has pledged that the University will continue its full implementation of Title IX policies and procedures at Baylor, including the 105 Recommendations. In an article published recently in the *Texas Tribune*, President Livingstone stated,

I would also acknowledge that mistakes have been made that were not addressed appropriately, particularly with regard to sexual violence on campus. The lessons learned from those mistakes, and the many changes made to ensure a safer and healthier campus for all of our students, have resulted in Baylor being a better place now than we were two, three and certainly five years ago. I am confident that students coming to Baylor today will experience a safer and healthier environment. They will have a richer academic experience, and will connect with one another and with faculty in much more profound ways.<sup>306</sup>

Dr. Livingstone meets with Senior Associate Athletics Director for Compliance, the Faculty Athletics Representative, the Vice President for Governance and Risk, General Counsel, and the University's Chief Compliance Officer to monitor compliance in all areas of the University, including, specifically, those that pertain to Athletics.

Baylor has put a structure in place that is designed to ensure continued engagement by Regents and effective oversight regarding Title IX obligations. The University has also committed to conducting an annual review of Title IX policies and procedures and providing resources to ensure effective implementation. The Compliance and Regulatory Affairs Committee will receive an annual report on Title IX functions.

In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Baylor University Board of Regents Announces Leadership Changes and Extensive Corrective Actions Following Findings of External Investigation – May 26, 2016
- Baylor University Board of Regents Findings of Fact – May 26, 2016
- Pepper Hamilton Recommendations – May 26, 2016
- Sex Discrimination, Sexual Violence, and Sexual Harassment Policy - 2015

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<sup>306</sup><https://www.tribtalk.org/2017/05/30/the-heart-of-baylor-university/>.

- Sexual and Gender-Based Harassment and Interpersonal Violence Policy – January 2017
- Sexual and Gender-Based Harassment and Interpersonal Violence Policy – October 2017
- Cathy A. Trower Memorandum Re: Governance Process – August 14, 2106
- Compliance and Regulatory Affairs Committee Update – July 20, 2017
- Summary of Board of Regents Actions Taken – May 13, 2016
- Distinguished Academic Leader Takes the Reins at Baylor on June 1 – May 16, 2017
- Baylor University Board of Regents Announces Leadership Changes and Extensive Corrective Actions Following Findings of External Investigation – May 26, 2016
- A Milestone in Our Continuing Progress – May 13, 2017
- The Heart of Baylor University, The Texas Tribune – May 30, 2017
- Board of Regents Memorandum Re: Status Report to Sexual Assault, October 4, 2016
- New Task Force to Review Board of Regents Governance – November 9, 2016
- Our Commitment, Our Response Website
- Supplement to Board of Regents October 4, 2016 Memorandum Re: Status Report to Sexual Assault – July 19, 2017
- Guideline for Interaction Between Head Coaches and Members of the Board of Regents
- Message from Dr. David E. Garland re: Apology – November 1, 2016
- A New Season in the Life of Baylor University – A Letter from Dr. David E. Garland –June 3, 2016
- New Task Force to Review Board of Regents Governance – November 9, 2016
- Livingstone Sets Vision, Message of Collaboration for Baylor, Waco Tribune-Herald – April 26, 2017
- Report of the Governance Review Task Force of the Baylor University Board of Regents – January 16, 2017



- Audit and Compliance Committee of the Board of Regents Update – October 12, 2016
- Bylaws of Baylor University
- Board of Regents Guidelines for Board Operations
- Training Requirements Overview: Title IX and the 2013 Reauthorization of the Violence Against Women Act
- Title IX Organizational Chart
- Title IX Budget – 2015
- Title IX Budget – 2016
- Title IX Budget – 2017
- Baylor University Names Doug Welch Chief Compliance Officer – October 7, 2016
- Executive Council Leadership Organizational Chart – January 24, 2017
- Office of General Counsel Organization Chart – Prior to July 2016
- Office of General Counsel Organization – 2017-2018
- Our Commitment, Our Response Website
- Mack Rhoades Named Vice President/Director of Athletics & Director of Athletics – July 13, 2016
- Athletics Department Employment Contract
- Manager of Compliance Training and Monitoring Job Description
- Compliance and Regulatory Affairs Committee Report
- Board of Regents Athletics Compliance Presentation
- Compliance and Regulatory Affairs Committee Report
- Compliance Committee Calendar
- Compliance Report 2016
- Board of Regents Schedule of Activities - July 19-22, 2016

- Board of Regents Training Campus Climate - July 2017
- Board of Regents Training Shared Governance – July 2017
- Board of Regents Schedule of Activities – July 18-21, 2017
- New Regent Orientation Schedule – July 2017
- Strategic Issues Presentation, President Livingstone – 2017-18
- Manager of Compliance Training and Monitoring Hire Date
- Board of Regents Training – May 11, 2017
- Baylor Compliance Function – September 19, 2017
- Operating Budget Overview for Counseling, Public Safety, and Compliance
- Southern Association of Colleges and Schools Special Report Request – October 5, 2016
- Student Life Organization Chart
- Supplement to Board of Regents October 4, 2016 Memorandum Re: Status Report to Sexual Assault – July 19, 2017
- Title IX Equity Organization Chart

**D. Action to Eliminate, Prevent and Address the Effects of Sexual and Gender-Based Harassment and Violence**

The following recommendations fall within this section:

- IX.1. Conduct appropriate climate surveys or assessments to evaluate the effectiveness of campus procedures, identify challenges in the current campus climate that affect the educational or employment environment or create barriers to reporting, and test for prevalence.
- IX.2. Use the results of the climate survey to inform institutional priorities and educational programming.
- IX.3. Evaluate the role of alcohol or other drugs on campus and the efficacy of existing alcohol or other drug policies.
- IX.7. Prioritize student engagement. Seek mechanisms to incorporate student input through student leaders, open forums and individual engagement from current and former students.

As outlined above, under Title IX, if an investigation reveals the existence of a hostile environment, an educational institution must take prompt and effective steps reasonably calculated to eliminate the hostile environment, prevent its recurrence, and remedy or address the effects of the hostile environment. See Sections III.A.4.b and III.A.3.1. Effective responses designed to remedy or address the effects can involve individual or community remedies. Although there is no legal authority mandating the use of climate surveys or assessments, OCR's 2015 Title IX Resource Guide recommends that Title IX coordinators help develop campus climate surveys to evaluate attitudes about culture and to determine whether any harassment is occurring.<sup>307</sup> Campus climate surveys have also been required as part of OCR Resolution Agreements and were recommended by President Barack Obama's White House Task Force to Protect Students from Sexual Assault.<sup>308</sup>

In keeping with the above recommendations, the University conducted a climate survey to evaluate the effectiveness of campus procedures, identify challenges in the current campus climate that affect the educational or employment environment or create barriers to reporting, and test for prevalence. As described below, the University also engaged students in the assessment process, including student leaders in drafting the survey template and in reviewing the results of the survey.

In March 2015, the University's Title IX Coordinator began development of Baylor's Social Climate Survey with individuals from the Title IX Office, Institutional Research, Student

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<sup>307</sup>April 2015 Title IX Resource Guide. <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>. This OCR guidance appears to still be intact.

<sup>308</sup>Not Alone: The First Report of the White House Task Force to Protect Students from Sexual Assault. <https://www.justice.gov/ovw/page/file/905942/download>.

Life, Counseling Center, Marketing and Communications, and Student Government. The University reviewed a number of existing climate surveys, including the survey shared by the White House Task Force, the Association of American Universities Climate Survey on Sexual Assault and Sexual Misconduct, ATIXA's Sample Climate Survey, and survey variations used at University of Colorado Boulder, Duke University, Rutgers University, the Pennsylvania State University, and others.

Ultimately, the University adapted the Administrator Research Campus Climate Consortium Survey (ARC3) for its use at Baylor. The ARC Survey was created in 2015 as a response to increased national focus on campus sexual assault, and other organizations' creation of expensive and inadequate climate survey templates. The ARC3 survey was created through a collaboration of individuals from a variety of institutions and organizations who hold professoriate, administrative, and other professional roles across the nation. As a part of the comprehensive package, ARC3 allows customization and provides technical documentation for each module.

A student group first reviewed the ARC3 survey and provided feedback and suggestions, which were then incorporated as the ARC3 template used by Baylor. The resulting survey, called the Baylor Social Climate Survey, was approved through Baylor's Institutional Review Board (IRB). According to the Guiding Principles for Development of Student-Focused Climate Surveys, included in Baylor's Social Climate Survey, guiding principles include "engaging in an iterative and transparent drafting process," "ensuring independence and integrity in research," "a commitment to use the best scientific evidence as the foundation of the survey," "the adoption of a civil rights approach grounded in Title IX," and "a sensitivity to the unique issues faced by various diverse populations and higher education institutional types," guided this collaborative work. The survey was comprised of 13 modules estimated to take approximately 23 minutes to complete.

On January 31, 2017, Institutional Research launched the Baylor Social Climate Survey by sending each student an email with a unique link to complete the survey. From January 24, 2017 through March 10, 2017, the University engaged in a comprehensive marketing campaign to reach the entire Baylor community and encourage student participation. On more than two dozen occasions, the University utilized a number of marketing tools to promote the Social Climate Survey, including organizing table tents in multiple common areas and high-traffic locations across campus; running banners on the Baylor student homepage and the Baylor Canvas page ([www.baylor.edu/canvas](http://www.baylor.edu/canvas)); publishing an interview with the Title IX Coordinator; advertising in the Lariat student newspaper; running a slide on various monitors across campus; and enlisting student leaders, including the Student Advisory Council, to encourage participation by their peers. The University used incentives to motivate students to complete the survey. Students who completed the survey by a certain deadline had the opportunity to enter into a raffle to win one of fifty \$20 Amazon gift cards. Institutional Research also sent periodic reminder emails to students who had not yet completed the survey.

Participation in the survey was confidential. A software system tracked participants for the sole purpose of issuing reminders to complete the survey as needed, and no personally-identifiable information was maintained within the survey response data file. The results of the survey were reported in a summary document that did not identify any individual. In addition,

information shared in the Social Climate Survey did not constitute a report to the Title IX Office. Everyone who completed the survey received a confirmation email, which provided Title IX reporting contact information, emergency assistance contact, and confidential resources available on campus.

The survey closed on March 13, 2017. Upon receipt of the results, the Institutional Research and Testing Department at the University compiled and analyzed the results. On November 2, 2017, the University publicly released the results of the climate survey.<sup>309</sup> See Exhibit 9, Title IX Survey Summary, and Exhibit 10, 2017 Social Climate Survey Findings.

Baylor has also taken steps to evaluate the role of alcohol or other drugs on campus and to consider the efficacy of existing alcohol or other drug policies. As a first step, the University has expanded or increased alcohol and substance education and prevention programs to ensure that students are aware of the risks involved in these activities and know how to access campus resources. Each fall for the past four years, every entering student has been required to complete AlcoholEdu for College, a nationally-known program designed by Everfi. Everfi describes AlcoholEdu for College as an “interactive online program designed to reduce the negative consequences of alcohol amongst students.” Incoming students are notified between four to five weeks prior to the beginning of the fall semester that they are required to complete the program. In the fall of 2016, the completion rate for students was 99%. Based on Baylor-specific data (from student responses to the training) compiled by Everfi, 83% of Baylor students who completed the training indicated that they were prepared to “make responsible decisions about drinking.” This data, as well as information from similar initiatives has been presented and discussed at the Board of Regents level.

In addition to this foundational programming, the University presents targeted programs for the Greek community to address potential high risk behaviors. Each semester, the University hosts an event for male students interested in accepting a bid from an Interfraternity Council (IFC) or local/independent fraternity. The event, entitled “Effectively Developing Greeks,” covers Baylor’s policies regarding alcohol as well as general expectations, behaviors, and requirements of the University community. This training is provided to approximately 100-300 students per semester. In addition, the University annually hosts an All Greek Leadership Retreat, which provides information to attendees regarding risk management and accountability for University policies. In addition, conversations initiated at the retreat are continued through the All Greek President’s Roundtables, which meet once per month throughout the academic year. These roundtables focus on policy, maintaining a culture of responsibility, Christian character, and compliance with University policies.

Supplementing these education and prevention initiatives, Baylor’s Student Conduct Administration provides direct programming throughout the academic year that targets underage drinking and/or substance abuse. These efforts include Wellness Consultation (for any student who has received an alcohol violation) by Dr. Don Arterburn (an Addictive Behavior Specialist with the Counseling Center), a Support Advisor Program for freshmen who have received an alcohol violation, a Judicial Affairs Ropes Course program (also for all students who have

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<sup>309</sup><https://www.baylor.edu/titleIX/index.php?id=946984>.

received an alcohol violation), and awareness raising efforts such as posters placed in all residence halls.

Further, Meg Patterson, Baylor's Director of Wellness, oversees dozens of targeted outreach efforts every academic year that focus on sexual assault prevention, how to recognize and avoid addictive behaviors, the consequences of underage drinking and/or drug use, and, in general, how to maintain a healthy lifestyle. The number of these opportunities for students has increased from approximately 10 during the 2013-2014 academic year to more than 30 for the academic years 2014-2015, 2015-2016, and 2016-2017. Although many of these activities were in place prior to May 2016, the University is using these occasions to evaluate the use of alcohol and/or other drugs on campus to determine if additional efforts may be needed.

Finally, in January 2017, the University received a \$2.5 million gift from Bob and Laura Beauchamp to establish the Beauchamp Addiction Recovery Center. Launched in August 2017, the Center provides support services for students who are in the initial stages of identifying an addiction. Services include counseling and possible referral to off-campus rehabilitation, as well as continued support for students who have completed rehabilitation programs. The program also provides reintegration support for students who have left school and for students who are already in recovery.

The University has expressed a commitment to ongoing efforts to sustain the engagement of student in evaluating the policies, procedures and practices of the University. As an example, the Title IX Office created the *It's On Us* Student Advisory Council to facilitate student engagement in campus prevention and awareness events and planning. According to Baylor's Title IX website, the Advisory Council "seeks to make our campus safer by implementing proactive prevention efforts, namely: creating awareness among Baylor students, staff, and faculty of the reality of sexual assault and interpersonal violence (including stalking, domestic violence, dating relationship violence, sexual exploitation, sexual harassment, and sexually inappropriate conduct), reducing the stigma around discussing and reporting sexual assault and interpersonal violence, fostering an open dialogue about the challenges and solutions, and working to ensure that sexual assault and interpersonal violence are not tolerated at Baylor University."<sup>310</sup> The Advisory Council holds general meetings throughout the academic year, and encourages student involvement.

In April 2017, the Advisory Council sponsored a speaker series during Sexual Assault Awareness Month covering topics ranging from "God & Sex," "Science & Sex," "Society & Sex," to sex education in the Baylor community. The Council also hosted the second annual Clothesline Project, an awareness event which addresses the issue of violence against women by providing a vehicle for the survivors to express their perspective by creating and designing a T-shirt.

The University, through its Title IX Office, plans to continue to engage community members to solicit input as to effective implementation and will incorporate feedback into annual

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<sup>310</sup><http://www.baylor.edu/titleIX/index.php?id=940013>

review of the institutional Title IX efforts. The University also plans for a future release of a diversity climate survey and other Title IX related surveys outside of student-on-student conduct.

In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Baylor University Social Climate Survey
- Title IX *It's On Us* BU New Students Event Survey – Fall 2016
- Baylor University Social Climate Survey Background
- Baylor University Social Climate Survey Findings
- Qualtrics Survey Invitation Email
- Social Climate Survey Marketing Record
- Baylor University AlcoholEdu for College: Impact Report – 2016-2017
- Alcohol & Substance Education/Prevention Programs
- Wellness Outreach – 2013-2017
- Student Conduct Administration Alcohol Prevention Efforts
- Let's Talk About It Speaker Series, Sexual Assault Awareness Month – 2017
- Let's Talk About It Flyer
- The Clothesline Project Article – April 4, 2017

**E. Adherence to Coordinated and Accessible Policies and Procedures, Including Prompt and Equitable Procedures for Investigation and Resolution of Reports that Separate Support and Advocacy Functions from Impartial Investigative and Adjudicative Processes, Are Conducted by Experienced and Trained Implementers Free from Actual Bias or Conflict of Interest, and Provide Appropriate Procedural Protections for Both a Complainant and a Respondent**

The following recommendations fall within this section:

- V.1. Revise Title IX policy, procedure, and practices consistent with law, guidance, and most effective models from around the country. Incorporate the following considerations:
- The findings of this review
  - Lessons learned from implementation during the 2015-2016 year
  - Compliance-related required updates
  - Effective and promising practices/solutions
  - Baylor's institutional values and mission
- V.2. Revise Baylor's Title IX policy to include a clear amnesty provision for violation of the Sexual Conduct Policy.
- V.3. Revise the Title IX policy appeals process.
- V.4. Revise the Title IX policy to ensure that both parties may be present for, or otherwise participate in, the other party's presentation to adjudicator.
- V.5. Revise policies, procedures, and practices to ensure consistent access to interim remedial measures and consistent use, as appropriate, of interim protective measures.
- V.6. Review policy regarding informal resolution process.
- VI.1. Ensure that relevant policies, procedures, and protocols clearly outline all Title IX, Clery, and any other reporting responsibility (e.g., mandatory child abuse reporting).

As outlined above, both Title IX and Clery require that educational institutions maintain written policies and procedures detailing how the institution will investigate or otherwise respond to sexual and gender-based harassment and violence. See Sections III.A.3.c, III.A.c.f, and III.B.5.

As an effective practice, we recommend that colleges and universities adopt a uniform policy that governs the investigation and resolution of reports of sexual and gender-based harassment and violence. The use of a uniform policy and accompanying procedures allows for a consistent message and application of institutional values, purpose, scope, notice of non-discrimination, applicable definitions of prohibited conduct, available resources, reporting



options, the difference between confidential resources and reporting options, employee reporting responsibilities, information about prevention and the prohibition on retaliation. A uniform policy should also meet the following goals:

- Incorporate evolving regulatory requirements under Title IX and Clery;
- Provide transparent information about how the University balances complainant agency and autonomy with its broader obligation to tend to campus safety and maintain an environment free from harassment and discrimination;
- Facilitate consistent, transparent and efficient outcomes;
- Ensure fact-gathering is completed by impartial, experienced and trained implementers, and that the University, not the participants, bears the burden of gathering all relevant information as identified by the complainant, the respondent or the investigator, in determining whether University policy has been violated;
- Incorporate trauma-informed investigative and resolution practices;
- Maintain principles of equity and fairness for the complainant and respondent, including notice, an opportunity to meaningfully participate, present information and be heard; and,
- Continue to promote accountability for policy violations.

At the time of the investigation, which spanned the 2015-2016 academic year, Baylor had already adopted a comprehensive *Sex Discrimination, Sexual Violence, and Sexual Harassment Policy* (2015 Policy) that applied to all reports of sexual and gender-based harassment and violence. The 2015 Policy, which was developed by the University's Title IX Coordinator and the Office of General Counsel was, in large part, an effective policy and consistent with 2011 and 2014 guidance.<sup>311</sup> As part of the investigation, we identified a small number of recommended revisions to the 2015 policy. Those included, as noted above, an expanded amnesty statement, improvements to the University's hearing and appeal processes, and an expanded discussion of interim measures, informal resolution, and employee reporting responsibilities.

On January 9, 2017, the first day of the spring semester of the 2016-2017 academic year, Baylor adopted a new Title IX policy entitled *Sexual and Gender-Based Harassment and Interpersonal Violence Policy* (January 2017 Policy).<sup>312</sup> See Exhibit 11, *Sexual and Gender-Based Harassment and Interpersonal Violence Policy* (January 2017 Policy). The January 2017

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<sup>311</sup>The 2015 Policy was loosely based on Princeton University's Title IX policy, which had been reviewed positively by OCR in the 2014 resolution of Princeton's OCR investigation. See Princeton Letter of Findings at pages 19-20. <https://www2.ed.gov/documents/press-releases/princeton-letter.pdf>.

<sup>312</sup>The January 2017 Policy was approved by Executive Council on December 16, 2016. The January 2017 policy was submitted to OCR for review on January 30, 2017.

policy was the result of intensive efforts by a multi-disciplinary team that came together to draft, review, and implement the recommendations related to policy revision. To support the multi-disciplinary team, the Office of General Counsel and outside counsel, including Cozen O'Connor, were engaged to draft and revise policy drafts and provide guidance to the Title IX Office about promising and effective practices. In addition, as part of the policy development process, the multi-disciplinary team shared drafts of the policy with relevant campus departments and personnel, each of whom provided feedback based on the application of the policy within their department and portfolio. This collaborative and inclusive approach was taken to ensure all applicable laws, regulations, effective practices and the practical details of implementation were taken into account as the University considered the viability of potential revisions.

The January 2017 policy reflects Baylor's ongoing efforts to ensure that the University's policies and procedures are legally compliant, trauma-informed, accessible to students and employees, prompt and equitable, and steeped with procedural protections for both a complainant and respondent. In keeping with the recommendations, the January 2017 Policy now includes a clear amnesty provision for students (complainants or witnesses) for disclosure of personal consumption of alcohol or other drugs 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. In addition, the January 2017 Policy clearly provides that "the University will not pursue disciplinary action against students (complainants or witnesses) for conduct in violation of the Sexual Conduct Policy."<sup>313</sup> The January 2017 Policy emphasizes, "Under no circumstances will a complainant or witness who makes a report of sexual assault or other prohibited conduct be charged with violating the Sexual Conduct Policy, regardless of the outcome."<sup>314</sup> In addition, Baylor added the following statement to the Introduction of the policy:

While Baylor encourages students to abide by the University's Sexual Conduct Policy, the University recognizes that each student will make independent decisions about their own conduct. The University prioritizes the reporting of sexual assault, and under no circumstances will a complainant or witness who makes a report of sexual assault or other prohibited conduct be charged with student conduct violations related to the Sexual Conduct Policy, regardless of the outcome.<sup>315</sup>

The January 2017 Policy also includes a revised appeals process. Under the 2015 Policy, the appeal process involved two levels. First, the complainant and respondent could both appeal to the Vice President for Student Life, who could hear the appeal, assign a designee or convene a panel involving trained faculty or administrators. The 2015 Policy also provided a second level of appeal, allowing either party to appeal the appellate outcome to the University President. The January 2017 Policy streamlined the investigation and adjudication process, removing the multi-

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<sup>313</sup>January 2017 Policy, Section 8.C.3, at 19.

<sup>314</sup>*Id.*

<sup>315</sup>January 2017 Policy at 1-2.

step appeal process and relying instead on the determination of a Review Panel. The determination of the outcome and imposition of sanction by the Review Panel is final. This adjudicatory model is consistent with effective practices across the country, including policies and procedures at the University of Virginia, which were found to be “exemplary” by OCR in September 2015.<sup>316</sup>

The January 2017 Policy was revised to ensure that both parties may be present for, or otherwise participate in, the other party’s presentation to the Review Panel. Under the 2015 Policy, “a single adjudicating officer will meet with the complainant, respondent, investigator, and any witness the officer believes appropriate.”<sup>317</sup> Further, the 2015 Policy provided that, “The adjudicating officer will meet with the complainant and respondent separately, and each will be provided with the opportunity to make a statement. The adjudicating officer will make an equal amount of time available to both the complainant and respondent.”<sup>318</sup> In contrast, under the January 2017 Policy, “Both the complainant and the respondent have a right to be present at the hearing, but neither party is required to participate in the hearing in order for the hearing to proceed. Either party may request alternative methods for participating in the hearing that do not require physical proximity to the other party, including participating through electronic means.”<sup>319</sup>

With respect to interim measures, the January 2017 Policy was revised to ensure consistent access to interim remedial measures and consistent use, as appropriate, of interim protective measures. Section 9 of the 2015 Policy included provisions on interim measures that was consistent with the 2011 DCL and 2014 Q&A. In keeping with the recommendations, however, the January 2017 Policy section on interim measures contains an expanded discussion of the types of interim measures available. Section 8 of the January 2017 Policy specifically delineates the difference between remedial and protective measures: “These measures may be **remedial** (measures designed to maintain continued access to educational opportunities) or **protective** (involving a restrictive action against a respondent).”<sup>320</sup> Further the January 2017 Policy provides specific examples of both remedial and protective measures to provide both complainants and respondents with clear information about reasonably available measures. Of note in the expanded list of remedial measures is clarification about the relationship between interim measures and longer academic accommodations (e.g., assistance in requesting long-term academic accommodations through the Office of Access and Learning Accommodation, if the complainant qualifies as an individual with a disability). Of note in the expanded list of protective measures is the “prohibition from participating in student activities or representing the University in any capacity such as playing on an official team, serving in student government,

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<sup>316</sup>See also <https://www.ed.gov/news/press-releases/us-education-department-reaches-agreement-university-virginia-address-and-prevent-sexual-violence-and-sexual-harassment>. See University of Virginia Letter of Findings at 1. <https://www2.ed.gov/documents/press-releases/university-virginia-letter.pdf>.

<sup>317</sup>2015 Policy at 22.

<sup>318</sup>*Id.*

<sup>319</sup>January 2017 Policy at 35.

<sup>320</sup>January 2017 Policy at 20.

performing in an official band, ensemble, or production, or participating in a recognized student organization.”<sup>321</sup>

In addition to the January 2017 Policy’s discussion on interim measures, which are designed to preserve the complainant’s educational experience, protect the complainant during an investigation, address safety concerns for the broader University community, maintain the integrity of the investigative and/or resolution process, and deter retaliation, the University incorporated internal operating protocols for initial assessment and intake. As explained in greater detail in Section V.H of this report, a discussion of interim measures is included as a part of the Intake Checklist that is completed as a part of the initial assessment of each complaint. As part of the University’s internal audit function, the Internal Audit Office reviewed a random sample of cases processed under the January 2017 Policy. See Exhibit 12, August 2, 2017 Memorandum from Rob Carter to Wesley Null re: Review of Adherence to Title IX Policy. Internal Audit reviewed the initial assessment as well as the investigation and adjudication sections to validate that the files reflected adherence to the new Title IX Policy. The audit concluded that without exception, each case selected for testing adhered to the policy related to initial assessment (which includes the Intake Checklist) and investigation and adjudication. In addition, a Title IX Case Manager works with students to develop appropriate interim measures and helps complainants work with departments on campus as needed to implement those measures.

The January 2017 Policy was revised to include an informal resolution process. The process, entitled Alternative Resolution, is set forth at Section 10 of the January 2017 Policy. It closely tracks the 2014 Q&A requirements and subsequent interpretation of those elements in OCR’s Resolution Agreements, including the requirement that participation is voluntary, that either party can request to end Alternative Resolution at any time, that Alternative Resolution will not be used to impose disciplinary actions, and that mediation will not be used in cases involving sexual assault.<sup>322</sup>

Finally, the discussion of employee reporting responsibilities was enhanced in the January 2017 Policy. The January 2017 Policy provides the following at Section 7.C, Responsibility to Report:

It is important to understand the different responsibilities of Baylor employees. Every employee is designated as either a Confidential Resource or a Responsible Employee.

**Confidential Resource:** A Confidential Resource is any employee who is a licensed medical, clinical, or mental-health professional (e.g., physicians, nurses, physician’s assistants, psychologists, psychiatrists, professional counselors, and social workers, and those performing services under their supervision), when acting in

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<sup>321</sup>January 2017 Policy at 21.

<sup>322</sup>As written, the January 2017 Policy provisions would also comply with the requirements of the 2017 Q&A, which are less prescriptive than the 2014 Q&A.

that professional role in the provision of services to a patient; and any employee providing administrative, operational, and/or related support for such health care providers in their performance of such services. The Baylor University Chaplain is also a Confidential Resource when acting within a ministerial or pastoral role in the provision of services to a student, faculty, or staff member. Resident Chaplains and athletic chaplains are not Confidential Resources. Confidential Resources **will not disclose information** about prohibited conduct without the individual's permission or as set forth in Confidentiality (6. A., above). When individuals who otherwise may be Confidential Resources receive information outside of the provision of services to a patient or Baylor University Chaplain ministerial relationship, the Confidential Resource is required to share that information with the Title IX Office.

**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 this policy. These individuals are referred to as Responsible Employees. Student workers who have supervisory responsibility or responsibility for the welfare of other students are also considered Responsible Employees when they learn of potential violations of this policy in the scope of their employment. Student workers who are Responsible Employees include but are not limited to Campus Living & Learning Community Leaders, Resident Chaplains, Athletics Team Managers, Peer Educators, and Line Camp Leaders.

Responsible Employees must report all known information, including the identities of the parties, the date, time and location, and any details about the reported incident to the Title IX Office. The Title IX Office will share all reports with the Baylor University Police Department to ensure a coordinated institutional response. Responsible Employees may provide support and assistance to a complainant, witness, or respondent; but they cannot promise confidentiality or withhold information about prohibited conduct. Failure by a Responsible Employee to report suspected prohibited conduct in a timely manner may subject them to appropriate discipline, including removal from a position or termination of employment.

Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., "Take Back the

Night,” candlelight vigils, protests, “survivor speak-outs,” or other public forums in which students may disclose prohibited conduct (collectively, public awareness events); or (2) during an individual’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (IRB Research). The University may provide information about Title IX rights and about available University and community resources and support at public awareness events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all subjects of IRB Research.

**Students:** With the exception of student workers who are designated as Responsible Employees, all other students **are encouraged to report** any suspected violation of this policy.

A complainant may choose not to make a complaint or report in their own case, even if the complainant would otherwise have reporting obligations by virtue of being a faculty member, staff member, or student worker.<sup>323</sup>

During the summer of 2017, Baylor conducted an assessment and review of the January 2017 Policy and made additional revisions to incorporate improvements in practice based on a review of cases handled under the January 2017 Policy, the incorporation of new Texas state legislation, and as of September 22, 2017, the 2017 Q&A. The revisions to the January 2017 Policy were approved by the Board of Regents on October 20, 2017. See Exhibit 13, *Sexual and Gender-Based Harassment and Interpersonal Violence Policy* (October 20, 2017).

As occurred this past summer, and as set forth in policy, the University will continue to conduct an annual review of the Title IX policy, including support and resources available as documented in the Title IX policy. The review will:

- Capture evolving legal requirements;
- Evaluate the supports and resources available to the parties;
- Assess the effectiveness of the resolution process (including as to the fairness of the process, the time needed to complete the process, and the sanctions and remedies imposed);
- Include the opportunity for individuals affected by the policy to provide feedback and will incorporate an aggregate view of reports, resolution, and climate;
- Include an assessment of the effectiveness of the resolution and appeal process;
- Include an assessment of the effectiveness of policy, procedures, and practices as they relate to interim measures; and
- Include an assessment of the effectiveness of policy, procedures, and practices as they relate to the informal resolution process.

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<sup>323</sup>January 2017 Policy at 13-14.

Additionally, leaders with Title IX, Clery, and Protection of Minors oversight will meet at least annually to ensure policy, communications and trainings are aligned with regard to responsible employees and mandatory reporting.

In addition to the University's Title IX policies, the multi-disciplinary team also revised the University's Clery Act policies and Policy to Protect Children and Prevent Abuse. With respect to the Clery policies, the University has worked closely with Margolis Healy to maintain, enhance, and improve the University's Clery compliance.<sup>324</sup> In Spring 2014, the University initially hired Margolis Healy to conduct an organizational assessment of the University's Police Department and physical security program. Margolis Healy's work included an evaluation of all procedures, policies, and systems to identify improvements that would foster a safe and secure campus community while also maintaining an open, inviting, and vibrant campus environment. The University expanded the scope of Margolis Healy's engagement to include a Title IX program review and Clery compliance assessment.

As noted elsewhere in this report, Margolis Healy recommended restructuring and expanding safety and security functions at the University. As a result of Margolis Healy's recommendations, in 2014, Baylor created a Department of Public Safety (DPS). DPS includes five departments: the Baylor University Police Department (BUPD), Fire Safety, Emergency Preparedness, Parking & Transportation Services, and Physical Security. In addition, the University invested additional resources and personnel to implement the Margolis Healy recommendations.

In 2016, Margolis Healy performed a supplemental review to assess infrastructure, Clery compliance, and BUPD functions. The review also assessed the University's progress with recommendations made in Margolis Healy's 2014 review. Along with this review, Margolis Healy conducted a data audit, which was finalized in February 2017. Based on this data audit, revised Clery reports were provided to the U.S. Department of Education. In addition, to support the University's internal Clery infrastructure, one Clery full-time employee was added in February 2015 and an additional Clery full-time employee was added in March 2017. The Clery direct reporting relationship was moved to the Chief Compliance Officer effective June 1, 2017.

The University worked with outside consultants to draft the Policy to Protect Children and Prevent Abuse. See Exhibit 14, Policy to Protect Children and Prevent Abuse. Leading up to the draft and implementation of the Policy, in 2014, the University engaged outside consultants, Praesidium, to assist in the development and staffing of the Protection of Minors Office, which is dedicated to youth protection. At that time, the University conducted a survey to identify risk areas for minors, the results of which were considered in the development of the Minors on Campus Office, now called the Protection of Minors Office. In 2015, the University instituted an online training program to ensure that individuals with interaction with minors received proper training on state and federal reporting responsibilities. In 2017, Praesidium performed a review of the Protection of Minors program to identify enhancement opportunities.

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<sup>324</sup><http://www.margolishealy.com/>.

In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Sex Discrimination, Sexual Violence, and Sexual Harassment Policy – August 2015
- Sexual and Gender-Based Harassment and Interpersonal Violence Policy – January 2017
- Sexual and Gender-Based Harassment and Interpersonal Violence Policy – October 2017
- Clery Act Web Site – Annual Security Report
- Clery Act Web Site - CSA Responsibilities and Training
- Clery Act Web Site – Policies
- Policy to Protect Children and Prevent Abuse
- Protection of Minors Web Site – Mandatory Reporting
- Protection of Minors Web Site – Training
- Protection of Minors Web Site – Child Abuse Prevention Training
- Protection of Minors Web Site – Standard Operating Procedures
- Keeping Our Minors Safe: Reporting Child Abuse and Neglect Presentation Slides



**F. An Independent Title IX Coordinator with Sufficient Authority and Resources to Effectively Navigate Oversight Responsibilities**

The following recommendations fall within this section:

- III.4 Restructure reporting lines for the Title IX and Clery (VAWA) Coordinators to ensure that each position has the power and authority necessary to implement responsibilities.
- IV.1 Properly resource (personnel and funding) Title IX office to implement policies, procedures, and practices:
- Add Deputy Title IX coordinators for intake, support, and case management
  - Add prevention and education coordinator
  - Evaluate current investigative functioning to ensure thorough, adequate, reliable investigations
  - Assess the need for additional trained and experienced investigators (internal or external)
  - Provide trained and effective administrative support
  - Identify personnel for all positions based on level of training and experience to ensure effective implementation and removal of conflict in roles and reporting structure
- IV.2 Restructure the Title IX office to improve the implementation of policy, procedure and practices:
- Develop specific intake protocol
  - Use case management approach to track and monitor interim measures and student success
  - Separate investigations from the provision of resources and support
  - Develop investigative templates and protocols for consistent documentation and evaluation
  - Review internal operating protocols to assure compliance, consistency, and follow up on all reports
- IV.5 Review and standardize existing template communications for regular stages of the process to assure consistency, the use of trauma-informed language, adherence to policy requirements and compliance with federal law regarding required written communications.
- IV.11. Evaluate appropriateness and availability of facilities to effectively implement Title IX responsibilities.

As outlined above, Title IX requires that educational institutions designate an appropriately-trained Title IX Coordinator and provide that person with sufficient resources to support effective implementation of policies, procedures and practices. See Section III.A.3.b, above. We also recommend that Clery responsibilities be centrally overseen by a Clery

Coordinator and that the Title IX and Clery Coordinators work closely in the oversight and implementation of Title IX and Clery responsibilities.

As effective practices, we recommend that colleges and universities align their internal reporting structures to provide the Title IX Coordinator with the implementation authority necessary to carry out their responsibilities, access to personnel and funding as needed to support effective implementation, and ensure the removal of conflict in Title IX team members' roles. We further recommend the implementation of report resolution protocols that separate the investigative function from the provision of resources and support and include specific provisions for intake, interim measures, case monitoring, and consistent communications and documentation through the use of shared templates, forms, and case management and document management systems. In addition, we recommend that educational institutions provide facilities that promote student safety and privacy.

Prior to the 2013-2014 academic year, Baylor's Title IX Coordinator position was assigned at various times to different senior administrators, each of whom already had a full portfolio of responsibilities. During the 2013-2014 academic year, Baylor created an Administrative Task Force that was charged with conducting a comprehensive review of Baylor's policies and practices related to sexual violence. Following the recommendation of Margolis Healy, the Task Force recommended the creation of a full-time Title IX Coordinator position. After a national search, Baylor hired its first full-time dedicated Title IX Coordinator in November 2014. As set forth in the Executive Council Leadership Organization Chart (January 24, 2017), the Title IX Coordinator reported to the Vice President of Risk, Governance and Compliance.

Upon arrival, the Title IX Coordinator identified two priority initiatives: 1) the creation of a Title IX policy in lieu of using existing student conduct procedures, and 2) widespread training and education. As noted above in Section V.E, Baylor adopted a comprehensive *Sex Discrimination, Sexual Violence, and Sexual Harassment Policy* in 2015 (2015 Policy) that applied to all reports of sexual and gender-based harassment and violence.

Beginning in June 2016, the Title IX Coordinator's reporting line was elevated from the Vice President of Governance, Risk and Compliance to the Senior Vice President and Chief Operating Officer. The elevation in reporting structure reflected the University's commitment to ensuring appropriate and informed administrative oversight at the highest level to support effective implementation of Title IX and related compliance requirements.

As described in Section V.C, in October 2016, consistent with the recommendation that the University create a stand-alone position to identify compliance needs in a range of areas and to assess the effectiveness of existing systems, procedures and controls, the University promoted Doug Welch, an experienced attorney from within its Office of General Counsel, to the newly-created position of Chief Compliance Officer (CCO). The CCO has responsibility for monitoring compliance with Title IX, Clery, and other federal and state regulatory standards. On February 1, 2017, the Title IX Coordinator began reporting to the CCO, who has a direct reporting line to the University President. This change further reflected the University's commitment to ensuring appropriate and informed oversight, effective implementation, and a proactive approach to issues of institutional importance. Most recently, the University is taking

steps to explore the integration of its Title IX functions through the potential creation of an Equity Office, which would report to the President through the President's Chief of Staff. The continuing attention to assessing the effectiveness of the structural design for implementing Title IX is another reflection of the University's commitment to ensuring effective oversight and accountability.

In addition to elevating the reporting structure for the Title IX Coordinator, the University made significant investments in the Title IX team, both in terms of personnel and funding, beginning in 2014 and continuing through the present. In the 2014-2015 academic year, in order to provide widespread training and education and to support the implementation of the 2015 Policy, the Title IX Office expanded to include two full-time investigators, a full-time case manager,<sup>325</sup> two external adjudicators and a pool of external investigators. In March 2016, the University added a dedicated Training and Prevention Specialist. In June 2016, Baylor promoted one of its full-time investigators to the position of Deputy Title IX Coordinator. In March 2017, Baylor added a third full-time investigator. In May 2017, the Title IX Office hired a Budget and Administrative Associate and promoted its previous Administrative Assistant to an administrative managerial position. The creation of the Administrative Associate position helped ensure the consistent presence of a Title IX team member at the office's front desk for students attending interviews or for walk-ins. In sum, since November 2014, the staff within the Title IX Office has been expanded considerably to provide greater specialization and support for the needs of students, faculty and staff. Baylor has invested more than four million dollars in new staff positions.<sup>326</sup> Operating expenditures for the Title IX team grew 465% between the 2014 and 2015 Fiscal Year and another 77.2% between the 2015 and 2016 Fiscal Year.<sup>327</sup>

Following the adoption of the *Sexual and Gender-Based Harassment and Interpersonal Violence Policy* (January 2017 Policy), as discussed at length in Section V.E. above, Baylor began using a trained Review Panel to serve as an important check and balance, to eliminate conflicts of interest, and to provide impartiality in the determination of sanctions after an investigative finding of responsibility.<sup>328</sup> The University continues to maintain a pool of trained and experienced external investigators and adjudicators who are available when case volume exceeds internal team capacity or when conflicts of interest arise, and to provide additional expertise and experience to supplement internal University resources.

The University is currently working with John DiPaolo of Cozen O'Connor to explore the creation of an Equity Office. Mr. DiPaolo recently served the United States Department of Education as Deputy General Counsel for Postsecondary Education. Prior to that, he was Chief of Staff and Deputy Assistant Secretary for Policy in the Department of Education's Office for

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<sup>325</sup>The Title IX Team's case manager focuses solely on the provision of resources and support. Traditional case-management functions like maintaining timelines, ensuring the delivery of documents, and keeping case documentation are handled collaboratively using the Title IX Team's secure shared drive and are supervised and managed by the Title IX Coordinator and Deputy Title IX Coordinator.

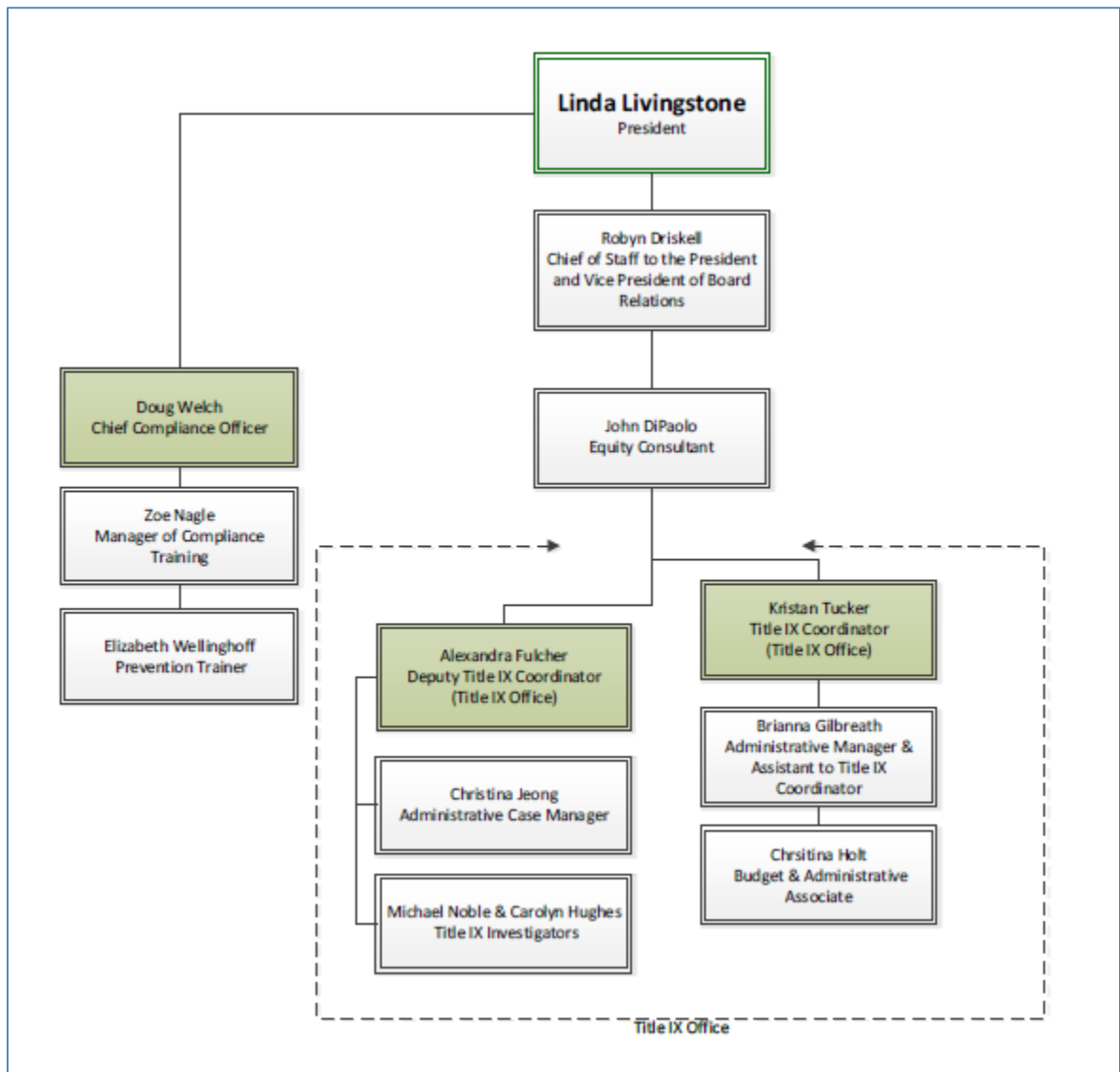
<sup>326</sup>*Compare* Title IX Budgets 2015, 2016 and 2017.

<sup>327</sup>*Id.*

<sup>328</sup>See January 2017 Policy, pp. 33-38.

Civil Rights (OCR), where he led the development of legal guidance on topics including sexual and gender-based harassment and other sex discrimination under Title IX, race discrimination under Title VI, disability discrimination under Title II of the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973. The impetus for creating an Equity Office is driven by the recognition of the intersectionality of issues related to all forms of discrimination and harassment and the overlap in federal and state compliance requirements regarding the same. A centralized Equity Office could further enhance policies, procedures and practices designed to eliminate, prevent, and address all forms of discrimination and harassment.

The proposed organizational chart for the Equity Office is below:



In addition to reporting structure and resource augmentation, the University also made significant improvements in the Title IX Office’s physical space as reflected in the pre- and post-renovation layouts and as made tangible upon visiting the Title IX suite. Beginning in August 2016, the Title IX Office expanded into adjacent office space and underwent extensive

renovations to support student safety, privacy, and comfort. The renovations included an additional secured entrance, less visibility from the hallway into the front desk area, increased soundproofing and “white noise,” audio-visual equipment for use in hearing panels where parties wish to participate from separate rooms, an improved hallway with more private ingress and egress, and a new interview room with soft furniture and dimmable lamps in place of office furniture and overhead fluorescents.

In addition to the structural changes to reporting lines, staffing, funding, and the physical space of the Title IX Office, Baylor has instituted a number of measures to ensure that each Title IX-related report is addressed consistently, impartially, thoroughly, and in accordance with the relevant legal framework and Baylor’s policies.

Consistent with the recommendations, Baylor’s Title IX team has intentionally separated the investigative function from the provision of resources and support. The Title IX Office has a dedicated Case Manager who provides resources and support and connects students with other Baylor offices, including Student Life, Counseling Center, the Office of Access and Learning Accommodations, Student Health, Human Resources, BUPD, Campus Living and Learning, the Provost’s Office, the Success Center, Student Conduct Administration, and the University Chaplain, along with available Title IX Office resources and measures, community resources, and student groups. In addition to separating the Title IX Office’s investigative and supportive functions, the University has recently moved the Prevention and Training Specialist out of the Title IX Office and into OICP to reflect a system-wide commitment to training compliance obligations. This will also allow the Prevention and Training Specialist to integrate Title IX training with other forms of protected discrimination and harassment. Key members of the Title IX Office will continue to be engaged in training efforts as part of the University’s strategic plan for training and education.

Multi-disciplinary partnerships across campus are key to the Title IX team’s ability to ensure consistent application of its policy and the equitable provision of resources. On a weekly basis, the Title IX team holds Case Management Meetings. At Case Management Meetings and at other times as needed, the Case Management Team (CMT), which consists of members of the Title IX Office and multidisciplinary partners, share information for the purposes of ongoing threat assessment, to coordinate the provision of resources and support, to facilitate the appropriate allocation of work, and to track trends, identify patterns, and evaluate the need for targeted measures to address challenges. The CMT maintains contemporaneous documentation as part of centralized record-keeping within the Title IX Office. In addition to the weekly Case Management Meeting, other multi-disciplinary teams include the Threat Assessment Group and the Student Care Team. See Section V.G for additional discussion of these groups.

Baylor’s multidisciplinary team is supported by mental health experts on campus. The Title IX Coordinator or designee meets regularly (monthly) with Counseling Center leadership to maintain open communication, partnership, and update one another on trends and feedback received by each office regarding the other. The Counseling Center has seen tremendous growth, which has enhanced the availability of services for students. The University’s investment in the work of the Counseling Center communicates a commitment to supporting students who need care. Baylor students benefit from the increased staff both in terms of access

and expertise. Several new clinicians have specialized experience working with trauma survivors, patients with eating disorders, and persons with addictions.

To promote increased reporting and facilitate ease of access for campus constituents, Baylor has launched a central website for making reports of all kinds, including Title IX-related incidents and concerns. This central website is referred to as “Report It:” <https://www.baylor.edu/reportit/>. See Exhibit 15, Baylor Report It Webpage. The “Report It” website directs faculty, staff, students, alumni, parents and the public to a range of reporting tools and instructions. It contains links to information regarding a number of vehicles for reporting, including email, phone, personal visit to the Title IX Office, or anonymous reporting through EthicsPoint. Currently, a person wishing to make a report may do so through one or more of the offered options 24 hours a day. The Title IX Office also maintains a website where reports can be entered online: <https://www.baylor.edu/titleIX/index.php?id=868077>. Both the Report It and the Title IX Office websites provide simple places for campus community members to find the appropriate reporting option. Reports are received by Title IX staff who are trained to respond promptly to the reporter, if identifying information is provided, with an email and/or phone call. In that outreach, the Title IX Office provides information about University policy and procedures, rights and available resources.

In its January 2017 Policy, Baylor specifies its intake protocol, referred to as an “Initial Assessment,” and outlines the Initial Assessment process. The January 2017 Policy also lists the possible outgrowths of such an assessment: initiating a Disciplinary Resolution process, initiating an Alternative Resolution, or referring matters outside of the scope of the policy to the appropriate office or department.<sup>329</sup> To assist in consistent policy application and documentation, the Title IX team developed and uses template intake forms and communications that include, among others:

- Intake forms, which include, among other information:
  - Intake checklist
  - The January 2017 Policy
  - Options for reporting
  - The availability of interim measures (both remedial and protective)
  - Discussion about interim measures requested
- Case management checklist
- Email template to follow up after intake and after 30 and 60 days
- Template for no-contact directive

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<sup>329</sup>January 2017 Policy, pp. 22-26.

- Template notices of investigation
- Email templates to introduce parties and witnesses to the investigator
- Template for investigation interview notes
- Email templates to follow up after interview
- Email templates to follow up with a non-responsive party or witness
- Template notices regarding preliminary report review period
- Template for investigation report
- Template notices for use when a party contests or does not contest a finding
- Templates for documenting case closure
- Template notice of findings
- Template notices of panel review determinations

As part of the Initial Assessment, consistent with the recommendations and as discussed above in Section V.E, Baylor provides reasonably available interim measures as appropriate.<sup>330</sup> The Title IX Office utilizes a secured shared drive for case files as well as case management for tracking and monitoring each case, including whether interim measures were implemented and the foundational support for such measures. The shared drive contains individual case files that document the provision of interim measures in each case and allow for the tracking of patterns or trends in the provision of such measures across cases.

In contrast with previous policy, procedure, and practice, as of January 2017, Baylor's Title IX policy clearly articulates the availability of Interim Remedial Measures and Interim Protective Measures that are designed to preserve the complainant's educational experience, protect the complainant during an investigation, address safety concerns for the broader University community, maintain the integrity of the investigative and/or resolution process, and deter retaliation. Moreover, the dedicated Title IX Case Manager works with parties on an ongoing basis to develop and implement appropriate interim measures.

Baylor has purchased two modules of a higher-education tailored online reporting and case management system. The two modules provide a centralized reporting and information system that is accessed by persons who wish to make a report. One is geared toward student conduct, while the other, utilized by the Title IX Office, includes modules to accommodate employee and third-party conduct. The modules also contain certain privacy firewalls needed to maintain confidentiality within the Title IX process.

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<sup>330</sup>*Id.* at pp. 20-22.

Under final development is an automated Triage Form which would draw from both databases and provide immediate notice to designated members of the Title IX Case Management Team when a Title IX report is entered into the system. This step ensures that initial reports are coordinated on a more expedited basis. Protocols for University actions upon receipt of a report are captured in a new internal protocol document, Initial Report Intake Process and Protocols.

This work is anticipated to be completed in the fall of 2017.

The level of response and support provided by Baylor University to students who have been affected by Title IX violations has radically improved since the time period we investigated. Improvements that have been implemented since that time include, but are not limited to, the following:

- Established a stand-alone Title IX Office, with significantly expanded staffing;
- Provided and required extensive training for Title IX staff;
- Developed and approved a new Title IX policy, informed by leading experts in the field;
- Distributed new Title IX policy to all faculty, staff, and students;
- Revised threat assessment group policy which established structure for critical decisions and decision-making authority;
- Trained all implementers as of June 2017;
- Developed an intake checklist form for complainants and respondents;
- Developed and implemented standardized processes and procedures for investigation and adjudication of Title IX cases;
- Developed and implemented a standardized process for documenting informal resolution of reports;
- Enlarged and improved the Title IX Office space; and,
- Provided extensive training to a wide variety of Baylor constituents.

Moving forward, Baylor is well-positioned to sustain its efforts by conducting the planned annual review of its Title IX policy, including support and resources available as documented in the Title IX policy, presentation to the Compliance Committee annually of the results of the Title IX annual policy review, and the concomitant review of resources and budget needs through the normal University budget approval process. Further, each summer the Title IX Team attends an annual off-site retreat for the purpose of reviewing, refreshing, renewing, and enhancing policies, procedures, and practices. The topics addressed during the summer 2017 retreat included: the development of specific process protocols, policy considerations, and ongoing training, prevention and education efforts.

In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Sex Discrimination, Sexual Violence, and Sexual Harassment Policy – August 2015



- Sexual and Gender-Based Harassment and Interpersonal Violence Policy – January 2017
- Sexual and Gender-Based Harassment and Interpersonal Violence Policy – October 2017
- Executive Council Leadership Organizational Chart – January 24, 2017
- Title IX Equity Organizational Chart
- Title IX Budget 2015
- Title IX Budget 2016
- Title IX Budget 2017
- Title IX Office Layout – Demolition and Renovation Plan
- Counseling Center Layout – Dutton
- Counseling Center Layout – Student Life Center
- Training for Investigators Presentation (Jeff Nolan) – September 22, 2016
- Case Management Checklist
- Complainant Intake Form
- Respondent Intake Form
- Investigation Report Template
- Notice of Investigation
- No Contact Directive
- Closing: Complainant Declined to Meet
- Closing: Complainant Does Not Want to Participate
- Closing: Complainant No Response
- Closing: Respondent Not Affiliated With University
- Intake Follow-Up Email Template
- Interview Initial Follow-Up to Parties

- Interview Initial Follow-Up to Witness
- Interview Notes for Review
- Introduction to Investigator Complainant No Response
- Introduction to Investigator Parties
- Introduction to Investigator Witness
- Introduction to Investigator Complainant No Response
- Introduction to Investigator Parties
- Introduction to Investigator Witness
- No-Contact Directive Amended
- Notice of Contested Finding Not Responsible
- Notice of Contested Finding Responsible
- Notice of Finding - Not Responsible
- Notice of Finding - Responsible
- Notice of Investigation
- Notice of No Contest Not Responsible
- Notice of No Contest Responsible - Complainant
- Notice of No Contest Responsible - Respondent
- Notice of Preliminary Report Review
- Notice of Preliminary Report Review
- Notice of Review Panel Determination Final
- Notice of Review Panel Determination Remanded
- Notice of Tentative Review Panel Hearing Notice to Comply
- Title IX Process
- University Move Forward Without Complainant Update - 30 Days

- Update - 60 Days
- Update - Preliminary Investigative Report Writing
- Update - Preliminary Report Review Complete Other Party Materials Update - Preliminary Report Review Complete Other Party Reviewing
- Update - Writing Final Report

**G. A Coordinated Multi-Disciplinary Response Team to Implement Policies and Procedures Consistently and Equitably Through Delineation of Roles and Responsibilities and the Coordination of Information and Personnel to Facilitate Informed Decision-Making Consistent with the Legal Framework and Institutional Values**

The following recommendations fall within this section:

- IV.3 Develop structured protocols and systems for the coordination of information between and among implementers, including internal case management and documentation that tracks timelines, regular and ongoing internal and external communications, and documents investigative steps, interim measures and steps taken to eliminate sexual harassment or violence, prevent its recurrence and address its effects.
- IV.4 Develop consistent protocols for application to critical decisions that identify decision-making authority, outline the applicable law and guidance, establish a template list of key considerations, and maintain appropriate documentation of the factual foundation for each decision.
- XI.4. [Within the Baylor University Police Department,] develop systems to consistently coordinate information sharing with Title IX and Student Conduct personnel. Consider use of available technology.

As outlined above, consistent with Title IX and VAWA regulations and guidance and effective practices, a coordinated, consistent, and compliant institutional response necessitates structured protocols and systems. Those protocols guide the Title IX team and other implementers toward coordinated information sharing and management, consistent decision-making within the applicable legal framework, and the equitable provision of services.

To successfully implement a coordinated and compliant response, educational institutions should designate a multi-disciplinary team of implementers (Title IX team). The Title IX team is a core group of administrators who work together to implement intentional, consistent, and compassionate responses. The goal is to provide a centralized response that is both compliant with law and sensitive to the unique issues attendant to a case of sexual or gender-based harassment or violence. Sharing all reports with the Title IX Team helps to ensure the prompt and equitable review, investigation and resolution of complaints. Maintaining a centralized, team-based process also encourages consistent application of the institution's Title IX policy and allows the institution to respond promptly and equitably to eliminate sexual harassment and gender-based harassment and violence, prevent its recurrence and address or remedy its effects. Finally, a team-based approach helps to eliminate ad hoc responses across campus, allows for central record keeping for assessment of patterns, and ensures that the review or investigation is thorough, fair and impartial.

The Title IX team, which serves as the institutional infrastructure for the centralized review, investigation, and resolution of all Title IX-related reports, may include the Title IX Coordinator, Deputy Title IX Coordinators, student conduct or student affairs professionals,

campus safety/police officers, human resources professionals, faculty leadership, health services, counseling, members of the minority or multicultural communities, and other campus members as identified on each campus. All team members should be appropriately trained in the regulatory framework, dynamics of sexual and gender-based harassment and violence, and in the institution's grievance procedures.

In order to fully benefit from the team approach, a first step is to identify the sequence of potential steps in the institutional response. This process involves clearly identifying and articulating the roles and responsibilities of each team member. This step also includes discussion about the primary responsibility of each department, protocols for the coordination and sharing of information between and among relevant departments, clear articulation of roles and responsibilities of implementers and the internal operating procedures that should be followed to avoid overlapping responsibilities or conflicts in roles. It requires a clear articulation of which team member/department is accountable for each task, who has oversight responsibility and who will be vested with ultimate decision-making authority on critical issues.

This mapping of roles and responsibilities can serve as the initial framework for the drafting of internal operating protocols. Those internal operating procedures should funnel all information to a centralized institutional response, outline workflow steps, utilize template forms and communications and create checklists to ensure a consistent response. Institutions should identify critical stages of the assessment and investigative process and build decision tree models that outline the legal framework, the list of relevant factors that should be evaluated, the individuals who should be consulted in making a determination, the individual with authority to make the decision, and the process for documenting information considered. Critical stages include: timely warning assessment; determining how to proceed if a complainant requests that their name not be shared with the respondent or no investigation be pursued; implementation of interim remedies; imposing interim suspension or leave; responding to retaliation and other key determinations to seek consistent institutional responses. This approach minimizes the risks attendant to relying upon ad hoc responses to each incident. There should also be clear expectations about coordinated communication and protocols for regular documentation and record-keeping.

As discussed in Section V.F above, Baylor has developed multi-disciplinary partnerships across campus. Those partnerships inform the work of the Title IX team and ensure coordination between Title IX and other related University functions and teams. The Title IX Office's weekly Case Management Meetings typically include the Title IX Coordinator, the Deputy Title IX Coordinator, all Title IX investigators, Baylor's Chief of Police, the Associate Vice President for Student Life, the Associate Dean for Student Conduct Administration, the General Counsel or Assistant General Counsel, and the Director of Human Resources Consulting. Outside counsel with expertise in the implementation of Title IX and the Clery Act also participates in the meetings. The purpose of the Case Management Meeting is to discuss new reports pertaining to Title IX issues, provide status updates on each case in the investigative process, and to receive coordinating information from these functional areas related to their interactions with participants for the purposes of ongoing threat assessment. The sharing of information often leads to cross-functional coordination of efforts, as students involved in the Title IX process may have issues or interaction with other disciplinary areas (e.g., student conduct or police) or service resources (e.g., counseling or academic accommodations) otherwise unknown to each other.

This information exchange serves to minimize duplication of efforts, facilitates the appropriate allocation of work flow, and identifies the department that will take the lead role in handling the involved student, faculty, or staff member. The coordination of information also allows the University to track trends, identify patterns, and evaluate the need for targeted measures to address challenges in culture. The Case Management Team maintains contemporaneous documentation as part of centralized record-keeping within the Title IX Office.

In addition to the weekly Case Management Meeting, the Title IX team participates in and is informed by the University's Threat Assessment Group. The purpose of this group is to gather information regarding emerging situations and to identify individuals who pose an immediate or high potential for threat or harm to self or others. Although this group is not solely focused on Title IX-related issues, members of the Title IX Office attend meetings when appropriate and may refer matters to the Threat Assessment Group. The Threat Assessment Group includes representatives from Student Life, Counseling, Office of Access and Learning Accommodations, Student Health, Human Resources, Title IX, BUPD, Campus Living and Learning, the Provost's Office, Success Center, the Office of General Counsel, Student Conduct Administration, and the University Chaplain, in addition to other relevant personnel as appropriate. Baylor's Counseling Center staff represents a critical component of its multidisciplinary teams. The Threat Assessment Group Policy was put into practice in August 2015 and approved and finalized in December 2016.<sup>331</sup> See Exhibit 16, Threat Assessment Group Policy.

The University also had a Students of Concern Committee in place prior to the beginning of the investigation. Now called the Care Team, the Students of Concern Committee predates the establishment of the Threat Assessment Group. The Care Team meets on a monthly basis to exchange updates and information on a variety of students who, for behavioral or other reasons, have come to the attention of faculty, staff, administrators, other students, or other campus departments or programs. This group includes representatives from Student Life, Counseling Center, Office of Access and Learning Accommodations, Student Health, Human Resources, Title IX, BUPD, Residence Life, the Provost's Office, Success Center, the Office of General Counsel, Student Conduct Administration, and the University Chaplain. The Care Team discusses the issues that have arisen with the students who have been referred to the committee and then discusses the most appropriate steps to take to support these students and otherwise ensure a safe and supportive campus environment. Coordination across all divisions present at these monthly meetings is critical for swift and effective action.

As required under the relevant legal framework in place during the 2016-2017 academic year,<sup>332</sup> all implementer groups have undergone training, including representatives from all groups that are part of the Threat Assessment Group and that attend Case Management Meetings. Additional information about implementer training is detailed in Section V.K. In the spring and summer of 2017, as part of a collaborative process during individual and group implementer training sessions, implementers established formal documented protocols for implementers.

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<sup>331</sup>The Threat Assessment Group Policy was updated again in 2017.

<sup>332</sup>See Exhibit 35, Training Requirements Overview for a complete overview of training requirements under federal law, regulation and guidance.

As discussed above in Section V.F, the Title IX team now maintains a library of forms, tracking documents, and template communications that it uses to ensure thoroughness, accuracy, and the equitable provision of resources and remedies across cases. The Title IX team's internal library includes templates to track the following functions:

- Intake Process and Protocol Checklist
- Online Reporting Protocols
- Complainant Intake/Checklist Form (see Exhibit 17)
- Respondent Intake/Checklist Form (see Exhibit 18)
- Closeout Checklist/Form (see Exhibit 19)
- Procedure for Answering Title IX Office phones

The Title IX team's library also includes the following templates:

- Baylor University Investigation Report Template
- Template Email Communications
- Notice of Investigation Template
- No Contact Directive Template
- Notice to Comply Template
- Notice of Findings Templates

The Title IX Office utilizes a secured shared drive for case files as well as case management software for tracking and monitoring each case, including whether interim measures were implemented and the foundational support for such measures. The shared drive contains individual case files that document the provision of interim measures in each case and allows for the tracking of patterns or trends in the provision of such measures across cases. The case management software provides a centralized reporting system that feeds into the Title IX Office's internal record-keeping systems and automates communications to necessary personnel.

As discussed above, the University, with the assistance of Cozen O'Connor, has developed an automated Triage Form which would provide immediate notice to designated members of the Title IX Case Management group when a Title IX report is entered into the system. The University has also taken significant steps to train all stakeholders about this coordinated implementation process. The effort prioritized input from each constituency to inform and draft intake protocols and a template Triage Form designed to ensure consistent and complete fact-gathering, consideration of relevant factors, and documentation. This effort has resulted in the development and implementation of a comprehensive online platform for all stakeholders to coordinate information and document decisions in real-time, as well as the development of the Title IX Triage Form and Initial Report Intake Process and Protocols, represent the culmination of institutional multi-disciplinary effort to ensure informed, consistent, documented and thorough decision-making.

As discussed more fully in Section V.N, below, recommendations for change from Margolis Healy resulted in a complete reorganization as well as a significant expansion of safety and security at Baylor. The expansion included the creation of the Department of Public Safety, which now consists of the Baylor University Police Department (BUPD), Fire Safety,

Emergency Preparedness, Parking & Transportation Services, and Physical Security. To ensure better collaboration, all of these areas were combined in the fall of 2014 and remain under the auspices of the Department of Public Safety today. New policies and practices continue to inform and expand the functioning of BUPD. Per the BUPD Sexual Violence Response and Investigation Policy, BUPD will be available to conduct interviews in conjunction with Title IX and Student Conduct investigators upon request. In addition, when called upon, BUPD will testify at Title IX and Student Conduct hearings. BUPD is presently exploring the viability of using case management software. Such a measure would support improved coordination and consistent documentation across offices between Title IX, BUPD, Student Conduct, and other University offices, many of which use software tools.

BUPD has also strengthened relationships with local law enforcement to facilitate the sharing of information and resources. BUPD leadership has met with representatives from Waco Police to discuss, among other things, modification of Baylor's longstanding Memorandum of Understanding with the City of Waco to explicitly address the sharing of information in Title IX-related cases.

In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Sexual and Gender-Based Harassment and Interpersonal Violence Policy - January 2017
- Sexual and Gender-Based Harassment and Interpersonal Violence Policy – October 2017
- Title IX Online Reporting Form
- Case Management Checklist
- Complainant Intake Form
- Respondent Intake Form
- Procedure for Answering Title IX Office Phones
- Title IX Office Investigative Report Template
- Template Follow-Up Email
- Notice of Investigation Template
- No Contact Directive Template
- Notice to Comply Template
- Notice of Findings Templates



- Training Requirements Overview: Title IX and the 2013 Reauthorization of the Violence Against Women Act
- Implementer Training PowerPoint (Cozen O'Connor)
- Training for Investigators PowerPoint (Jeff Nolan) – September 22, 2016
- Campus Threat Assessment and Threat Management PowerPoint (Richard Wilson) – December 8, 2015
- Threat Assessment Group Policy - 2017
- Human Resources Implementer Attendance – April 26, 2017
- Provost Office Implementer Attendance – April 26, 2017
- Software – Current State Diagram
- Baylor University Police Department Access to Waco Police Department Files
- Sexual Violence Response and Investigation Policy
- Baylor University Police Department Sexual Violence Response and Investigation Standards and Policies
- Baylor University Police Department and Waco Police Department Meeting and Agenda – July 12, 2016
- Title IX Case Management Meeting Agenda January 31, 2017
- Title IX Agreed Upon Procedures Report August 2, 2017
- Case Management Checklist
- Closing Complainant Declined to Meet
- Closing Complainant No Response
- Closing Respondent Not Affiliated With University
- Intake Follow-Up Email
- Interview Initial Follow-Up Parties
- Interview Initial Follow-Up Witness
- Interview Notes for Review

- Introduction to Investigator Complainant No Response
- Introduction to Investigator Complainant No Response
- Introduction to Investigator Parties
- Introduction to Investigator Witness
- No-Contact Directive Amended
- Notice of Contested Finding Not Responsible
- Notice of Contested Finding Responsible
- Notice of Finding - Not Responsible
- Notice of Finding - Responsible
- Notice of Investigation
- Notice of No Contest Not Responsible
- Notice of No Contest Responsible - Complainant
- Notice of No Contest Responsible - Respondent
- Notice of Preliminary Report Review
- Notice of Preliminary Report Review
- Notice of Review Panel Determination Final
- Notice of Review Panel Determination Remanded 2017
- Notice of Tentative Review Panel Hearing
- Notice to Comply
- Respondent Intake Form
- Title IX Processes and Templates
- Title IX Initial Report Intake Process and Protocols
- Title IX Triage Form
- Title IX Online Reporting Form and Protocols

- Title IX Process
- University Move Forward Without Complainant
- Update - 30 Days
- Update - 60 Days
- Update - Preliminary Investigative Report Writing
- Update - Preliminary Report Review Complete Other Party Materials
- Update - Preliminary Report Review Complete Other Party Reviewing
- Update - Writing Final Report

## **H. A Centralized Reporting and Review Process to Ensure Consistent Application of Policies, Procedures, and Practices that Foster Increased Reporting by Providing Clear Information to Campus Community Members**

The following recommendations fall within this section:

- IV.6 Conduct an initial assessment in every case and ensure contemporaneous documentation of steps taken and information considered. The initial review should proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made, and the Title IX Coordinator and/or Title IX Management Team has sufficient information to determine the best course of action, which may include an investigation or steps to otherwise determine what occurred.
- IV.7 As part of the initial assessment of a report, develop a standardized process for evaluating a complainant's request for anonymity, determining the appropriate course of action when balancing individual autonomy with broader campus safety obligations, and documenting the facts and circumstances that inform the University's determination. This process, which must be supportive of a complainant's needs and iterative in nature, can involve the Title IX Coordinator, the Title IX Management Team, or a separate entity specially designated to assist or evaluate a request for anonymity. The Title IX Coordinator should document the information gathered, the factors considered, the determination reached, and any additional steps taken to eliminate, prevent, and address the effects of the misconduct. Initial assessment protocols should vet whether a potential pattern of sexual violence is present.
- VII.7. Ensure that information about the range of interim measures is widely disseminated and accessible to all community members.
- VII.8. Train all implementers to effectively communicate availability of resources, interim measures, and all process options. Develop and provide a written resource guide and process chart.
- VI.3. Ensure accountability for all failures to report by University employees. Amend "for cause" language in all prospective contracts to specifically include the failure to report misconduct as required by policy or law. Make clear in existing policies that violation of reporting obligations could be cause for discharge.
- VI.4. Ensure that all reports of sexual or gender-based harassment or violence or other forms of interpersonal violence are reported to the Title IX office.
- VI.5. Ensure that all reports of sexual or gender-based harassment or violence or other forms of interpersonal violence are evaluated under the Title IX policy.
- VI.6. Develop a centralized system for all reporting and a database and protocols for consistent record-keeping.

- X.12. Educate athletics personnel on reporting policies/protocols to ensure immediate sharing of information with the Title IX coordinator and student conduct as required by policy.
- X. 13 Establish clear policies and protocols for all Athletic Department staff when students are accused of misconduct in violation of University policy:
- Clear documentation protocols for athlete misconduct
  - Clear reporting protocol
    - To Head Coach and Athletic Director
    - To Title IX Coordinator
    - To Judicial Affairs

As discussed in Section V.H, a centralized system for reporting that directs all reports or concerns about sexual and gender-based harassment and violence to the Title Office is a critical element to effective implementation of Title IX. This requires clear policies and protocols about reporting, transparent communication about reporting options and employee reporting responsibilities, sufficient technology and infrastructure to facilitate centralized reporting, effective and consistent protocols for responding to reports, and ongoing efforts to foster increased reporting.

Necessary implementation steps include the delineation between confidential resources and reporting options; identification of employee reporting obligations under Title IX, Clery, mandatory child abuse reporting, and other state provisions; and, clarity about how and where information that is shared with an employee will be disclosed within the institution. The centralized review process should include intake protocols that include an initial assessment in each report designed to evaluate known facts and circumstances, balance complainant agency and autonomy with campus safety and environment considerations, take interim measures and other steps to protect the complainant and the campus community, facilitate compliance with Title IX, Clery and VAWA responsibilities, and identify the appropriate institutional response.

Reporting policies should carefully delineate the difference between statutorily-protected confidentiality and privacy, and the corresponding distinctions between confidential resources and reporting options. As outlined in the legal overview, confidential resources are exempt from Title IX reporting obligations, while employees designated as responsible employees are required to immediately share all information about possible sexual or gender-based harassment or violence with the Title IX Coordinator. To encourage reporting, educational institutions should have clear policies that outline employee reporting responsibilities, which may also include reporting responsibilities as a campus security authority (CSA) under the Clery Act, mandatory child or elder abuse reporting responsibilities under state law, or other state law requirements. To the extent possible, educational institutions should take steps to coordinate trainings and reporting processes for employees who may hold multiple designations. The goal is to ensure that a complainant is informed, in advance, about how information they choose to disclose with a University employee will be further shared.

Once a report has been made to a responsible employee and referred to the Title IX Coordinator or Title IX Office, the next effective practice is to have a consistent intake protocol, which should include an initial assessment of the available information. An initial assessment should consider the nature of the report, the safety of the individual and campus community, the complainant's expressed preference for resolution, and the necessity for any interim remedies or accommodations to protect the safety of the complainant or the community. Following this assessment, an institution may: 1) seek an alternate resolution that does not involve disciplinary action against a respondent; or 2) initiate an investigation to determine if disciplinary action is warranted.

As provided in prior OCR guidance, in the course of a Title IX assessment, an institution should consider the interest of the complainant and the complainant's expressed preference for manner of resolution. Where possible and as warranted by an assessment of the facts and circumstances, an institution should seek action consistent with the complainant's request.

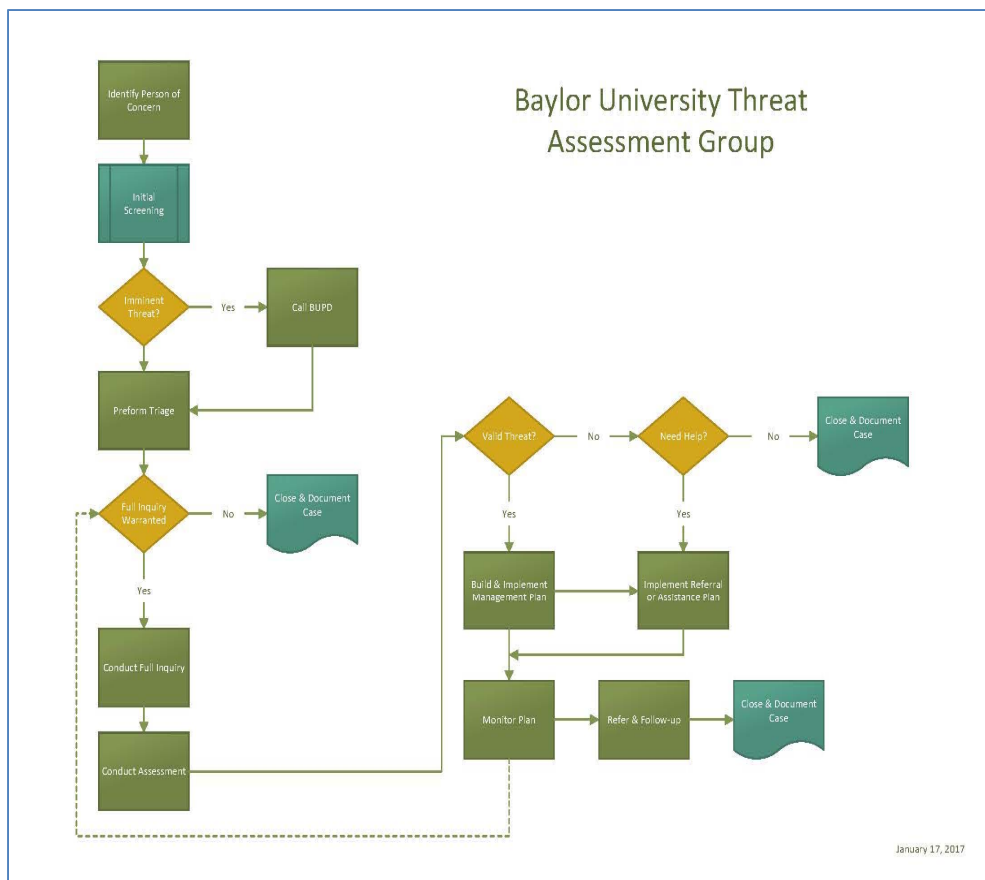
As part of the initial assessment of the facts, an institution should:

- 1) Assess the nature and circumstances of the allegation
- 2) Address immediate physical safety & emotional well-being
- 3) Notify the complainant of the right to notify or decline to notify law enforcement
- 4) Notify the complainant of the importance of preservation of evidence
- 5) Notify the complainant of the availability of medical and mental health resources
- 6) Identify appropriate Clery responsibilities, including entering the report into the institution's daily crime log and assessing the reported conduct for the need for a timely warning
- 7) Provide the complainant with information about on and off-campus resources
- 8) Notify the complainant of the range of interim measures and remedies
- 9) Provide the complainant with an explanation of the procedural options
- 10) Identify support options for the complainant and respondent, including the right to an advisor of choice
- 11) Assess for pattern evidence or other similar conduct by respondent
- 12) Consider the complainant's expressed preference for manner of resolution and any barriers to proceeding
- 13) Explain the institution's policy prohibiting retaliation

The initial review should proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made, and the Title IX Coordinator and/or Title IX team has sufficient information to determine the best course of action.

At the conclusion of the Title IX Assessment, a Title IX Coordinator, in coordination with the Title IX team, should determine the appropriate manner of resolution, which may include alternative resolution or the initiation of an investigation to determine if disciplinary action is warranted. As appropriate, if the respondent is known and has been notified of the allegations, the institution should also provide information about on and off campus resources, the applicability of interim measures, and an explanation of the procedural options.

The January 2017 Policy provides that during the initial assessment, the Title IX Office will assess the complainant’s health and safety, and as appropriate, consult the University’s Threat Assessment Group. The Threat Assessment Policy is completed, approved and properly outlines the scope and procedure of the analysis. See Exhibit 16, Threat Assessment Group Policy. It includes the following initial threat assessment process:



In response to the recommendations, and as outlined in Section V.F, Baylor has developed a centralized reporting system that is designed to direct all Title IX-related reports to the Title IX Office and other designated individuals. To promote increased reporting and

facilitate ease of access for campus constituents, Baylor has launched “Report It,” a central website for making reports of all kinds (including Title IX).<sup>333</sup> All reports through this online form will ultimately have an automatic workflow to designated implementers, including the Chief Compliance Officer, Title IX Coordinator, Student Conduct, Chief of Police, and Clery Compliance Manager. As online reporting capabilities expanded, both Title IX and Student Conduct online incident reporting forms were introduced as the primary reporting mechanism for each group respectively. The Title IX Office website<sup>334</sup> also provides an online reporting option. With the evolution of centralized reporting, the University is evaluating the use of a single online reporting form for all instances of misconduct. This will streamline the process as well as automate the immediate initial reporting notification to all relevant parties.

Together, the online reporting options, as well as multiple other modalities (anonymous, in-person, by email, by telephone, or anonymous reporting through EthicsPoint<sup>335</sup>) ensure that students, employees and third parties have access to reporting options and information 24 hours a day.

Regardless of the modality, Title IX reports are received by staff in the Title IX Office who are trained to respond promptly with an email and/or telephone call outreach to the reporter. In that outreach, the staff provides information about University policy, the student’s rights and available resources.<sup>336</sup> Ongoing training is provided to implementers to communicate the availability of resources, interim measures, and all process options. In addition, the University has developed and implemented a standardized process for documenting and implementing intake and initial assessment protocols consistently and effectively. This centralization allows for consistent intake and response protocols, the provision of timely and relevant information to all complainants and reporters, and a timely evaluation of how to proceed based on the complainant’s requested action. As a result, the Title IX Office is in a position to identify and address any systemic issue or trends that arise during the review of reports. In addition, because of the initial assessment process, which coordinates known information from police or conduct records, the University can assess for pattern evidence by a respondent or other safety concerns.

As part of the initial assessment process, the Title IX Office provides information about interim measures, evaluates the appropriateness of remedial and protective measures, and coordinates the provision of reasonably available interim measures. Baylor’s January 2017 Policy includes a detailed discussion of interim measures to assist complainants and respondents in evaluating and understanding the available resources. The January 2017 Policy lists the range of potential interim measures, and delineates the difference between Interim Remedial Measures and Interim Protective Measures. In practice, as a part of the Intake Checklist, the University includes a discussion of interim measures as a part of the initial assessment of each report. The

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<sup>333</sup><http://www.baylor.edu/reportit/>

<sup>334</sup><http://www.baylor.edu/titleix/>

<sup>335</sup>[https://secure.ethicspoint.com/domain/en/report\\_custom.asp?clientid=6771](https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=6771)

<sup>336</sup><http://www.baylor.edu/titleix/index.php?id=868077>



Title IX Case Manager works with complainants and respondents to identify and implement appropriate interim measures.

As part of the initial assessment, and as set forth in the January 2017 Policy, the Title IX Office also works with a complainant to assess and understand their desired course of action. The process by which the Title IX Office balances a complainant's request for anonymity is set forth in the January 2017 Policy, and has been incorporated into the intake process. Through the use of a complainant intake form and the pending automated intake Triage Form, the intake process has been formalized to take into consideration an individual complainant's wishes and document known information to properly assess a complainant's wishes.

The Office of General Counsel and outside counsel were engaged to assist in implementing effective practices and developing a standardized process for evaluating complainants' requests for anonymity when assessing broader campus safety obligations. Pursuant to the January 2017 Policy, the Title IX Coordinator balances a complainant's request for anonymity against the following factors in reaching a determination on whether the request can be honored:

- The totality of the known circumstances;
- The nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- The respective ages and roles of the complainant and respondent;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- Whether there have been other reports of other prohibited conduct or other misconduct by the respondent;
- Whether the report reveals a pattern of misconduct related to prohibited conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- The complainant's interest in the University's not pursuing an investigation or disciplinary action and the impact of such actions on the complainant;
- Whether the University possesses other means to obtain relevant evidence;
- Fairness considerations for both the complainant and the respondent;
- The University's obligation to provide a safe and non-discriminatory environment; and
- Any other available and relevant information.

As outlined in Section V.H above, the University, with the assistance of Cozen O'Connor, has taken significant steps to train all stakeholders about the importance of this

coordinated implementation process that resulted in the development of the Title IX Triage Form and Initial Report Intake Process and Protocols.

With respect to employee reporting responsibilities, the January 2017 Policy, as described in Section V.E, above, clearly delineates the role of Confidential Resources and Responsible Employees. The January 2017 Policy provides that all reports must be shared with the Title IX Office. Specifically, it provides:

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 this policy....Responsible Employees must report all known information, including the identities of the parties, the date, time and location, and any details about the reported incident to the Title IX Office.<sup>337</sup>

In addition, campus resources and handouts incorporate information to communicate this information to community members. The Title IX Office developed a brochure, *Your Rights, Options and Resources*, and a pocket guide that explain how to make a report. See Exhibit 20, *Your Rights, Options and Resources*, and Exhibit 21, Title IX Pocket Guide. The brochure and policy were distributed electronically to all students, faculty, and staff on January 27, 2017. The Baylor University Police Department gives a copy of the brochure to any student they encounter who reports prohibited conduct covered by the January 2017 Policy. Additionally, the Title IX Office provides the brochure to all students with whom they meet. The brochure and pocket guide are also readily available at many locations around campus such as the Provost's Office, Office of Student Life, Counseling Center, Baylor University Police Department, Human Resources, and Health Services Center.

In addition, University policies address an employee's failure to report sexual or gender-based harassment or violence or other forms of interpersonal violence to the Title IX Office. Although the Human Resources General policy indicates "for cause" language for failure to follow policies, the January 2017 Policy specifically includes this language with respect to reporting obligations: "Failure by a Responsible Employee to report suspected prohibited conduct in a timely manner may subject them to appropriate discipline, including removal from a position or termination of employment."<sup>338</sup> Further, Baylor is including the following language in its new and renewing coaching contracts, requiring the coach to:

[P]romptly report to the AD, the assigned Sport Administrator, and as applicable, Student Conduct Administration, the Title IX Coordinator, and/or, as necessary the President of Baylor, any violation or alleged violation of said Laws and Rules by Baylor or

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<sup>337</sup>January 2017 Policy at 14.

<sup>338</sup>*Id.*

by any coach, student, alumnus, or “representative of the athletic interest” of Baylor, as that term is defined in Section 13 of NCAA Bylaws; such reporting requirement extends to making the AD and Administrator aware of Head Coach’s actual knowledge, any arrest for or accusation of any criminal conduct or violation of student conduct code by any student athlete, assistant coach, or affiliated staff, and acknowledges that any failure to do so constitutes cause for termination of this contract pursuant to Article 4.02 [of this contract].<sup>339</sup>

The University has also taken significant steps to establish clear reporting policies within the Athletics Department. During the spring and summer of 2017, the University worked with the Athletics Department in more than two dozen meetings to collaborate on clear and effective policies and practices for responding to student-athlete misconduct. The result of these efforts included the creation of a centralized online reporting form for all Athletics personnel, the Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol, a Prospective Student Athlete Background Assessment Policy, and clear messaging and communication from the Athletic Director.

Prior to the implementation of the Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol, the University’s Incident Reporting Guide for the Department of Athletics provided:

Athletics staff must report any student-athlete violation or alleged violation of state or federal laws, arrests, or accusation of any criminal conduct or violation of student conduct code as listed above. These incident reports must be reported whether they occur on or off Baylor’s campus. Failure to report may result in disciplinary actions to include constituting cause for termination.

This directive served as the foundation for the Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol that provides under Heading I. Duty to Report Instances or Suspected Instances of Misconduct, Section A. Coaches and Staff:

All Baylor Athletics staff, coaches, graduate assistants, student employees, student assistants, outside consultants, and volunteer coaches (collectively “Athletics Personnel”) must report in writing any known, alleged, reported, or suspected student-athlete Misconduct to the Senior Associate Athletic Director for Internal Affairs or the Vice-President and Director of Intercollegiate Athletics (“Director of Athletics”).

In addition to reporting to the Director of Athletics or the Senior Associate Athletic Director for Internal Affairs, Athletics Personnel must report via the online reporting process at

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<sup>339</sup>Employment Contract at 2.

[www.baylor.edu/misconduct](http://www.baylor.edu/misconduct) any known, alleged, reported, or suspected Serious Misconduct, violations of Baylor’s Sexual and Gender-Based Harassment and Interpersonal Violence Policy (Title IX Policy), Civil Rights Policy, or Honor Code; violations that would be considered criminal behavior, including conduct as defined in the Student Conduct Code section III. items C, D, H, I, J, K, L, M, R, S, U, V, W, and Clery crimes (as defined in the Baylor Annual Fire Safety and Security Notice of Availability); and those items in section I.B. of this policy that a student-athlete is required to self-report.

All reports must be made immediately, but not later than 24 hours after first learning of the known, alleged, reported, or suspected Misconduct, including Serious Misconduct. Any doubt about whether an obligation to report exists must be resolved in favor of reporting.

Failure to comply with these reporting requirements may result in disciplinary action, up to and including possible termination of employment. This requirement and other requirements in this policy are in addition to any contractual or legal obligations the employee has with Baylor University.

Through numerous trainings, meetings, and dedicated staff, the Athletics Department demonstrated its commitment to enforcing the policy requirements. See Sections V.K and V.L for additional information.

As noted above, the University has seen an increase in reporting. The number of individuals making reports to the Title IX Office increased from 206 during the 2015-16 academic year to 345 during the 2016-17 academic year, reflecting a greater awareness of the University’s Title IX Office and the availability of processes and resources. In addition to the Title IX Office’s statistics, the University’s 2017 Annual Fire Safety and Security Report numbers show an increase in reporting.<sup>340</sup> See Exhibit 22. The charts below show the crime statistics for sex offenses on Baylor’s main campus between 2013 and 2016, as disclosed according to the requirements of the Clery Act. In 2013, Clery reporting for sex offenses required two categories, Forcible Offenses and Non-Forcible Offenses. Baylor’s statistics for that year are as follows:

**Sex Offenses, Baylor University Main Campus, 2013**

	On Campus
Forcible Sex Offenses	7
Non-Forcible Sex Offenses	0
Total	7

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<sup>340</sup><https://www.baylor.edu/dps/doc.php/297548.pdf>.

Beginning in October 20, 2014, Clery reporting for sex offenses required additional categories, as shown below.<sup>341</sup>

**Sex Offenses, Baylor University Main Campus, 2014 – 2016**

	Year	On Campus
Rape	2014	5
Fondling	2014	1
Incest	2014	0
Statutory Rape	2014	0
<b>Total</b>	<b>2014</b>	<b>6</b>
Rape	2015	23
Fondling	2015	3
Incest	2015	0
Statutory Rape	2015	0
<b>Total</b>	<b>2015</b>	<b>26</b>
Rape	2016	11
Fondling	2016	6
Incest	2016	0
Statutory Rape	2016	0
<b>Total</b>		<b>19</b>

In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Sample Threat Assessment
- Threat Assessment Group Policy – 2017
- Campus Threat Assessment and Threat Management PowerPoint (Richard Wilson) – December 8, 2015
- Sexual and Gender-Based Harassment and Interpersonal Violence Policy – January 2017
- Complainant Intake Form
- Respondent Intake Form
- Title IX Office Investigative Report Template
- Training for Investigators PowerPoint (Jeff Nolan) – September 22, 2016

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<sup>341</sup>*Id.*

- Baylor University Police Department Implementer Attendance – April 26, 2017
- Title IX Pamphlet
- The Path of a Report of Student Prohibited Conduct
- Title IX Student Pocket Guide
- Title IX Training Chart 2014-2017
- Athletics Department Incident Reporting Guide
- Athletics Department Employment Contract
- Public Incident Reporting Form
- Report It Website
- Athletics Department Summer Full Time Staff Training Roster – 2016-2017
- Athletics Department Policies and Procedures
- Athletic Graduate Assistant Training Email
- Athletics Department Incident Reporting Guide
- Athletics Training Documentation
- Deputy Athletics Director Position Analysis Questionnaire – July 2017
- Baylor University Names Doug Welch Chief Compliance Officer – October 7, 2016
- Football Team Training Attendance – April 3, 2017
- Football Team Training PowerPoint – April 3, 2017
- Mack Rhoades Named Vice President/Director of Athletics – July 13, 2016
- Manager of Compliance Training and Monitoring Job Description
- Senior Associate Athletics Director for Student-Athlete Development
- Serious Misconduct within Intercollegiate Athletics
- Sport Program Administrators: Job Descriptions and Sport Assignments
- Software Email Notification of New Report

- Title IX Training Follow Up Email
- Complainant Intake Form
- Respondent Intake Form
- Summer Efforts on Athletics and Coordination Topics
- Title IX Initial Report Intake Process and Protocols
- Title IX Triage Form
- Title IX Process
- Student Conduct and Title IX Online Reporting Forms – Pre-Central Reporting
- Required Online Training Email and Participation Report – Spring 2017
- Athletics Training Documentation – 2014 to August 31, 2017
- Baylor University Trainings
- Clery Center- Baylor Staff Presentation – August 16, 2017
- Department Meeting - Issues for Mack Rhoades to Address Email
- Football Team Training Attendance – April 3, 2017
- Conference Call Email
- Student Athlete Misconduct Reporting Form Email
- Athletics Department Training – August 2017
- Athletics Staff Reporting Policy Extract Email
- Athletics Incident Reporting Guide
- Student-Athlete Misconduct Reporting Form
- Summer Efforts on Athletics and Coordination Topics
- Interim Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol – September 29, 2017

## **I. Regular Communication with the Parties and the Community and Transparency about Processes to Build and Maintain the Trust of Individual Stakeholders and the Community**

The following recommendations fall within this section:

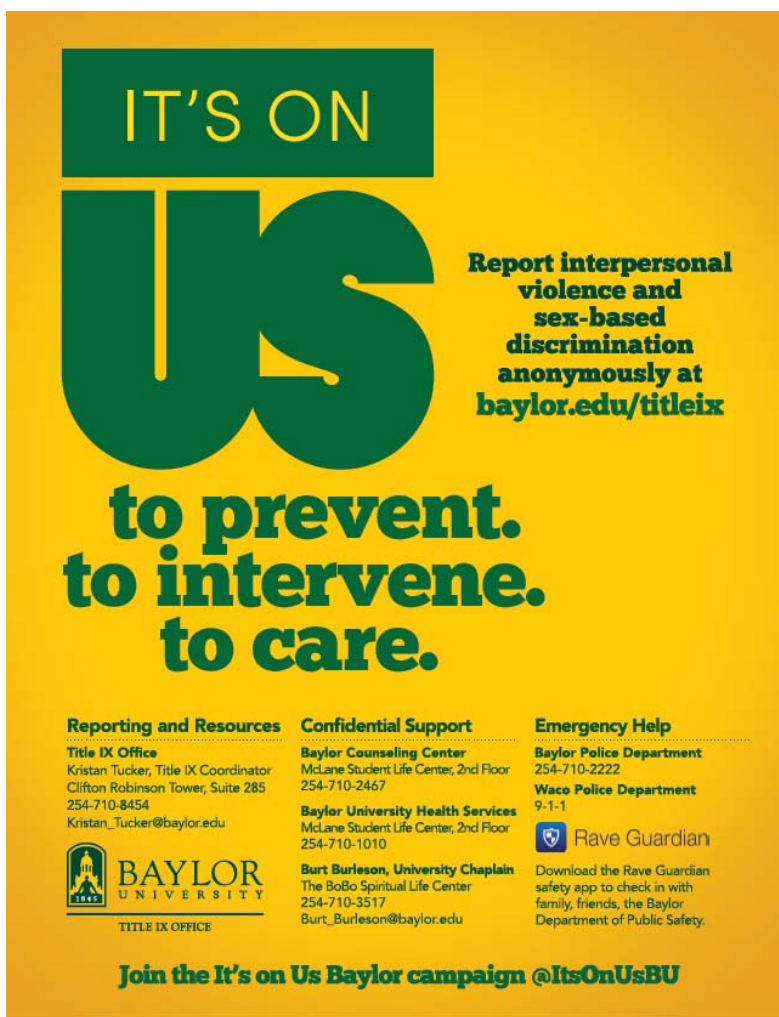
- I.12 Consider the importance of forthright communication to the effective implementation of Title IX.
- VIII.6. Communicate all efforts (training, education, policies, procedures, reporting options, resources, and programs) through a user-friendly centralized website and other ongoing and effective means.
- IX.4. Design and conduct a campus campaign to provide a visible platform for candid discussion about consent, alcohol or other drug use, common victim-blaming myths, and barriers to reporting (including the University's amnesty policy).
- IX.5. Develop and implement a sustained campaign to keep institutional and community focus on Baylor's commitment to the prevention of sexual and gender-based harassment and violence.
- IX.6. Collaborate with the University's Marketing and Communications personnel to develop an intentional and strategic plan to implement the campaign, identify branding, design visual content, and consider the effectiveness of forms of delivery, including web content, written materials, posters, and other formats.

A key tenet of effective practice is the regular communication with the parties and the community and transparency about processes to maintain the trust of individual stakeholders and the community. Students and employees must be informed about the policy, applicable procedures, expectations of conduct, available interim measures, reporting options, and resources and supports, and educational institutions should invest in its ongoing training and education efforts to communicate the expectations and availability of resources. In addition, in the resolution of any case, from the time of the initial report through its resolution, there should be clear expectations about coordinated communication and protocols for regular documentation and record-keeping. Regular communication with the parties includes providing information in advance to help the parties manage their expectations of the process. Consistent communication and transparency about processes is key to building trust around an educational institution's Title IX efforts.

In response to these recommendations, Baylor has implemented a number of initiatives to provide information to the community about sexual and gender-based harassment and violence and to make the Title IX Office a highly visible and accessible resource on campus. For example, the University has published the Title IX Coordinator's name and contact information in a wide range of University publications and websites. See Exhibit 23, November 12, 2016 Memorandum re: Title IX Coordinator Contact Information.



For the 2016-2017 academic year, Baylor developed a strategic communications plan that emphasized widespread training, awareness and the availability of resources. The plan was entitled, *It's On Us to Prevent, Intervene, and Care*. See Exhibit 24, Strategic Communications Plan – Academic Year 2016-2017. The Title IX Office worked with Marketing and Communications personnel to develop electronic, print and multimedia resources to ensure that students were aware of the Title IX Office, how to report, training requirements and campus resources. This communications campaign also included messaging for staff and faculty to prioritize reporting and reinforce completion of mandatory training requirements. The communications plan included three key tenets: reporting, awareness and prevention. The goal was to raise general awareness by building on the *It's On Us* Campaign, initially launched during the 2015-2016 academic year. The Title IX Office ran monthly ads each month in the *Baylor Lariat* publicizing the Title IX Office, how to report and available resources. In addition, 8.5 x 11" *It's On Us* awareness posters were placed in each public restroom on campus:

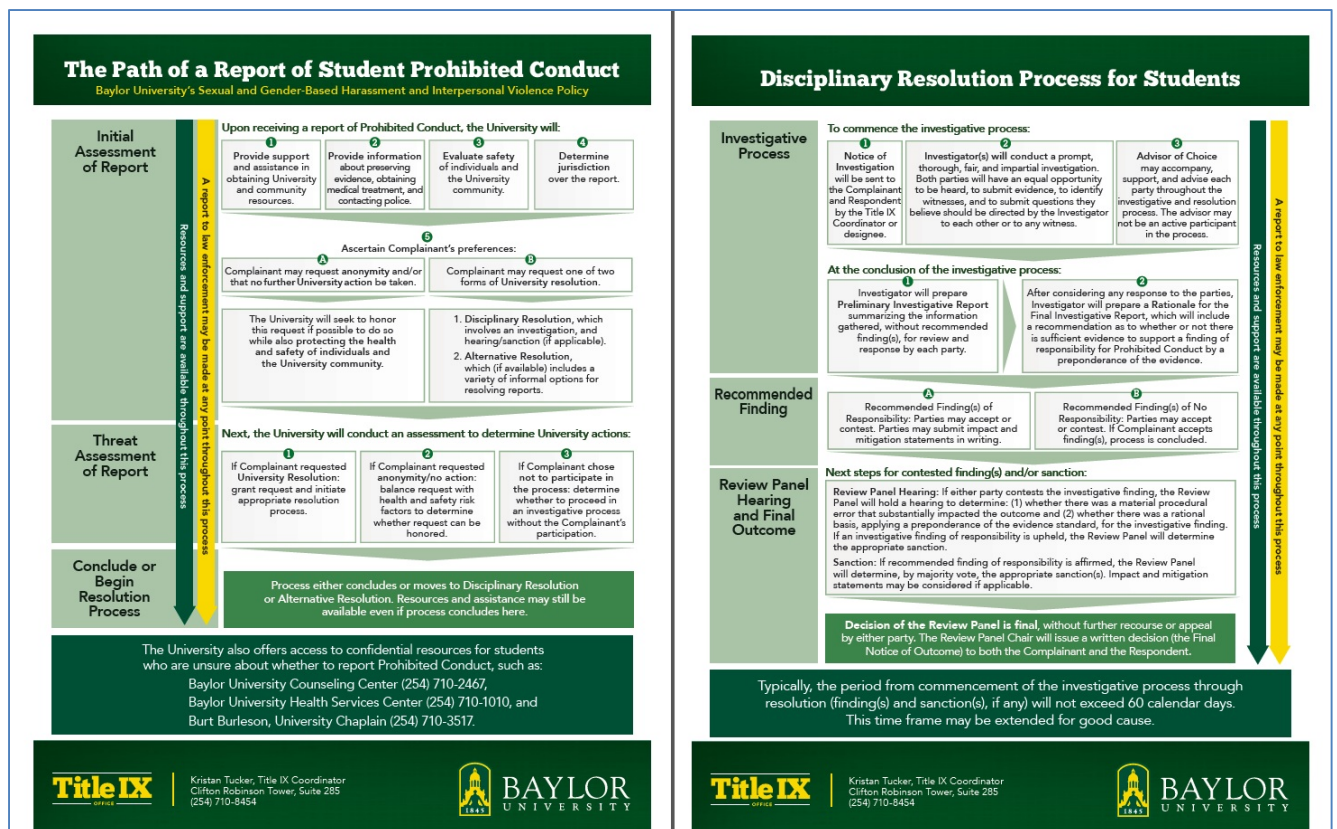


See Exhibit 25, *It's On Us* Awareness Policy. The poster provides a URL for the Title IX office ([www.baylor.edu/titleix](http://www.baylor.edu/titleix)) as a place to report sexual and gender-based harassment and violence. The poster also contains contact information (name, office location, phone number and email address) for Kristan Tucker, Baylor's Title IX Coordinator, contact information for the Baylor

Counseling Center, Health Center and University Chaplain, and emergency numbers for BUPD and Waco PD. Information is also provided for accessing the Campus Guardian smartphone safety app and the *It's On Us* Baylor twitter account. In addition, during the fall semester, a home football game was designated as an *It's On Us* awareness game; T-shirts were available and the *It's On Us* video was played during a game break. The *It's On Us* Campaign is supported by student volunteers who serve as part of the *It's On Us* Student Advisory Group Council.

Baylor updated the Title IX Brochure, *Your Rights, Options and Resources* brochure and made the brochure available in print at the Counseling Center, the Police Department and the Title IX Office. In addition, Baylor made a targeted effort to publicize the “Report It” website by placing digital and print signage in high-traffic student areas, including three on-campus mini-billboards and digital slides in the Chapel, Student Union Building and libraries.

For students, Baylor prepared two infographics which detail “The Path of a Report of Student Prohibited Conduct” and “Disciplinary Resolution Process for Students” and “Title IX Process and Procedure.” (See Exhibits 26 and 27). For example, see the following infographic:



For faculty and staff, Baylor prepared a pocket guide for responsible reporters. The wallet-sized card details the employee’s reporting responsibilities and serves as a real-time resource for employees. In addition, digital copies of the *Title IX Rights, Options and Resources* brochures were distributed to faculty and staff.

With respect to the awareness tenet of the campaign, Baylor promoted Title IX awareness training for new students through the *Baylor Lariat* “Welcome Back” edition, as well as through post cards which were distributed to residence hall leaders. Baylor also promoted *It’s on Us: Live on the Lawn*, which provided a festive opportunity to help students meet and get to know the Title IX Staff and Student Advisory Group.

Each April, Baylor participates in Sexual Assault Awareness Month (SAAM). The focus of SAAM is to raise consciousness and public awareness and to provide prevention education about sexual and gender-based harassment and violence. During SAAM, the Title IX Office presents a wide range of student-focused events. For example, the Title IX Office developed a campus-wide Day of Action, Title IX Dr. Pepper events and sponsored a weekly lecture series, *Let’s Talk About It*, featuring Baylor professors and administrators discussing sexual and gender-based harassment and violence in the context of God, science and society:

**LET'S TALK ABOUT IT**

Let's Talk About God & Sex **4/6**  
Presented by Ryan Richardson in the SUB Den at 6:00pm

Let's Talk About Science & Sex **4/13**  
Presented by Senior Lecturer Loeen Irons in the Alexander Reading Room at 6:00 pm

Let's Talk About Society & Sex **4/20**  
Presented by Professor Jeremy Uecker in the SUB Den at 6:00 pm

**LET'S TALK ABOUT US**  
Closing panel from faculty in religion, public health, and sociology in the Baylor Science Building D110 at 6:00 pm. **4/27**

**BECAUSE KNOWLEDGE IS POWER- AND SEX EDUCATION HELPS PREVENT SEXUAL ASSAULT & DISMANTLE CAMPUS RAPE CULTURE**

Hosted by the Title IX "It's On Us" Student Advisory Council as a part of National Sexual Assault Awareness Month



SAAM also includes a teal ribbon campaign to show support for sexual assault survivors. Many SAAM campus activities are co-branded with the *It's On Us* campaign, including community prayer time, screenings of the *It's On Us* video at campus athletic and other events, an *It's On Us* pledge drive where students promise to help keep women and men safe and to intervene when they can help to stop assault, the Clothesline Project (display of T-shirts with supportive messages), and an awareness event that included a free crawfish boil to the first 500 attendees. The Baylor Department of Communication and CCOMS also presented a discussion on the negative effects of victim blaming, which was led by the Title IX Coordinator and a guest lecturer from the University of North Texas. Baylor also recognizes Domestic Violence Awareness Month in October in coordination with Alpha Chi Omega sorority.

In addition to the *It's On Us* campaign, Baylor has established a public web presence – *Our Commitment, Our Response* – which serves as a central location for providing communication about Baylor's Title IX efforts.<sup>342</sup>



The webpages contain copies of the Findings of Fact and the 105 Recommendations, news and updates from press releases regarding Baylor's efforts, and progress and links to the Title IX Office, Report It, and information about the implementation teams. The webpages also includes a visible link for reporting, a link to the Clery page, and a calendar and overview of training events.

As evidence of the effectiveness of this communication effort, the *Our Commitment, Our Response* website has had more than 24,000 visitors and 46,000 page views since January 2017. Similarly, the Title IX website has had more than 10,000 visitors and 24,000 page views in the same time period. The Report It website has seen more than 3,000 visitors and nearly 4,000 page

<sup>342</sup><https://www.baylor.edu/thefacts/>.

views. These statistics demonstrate both access and interest in learning about Baylor's program and related information and knowledge regarding where and how to report incidents. In addition, as noted above, the number of individuals making reports of potentially Title IX-related conduct to the Title IX office has increased from 206 during the 2015-16 academic year to 345 during the 2016-17 academic year, reflecting a greater awareness of the processes and resources.

With respect to the prevention tenet of the campaign, all Baylor students were required to complete an online training program, and there was a diverse communications plan to encourage completion of the training, including direct emails, graphics on public monitors, table tents, social media, Canvas pop-up announcements and advertising in the *Baylor Lariat*. Further, as outlined in Section V.D, Baylor completed a Social Climate Survey in 2017. The launch of the survey was highly publicized, including many of the same communications modalities just outlined. Faculty and staff also received targeted information about online training, including information on the message center of the faculty/staff webpage and information in the HR Advisory.

With respect to ongoing sustainability of regular communication and transparency of processes, the University regularly updates relevant webpages to include ongoing efforts, and regularly disseminates, through Marketing, information about the University's commitment to the prevention, education and response to sexual and gender-based harassment and violence.

In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Our Commitment, Our Response Web Site
- Compliance and Regulatory Affairs Committee Report – July 20, 2017
- Alcohol & Substance Education/Prevention Programs
- Student Conduct Administration Alcohol Prevention Efforts
- Wellness Outreach Documentation
- Title IX Pamphlet
- Title IX Office Brochure – Your Rights, Options and Resources
- Title IX Canvas Course Email
- Title IX Office Online Directory
- Title IX Poster
- *It's On Us* Campaign Materials
- Let's Talk About It Flyer

- A Milestone in Our Continuing Progress Recommendations Structurally Complete – May 13, 2017
- Operationalizing Title IX at Baylor, Baylor Magazine – Fall 2015
- Clery Act Report 2016
- Department of Public Safety Staff Listing – July 2017
- Title IX Office Staff
- BearWeb Title IX Pop-Up
- Path of Report of Student Prohibited Conduct and Disciplinary Resolution Process for Students Infographic
- Title IX Process and Procedure Infographic

**J. Centralized Record-Keeping and Documentation for Tracking and Monitoring Reported Incidents, Monitoring Patterns and Assess Campus Climate**

The following recommendations fall within this section:

- IV.8 Ensure that all forms of informal resolution are clearly documented to demonstrate the actions that are taken to meet the University's Title IX obligation to take action to eliminate a hostile environment, prevent its recurrence and address its effects on the complainant and the community.
- IV.9. Maintain appropriate documentation and records of all reports and steps taken to eliminate, prevent and address the effects of the prohibited conduct.
- IV.10. Review and revise protocols to incorporate patterns, trends and climate assessment for consistent broad remedy analysis and investigation of potential serial offenders.
- IV.12. Explore the use of available technology for reporting, responding, and tracking cases.

As outlined above, Title IX requires that the University maintain records and documentation of all reports, investigations and resolutions in order to track patterns and trends, evaluate the effectiveness of efforts to eliminate, prevent and address or remedy the effects of sexual or gender-based harassment and violence, and evaluate compliance with the University's Title IX obligations. See Section III.A.4.h.

At the time of the investigation, Baylor's Title IX Office had taken steps to gather and centralize records that had previously been maintained in Judicial Affairs, Student Conduct Administration, and the Human Resources Office. In response to these recommendations, the University has increased the personnel and technology resources necessary for effective documentation practices.

The University, through its Title IX Coordinator and Title IX Office, now maintains a centralized record-keeping system that documents all reported incidents through a secure shared drive. The central review of all reports minimizes the possibility of ad hoc responses across campus, ensures that the review or investigation in each matter is consistent with University policy, and allows for tracking and assessment of patterns. The University has also implemented clear expectations about coordinated communication and protocols for regular documentation and record-keeping.

In May 2017, the Title IX Office hired an Administrative Case Manager to provide administrative support to the office's interim measures program and hearing process.<sup>343</sup> In addition, the Deputy Title IX Coordinator ensures that all reports are documented, case progress

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<sup>343</sup>This position replaced an existing case manager position, which was transitioned to Student Life.

is tracked, appropriate files are maintained, and that students receive regular communications regarding available resources, case status, and any need for additional information. In addition, the Title IX Case Management Team (CMT) meets weekly to discuss the status of cases and to coordinate between and amongst various departments across campus with an interest in or ownership of processes related to the resolution of Title IX cases. Individuals involved in the coordination include staff from Baylor University Police Department, Student Conduct Administration, Campus Living and Learning, the Office of General Counsel and other departments as relevant and necessary depending on the facts of each case. Members of the CMT maintain contemporaneous documentation as part of established record-keeping protocols within the Title IX Office.

As outlined in Section V.H, to facilitate centralized recordkeeping, the University has taken steps to centralize reporting through online forums.

The University is also documenting resolution of reports under the Alternative Resolution provisions of the January 2017 Policy. As described above, and as part of the University's internal audit function, the Internal Audit Office reviewed a random sample of cases processed under the new policy. Internal Audit reviewed the initial assessment, investigation and adjudication sections to validate that the files reflected adherence to the January 2017 Policy. The audit concluded that without exception, each case selected for testing adhered to the policy related to initial assessment and investigation and adjudication. Consistent documentation is supported by the use of the Title IX Closeout Checklist. At the conclusion of each case, the Title IX Office ensures through the Closeout Checklist that all relevant information is included in the file before the matter is closed. Accordingly, the University is positioned to track trends, identify patterns, and evaluate the need for targeted measures to address challenges in culture.

To facilitate coordinated documentation and recordkeeping, Baylor has purchased two modules of a higher-education tailored online reporting and case management system. The two modules provide a centralized reporting and information system that can be accessed by persons who wish to make a report. Student Conduct Administration and the Title IX Office use online platforms for all forms of student misconduct. As an example, see Exhibit 28, Public Incident Report which is located on the Student Conduct Administration webpage.<sup>344</sup> Further, the Title IX Office uses additional modules to capture student, employee and third-party conduct. Both systems include certain privacy firewalls needed to maintain confidentiality.

With respect to ongoing sustainability of effective documentation practices, the University will continue to evaluate its centralized reporting system and coordination of the Title IX CMT in its ongoing efforts to enhance monitoring, tracking and assessment of reports for patterns, trends and climate. In addition, as described elsewhere, the University is in the final stages of development for an automated Triage Form which would draw from current software systems and provide immediate notice to initial intake personnel when a Title IX report is entered into the system. This step will ensure that initial reports are coordinated on a more expedited basis. This work is anticipated to be completed in Fall 2017.

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<sup>344</sup>[https://baylor-advocate.symplicity.com/public\\_report/index.php/pid918929?](https://baylor-advocate.symplicity.com/public_report/index.php/pid918929?)



In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Title IX Website
- Report It Website
- EthicsPoint Website
- Complainant Intake Form
- Respondent Intake Form
- Case Management Checklist
- Closeout Checklist
- Student Conduct and Title IX Online Reporting Forms – Pre-Central Reporting
- Title IX Initial Report Intake Process and Protocols
- Title IX Triage Form
- Title IX Process

## **K. Consistent Training, Education and Prevention Programs**

The following recommendations fall within this section:

- I.5 Engage in measures that will instill a consistent institutional understanding of Title IX obligations.
- III.8 Train senior leadership to understand current federal law and guidance to support the University's Title IX function and set an informed tone at the top that reinforces Baylor's commitment to Title IX.
- VI.2. Provide training and annual updates for clear implementation of reporting responsibilities and centralized reporting expectations.
- VII.8. Train all implementers to effectively communicate availability of resources, interim measures, and all process options. Develop and provide a written resource guide and process chart.
- VIII.1. Designate one individual with oversight responsibility for coordination and review of all University training and educational programming related to and required by Title IX, Clery and VAWA.
- VIII.2. Consider integrated multi-disciplinary programming to address issues of sexual and gender-based harassment and violence, gender equity, tolerance, diversity, inclusion, intersectionality, alcohol and substance abuse, consent, social media, bullying and hazing, classism, racism, and other issues that impact campus culture and the development and education of students.
- VIII.3. Until further study demonstrates otherwise, continue to prioritize annual education and training consistent with federal law and guidance for all community members and implementers, including:
  - Students – undergraduate and graduate
    - All student groups
    - Fraternities and sororities
    - Athletes
  - Administration and Staff
    - All athletics personnel including coaches
    - Baylor Police
    - Faculty
    - Student Affairs/Student Conduct
    - Title IX Staff
    - Counseling
    - General Counsel
    - Executive Leadership
  - Board
  - Alumni

- VIII.4. Ensure that all implementers, investigators and adjudicators have trauma-informed training.
- VIII.5. Ensure that all training is informed by effective practices and experienced practitioners and is consistent with Baylor University’s mission and values.
- VIII.6. Communicate all efforts (training, education, policies, procedures, reporting options, resources, and programs) through a user-friendly centralized website and other ongoing and effective means.
- X.7. Consistent with employment coaches, train and educate coaches about the need to remain with appropriate reporting protocols and lines of communication when addressing members of Board of Regents.
- X.8. Ensure that all athletics personnel receive specific, extended, targeted, ongoing, and annual training regarding Title IX obligations and responsibilities, including an understanding of the risks attendant to Title IX issues.
- X.9. Educate athletics personnel about individual student safety risks as well as risks to the program and the university community.
- X.12. Educate athletics personnel on reporting policies/protocols to ensure immediate sharing of information with the Title IX coordinator and student conduct as required by policy.
- XI.2. Identify informed training programs to support BUPD in the effective implementation of Title IX, Clery, and all other federal, state and local laws.

As outlined above in Sections III.A.4.1, III.B.5.a, III.B.5.d, and III.D.2, Title IX, the Clery Act and the NCAA all require training and education of campus constituents. Under Title IX and Clery, educational institutions are required to provide training for students and employees. Additional specialized training is required for employees who play a role in implementing Title IX or Clery, who have reporting responsibilities as a responsible employee or campus security authority (including student employees), or who are likely to witness or receive reports. Under the new NCAA Policy, training is required for all student-athletes, coaches and staff. See Section III.D.2.

Effective training emanates from a tone at the top that reflects a commitment of time, energy, personnel, and resources. In February 2016, three months before the completion of the investigation and the delivery of the 105 Recommendations, the Baylor University Board of Regents approved an administrative action plan that reflects a “commitment to help eliminate incidents of interpersonal violence on the Baylor campus, ensure that incidents of interpersonal violence are reported and investigated promptly, and ensure that the education, physical, emotional and spiritual needs of victims are given prompt and priority attention.”<sup>345</sup> Specifically, the University committed to: “[m]andate annual Title IX training for all upper-class

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<sup>345</sup><http://www.baylor.edu/mediacommunications/news.php?action=story&story=165807>

and graduate students, expanding the program presently provided to all incoming students,” “[g]uarantee that faculty and staff Title IX training will be required annually,” and, “[f]ully fund continuing education for all campus professionals who provide Title IX response, support and counseling to ensure awareness and adherence to nationally recognized trauma-informed practices in the field of interpersonal violence.”<sup>346</sup>

The University’s Title IX Coordinator is the designated individual with oversight responsibility for coordination and review of all University training and educational programming related to and required by Title IX and some aspects of the Clery Act. In March 2016, the University added a dedicated Prevention and Training Specialist to assume responsibility for strategic planning and implementation of training programs. The Prevention and Training Specialist’s full-time focus is developing and delivering training, intervention and prevention programming on sexual and gender-based harassment and violence. In addition, the Clery Compliance Office provides training for other aspects of the Clery Act. Detailed information about many of Baylor’s prevention, education training programs is included in Appendix III.

With respect to students, during each Summer Orientation session for new students and their parents, a mandatory session entitled “Community Expectations” is provided to students and related attendees. The session contains information on student conduct policies, Title IX (including information about confidentiality and privacy), and public safety.

All first-time Baylor enrollees (i.e., freshmen, transfers, graduate, and professional students) are required to complete Bridges, the Title IX Online Course, and an in-person training event prior to or during the Fall semester. Bridges is an interactive, competency-based training that provides instruction on Baylor’s Title IX/VAWA policy and procedures, including understanding the conduct governed by the policy, who is required to report allegations of policy violations, and how to engage anyone making a report using trauma-informed methods. The instruction includes scenario-based videos followed by question/answer responses and additional reading on topics. The training also includes information about available resources. Students have a “hold” on their account until completion, and students who do not complete this online training are not allowed to register for courses for the Spring semester. For the 2016-2017 academic year, 8,166 individuals completed the Title IX Online Course.

In addition, during the first week of classes each fall semester, the Title IX Office, in coordination with several other departments, hosts a mandatory-attendance event for all first-time undergraduate enrollees (freshmen and transfers) called “*It’s On Us Baylor*.” This convocation event provides live, in-person education on Baylor’s student conduct policies, including the January 2017 Policy. The convocation is co-produced by Student Life, Title IX and Student Government, and includes scenarios acted out by students from the Baylor Theatre Arts department. The program includes speakers (from the above departments) on topics such as: consent, bystander intervention, reporting methods and respect for others. The training also instructs students about their rights and responsibilities, where and how to make reports, and how to obtain campus-based and external resources. Attendance is monitored electronically, and

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<sup>346</sup><http://www.baylor.edu/mediacommunications/news.php?action=story&story=165807>

attendance is incentivized by providing redemption code for a complimentary “It’s On Us” T-shirt to all attendees. Awareness of the *It’s on Us* campaign is heightened by the students wearing the T-shirts on campus. For the 2016-17 and 2017-18 academic years, every new student attended the *It’s On Us* event.

In addition, the University has instituted a pop up “refresher” screen to appear each semester at the time of registration for classes. During the spring of 2017 and all semesters following, for each student who logs into the BearWeb portal, a pop-up informational refresher on Title IX policy, reporting, and resources prevents a student’s access to BearWeb, a system used to access information such as grades and registration for courses, until they have acknowledged review of that information. The specific content includes a policy statement with hyperlinks to the full text of the Title IX policy and the Title IX brochure with additional information on resources and reporting. Also included in the refresher are directions on how to report an incident, a statement regarding amnesty for other policy violations which may have occurred in conjunction with a Title IX incident, contact information for counseling, emergency help and the Title IX office. Students may also click on hyperlinks to the Title IX office, anonymous reporting through EthicsPoint and Report It online reporting systems and to the student training page where additional Title IX training may be accessed. Subsequent to clicking on the acknowledgement, a copy of the information contained in the pop-up window is emailed to each student who completes the review. Approximately 13,000 students have acknowledged that they have read this information since the refresher pop-up screen was instituted in March of 2017.<sup>347</sup>

All of these training resources emphasize that students who report sexual or gender-based harassment or violence are entitled to amnesty for violations of other University policies (such as alcohol or other drug use or the sexual conduct policy). Likewise, the training emphasizes that all complainants have the autonomy or agency to address an incident in the manner they would prefer, even if they are not the individual making the report. Options for complainants include: no process, resources and accommodations only, alternative resolution methods, university-based investigation and adjudication through the Title IX Office, engagement with law enforcement, or any combination of the above.

In addition to targeted Title IX training, as outlined in Section V.K, the University provides numerous alcohol and substance education and prevention programs regarding alcohol or other drug use. The training includes Everfi’s AlcoholEdu online training module, an “interactive online program designed to reduce the negative consequences of alcohol amongst students.” The August 2016 response rate for students completing the training was 99%. In addition, each semester the University hosts an event entitled “Effectively Developing Greeks” that covers Baylor’s policies regarding alcohol as well as general expectations, behaviors, and requirements of the University community. This training is provided to male students interested in accepting a bid from an Interfraternity Council (IFC) or local/independent fraternity.

Meg Patterson, Baylor’s Director of Wellness, also oversees dozens of targeted outreach efforts every academic year that focus on sexual assault prevention, how to recognize and avoid

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<sup>347</sup>Baylor has more than 16,000 students. See <http://www.baylor.edu/>.

addictive behaviors, the consequences of underage drinking and/or drug use, and, in general, how to maintain a healthy lifestyle.

Baylor has taken steps to assess the effectiveness of training efforts. During the 2016-17 school year, a total of 4,736 students completed a Title IX training survey. The following results provide some evidence of the effectiveness of those training methods:

In surveys completed following the completion of the *It's On Us* event and online compliance training:

- 79% of survey respondents indicated that the online course was an effective way of learning the information;
- 86% of survey respondents were able to identify Kristan Tucker as the University's Title IX Coordinator;
- 87.2% of survey respondents indicated that they understood that a professor was not a confidential resource;
- 97.9% of survey respondents were able to say that they felt equipped to seek assistance from Title IX following the *It's On Us* event, and 97.8% indicated that they felt similarly equipped to obtain resources regarding health or counseling;
- 98.1% of survey respondents said they understood how to make a Title IX report.

Baylor has also provided extensive and targeted training for student organizations, including athletic teams and Greek organizations. Between February 2014 and August 2017, there were more than 50 training and educational programs provided for student-athletes. The trainings delved into various categories including: Personal Development, Compliance, Conduct, Title IX and Clery. The trainings and educational programs covered various content sub categories ranging from drug and alcohol abuse, gambling, financial training and role model behaviors, to reporting sexual misconduct/violence, multicultural affairs, respecting women, and building a supportive community. These programs were provided by various guest speakers from internal departments such as Campus Living and Learning, the Title IX Office, and outside speakers from Waco PD and other external organizations. For more detail, see Appendix III. Most recently, on April 3, 2017, the Title IX Office provided in-person presentations and training for all football student-athletes. In August 2017, all student-athletes participated in a two-part interactive required workshop on sexual and gender violence prevention featuring Alison Kiss, Executive Director of the Clery Center,<sup>348</sup> Neil Irvin, Executive Director of Men Can Stop Rape,<sup>349</sup> and Kristan Tucker, Baylor's Title IX Coordinator.

The content of Workshop 1 included multi-disciplinary programming to address issues of sexual and gender-based harassment and violence, gender equity, tolerance, diversity, inclusion, intersectionality, alcohol and substance abuse, consent, social media, bullying and hazing, classism, racism, and other issues that impact campus culture and the development and education

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<sup>348</sup><https://clerycenter.org/>; see also <https://clerycenter.org/about-page/team-board/>.

<sup>349</sup><http://www.mencanstoprape.org/>; see also <http://www.mencanstoprape.org/Our-Staff/>.

of students. The workshop was consistent with federal law and guidance and included the following topics:

- What constitutes sexual and gender-based harassment and violence, dating violence, domestic violence, and stalking;
- Consent;
- The role alcohol and drugs often play in sexual violence incidents, including how such use relates to consent, and how the deliberate use of alcohol and/or other drugs can be used to perpetrate sexual violence;
- Strategies and skills for bystanders to intervene to prevent possible sexual violence;
- Information on risk reduction to recognize warning signs of abusive behavior; and,
- Discussion re: personal responsibility and respect as vital elements of broader culture change.

The content of Workshop 2 included education and training consistent with federal law and guidance for all student-athletes, to include the following topics:

- What constitutes sexual harassment/and all forms of prohibited conduct under Baylor Policy (all definitions including consent, incapacitation and retaliation);
- Institutional policies and procedures;
- Availability of options, resources and supports regardless of reporting choice;
- Consequences of violating policies (disciplinary, criminal, academic, housing, and student record-related);
- Who policies apply to and who they protect;
- Reporting options, including how and to whom, as well as formal reporting and confidential disclosure options and any timeframes set by the school for reporting;
- Discussion of option to report to law enforcement and the option to decline to report to law enforcement;
- Identification of list of available support and resources as well as information regarding offices or individuals who can provide resources (i.e., victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services); and,
- Amnesty provisions.

As noted in Section V.D, Baylor presents targeted programs for the Greek community to address potential high risk behaviors. Each semester, the University hosts an event for male students interested in accepting a bid from an Interfraternity Council (IFC) or local/independent fraternity. The event, entitled “Effectively Developing Greeks,” covers Baylor’s policies regarding alcohol as well as general expectations, behaviors, and requirements of the University community. This training is provided to approximately 100-300 students per semester. In addition, the University annually hosts an All Greek Leadership Retreat, which provides information to attendees regarding risk management and accountability for University policies. In addition, conversations initiated at the retreat are continued through the All Greek President’s Roundtables, which meet once per month throughout the academic year. These

roundtables focus on policy, maintaining a culture of responsibility, Christian character, and compliance with University policies.

Finally, Baylor has been working to develop Green Dot bystander intervention training programs. Green Dot trains campus community members about sexual assault and domestic violence on college campuses and how to intervene to help prevent these incidents from occurring. Baylor is training the initial level of trainers and creating partnerships across campus. Baylor plans to begin training the second level of trainers in May 2018, who will then provide training within their discrete organizations.

With respect to employees (generally), consistent with its designation of all Baylor employees as responsible employees (with the exception of confidential resources), Baylor requires all faculty and staff to annually complete an online training entitled Bridges: Building a Supportive Community. The training is available through Baylor Compass, a website used by Human Resources to track and manage online training. The online training provides Title IX and other anti-discrimination training from an employee-focused perspective. The competency-based course instructs employees on Title IX/VAWA policies and procedures, reporting requirements, trauma-informed interaction with students and the employee's reporting obligations through scenario-based videos. Baylor's senior administration has adopted completion of this training as a professional expectation for every employee, and faculty and staff are not eligible to receive at least a "meet expectations" ranking on their annual performance reviews unless they complete the training. Employees who do not meet professional standards are ineligible for merit increases.

Wide-scale, mandatory online Title IX training for all faculty and staff began in August 2015. Since that time, 98% of faculty and staff have completed the online course. In addition, 97% have completed a second course entitled, Intersections: Preventing Harassment, Discrimination, & Sexual Violence. Participants are required to correctly answer content questions in order to complete the training. Intersections is a broad-based harassment and discrimination training that addresses Title IX and other civil rights issues. The goal of the training is to ensure that all Baylor employees understand their reporting responsibilities under Title IX.

In addition, Baylor presents training for specific classes of employees as necessary or relevant to their specific job duties. For example, more than 700 employees have been identified as Campus Security Authorities under the Clery Act and received training in May 2017. CSAs are overseen by a full-time Clery Coordinator, and are trained to reinforce Clery reporting obligations and to utilize a uniform incident report process. The Clery Compliance Office reports to the Chief Compliance Officer.

Employees with mandatory child abuse reporting obligations have also received mandated training. As outlined in Section V. E, in 2014, Praesidium, a consulting firm who specializes in the protection of minors, was retained to assist in the development of Baylor's Protection of Minors department. At the time, Praesidium conducted a survey to identify risk areas for minors. In 2015, Praesidium created an online training program to ensure those with interaction with minors had proper training on reporting responsibilities and University policies and procedures. All employees with reporting responsibilities were subsequently trained in 2015



and 2016. Currently, Praesidium is performing a review of the Protection of Minors initiative to identify enhancement opportunities.

All implementers, including Title IX Office staff, investigators and adjudicators have received trauma-informed training to effectively communicate availability of resources, interim measures, and all process options. Implementers receive annual training on trauma-informed investigation and practices. For more detail, see Appendix III.

All student workers are given additional training on Title IX/VAWA due to their hybrid student/employee status. Student-employees designated as responsible employees are provided additional instruction on their responsibilities. These groups include all graduate students who are teachers of record or who may interact with other students as a research assistant, Summer Orientation Leaders, Community Leaders (resident assistants) in the dormitories, Campus Recreation workers, Student tutors and various student organization leaders.

With respect to the Athletics Department, consistent with the recommendations, the University has provided targeted training to all athletics personnel regarding Title IX obligations and responsibilities, the risks attendant to Title IX issues and reporting policies and protocols. Coaches also receive training about the need to remain with appropriate reporting protocols and lines of communication with respect to Regents. The Title IX Office conducted training for athletics staff on June 21, 2016, June 30, 2016, and July 14, 2016. Follow-up question and answer sessions were conducted with athletics program staff. Further, extensive football training was completed April 3, 2017. These trainings were in addition to the mandatory annual training through Baylor Compass. In addition, in support of cultural change, new staff in the football program, hired in December 2016 and January 2017, were not permitted to recruit off-campus on behalf of Baylor until they had completed appropriate Title IX training.

More than 40 trainings and educational programs, largely mirroring student-athlete training programs, have been provided to athletics staff and coaches. Employee trainings also included topics like reporting responsibilities, NCAA Sexual Violence Prevention, Green Dot Training and refresher trainings for staff members who had been with the Athletics department for several years. These trainings are detailed in Appendix III. Like the student-athletes, in August of 2017, all athletics staff received training from Title IX representatives, Alison Kiss, Neil Irvin, and Kristan Tucker. Content included an overview of employee Title IX obligations and responsibilities including: an understanding of the risks attendant to Title IX issues; individual student safety risks as well as risks to the program and the university community; and reporting policies and protocols to ensure immediate sharing of information with the Title IX coordinator and student conduct as required by policy. Discussion included the following topics as outlined in law and guidance:

- How to respond to complaints;
- The University's grievance procedure;
- How to file a complaint under University Policy and a step by step overview of what happens from the time such a complaint is filed through the end of a Review Panel, including the role of different individuals in the process;
- Clear examples of what types of actions may constitute sexual harassment or sexual violence in the University's programs or activities, including but not

limited to what type of behavior may provide the basis for a complaint under University policy;

- How the Title IX process differs from the criminal process;
- How to notify complainants of the right to file or decline to file a criminal complaint, and how to file a criminal complaint;
- How to contact the Title IX Coordinator and /or appropriate deputy Title IX Coordinators;
- How to provide students with information regarding resources, both verbally and through the resource guide (i.e., in hard copy and/or electronic form) whenever attendees respond to such reports;
- The University reporting requirement for reports of sexual and gender-based harassment and violence, and the University's policies and practices regarding the confidentiality and privacy considerations of such reports;
- How to prevent and identify sexual violence, including same-sex sexual violence;
- Behaviors that may lead to and result in sexual violence;
- The attitudes of bystanders that may allow conduct to continue;
- The potential for revictimization by responders and its effect on students;
- Appropriate methods for responding to a student who may have experienced sexual violence, including the use of nonjudgmental language and the impact of trauma on victims;
- The person(s) to whom such misconduct must be reported;
- Responsible employee reporting obligations, including what should be included in a report, the consequences for the failure to report, and the procedure for responding to students' requests for confidentiality;
- Information on how to inform students of the reporting obligations of responsible employees;
- A complainant's option to request confidentiality and available confidential advocacy, counseling or other support services;
- Rights to file a Title IX complaint with the University and to report a crime to campus or local law enforcement;
- Appropriate response to reports of sexual violence;
- The obligation to report sexual violence incidents to Title IX Coordinator;
- What reporting includes (all information);
- How to respond to a request for confidentiality; and
- Understanding that responsible employees should report information immediately to the Title IX Coordinator when they "knew or should have known" information related to prohibited conduct, regardless of whether it came from a direct first person account or an indirect source of information;
- Affirming that responsible employees should not investigate whether an incident occurred or whether a hostile environment has been created before reporting it; and,
- "When in doubt, report it out."

In the summer of 2016, an online student misconduct reporting form was developed by Baylor's Information Technology Services to standardize the reporting of student-athlete

misconduct. All reports through the online form have an automatic workflow to the Athletic Director, Chief Compliance Officer, Title IX Coordinator, Chief of Police, and Clery Compliance Manager. This method of reporting for student-athlete misconduct was intended as an interim measure during a time of immediate need for a centralized method of making all relevant parties aware of student-athlete misconduct immediately. All athletics personnel were trained on reporting obligations as they relate to student-athlete misconduct.

In addition, as of November 1, 2017, all volunteer coaches (but one) have received training either in person at a workshop or through the online training provided by the University. The University has committed to mandating online training for volunteer coaches.

Baylor has also ensured that the Baylor University Police Department receives appropriate training. In addition to the mandatory Title IX training for all faculty and staff at Baylor, BUPD staff have participated in many hours of training specific to effectively responding to sexual assault cases. In January of 2017, BUPD contracted with Tom Tremblay, a retired Chief of Police from Burlington, Vermont, and the former Commissioner of the Vermont Department of Public Safety. In addition to other responsibilities, Chief Tremblay has provided trauma-informed sexual assault related trainings. In March 2017, the Title IX Coordinator trained BUPD staff on trauma-informed communications, University policy, reporting protocols. This training was repeated for new hires in September 2017.

During the BUPD's annual in-service training, all BUPD staff received training on the BUPD Sexual Violence Response & Investigation Policy. This Policy includes best practices for victim centered and trauma informed interpersonal violence investigations. This training ensures that BUPD dispatchers, patrol staff, CID and Crime Prevention Unit staff are aware of, and understand, the new procedures and expectations. The training was provided by Chief Tremblay on May 15 and May 22, 2017.

The Texas Commission on Law Enforcement mandates that law enforcement officers complete 40 hours of training every two years. In 2015 and 2016, on average, Baylor officers completed 100 hours of training, including 32 hours of in-service training each May that included Title IX, the Clery Act, and sexual assault response. In addition, BUPD investigators have completed the Texas Sexual Assault Family Violence Investigators Certification Course and the Victim-Centered Interviewing and Forensic Interviewing Course. Additional information is provided in Section V.N.

Baylor's entire Counseling Center staff have also completed trauma-informed training and PTSD treatment training. On July 27-30, 2016, all Counseling Center staff participated in a workshop entitled "Working with Trauma survivors in a University Context." The training was conducted by Dr. Edna Foa, Director of the Center for the Treatment and Study of Anxiety at the University of Pennsylvania. Additional information is provided in Section V.M.

Similarly, the entire staff of the Health Center has participated in sexual assault training and quality improvement studies, which have increased the awareness of sexual assault and how anyone who becomes aware of an assault must respond. On October 19, 2016, a nurse and nurse practitioner, along with staff from the Title IX Office and Counseling Center, gave a presentation regarding relevant aspects of care of traumatized patients to all Health Center staff.

As set forth in Section V.C, senior leadership has received Title IX and board governance training. In July 2016, Cathy Trower and Ray Cotton provided board governance training to the Board of Regents. In May 2017, Ms. Smith and Ms. Gomez provided Title IX and Clery training for all Regents and senior leadership. In July 2017, the Title IX Coordinator repeated the Title IX and Clery training for new Regents as well as the President. Also in July 2017, David Maxwell, with the Association of Governing Boards, provided Board governance training for all Board members. The training to Board members at the July 2017 meeting also included presentations from the Athletics Director and the Senior Associate Athletics Director for Compliance on communication protocols.

The University communicates its Title IX efforts—relating to training, education, policies, procedures, reporting options, resources, and programs—through a user-friendly centralized website as well as other ongoing and effective means. The website, *Our Commitment, Our Response*, serves as a central location for providing communication about Baylor’s Title IX efforts.<sup>350</sup>

With respect to the sustainability of the University’s efforts, the University developed a system to ensure continued attention to training and education requirements. The addition of a Prevention and Training Specialist, now under the direct oversight of the Chief Compliance Officer, ensures that training and education are directly within a University employee’s portfolio. The federal laws require annual and ongoing training for community members. In addition, each year, the University community experiences turnovers requiring a continually renewing stream of constituents who require training.

In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Summer Full Time Staff Training Roster – 2016 - 2017
- Alcohol and Substance Education/Prevention Programs
- Football Team Training Presentation – April 3, 2017
- Athletic Graduate Assistant Training
- Athletics Incident Reporting Guide
- Athletics Staff Title IX Training – Summer 2016
- Athletics Training Documentation
- Baylor Regents Announce Structural Completion of the 105 Recommendations
- Baylor Title IX Canvas Course Survey

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<sup>350</sup><https://www.baylor.edu/thefacts/index.php?id=936796>.

- Baylor Title IX Canvas Course Survey – 2016 – 2017
- BearWeb Title IX Refresher Pop-Up
- BearWeb Title IX pop up
- Beauchamp Addiction Recovery Center News Release
- Board of Regents Presentation Regarding Addiction Disorders, Recovery, and Student Culture – October 13, 2016
- University Police Department Title IX Training Attendance
- University Police Department Title IX Training Slides
- University Police Department Trauma Informed Training Attendance
- University Police Department Trauma Informed Training Presentation
- Campus Security Authority Training Rosters
- Cathy Trower Memorandum Regarding Board Training
- Compliance and Regulatory Affairs Committee Report
- Athletics Staff With Policy Extract Email
- EVERFI AlcoholEdu for College Report
- Faculty Staff Training “Bridges” Completion Report
- Faculty Staff Training “Intersections” Completion Report
- Findings of Fact
- Football Team Training – Attendance
- How Auburn's Title IX Operates in the Wake of the Baylor Scandal
- Intersections: Faculty/Staff Training
- Keeping Our Minors Safe
- Manager of Compliance Training and Monitoring Job Description
- National Center for Campus Public Safety Attendance Certificates
- Health Center Training Notes

- Our Commitment Our Response Web Site
- Title IX Training Website
- Process Flow Chart
- Program Matrix
- PTSD Training Attendance and Detail
- Report It Central Reporting
- Report of the Governance Review Task Force
- Spreadsheet of Title IX Training – 2014 - 2017
- Required Online Training Email and Participation Report – Spring 2017
- Student Conduct Administration Alcohol Prevention Efforts
- Texas Sexual Assault Certification Course Attendance
- Title IX and Report It Website Statistics
- Title IX BearWeb Popup Report
- Title IX Brochure
- Title IX New Student Event Survey – Fall 2016
- Title IX Pamphlet
- Title IX Pocket Guide
- Sexual and Gender-Based Harassment and Interpersonal Violence Policy – October 2017
- Title IX Training Follow Up
- Title IX Website
- Training Documentation – 2014 - 2017
- Training Bridges Report
- Training Intersections Report
- Training Student Think About Report

- Tucker Named Title IX Coordinator - Baylor Magazine
- Wellness Outreach
- Title IX Equity Organization Chart
- Board of Regents Training – May 11, 2017
- Manager of Compliance Training and Monitoring Hire Date
- New Regent Orientation Schedule – July 2017
- Schedule of Activities – July 18-21, 2017
- Board of Regents Training Campus Climate – July 2017
- Board of Regents Schedule of Activities – July 2016
- Case Management Checklist
- Complainant Intake Form
- Respondent Intake Form
- Title IX Initial Report Intake Process and Protocols
- Title IX Triage Form
- Title IX Process
- Clery Center- Baylor Staff Presentation – August 16, 2017
- Clery Center- Baylor Student Athlete Presentation
- 105 Recommendations Email
- Conference Call Email
- Student Life Division Training
- Athletics Training – August 2017
- Faculty and Staff Training Website
- Title IX Canvas Course Survey
- Student Think About Report

- Implementation Training Discussion – April 26, 2017
- Staff Department Listing – July 2017
- Title IX Office Staff
- Path of Report of Student Prohibited Conduct
- Coach Contract Language Redacted
- Board of Regents and Head Coach Interaction
- Student-Athlete Misconduct Reporting Form
- Department Meeting - Issues for Mack Rhoades to Address
- Football Team Training Attendance – April 3, 2017
- Strengthening Campus Safety and Security
- Manager of Compliance Training and Monitoring Job Description
- Baylor University Regents Approve Action Plan to Address Sexual Violence – February 12, 2016
- Implementer Training Conversation Presentation
- Baylor Investigator Training Presentation
- Threat Assessment Training Presentation
- Threat Assessment Group Policy – 2017
- Human Resources Implementer Discussion Attendance
- Provost Office Implementer Discussion Attendance
- Implementation Training-Discussion – May 3, 2017
- Athletics Staff Title IX Training – Summer 2016
- Title IX Canvas Course Survey – 2016 - 2017
- Board of Regents Presentation Regarding Addiction Disorders Recovery and Student Culture – October 13, 2016
- Leadership Team Meeting February 6, 2017



- Operationalizing Title IX at Baylor, Baylor Magazine – Fall 2015
- Texas Sexual Assault Certification Course attendance

## **L. Athletics Department**

The following recommendations fall within this section:

- I.9 Create a culture within the football program that ensures that the reporting, investigation, and disciplinary actions involving student-athletes and athletics department staff are managed in the same manner as all other students and staff on campus, and that student-athletes are held accountable to the same standards as all Baylor students.
- I.10 Identify leadership for the Athletics Department and football program to set a strong and consistent tone regarding Title IX and conduct issues and set expectations for required actions in response to all forms of student misconduct, harassment and discrimination.
- X.1. Create and maintain culture of high moral standards, enforcement, and discipline. Review, revise, and reinforce the expectation of a culture of high moral standards and discipline from coaches and staff to players.
- X.3 Identify leadership to set a tone from the top regarding Title IX compliance, attention to student welfare, and reporting obligations.
- X.7. Consistent with employment coaches, train and educate coaches about the need to remain with appropriate reporting protocols and lines of communication when addressing members of Board of Regents.
- X.8. Ensure that all athletics personnel receive specific, extended, targeted, ongoing, and annual training regarding Title IX obligations and responsibilities, including an understanding of the risks attendant to Title IX issues.
- X.9. Educate athletics personnel about individual student safety risks as well as risks to the program and the university community.
- X.10. Build opportunities for athletics personnel to integrate and develop relationships with non-athletics personnel.
- X.11. Develop and implement a new drug testing policy. This policy should follow the standard of informed practices among peer institutions.
- X.12. Educate athletics personnel on reporting policies/protocols to ensure immediate sharing of information with the Title IX Coordinator and student conduct as required by policy.
- X.13. Establish clear policies and protocols for all Athletic Department staff when students are accused of misconduct in violation of University policy:
  - Clear documentation protocols for athlete misconduct
  - Clear reporting protocol

- To Head Coach and Athletic Director
  - To Title IX Coordinator
  - To Judicial Affairs
- X.14. Establish clear disciplinary consequences for personnel who fail to follow reporting and documentation protocols.
- X.15. Expand athletics compliance function to capture and monitor athlete misconduct. Consider independent athletics compliance oversight (i.e. Chief Compliance Officer) with dual reporting lines to the President and an appropriate board committee.
- X.16. Review and revise transfer policies and protocols to ensure due diligence is exercised in the screening of transfer candidates. Consider Big 12 and national best practices when implementing a protocol that will consider, at a minimum, criminal history, college disciplinary history, and character references.
- X.17. Establish policy and practice for consistent evaluation of any recruit with some level of past legal or disciplinary conduct issue, including the review of the known information by compliance professionals outside of the Athletics Department, and as appropriate, external to the University.
- X.18. Formalize team and departmental policies regarding team suspension or dismissal with respect to arrest and or student conduct investigation.
- X.19. Consider a software solution for reporting, documenting, and sharing of information.
- X.20. Annually review all cases of athletes accused of misconduct to ensure that responses are consistent with applicable policies and procedures for all Baylor student misconduct.

Our recommendations focused on several key areas critical to effective implementation of Title IX and Clery obligations within Athletics: leadership and tone; cultural change; reporting protocols for student and employee misconduct; training; and integration of Athletics within the University. The recommendations also focused on discrete policy areas such the department's drug testing policy, transfer policies, prospective student-athlete misconduct, and departmental policies regarding suspension and dismissal.

As evident throughout this report, we have observed significant commitment to the completion of all twenty recommendations in this section. In response to these recommendations, Baylor has taken significant action to foster a new culture within Athletics. This has occurred through new and effective leadership, enhanced protocols and systems for compliance, and detailed attention to implementation of the recommendations.

As set forth in Section V.B, on May 26, 2016, the Board of Regents released the Findings of Fact and 105 Recommendations. As part of the Board's response to the Findings of Fact, the University evaluated leadership changes. The Board announced significant personnel changes,

which eventually resulted in the resignation or removal of President Ken Starr, head football coach Art Briles, and the Director of Athletics Ian McCaw.

On July 18, 2016, Mack Rhoades was appointed as Vice President and Director of Athletics. The terms of Mr. Rhoades' employment are governed by his employment contract, which includes responsibility for compliance obligations from all governing entities, including the NCAA and the Big XII Conference, as well as Title IX and Clery obligations. Prior to coming to Baylor, Mr. Rhoades had developed a reputation and track record for commitment to high moral standards, clear-eyed enforcement, and compassionate, yet firm, disciplinary standards. Mr. Rhoades continued that same commitment to excellence as he began to reshape and restructure the Athletics Department at Baylor.

Under Mr. Rhoades' leadership, significant personnel actions ensued, including a turnover, as of the fall of 2017, of approximately 90 employees within Athletics. During the 2016-2017 fiscal year, Athletics had 62 new hires (with 52 employees ending their employment at Baylor) and in the first two months of the 2017-2018 fiscal year, 26 new hires (and 15 Athletic Department employees departing Baylor). As is standard in the coaching industry, nearly the entire football staff turned over with the hiring of head football coach Matt Rhule on December 7, 2016. Mr. Rhoades continues to evaluate personnel and make appropriate additions and changes as deemed necessary.

Mr. Rhoades reports directly to the University President, as provided for in Baylor's Bylaws, Article 3.2.A, which states "the president shall serve as the chief executive officer of the University. The president shall have direct charge of, full supervision over, and shall be responsible for all property of the University, and over all matters pertaining to the University, in all its units, schools, colleges, and departments." Mr. Rhoades is also a member of the President's Executive Council, and he meets with the President one-on-one on a monthly basis. During Mr. Rhoades' interview process, Mr. Rhoades and Baylor agreed that the Board of Regents would not be involved in management of any aspect of the Athletics Department, such management being within the sole purview of the President of the University. Presidential exercise of institutional control is reinforced through the Faculty Athletics Representative (FAR), who maintains a collaborative working relationship with Mr. Rhoades and key Athletics personnel.

As part of the rebuilding of culture and climate within Athletics, Mr. Rhoades restructured his executive leadership team. He hired Jeramiah Dickey to serve as the Associate Vice President for Athletics, Dawn Rogers to serve as Deputy Athletics Director, Marcus Sedberry to serve as the Senior Associate Athletic Director for Student Athlete Development, and Kenny Boyd as the Senior Associate Athletic Director for Student-Athlete Health and Wellness. Each of these hires has significant prior experience in both public and private universities and worked within several athletics conferences. Mr. Rhoades also carried structural changes into the academic advisement and strength and conditioning programs, changing leadership in both key areas of Athletics. For example, Mr. Boyd now oversees Sports Medicine, Athletic Applied Performance, Strength and Conditioning, Nutrition and Mental Health.

As the Senior Associate Athletics Director for Student Athlete Development, Mr. Sedberry has been tasked with restructuring Student Athlete Support Services. The prior department provided academic support, including tutoring, for student-athletes. This role is now expanded to realize Mr. Rhoades' goal of helping student-athletes with character formation and life skills development. Five new positions have been created within this group, three of which are dedicated to the academic side with a goal of customizing the support experience for student-athletes with tutor coordination, follow up, and monitoring. The other two positions are dedicated to character formation. These are both centered on each student-athlete's character and personal journey to better prepare them to make smart character decisions. The plan is to create a year-by-year curriculum tailored to the student-athlete and where they are in their matriculation through the system. The curriculum includes categories such as decision making, navigating life, personal branding, and financial responsibility. The first year athlete curriculum focuses on core values which apply to all, whereas the senior year curriculum is much more tailored to the career opportunities.

In an effort to build bridges, strong relationships, and to fully integrate Athletics into the larger community, Mr. Rhoades has also engaged in extensive efforts to meet and collaborate with several campus constituencies including student life, academic affairs and counseling. Since Mr. Rhoades' arrival, he has prioritized reaching out to key contacts to build relationships and trust. Some of the key personnel or areas he has met with include Student Life, the Faculty Athletic Representative, the Faculty Athletic Council (including a personal session with the Chair of the Council), and Deans of the University. The Athletics Department also created and maintains a list of active involvement in committees or other groups by athletics staff. See Exhibit 29, Athletics Integration with Campus. An annual evaluation is performed to determine need and opportunities for building relationships. Beginning with the 2017-18 academic year, the Athletics Department will continue this annual review and work to develop additional opportunities to engage staff and enhance communications with focus on the Student Conduct, BUPD and Title IX Offices.

Since joining Baylor, Mr. Rhoades has met with all coaches, non-coaching staff and student-athletes from each team to reinforce the expectation of a culture of high moral standards, enforcement, and discipline. Mr. Rhoades meets with all staff once per semester, and with all head coaches and senior staff twice per semester. Mr. Rhoades uses his strong leadership skills at these meetings to set the tone and expectations for personnel. For example, Mr. Rhoades has expressly communicated to personnel that reporting obligations are an explicit requirement of employment and that failure to report may subject employees to termination. Mr. Rhoades also includes reminders about appropriate interaction with Regents. Mr. Rhoades has also presented his "Preparing Champions for Life" philosophy, which emphasizes the importance of preparing all student-athletes academically, athletically, socially, and spiritually. Mr. Rhoades also uses these staff meetings to share and discuss new policies, including the January 2017 Title IX Policy, Drug Testing Policy, Serious Misconduct Reporting Protocol, Student-Athlete Arrest Policy, and Prospective Student-Athlete Background Assessment Policy.

Mr. Rhoades includes directives and admonitions on employee reporting responsibilities and proper engagement with Regents are based on, and reinforced by, policy and the language of coaching contracts. For example, contract language in employment contracts requires coaches to "refrain from contacting directly or indirectly any officer, except the AD, or Regent of Baylor

about items relating to the administration of [sport], administration of Baylor's athletic program, or this contract or other matters related to [coach's] employment at Baylor." Further, coaches' contracts state, "All discussion of items of concern or problems with [sport] and other athletic programs or [coach's] employment at Baylor must be handled in accordance with established university procedures within supervisory channels." Personnel contracts for coaches now include the mandate to "promptly report to the Athletic Director, the assigned Sport Administrator, and, as applicable, Student Conduct Administration, the Title IX Coordinator and/or as necessary the President of Baylor, any violation or alleged violation of said Laws and Rules." The contracts provide that "...any failure to do so constitutes cause for termination of this contract..." In addition, for all University employees, item four of the "General Employment Policies" states that violation of any policy may result in disciplinary action up to and including termination. The University's January 2017 Title IX Policy also clarifies employee reporting responsibilities, including a provision that a violation of this requirement will subject the employee to discipline, up to and including termination.

As noted above, on October 7, 2016, Doug Welch was named Chief Compliance Officer (CCO). Part of the CCO's portfolio is to capture and monitor student-athlete misconduct to ensure that it is properly reported, investigated and adjudicated under applicable University policies. The Athletics Compliance department monitors issues relevant to NCAA compliance. The Senior Associate Athletic Director for Internal Affairs compiles information related to student-athlete misconduct, which is shared with the CCO annually. In addition to other responsibilities, the CCO is required to provide to the Board of Regents, on an annual basis, a review of conduct cases involving student-athletes to determine whether all cases of misconduct were handled in a manner consistent with applicable policies and procedures. On July 20, 2017, the CCO presented the first annual report to the Board of Regents during the Compliance and Regulatory Affairs Committee meeting. The CCO concluded that the statistical occurrence of violations by student-athletes as compared to the general student population was approximately the same. The CCO also concluded that the penalties for substantially similar misconduct by an athlete and non-athlete were either equivalent to or the differences were explained by other factors such as prior conduct violations.

Under Mr. Rhoades' leadership, the Athletics Department has developed or revised several resources to include new, enhanced, and coordinated policies and protocols specific to Athletics. During the fall of 2016, the Student-Athlete Handbook was updated to include the new policies referenced in this section, and was disseminated to all student-athletes and coaches. These resources, which were further revised and updated in October 2017, include the Athletics Department Policies and Procedures Manual, the Baylor Athletics Compliance Manual 2017-2018, and the 2017-2018 Student-Athlete Handbook.<sup>351</sup>

With respect to the multiple recommendations regarding the reporting of student-athlete misconduct, the University has developed policies and practices to support centralized reporting of misconduct, both internally within the department and externally to the appropriate departments. In the summer of 2016, the University developed an online student conduct reporting form, and provided training to all Athletics personnel on the mandate to report student-

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<sup>351</sup>[http://grfx.cstv.com/photos/schools/bay/genrel/auto\\_pdf/2017-18/misc\\_non\\_event/17-18-handbook.pdf](http://grfx.cstv.com/photos/schools/bay/genrel/auto_pdf/2017-18/misc_non_event/17-18-handbook.pdf).

athlete misconduct, as well as the potential implications of failing to report misconduct (“failure to report may result in disciplinary actions to include constituting cause for termination”). See Exhibit 30, Athletics Student Misconduct Reporting Form. All reports through this online form are routed to the Chief Compliance Officer, the Title IX Coordinator, the Student Conduct Administration Office, the Chief of Police, and the Clery Compliance Manager. With the evolution of centralized reporting, the University is moving toward a single online reporting form for all instances of misconduct. This will streamline the process as well as automate the immediate initial reporting notification to all relevant parties.

In the summer of 2016, the University created an Athletics Privileges Committee to provide a consistent multi-disciplinary approach to the determination of how misconduct should affect a student-athlete’s playing privileges. More recently, the University has revised the reporting policy for student-athlete misconduct, entitled the Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol. See Exhibit 31. The University has developed a reporting protocol that captures serious misconduct, as required by the Big XII Conference, potential criminal conduct, and conduct that may violate the Title IX policy or Code of Student Conduct. The policy outlined criteria for automatic eligibility determinations. Per the Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol, any issue of misconduct reported is first evaluated by BUPD, Title IX, and/or Student Conduct.

Under the current Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol, the Athletics Privileges Committee may limit or suspend athletics privileges pending the conclusion of a disciplinary proceeding by the investigating office. The members of the Athletics Privileges Committee are the Director of Athletics, or designee, the Faculty Athletics Representative, and one individual designated by the Office of the President. The Office of General Counsel also serves an advisory role to the Committee. Any member of the Athletics Privileges Committee may convene the Committee to consider limitation or suspension of athletics privileges in connection with known, alleged, reported, or suspected misconduct by a student-athlete.

On several occasions to date, a head coach, in consultation with the Athletic Director, has worked with the Athletic Privileges Committee to review and advise on student-athlete conduct matters in order to determine whether a student-athlete should be removed or suspended from the privilege of athletics participation. In the event that the student-athlete is removed or suspended from team activities, the University maintains the student’s enrollment (including financial aid) pending the completion of the University’s disciplinary processes (unless otherwise suspended from the University as an Interim Protective Measure).

Interviews with the Title IX Coordinator indicate a tremendous improvement in reporting from the Athletic Department and increased communications from all levels of the Athletic Department. Furthermore, the Title IX Coordinator, through her experience and intersection with Athletics during trainings, reports that coaches are very supportive of the Title IX Office’s efforts in preventing and addressing incidents of sexual and gender-based harassment and interpersonal violence.

With respect to the reporting and discipline for employee misconduct, Athletics has vastly improved its responsiveness and consistent approach to maintaining appropriate standards in the department. In 2017, the department did not renew contracts for 16 outgoing football staff. The department also coordinated separations with Human Resources and the Office of General Counsel for an additional 14 employees (5 for specific misconduct, 6 for leadership deficiencies, and 3 for performance deficiencies). The specific misconduct matters were reported by Athletics staff to Human Resources. Further, one of the terminations for leadership deficiencies was premised on a failure to report known misconduct of another staff member.

In August 2017, Baylor University prepared the following chart of Process Improvements for the accreditation review underway by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). This chart aptly summarizes our observations and conclusions:

<b>Process Improvements</b>	
<b>Past Practice</b>	<b>Current Practice</b>
All performance issues within Athletics were completely managed within Athletics up until the point of termination.	Performance and employee relations concerns raised from Athletics or campus community to HR are now addressed through direct contact to HR or through the EthicsPoint reporting system. HR meets directly with Senior Athletics leaders to address any issues that arise. HR also coordinates with the Office of General Counsel (OGC) as needed.
Sports Administrators with limited knowledge outside of Baylor Athletics were serving in a narrow capacity with teams.	Sports Administrator positions have now been re-established with experienced leaders from different facets of the Athletics industry to bring best practices to the University. Positions and responsibilities have been expanded to include contact with campus partners, including HR and OGC. These responsibilities include an increased level of program accountability to the Senior Leadership team and other administrators on campus. Secondary sports administrator positions have been assigned to build succession planning as well as to establish additional support for



	administrative functions and accountability.
Student-athlete and employee issues were handled by Athletics and/or Head Coaches with no known coordination with other University departments.	Employee issues are now addressed through a partnership between HR, OGC, and Athletics. These discussions include the legal components of whatever matters arise, the relevant Baylor policies, prior employment records, and recommendations from all involved as to the appropriate actions to take. The Title IX Office, Student Conduct Administration, the Students of Concern Committee, the Faculty Athletics Representative, and the Baylor Police Department all work together to address student-athlete issues as they arise. The proper partnerships are now in place to determine interim measures as well as final actions needed.
All media regarding student-athletes was coordinated through an Athletics Communications team.	Senior leadership within and outside of Athletics is now part of all decisions related to actions that involve student-athletes and/or that necessitate communications with the media. This communication is developed through a partnership between Athletics, Marketing & Communications, OGC, and HR.
The process for offering employment contracts for athletic sports was driven by Athletics.	The process for contracting employment within Athletics is now completed through a partnership between OGC, HR, and Athletics. The University has now

	<p>developed standard contract language that includes the elements listed below (with specific emphasis on compliance reporting):</p> <ul style="list-style-type: none"> <li>• Academic, Compliance, and Social Conduct performance incentives are in place for the Athletics Director (the AD has the ability to earn a bonus based on an assessment conducted by a Committee comprised of various administrators involved in the disciplinary process at Baylor; this decision is based on whether the AD has, “in their collective judgment, fostered an atmosphere of compliance, mentored coaches, staff and student-athletes to be leaders in Christian service worldwide, and otherwise conducted the athletic program in such a manner that is exemplary of Baylor’s stated Christian mission and values.”);</li> <li>• Compliance with contract standards by head coaches is now included;</li> <li>• Compliance with reporting requirements is now included;</li> <li>• Required cooperation with all investigations by the University or any regulatory body is now included;</li> <li>• Prohibitions against the condoning of rule and regulation violations (including failure to report, specifically failure to report to Title IX Coordinator) are now included.</li> </ul>
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Notably, on October 13, 2017, SACSCOC provided a preliminary assessment of the October 2017 site visit by the SACSCOC special committee confirming that Baylor was compliant with

the three implicated Principles of Accreditation: CR 2.10 (Student services); CS 3.2.11 (Control of Athletics); and CS 3.11.2 (Institutional environment). While this preliminary assessment does not constitute final action by the Commission on Colleges, the special committee also verified that all 105 Recommendations had been implemented.<sup>352</sup>

With respect to the recommendation that the University establish policy and practice for consistent evaluation of recruits, in the summer and fall of 2016, the FAR, along with the University's Associate Vice President for Enrollment Management, the Associate Dean for Student Conduct Administration, the CCO, the Vice Provost for Undergraduate Education, the Senior Associate Athletics Director for Compliance and others worked together to develop a Prospective Student Athlete Background Assessment Policy (PSA) consistent with Big XII Rules 6.7 to 6.10. See Exhibit 32, Prospective Student Athlete Background Assessment Policy. The PSA policy contains procedures to review the background of incoming student-athletes that are reasonably calculated to identify instances of misconduct by prospective student-athletes, and to assist the University in determining whether the misconduct should preclude admission to the University. The PSA policy has flagged some prospective student-athletes for additional review. In response, the circumstances have been reviewed under the policy and information gathered and documented in an online system. The PSA Policy clearly identifies responsibilities of Athletics Compliance, the sport Head Coach, the Prospective Student Athlete (PSA), Admissions Office, and Student Conduct Administration. In developing the policy, effective practices from the Big XII and other conferences were reviewed and incorporated in to the policy. The protocols within consider, among other things, criminal history (background checks and internet research by Athletics Compliance and the Admissions Office), college disciplinary history (PSA background information form and signed FERPA with follow up by Student Conduct Administration), and character references (administered and signed off on by the sport Head Coach). The PSA Policy was updated and finalized in October 2017.

With respect to the recommendation regarding the development of a drug testing policy, on July 14, 2016, the Baylor University Drug Testing Program for Student-Athletes policy was approved by the Interim President and Executive Council. The policy underwent a number of revisions during the fall of 2016 as the policy was vetted with sports administrators and head coaches for its applicability and impact on each sport. Extensive research and gathering of effective practices from other institutions, including a site visit to Notre Dame University, informed the development of the policy. The drug testing program is designed to promote the education of student-athletes, maintain the integrity of the athletics program, provide preventative measures, implement a drug screening program, offer counseling services, and promote student-athlete compliance. The policy provides that any student-athlete failing to abide by this policy will be subject to the applicable sanctions and requirements.

Additionally, as outlined in Section V.K, Mr. Rhoades has initiated and overseen ongoing training programs to ensure coaches, staff, and student-athletes are provided the tools they need to maintain that culture. In support of the policies and protocols developed within Athletics, and

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<sup>352</sup><https://www.baylor.edu/thefacts/doc.php/299752.pdf>.

consistent with the recommendations, both student-athletes and Athletics personnel have received significant, recurring and comprehensive training. An overview of trainings provided to student-athletes and personnel is included in Appendix III. As an example, shortly after the release of the Findings of Fact and 105 Recommendations, on June 21, June 30, and July 14, 2016, the Title IX Office conducted targeted in-person presentations/training for athletics staff. Athletics personnel received specific training on clear reporting policies and protocols, including disciplinary consequences for violation of those policies and protocols. Follow-up question and answer sessions were conducted with Athletics Staff and the Title IX staff as well.

Moreover, during the 2016-17 academic year, Athletics Staff and student-athletes participated in University-wide, online Title IX training. In addition, first-year and transfer students, including all new student-athletes, are required to complete Title IX training in their first semester. First-year students are not allowed to register for courses until they have completed the online Title IX training. Additionally, on April 3, 2017, the Title IX Office provided extensive in-person presentations and training for all football student-athletes. As another example, in August 2017, all student-athletes and Athletics personnel participated in a two-part interactive required workshop on sexual and gender violence prevention presented by the Clery Center, Men Can Stop Rape and the Title IX Coordinator.

Finally, with respect to oversight of Athletics, steps have been taken to ensure independent oversight by both the President and the Board of Regents. In July 2016, the Athletics Committee was disbanded and its duties delegated to other standing committees. The Compliance and Regulatory Affairs Committee was recommended to have oversight of all athletic compliance requirements, as well as Title IX. This oversight was later assigned to the newly created Compliance and Regulatory Affairs Committee. Beginning with the 2017-18 academic year, improvements were made in the Board's practices, procedures and selection process via a Report of the Governance Review Task Force that was approved and adopted by the Board of Regents at the February 2017 meeting. Additional Board level action is detailed in Section V.C.

In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Announcement of 105 Recommendations
- Baylor Athletics Compliance Manual – 2016-2017
- Baylor Athletics Compliance Manual – 2017-2018
- Athletics Department Summer Full Time Staff Training Roster - 2016-2017
- Alcohol Awareness and Education
- All Staff Meeting - Misconduct Reporting and Process
- Athletic Graduate Assistant Training Email

- Athletic Scenarios and Answers – June 21, 2016
- Athletics Department Drug Testing Policy Progress Report
- Athletics Department Policies and Procedures Manual 2017-2018
- Athletics Training Documentation
- Athletics Incident Reporting Guide
- Drug Testing Program for Student-Athletes – October 28, 2016
- Baylor Hires New Deputy Athletic Director
- Sexual and Gender-Based Harassment and Interpersonal Violence Policy – October 2017
- Athletics Staff Training – June 21, 2016
- Board of Regents Leadership Changes Announcement
- Board of Regents Memorandum Re: Status Report to Sexual Assault Task Force – October 4, 2016
- Campus Integration Meeting Minders
- Clery Center – Baylor Staff Presentation – August 16, 2017
- Consent to Criminal Background Check
- Department Meeting - Issues for Mack Rhoades to Address
- Deputy Athletics Director Position Analysis Questionnaire - July 2017
- Doug Welch Named as Baylor Chief Compliance Officer
- Executive Council Leadership Organizational Chart – January 24, 2017
- Felony Arrest or Conviction Policy
- Football Team Training Attendance – April 3, 2017
- Football Team Training Presentation – April 3, 2017
- General Employment Policies – September 25, 2017
- Incoming PSA Process

- Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol
- Interim Prospective Student Athlete Background Assessment
- Incoming Student-Athlete Request Form – 2017-2018
- Integration List – 2016-2017
- Intersections Athletics Report – February 20, 2017
- Athletics Department Employment Contract Language
- Leadership Meeting - Misconduct Reporting, Board of Regents Communication Protocol
- Leadership Team Meeting Agenda
- Mack Rhoades Named Vice President and Director of Athletics
- Manager of Compliance Training and Monitoring Job Description
- Marcus Sedberry Job Description
- Meeting Minders
- Misconduct Process Flowchart
- National Letter of Intent Process
- New Task Force to Review Board of Regents Governance
- NFL College Relations Dating Violence – Sexual Assault Survey Results
- NFL College Relations Invitation
- NFL College Relations Session – NFL Habitudes Character and Leadership Development
- Athletics Staff Meeting Schedule – 2016
- Prospective PSA Background Check Policy
- PSA Background Check Process - Slate example
- Public Incident Reporting - student conduct - screen shots
- Public Incident Reporting - student conduct - screen shots

- Report of the Governance Review Task Force of the Baylor University Board of Regents
- Required Orientation for Student Workers Email
- Required Training Preventing Harassment Discrimination & Sexual Violence at Baylor
- Senior Associate Athletics Director for Student-Athlete Development
- Serious Misconduct Overview
- Sport Program Administrator Job Description & Sport Assignments
- Sport Program Administrator Job Descriptions
- Student Athlete Misconduct Protocol (Draft)
- Student Worker Agreement
- 2016-2017 Student-Athlete Handbook
- 2017-2018 Student-Athlete Handbook
- Supervisor relationships for Welch and Jackson
- Software - Current state diagram 5.23.17
- Software - Email Notification of Report
- The Facts Website
- Title IX - VAWA Training Requirements Overview
- Title IX Calendar Meeting
- Title IX Calendar Meeting Screenshot
- Title IX Policy
- Title IX Student Worker Training - Cancellation
- Title IX Training Follow Up Email
- Truett Seminary Presentation Email 3.14.17
- Typical Student Baseline Training Annually

- Baylor Athletics Educational Programs Master List
- Manager of Compliance Training and Monitoring job description
- Student-Athlete Misconduct Reporting Form
- Athletics Incident Reporting Guide
- Sedberry Living Out 'Four Core Values' at Baylor article
- Manager of Compliance Training and Monitoring job description
- Moving toward a single online reporting form for all instances of misconduct by the end of calendar year 2016.
- General Employment Policies
- Manager of Compliance Training and Monitoring job description
- Serious Misconduct Policy
- Student Athlete Misconduct Protocol



## **M. Counseling Center and Other Support Resources**

- VII.1. Expand resources and support functions to augment the steps taken by the Board of Regents in February 2016.
- VII.2. Review whether additional resources are needed within student life, Title IX, counseling, or health service to provide an optimal level of care for victims. Add resources as soon as practicable if there are remaining gaps.
- VII.3. Confirm availability of after-hours crisis hotline.
- VII.4. Ensure counseling resources currently provided to students adequately address their needs.
- VII.5. Ensure that what is communicated to students in need who present to the counseling center is caring and helpful.
- VII.6. Ensure there is adequate space for the counseling center.
- VII.9. Provide dedicated victim-advocacy services on campus through full-time confidential advocate or contracted services with community agencies.
- XII.3. Identify and develop partnerships with external advocacy organizations.
- XII.4. Identify appropriate campus and community supports for respondents.

A key aspect of effective responses to sexual and gender-based harassment and violence is access to trained and informed support resources on campus. In the aftermath of an incident, a complainant may need access to medical and mental health professionals on both an immediate or crisis basis and for more long-term treatment needs. Similarly, respondents may seek support as they navigate campus Title IX processes. While residential educational institutions typically have counseling and health services, it is critical that these professional resources be educated and informed about the impacts of trauma, the diagnosis and treatment of post-traumatic stress disorder (PTSD) and other relevant considerations for treatment. In addition, access to afterhours and weekend support is an important element for accessibility. Another helpful resource for complainants is a confidential victim advocate or rape crisis/domestic violence counselor. Advocacy, whether provided through a campus resource or relationship with a community-based agency, can provide critical support that can encourage continued participation by a complainant in campus and law enforcement processes, and ensure continued attention to the wellbeing of a complainant.

At the February 2016 Board of Regents meeting, the Regents voted to “dedicate immediate funding to increase the number of professional counseling staff offering services to students, ensuring that all students will have timely access to the counseling they need, [i]ncrease the quantity and quality of university space dedicated to counseling and the support of victims of interpersonal violence, and [p]rovide strong measures to immediately address the needs of

students who prompt a Title IX investigation, ensuring that those who report sexual, relationship or gender-based harassment or violence can continue their education without impediment.”<sup>353</sup>

In keeping with the recommendations to expand resources and support functions to augment the Board’s February 2016 commitment and to conduct a gap analysis to evaluate whether additional resources were needed within student life, Title IX, counseling or health services, the University had dedicated significant additional resources to these functional areas. Most notably, Baylor has expanded its Counseling Center staff and facilities to improve the support it provides students who need such services, including victims of sexual violence. In addition, as detailed below, the entire clinical staff has received additional training on the best methods to providing treatment for students after a sexual assault or other traumatic event has occurred.

Staffing in the Counseling Center has seen tremendous growth, which has enhanced the availability of services for students. In May 2016, the Counseling Center had 10.5 clinical full-time employees. As of August 2017, the Counseling Center now has 22.5 clinical full-time employees. See Exhibit 33, Counseling Services Organizational Charts. Baylor now has one full-time clinical staff member for every 750 students, which exceeds recommended standards. The International Association for Counseling Services recommends a minimum of one staff member to every 1,500 students, and the average for academically rigorous private schools is around one counselor for every 1,000 students. Baylor students benefit from the increased staff both in terms of access and expertise. Several new clinicians have specialized experience working with trauma survivors, patients with eating disorders, and persons with addictions. Because of the additions to the Counseling Center, the number of students served has increased by 62 percent. During the 2016-17 academic year, staff at the Baylor University Counseling Center met with more than 2,000 individual students. Budgets prepared by Baylor represent a 131.3% increase in Fiscal Year 2015 and another 95.4% increase in Fiscal Year 2016.

Funding for two student support positions was approved, and on November 14, 2016, Baylor hired its first confidential victim advocate, housed in the Counseling Center. Further, on June 1, 2017 the University hired a Case Manager for Student Care and Outreach. This position provides outreach and case for any student of concern at Baylor. The position is housed in Student Life and is not a confidential resource.

In addition, the Counseling Center’s scope of services has been expanded to a multi-tiered delivery model to offer services to all those in need. Counseling Services have increased the number and variety of counseling related programs by adding Therapist Assisted Online, a variety of groups and workshops, and expanding the Let’s Talk program. Other services offered by the Counseling Center include: a walk-in clinic where students can get immediate help (usually within 15-20 minutes) during regular work hours; individual therapy, group therapy, and other programming; expanded walk-in hours to include Friday and lunch hour every day of week; and evening appointments on Wednesday and Thursday until 7:00 p.m. In addition, the waiting list for an appointment has been eliminated. Students who present as sexual assault victims are seen immediately and offered a follow up appointment within 48 hours. The

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<sup>353</sup><https://www.baylor.edu/mediacommunications/news.php?action=story&story=165807>

Counseling Center has also removed the limit on the total number of visits (previously capped at 12 individual sessions) in order to provide greater continuity of care. Referrals to local community services have decreased from 20% in fiscal year 2016 to less than 5% in fiscal year 2017 given the Counseling Center's increased capacity.

The University has also enhanced the services of the after-hours crisis hotline. The hotline connects immediately to a live person instead of the caller being redirected to a different phone number. The University also improved the marketing efforts to inform community members about the hotline. The advertisement of the hotline is now easily found on the counseling center website and was verified as shown on computer screens and TVs across campus. The hotline phone number is also included in the Title IX pamphlet. The hotline is a 24-hour a day service.

Baylor's Counseling Center has been housed in the McLane Student Life Center. The doubling of counseling staff required the opening of a second facility on campus, which made possible the increased provision of a range of counseling services. In January 2017, a second Counseling Center location opened at Dutton Avenue with 7,630 square feet devoted to group therapy rooms, a relaxation room, therapist offices, trauma services, and more. The Dutton Avenue location includes a trauma recovery area where students can meet privately with a trauma-informed staff member upon arrival. Baylor currently dedicates a combined 11,880 square feet in the McLane Student Life Center and Dutton Avenue complex to students' mental and emotional well-being.

With respect to training, Baylor's entire Counseling Center staff has also completed trauma-informed training and PTSD treatment training. On July 27-30, 2016, all Counseling Center staff participated in a workshop entitled "Working with Trauma survivors in a University Context." The training was conducted by Dr. Edna Foa, Director of the Center for the Treatment and Study of Anxiety at the University of Pennsylvania. Dr. Foa is nationally renowned for her expertise as it relates to PTSD and the impacts of sexual violence. Post-training evaluations by attendees unanimously ranked the training at the highest level for "applicability to work." The training was also used an opportunity to foster increased relationships with community partners, as mental health providers from Waco and surrounding area were invited to participate. The Counseling Center plans to continue to provide timely and relevant training to Counseling Center staff, consistent with annual accreditation requirements for continuing education.

Baylor has also taken additional steps to enhance the level of care and services provided by the Health Services Center. The Health Services Center, which is accredited by the Accreditation Association for Ambulatory Health Care (AAAHC), provides medical care to students who present as victims of sexual assault or interpersonal violence. For students who present at the Health Services Center within 96 hours of an assault, staff refer the student to a local hospital for a forensic sexual assault examination by a trained sexual assault nurse examiner or physician. When possible, a trauma recovery specialist or patient advocate is contacted to accompany or assist the student. The Health Services Center also provides students with written resources about the Title IX Office, including the Title IX brochure, Your Rights, Options and Resources.

Baylor has provided additional training for all staff in the Health Services Center. On October 19, 2016, staff from the Title IX Office and Counseling Center, along with a nurse and nurse practitioner, provided training about care for traumatized patients. In addition, the Health Services Center hired a Psychiatric Nurse Practitioner in the spring of 2017.

The Health Center uses a template electronic health record form that is specific to sexual assault. This allows practitioners to more consistently gather relevant information and track reporting rates (within the bounds of patient confidentiality). In 2016-2017, the Health Services Center treated twice as many patients with a diagnosis of sexual abuse as compared to the 2015-2016 academic year.

Consistent with the recommendations, Baylor implemented a Memorandum of Understanding with the Waco Advocacy Center for Crime Victims and Children (Advocacy Center), a local rape crisis center.<sup>354</sup> The Memorandum of Understanding provides that the parties commit to “work together to provide trauma-informed services to student and employee victims of sexual violence and to improve the overall response to sexual violence at Baylor. The parties share the goal of preventing sexual violence on campus and in the community and responding appropriately to students and employees who have been victimized.” Members of the Title IX Office participate in the Waco Sexual Assault Response Team (SART) hosted at the Advocacy Center. In addition, the Baylor University Police Department includes the Advocacy Center as a training partner. The BUPD Field Training Manual Checklist includes a visit to the Advocacy Center, and advocates from the center have provided training for BUPD personnel.

With respect to campus and community resources for respondents, counseling and health services are available to any student. Additionally, the Title IX brochure, *Your Rights, Resources and Options*, lists resources for both complainants and respondents.

In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Counseling Center Operating Budget Overview – 2014 - 2017
- Operating Budget Overview for Counseling – 2014 - 2017
- AUCCCD National Survey Data
- AUCCCD Survey – 2016
- GAF Guidelines for College Setting
- Counseling Center Organizational Chart – 2017
- Counseling Center Layout Pre/Post Expansion
- Counseling Center Flyer Front/Back

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<sup>354</sup><http://advocacycentr.org/>.

- Crisis Hotline Image and Information
- PTSD Training Attendance and Detail
- Memorandum on Response Time to Students Reporting Sexual Assault – 2017
- Notice of Accreditation
- Health Center Training Notes
- Sexual Assault Response Guidelines and Protocols
- “Know Your Rights” Document
- Title IX Brochure – Your Rights, Resources and Options
- Information about STD Clinic (Public Health District)
- Generic “Women’s Health” Intake Template
- Current Baylor Health Center Template for Sexual Assault Intake
- Health Center Quality Improvement Chart Review Form
- Academic Affairs Anecdotes
- Advocacy Center Memorandum of Understanding
- Standards for University and College Counseling Services
- Title IX Case Management Meeting Agenda
- Threat Assessment Group Policy
- Counseling Center Office Assignments
- Board of Regents Action Plan Approval
- Counseling Center Flyer
- Counseling Center New Hires
- Counseling Center Organizational Chart
- Counseling Center Scope of Service
- Counseling Center Job Description List

- Counseling Center Program of Care
- Informed Consent Form
- Crisis Website Information
- Crisis Hotline Image
- Title IX Pamphlet
- Dutton Counseling Center Assignments
- Counseling Center Main Entrance Photograph
- Counseling Center Side Entrance Photograph
- Side Entrance Instructions Email
- Counseling Center Article – April 10, 2017
- University Police Department Field Training Manual Checklist
- University Police Department Invitation Agenda

**N. Baylor University Police Department**

- XI.1. Develop policies, procedures, and protocols to integrate federal, state, and local laws with trauma-informed responses to all forms of sexual and gender-based harassment, violence, interpersonal violence, and stalking.
- XI.2. Identify informed training programs to support BUPD in the effective implementation of Title IX, Clery, and all other federal, state and local laws.
- XI.3. Annually review training, personnel, and policy needs.
- XI.4. Develop systems to consistently coordinate information sharing with Title IX and Student Conduct personnel. Consider use of available technology.
- XII.1. Meet with local law enforcement and prosecuting authorities to review and update the memorandum of understanding that outlines the coordination of responsibilities between internal and external law enforcement agencies consistent with the proper implementation of Title IX, Clery and VAWA.
- XII.2. Revisit protocol for sharing of information between Waco Police Department and Baylor University Police Department.
- XII.5. Work with local governmental entities and area non-profits in an effort to develop a Waco-area Sexual Assault Response Team (SART).

Campus police and local law enforcement agencies are vital partners in effective campus responses to sexual and gender-based harassment and violence. While an adult complainant always has the choice whether to contact law enforcement, educational institutions must inform the complainant of the right to notify or decline to notify law enforcement. In addition, an educational institution may proactively notify law enforcement if there is a health or safety emergency. When there is a parallel criminal investigation, as outlined in Section III.A.4.i, the educational institution should work collaboratively with external law enforcement in a manner that does not impact the integrity of the investigation, but also allows the educational institution to move forward with its Title IX obligations. Even where there is no parallel criminal investigation, campus or local law enforcement can provide assistance in protecting the safety of individuals, evaluating risk (based on pattern or the circumstances of the report), gathering physical evidence, and serving as part of an educational institutions threat assessment and Title IX multidisciplinary team. To ensure coordination of information, a comprehensive memorandum of understanding with local law enforcement agencies is a recommended practice.

Prior to our investigation, Baylor took significant steps to restructure and improve campus safety and policing functions. Baylor engaged Margolis Healy to conduct an organizational assessment of the University's Police Department and physical security program. Their work included an evaluation of all procedures, policies, and systems. In August 2014, Margolis Healy recommended a complete reorganization and expansion of safety and security functions. The expansion included the creation of the Department of Public Safety, which was initially comprised of the Baylor University Police Department, Clery Compliance, Fire Safety, Emergency Preparedness, Parking & Transportation Services, and Physical Security. To ensure

better collaboration, all of these areas were combined in the fall of 2014. Clery Compliance was recently moved to OICP.

Since September 2014, Baylor's Department of Public Safety (DPS) has experienced significant growth and improvements. Baylor created a new position, Associate Vice President for Public Safety and Security, and hired a new Chief of Police. During the last two years, the Baylor University Police Department has added 11 commissioned officers and two dispatchers to its professional staff of 38 officers and 10 dispatchers. Two of the additional officers have been certified and equipped for bike patrol, and one assists with safety programming efforts. BUPD is now the third-largest law enforcement agency in McLennan County. These investments represent a 72.0% increase in operating budget for the Department of Public Safety for Fiscal Year 2015 and a 33.8% increase in Fiscal Year 2016. Those expansions have continued. In July 2017, BUPD added an additional investigator position and reorganized the Criminal Investigation Division to provide focused attention on sexual assault investigations. Two of the now four investigating officers, Sgt. Molly Davis and Officer Kandy Knowles, both of whom have prior experience working with victims of sexual assault, are available to conduct sexual assault investigations.

On June 14, 2017, BUPD implemented a revised Sexual Violence Response and Investigation Policy. See Exhibit 34, Baylor University Police Department Policy Number 13.01.08. The Sexual Violence Response and Investigation Policy was a significant improvement over the Department's prior policy. The Sexual Violence Response and Investigation Policy was developed in consultation with external experts and after reviewing effective and promising practices nationally. In January 2017, BUPD contracted with Tom Tremblay, of Tom Tremblay Consulting & Training.<sup>355</sup> Chief Tremblay is a retired Chief of Police from Burlington, Vermont, and the former Commissioner of the Vermont Department of Public Safety. BUPD's retention agreement with Chief Tremblay includes three core functions: conduct a training-needs assessment for BUPD; aid in case and policy review; and provide trauma-informed sexual assault investigator training. Chief Tremblay consults with colleges, universities and law enforcement agencies to assist in developing effective responses to sexual violence. As an example, following a joint U.S. Department of Education and Department of Justice investigation at the University of Montana, Chief Tremblay was retained as the OCR approved Equity Consultant to oversee and implement required remedial actions.<sup>356</sup> In addition, Chief Tremblay helped to develop a new curriculum for the Trauma-Informed Sexual Assault Investigation and Adjudication Institute at the National Center for Campus Public Safety.<sup>357</sup> The consulting agreement with Chief Tremblay which was scheduled to conclude on December 31, 2017, will be extended for another year to allow for Baylor to continue to benefit from Chief Tremblay's expertise.

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<sup>355</sup>For more information about Chief Tremblay's background and experience, see <https://www.tomtremblayconsulting.com/about-tom-tremblay/>.

<sup>356</sup>See University of Montana Letter of Findings. <https://www.justice.gov/sites/default/files/opa/legacy/2013/05/09/um-ltr-findings.pdf>.

<sup>357</sup><https://www.nccpsafety.org/>; See also <https://www.nccpsafety.org/training-technical-assistance/trauma-informed-sexual-assault-investigation-and-adjudication/>.



In developing the Sexual Violence Response and Investigation Policy, BUPD closely reviewed a model policy from the University of Montana as well as the Blueprint for Campus Police: Responding to Sexual Assault, a resource developed by The University of Texas at Austin Institute on Domestic Violence and Sexual Assault.<sup>358</sup> The Blueprint was the culmination of a comprehensive study to identify best practices for campus law enforcement in its response to sexual assaults on campus. The Sexual Violence Response and Investigation Policy provides detailed and specific protocols that incorporate trauma-informed response practices, outline Title IX obligations, identify responsibilities for the protection of victim rights, and detail the role and responsibilities of dispatchers, first responders, and investigators.

In addition to the development of the Sexual Violence Response and Investigation Policy, BUPD has engaged in extensive training initiatives. In March 2017, the Title IX Coordinator trained BUPD staff on trauma-informed communications, University policy, reporting protocols. This training was repeated for new hires in September 2017. Further, as outlined in Section V.K, during BUPD's annual in-service training, all BUPD staff received training on the BUPD Sexual Violence Response & Investigation Policy. This training ensures that BUPD dispatchers, patrol staff, CID and Crime Prevention Unit staff are aware of, and understand, the new procedures and expectations. The training was provided by Chief Tremblay on May 15 and May 22, 2017. This training will be repeated each May as part of BUPD's in-service training.

Prior trainings include: an August 2016 training, led by Chief Tremblay, on trauma-informed sexual assault and interpersonal violence investigations for dispatchers, patrol staff, Criminal Investigation Division, and Crime Prevention Unit staff; an August 2016 training on Victim-Centered Interviewing and Forensic Interviewing for all BUPD investigators; the Texas Sexual Assault Family Violence Investigators Certification Course (SAFVIC) for all BUPD investigators; and attendance in July 2016 at the National Center for Campus Public Safety – Trauma-Informed Sexual Assault Investigation and Adjudication for the Chief, Captain and two investigators. BUPD has committed to repeating trauma-informed investigator training and SAFVIC every two years. In addition, BUPD is sending two investigators to an advanced training on forensic interviewing in October 2017.

As part of their orientation under the BUPD Field Training Program, new officers and dispatchers are required to incorporate visits to local advocacy groups and other partners who are involved in the process of investigation and advocacy for sexually violent crimes.

The Texas Commission on Law Enforcement mandates that law enforcement officers complete 40 hours of training every two years. In 2015 and 2016, on average, Baylor officers completed 100 hours of training, including 32 hours of in-service training each May that included Title IX, the Clery Act, and sexual assault response. In addition, BUPD investigators have completed the Texas Sexual Assault Family Violence Investigators Certification Course and the Victim-Centered Interviewing and Forensic Interviewing Course. Additional information is provided in Section V.K.

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<sup>358</sup><http://sites.utexas.edu/idvsa/title-blueprint-for-campus-police-responding-to-sexual-assault/>.

Chief Tremblay also provided a review of closed sexual assault cases reported to BUPD between September of 2016 and April of 2017. Chief Tremblay concluded that BUPD's approach to criminal investigation of sexual assault cases was victim-centered, trauma-informed, comprehensive and objective.

Other improvements in the Department of Public Safety include additional personnel (a full-time Director of Technical Security), an increased use of technology (including the addition of more than 350 security cameras, bringing the total number of cameras on campus to more than 950); increased crime prevention initiatives; the use of metal detectors at McLane Stadium (a first in the Big XII); and the use of a Sky Watch security tower at special events.

The Emergency Management Team works proactively to prepare for emergencies and continually updates Baylor Alert, the University's emergency notification system, based on best practices and feedback from the campus community. Members of the Emergency Management Team lead Baylor's Global Engagement and Global Preparedness Group, which plans extensively to enhance the safety of faculty, staff, and students traveling abroad for mission trips and exchange programs.

In addition, Baylor initiated a Clery program review and data audit by Margolis Healy. The program review assessed the general state of infrastructure related to Clery compliance at Baylor with a special focus on the Baylor University Police Department. The review also assessed the University's progress with recommendations made from Margolis Healy's September 2014 program review. The final report was released on July 1, 2016. Additionally, Margolis Healy conducted a data audit, which was completed in February 2017. As a result of the data audit, Baylor updated and revised Clery statistics and provided that data to the U.S. Department of Education.

With respect to the coordination of information between BUPD, the Title IX Office and Student Conduct Administration, BUPD participates in weekly Title IX Case Management meetings. These meetings have occurred since the inception of the Title IX Office. BUPD investigators are also available to conduct interviews with Title IX investigators and student conduct administrators upon request. BUPD staff members also testify in Title IX adjudication hearings and Student Conduct adjudications hearings when requested. Further, BUPD engaged in several implementer trainings in 2017 and actively participated in the development of coordinated intake protocols with student affairs and Title IX professionals.

With respect to the coordination of information between BUPD and the Waco Police Department, BUPD assessed the protocol for sharing information and held meetings with the Waco Police Department (WPD), McLennan County Sheriff's Office (MCSO), and the McLennan County District Attorney's Office (MCDA). Through those meetings WPD and MCSO agreed to meet as needed on individual cases or to discuss crime trends and other updates. BUPD will continue to receive daily briefing reports from WPD. MCSO reported that they are unable to accommodate the request for daily briefing reports.

On September 1, 2015, Baylor University and the City of Waco collaborated to develop and approve a memorandum of understanding (MOU). Baylor law enforcement officials and attorneys are continuing to work with local law enforcement and prosecuting authorities to

review and improve the MOU. The goal of the MOU is to outline the coordination of responsibilities between internal and external law enforcement agencies consistent with the proper implementation of Title IX and Clery.

The Title IX Coordinator and the BUPD Chief (or their designees) also attend Sexual Assault Response Team (SART) meetings at the Advocacy Center for Crime Victims and Children of an advocacy center in Waco. BUPD and the Waco Advocacy Center have a long-standing history of close collaboration. As of May 17, 2017, Baylor finalized a Memorandum of Understanding (MOU) with the Waco Advocacy Center.

Moving forward, the University, in its continual efforts to sustain the above outlined practices, will plan for the annual review of the BUPD Sexual Violence Response & Investigation Policy, maintain a training calendar for ongoing education on policy, procedures and protocols, and continue partnering with local agencies to enhance the University's efforts to prevent and address sexual and gender-based harassment and violence. In addition, the University will evaluate whether BUPD will participate in the use of a case management software. To ensure the sustainability of these efforts, BUPD has amended the draft policy on Inspections, Equipment and Operational Readiness, 01.02.02, to include a mandatory annual review of training, policies and staffing needs.

In reaching our conclusions in this matter, we reviewed extensive documentation, including the following supporting evidence for the accomplishments detailed in this narrative:

- Advocacy Center Memorandum of Understanding
- All Undergraduates Retention Trends – August 11, 2017
- All Undergraduates Retention Report – August 11, 2017
- Baylor University - City of Waco Memorandum of Understanding – 2015
- Operating Budget Overview for Public Safety
- Department of Public Safety Staff Department Listing – July 2017
- Department of Public Safety Operating Budget Overview – 2014 - 2017
- University Police Department Sexual Violence Response and Investigation Policy
- University Police Department Title IX Presentation
- University Police Department Title IX Training Attendance
- University Police Department Trauma-Informed Presentation
- University Police Department Trauma-Informed Training Attendance
- University Police Department Staff Listing

## **VI. Sustainability**

Effective Title IX and Clery implementation, assessment and improvement is necessarily an ongoing and never-ending task. Developing, fostering and maintaining a culture of compliance requires ongoing attention to the identification of risks, the development of effective controls, rigorous and periodic analysis of the efficacy of those controls, and corrective action to facilitate continued compliance. Baylor has taken steps, through the commitment of personnel, financial resources and the building of infrastructure to ensure continued and sustained attention to the sustainability of current efforts. Effective institutional responses to sexual and gender-based harassment will continue to require nuanced enhancements and adjustments in light of the evolving legal and regulatory framework and the evolution of research and evidence-based approaches to prevention and effective responses.

Baylor has built a compliance-driven framework through the creation of the OICP, appointment of the CCO and effective use of the Office of Internal Audit and Management Analysis for regular audits of key functions. Additional positions have been added in key departments, including: Manager of Policy Development, Manager of Compliance Training and Monitoring, Prevention Trainer, Clery Compliance Manager, and Clery Act Associate, within the OICP; the Administrative Case Manager in the Title IX Office; executive leadership within Athletics; and the Office of General Counsel. At the Board level, the Compliance and Regulatory Affairs Committee has assumed oversight of key compliance functions. The Compliance and Regulatory Committee receives regular updates on Title IX and Clery initiatives and programs. This model allows for continued monitoring from many levels including OICP and Internal Audit and Management Analysis.

The framework is also in place for periodic or annual review of key policies, the annual review of resources and budget needs through the University budget approval process, and continued evaluation of implementation efforts through strategic planning for education and training programming and marketing and communication efforts.

Most significantly, the University has taken important steps to promote accountability and individual and corporate responsibility, as demonstrated by senior leaders at the Board and executive level who have worked hard to set and maintain a tone at the top that reinforces the institutional commitment to compliance, transparently acknowledges accountability at the institutional level, and engages the community as an active partner in holding the University to its stated institutional values. University policies clearly articulate behavioral expectations and the consequences for failing to comply with those expectations, and widespread training has been implemented to educate campus constituents about compliance responsibilities. The University continues to develop and expand process and controls to monitor or detect failure to comply.

In sum, we believe that the robust efforts evidenced by the University across departments, up and down the organizational chart, and between and among traditionally siloed departments have laid the groundwork for sustained collaboration and integration of compliance responsibilities.

## **VII. Conclusion**

This report documents the significant efforts taken by Baylor University to implement the 105 Recommendations. Given the breadth and depth of the efforts, which spanned sixteen months, and involved a holistic approach to effective Title IX and Clery implementation at every level, this report cannot hope to capture every program, initiative or effort, nor properly acknowledge every individual and collective effort by Baylor students, staff, faculty, senior leadership and Regents.

We have found that institutions that demonstrate the ability to be self-critical, to ask the hard questions, to hear the frank answers, and to acknowledge significant past failures are often best poised to take meaningful action to improve future institutional responses. That has been the case with Baylor. While we have not spoken publicly about the Findings of Fact, or the 105 Recommendations, we are gratified that Baylor had the fortitude to share the Findings of Fact with its community and to wholly embrace the spirit, intent and literal directives of the 105 Recommendations.

We find that the University has effectively implemented the 105 Recommendations. From all walks of the University community – students, faculty, staff, senior leadership, the President, and the Board of Regents – we have seen tremendous effort and engagement that has met or exceeded the tasks set forth in the recommendations. We note and the University recognizes that implementation is an ongoing task for many of these recommendations. To that end, we find that the University has invested time, energy, resources, personnel, policy, procedures and systems that will continue to support and enhance effective institutional responses to eliminate, prevent and address sexual and gender-based harassment and violence.

We recognize that the lessons learned at Baylor have had a broader impact on college athletics and effective Title IX and Clery implementation across the nation's higher education institutions. Baylor's choice to be transparent about the past failures, to embrace implementation of sweeping recommendations, and to develop a holistic approach that integrates compliance into University processes and systems has elevated the conversation and has given other educational institutions the platform to proactively take action to prevent and effectively respond to sexual and gender-based harassment and violence.

**APPENDIX I**  
**FINDINGS OF FACT**



## **BAYLOR UNIVERSITY BOARD OF REGENTS**

### **FINDINGS OF FACT**

#### **Summary**

In August 2015, Baylor University engaged Pepper Hamilton to conduct an independent and external review of Baylor University's institutional response to Title IX and related compliance issues through the lens of specific cases. Following an intensive investigation, Pepper provided the Board of Regents with a detailed and comprehensive presentation of its findings and recommendations. Pepper's findings of fact, as set forth in greater detail in this statement, reflect a fundamental failure by Baylor to implement Title IX of the Education Amendments of 1972 (Title IX) and the Violence Against Women Reauthorization Act of 2013 (VAWA). Pepper found that Baylor's efforts to implement Title IX were slow, ad hoc, and hindered by a lack of institutional support and engagement by senior leadership. Based on a high-level audit of all reports of sexual harassment or violence for three academic years from 2012-2013 through 2014-2015, Pepper found that the University's student conduct processes were wholly inadequate to consistently provide a prompt and equitable response under Title IX, that Baylor failed to consistently support complainants through the provision of interim measures, and that in some cases, the University failed to take action to identify and eliminate a potential hostile environment, prevent its recurrence, or address its effects for individual complainants or the broader campus community. Pepper also found examples of actions by

University administrators that directly discouraged complainants from reporting or participating in student conduct processes, or that contributed to or accommodated a hostile environment. In one instance, those actions constituted retaliation against a complainant for reporting sexual assault. In addition to broader University failings, Pepper found specific failings within both the football program and Athletics Department leadership, including a failure to identify and respond to a pattern of sexual violence by a football player, to take action in response to reports of a sexual assault by multiple football players, and to take action in response to a report of dating violence. Pepper's findings also reflect significant concerns about the tone and culture within Baylor's football program as it relates to accountability for all forms of athlete misconduct.

### **Overview of Engagement**

In August 2015, Baylor University engaged Pepper Hamilton LLP (Pepper) to conduct an independent and external review of Baylor University's institutional response to Title IX and related compliance issues through the lens of specific cases. A Special Committee of the Board of Regents, on behalf of the University, accepted the President and Chancellor's recommendation to engage Pepper in order to ensure objectivity, and Pepper was provided with unfettered access to personnel and data. Pepper's review was detailed, thorough and rigorous. While keeping within the scope of the engagement, Pepper engaged in an open exploration of the issues with no limitation by the University. Pepper conducted document-based interviews to ensure accuracy, integrity and efficiency, and Pepper's findings and recommendations are based on the law, related authority, facts and reasonable inferences from the facts.

Pepper reviewed emails, mobile device data, and documents from current and former Baylor employees. Pepper's review of documents included current and prior policies and



procedures, Judicial Affairs and Title IX files related to specific reports and investigations, relevant trial transcripts, personnel files, student records, training and educational materials, prior internal and external audits, Title IX Task Force materials, and other relevant and available information. In addition to an exhaustive review of data, Pepper interviewed more than 65 individuals, including current employees, former employees, current students, and former students. The current and former students included individuals who identified as victims/survivors of sexual assault or dating violence. Pepper interviewed witnesses across multiple departments, including the President's Office, Executive Council, Student Life, Judicial Affairs (now called Student Conduct Administration), the Office of General Counsel, the Athletics Department, the football program, Athletics Compliance, Risk Management, Human Resources, the Counseling Center, Health Services, Baylor University Police Department, the Title IX Office, Faculty Athletic Representatives, the Admissions Office and outside counsel. Many individuals were interviewed more than once to allow for a full and fair opportunity to reconcile and synthesize information in the context of documents and available information from other interviews.

Over the course of the engagement, Pepper provided the Special Committee with detailed and specific information and regular updates. Earlier this month, Pepper provided the full Board of Regents with a detailed and comprehensive presentation outlining Pepper's findings of fact and recommendations. This statement contains the salient findings, which are being shared publicly to reflect transparency and accountability. The findings discussed below occurred in one or more of the cases reviewed. This statement also contains Pepper's recommendations, which have been adopted by the Board.

## **Failure to Prioritize, Recognize, Implement and Resource Title IX**

Baylor failed to effectively implement Title IX in the wake of the U.S. Department of Education’s Office for Civil Rights (OCR) April 4, 2011 “Dear Colleague Letter,” the passage of the Violence Against Women Reauthorization Act of 2013 (VAWA), and related authority and guidance. While individual administrators identified emerging and evolving Title IX and VAWA requirements, the University as a whole failed to prioritize Title IX implementation. Implementation efforts were slow, ad hoc, diffuse, and uncoordinated. Senior leadership failed to recognize the significance of the national context, including evolving guidance from OCR and high profile examples of institutional failures at peer institutions. As a result, Baylor lacked the sufficient infrastructure and an informed policy. The administration instead relied upon existing personnel until November 2014, and existing processes (the Student Code of Conduct and Civil Rights Policy) until August 2015, when Baylor’s Sex Discrimination, Sexual Violence, and Sexual Harassment Policy was adopted. The administrators tasked with implementing Title IX prior to November of 2014 had a limited understanding of the dynamics of sexual violence and existing barriers to reporting on Baylor’s campus, including the impact of other campus policies regarding the prohibition of alcohol and extra-marital sexual intercourse. The insufficient dedication of resources and support to the University’s Title IX function led to limited visibility of Title IX on campus.

Baylor’s institutional response failed to integrate Title IX and VAWA requirements. Prior to the 2014-2015 academic year, Baylor failed to provide training and education to students; failed to identify and train responsible employees under Title IX; failed to provide clear information about reporting options and resources on campus; failed to have a centralized process for ensuring that all reports reached the Title IX Coordinator; failed to

impose appropriate interim measures in many cases; failed to appropriately evaluate and balance institutional safety and Title IX obligations against a complainant's request for anonymity or that no action/investigation be pursued against; failed to conduct prompt, equitable, adequate, and reliable investigations; failed to give complainants access to full range of procedural options under the policy; and failed to take sufficient action to identify, eliminate, prevent and address a potential hostile environment in individual cases. Institutional failures at every level of Baylor's administration directly impacted the response to individual cases and the Baylor community as a whole.

### **Many Factors Impeded Effective Implementation of Title IX**

Baylor's senior leadership lacked consistent or meaningful engagement in the University's Title IX functions. The composition and functioning of the Executive Council did not provide effective leadership for integration of Title IX compliance responsibilities across all University functions. The University lacked a proactive compliance function that would have identified the nature of the risks attendant to sexual and gender-based harassment and violence and interpersonal violence, the likelihood of occurrence, and the adequacy of existing controls to ensure an informed and effective institutional response. In addition to their many other responsibilities, administrators assumed elements of the Title IX function on an ad hoc basis, which impeded timely implementation of rapidly evolving Title IX and VAWA mandates. The University did not maintain systems or protocols to coordinate information or keep centralized records necessary to fulfill compliance mandates, and the University did not carefully review roles and responsibilities of Title IX implementers to assure that there was no actual or perceived conflict within the assigned multiple roles held by many Title IX administrators.

The University did not provide sufficient institutional support for Title IX functions. Prior to November 2014, the Title IX Coordinator position was assigned to senior administrators, each of whom already had a full profile of professional responsibilities. The administrators in those roles lacked the necessary training, experience and frame of reference to meaningfully implement Title IX responsibilities. They also lacked the necessary time, resources or infrastructure to meaningfully implement Title IX responsibilities. Moreover, when the University hired a full-time Title IX Coordinator in November 2014, the University underestimated the level of infrastructure and resources that would be necessary for successful implementation. The Title IX Coordinator did not have sufficient institutional support from senior leadership, or experienced and trained supervision, necessary to promote timely and effective implementation. Despite the hiring of two full-time investigators, Baylor's Title IX Coordinator did not have sufficient or qualified support within the Title IX Office. Because of the overwhelming need for education and training, the Title IX Coordinator and staff did not have sufficient time or resources to focus on building the infrastructure of the office, drafting internal operating procedures and template communications, or managing the influx of new reports. In addition, as of the spring of 2015, there were no clear protocols for documentation or consistency in practice across implementers.

### **Inadequate Institutional Response to Sexual Violence under Title IX/VAWA**

A high-level audit was conducted of all known reports of sexual harassment and sexual assault reported through Baylor's student conduct processes for three academic years: 2012-2013, 2013-2014, and 2014-2015. The overwhelming majority of cases did not move forward to an adjudicative hearing, with only an extremely limited number of cases resulting in a finding of responsibility or significant sanction. Many complainants did not move forward with

the University's Title IX process, and the University failed to appropriately weigh a request not to move forward against the University's Title IX obligation to investigate or otherwise determine what occurred. The University failed to conduct sufficient inquiry into individual barriers to participation, which in some instances were directly related to barriers created by conversations with University personnel that discouraged, rather than encouraged, participation in the University's Title IX processes. Even in those cases where a complainant did choose to move forward, Baylor did not pursue hearings in the majority of reports, sometimes because of an erroneous determination that Baylor did not have jurisdiction in off campus matters or because the investigator in Judicial Affairs improperly determined that there was not a preponderance of the evidence based on an inadequate or uninformed investigation. As a consequence, in some cases, the University failed to take action to identify and, as needed, eliminate a potential hostile environment, prevent its recurrence, or address any effects on the individual complainant or broader campus community.

With respect to sexual assault investigations conducted by Judicial Affairs, staff members in Judicial Affairs applied a very "by the book" student conduct approach that treated all respondents equally, regardless of their status as a student-athlete. However, this rigid approach was not trauma-informed and was overly reliant on the perceived consistency or inconsistency of complainant's statements to the exclusion of other relevant considerations. The investigations reviewed were wholly inadequate to fairly and reliably evaluate whether sexual violence had occurred. While individual administrators sought professional training opportunities, they were not adequately trained in the dynamics of sexual and gender-based harassment and violence, dating violence, domestic violence, stalking, the neurobiological impacts of trauma, the evaluation of credibility, consent and the role of alcohol as it relates to

consent and alcohol-facilitated sexual assault. In addition, the investigations were conducted in the context of a broader culture and belief by many administrators that sexual violence “doesn’t happen here.” Administrators engaged in conduct that could be perceived as victim-blaming, focusing on the complainant’s choices and actions, rather than robustly investigating the allegations, including the actions of the respondent. In many instances, student conduct investigators conducted cursory investigations and failed to identify and interview readily apparent witnesses or gather relevant evidence. Student conduct investigators also applied the preponderance of the evidence standard of proof in an inconsistent manner, and in many instances, required a far greater level of proof than preponderance.

Prior to the 2014-2015 academic year, Baylor failed to conduct adequate training and education for its students and employees, and Baylor had not created an atmosphere that fostered reporting and participation in the Title IX process. Baylor’s students lacked awareness of the range of conduct prohibited under Title IX and of University policies, resources or reporting options. A lack of clearly identified reporting mechanisms, combined with insufficient training and attention to sexual and gender-based harassment and violence and other forms of interpersonal violence, may have led to significant underreporting by students and missed opportunities by administrators to respond appropriately to reports. The University’s approach to issues related to alcohol or other drug use by students created barriers to reporting. In addition, prior to August 2015, the University did not have a written amnesty policy for alcohol or other drug violations when reporting misconduct. Perceived judgmental responses by administrators based on a complainant’s alcohol or other drug use or prior consensual sexual activity also discouraged reporting or continued participation in the process.

Prior to the creation of the Title IX office in November 2014, once reports were received, Baylor failed to consistently identify or impose appropriate interim protective measures. In many instances, Baylor's responses to the needs of individual complainants were uncoordinated and ad hoc, and complainants received inconsistent and inadequate support. In some instances, the burden was placed on complainants to identify and obtain appropriate interim measures. Administrators failed to exercise appropriate oversight of interim measures, think holistically about the needs of complainants, follow through and follow up with complainants, provide complainants with continued access to educational opportunities, and take sufficient steps to retain complainants as University students.

Baylor did not have a system or protocol for either the consistent coordination of information between and among implementers, or for consistent, centralized sharing of information and documentation that would have allowed the University to track, identify, investigate or address a pattern of sexual violence at the earliest opportunity. Once aware of a potential pattern of sexual violence, the University failed to take prompt and effective action to protect campus safety and protect future victims from harm. Further, Baylor failed to consider patterns, trends or climate-related concerns that would enable the University to take prompt and responsive action to individual and community concerns. Baylor failed to identify, eliminate, prevent or address a potential hostile environment in individual cases, and took insufficient steps with respect to both individual complainants and broader community remedies.

In some instances, administrative responses and campus processes caused significant harm to complainants. Actions by an University administrator within BUPD and an administrator within an academic program contributed to, and in some instances, accommodated or created a hostile environment, rather than taking action to eliminate a hostile environment.

## **Barriers to Implementation of Title IX within Baylor's Football Program**

Baylor failed to maintain effective oversight and supervision of the Athletics Department as it related to the effective implementation of Title IX. Leadership challenges and communications issues hindered enforcement of rules and policies, and created a cultural perception that football was above the rules. In addition to the issues related to student misconduct, the University and Athletics Department failed to take effective action in response to allegations involving misconduct by football staff. Further, despite the fact that other departments repeatedly raised concerns that the Athletics Department's response to student or employee misconduct was inadequate, Baylor administrators took insufficient steps to address the concerns.

Baylor failed to take appropriate action to respond to reports of sexual assault and dating violence reportedly committed by football players. The choices made by football staff and athletics leadership, in some instances, posed a risk to campus safety and the integrity of the University. In certain instances, including reports of a sexual assault by multiple football players, athletics and football personnel affirmatively chose not to report sexual violence and dating violence to an appropriate administrator outside of athletics. In those instances, football coaches or staff met directly with a complainant and/or a parent of a complainant and did not report the misconduct. As a result, no action was taken to support complainants, fairly and impartially evaluate the conduct under Title IX, address identified cultural concerns within the football program, or protect campus safety once aware of a potential pattern of sexual violence by multiple football players.



In addition, some football coaches and staff took improper steps in response to disclosures of sexual assault or dating violence that precluded the University from fulfilling its legal obligations. Football staff conducted their own untrained internal inquiries, outside of policy, which improperly discredited complainants and denied them the right to a fair, impartial and informed investigation, interim measures or processes promised under University policy. In some cases, internal steps gave the illusion of responsiveness to complainants but failed to provide a meaningful institutional response under Title IX. Further, because reports were not shared outside of athletics, the University missed critical opportunities to impose appropriate disciplinary action that would have removed offenders from campus and possibly precluded future acts of sexual violence against Baylor students. In some instances, the football program dismissed players for unspecified team violations and assisted them in transferring to other schools. As a result, some football coaches and staff abdicated responsibilities under Title IX and Clery; to student welfare; to the health and safety of complainants; and to Baylor's institutional values.

In addition to the failures related to sexual assault and dating violence, individuals within the football program actively sought to maintain internal control over discipline for other forms of misconduct. Athletics personnel failed to recognize the conflict of interest in roles and risk to campus safety by insulating athletes from student conduct processes. Football coaches and staff took affirmative steps to maintain internal control over discipline of players and to actively divert cases from the student conduct or criminal processes. In some cases, football coaches and staff had inappropriate involvement in disciplinary and criminal matters or engaged in improper conduct that reinforced an overall perception that football was above the rules, and that there was no culture of accountability for misconduct.

The football program also operates an internal system of discipline, separate from University processes, which is fundamentally inconsistent with the mindset required for effective Title IX implementation, and has resulted in a lack of parity vis-à-vis the broader student population. This informal system of discipline involves multiple coaches and administrators, relies heavily upon individual judgment in lieu of clear standards for discipline, and has resulted in conduct being ignored or players being dismissed from the team based on an informal and subjective process. The ad hoc internal system of discipline lacks protocols for consistency with University policy and is wholly undocumented. The football program's separate system of internal discipline reinforces the perception that rules applicable to other students are not applicable to football players, improperly insulates football players from appropriate disciplinary consequences, and puts students, the program, and the institution at risk of future misconduct. It is also inconsistent with institutional reporting obligations.

The football program failed to identify and maintain controls over known risks, and unreasonably accepted known risks. Leadership in football and the athletics department did not set the tone, establish a policy or practice for reporting and documenting significant misconduct. The lack of reporting expectations resulted in a lack of accountability for player misconduct and employee misconduct. Further, no attempt was made to understand the root causes of behavior or steps necessary to prevent its recurrence. In addition, in one instance, in response to concerns about misconduct by football players that could contribute to a hostile environment, an academic program that required interaction with the football program improperly restricted educational opportunities for students, rather than take steps to eliminate a potential hostile environment.

### **Failure to Implement or Follow Consistent Transfer Protocols**

Baylor did not consistently conduct due diligence with respect to potential transfers. In at least one identified instance, the process reflected a failure to conduct appropriate due diligence and assessment of risk regarding past criminal or student conduct and an affirmative decision not to seek additional information about an athlete's prior criminal or student conduct records. Baylor did not adhere to a consistent protocol regarding transfers and importantly, Baylor did not consistently follow previously implemented processes regarding criminal background checks, request for records of any prior college disciplinary actions, and character reference screening forms.

### **Conclusion**

The University has taken and will take additional steps to address the deficiencies noted in the findings of fact. The Board has already adopted Pepper's recommendations, which are set forth in a separate document.

**APPENDIX II**  
**BAYLOR UNIVERSITY**  
**REPORT OF EXTERNAL AND INDEPENDENT REVIEW**  
**RECOMMENDATIONS**

**BAYLOR UNIVERSITY  
REPORT OF EXTERNAL AND INDEPENDENT REVIEW**

**RECOMMENDATIONS**

**I. Broad Recommendations**

- I.1. Establish Title IX obligations as an institutional priority.
- I.2. Take swift and certain action consistent with these recommendations.
- I.3. Offer institutional and personal apologies and appropriate remedies.
- I.4. Consider necessary personnel action for accountability and effective implementation of Title IX.
- I.5. Engage in measures that will instill a consistent institutional understanding of Title IX obligations.
- I.6. Take measures to ensure that the level of engagement by board members supports effective oversight of Title IX.
- I.7. Structure senior leadership to ensure appropriate and informed administrative oversight and effective implementation of Title IX and related compliance requirements.
- I.8. Commit sufficient infrastructure and resources for effective Title IX implementation.
- I.9. Create a culture within the football program that ensures that the reporting, investigation, and disciplinary actions involving student-athletes and athletics department staff are managed in the same manner as all other students and staff on campus, and that student-athletes are held accountable to the same standards as all Baylor students.
- I.10. Identify leadership for the Athletics Department and football program to set a strong and consistent tone regarding Title IX and conduct issues and set expectations for required actions in response to all forms of student misconduct, harassment and discrimination.
- I.11. Make appropriate external reports to enforcement authorities.
- I.12. Consider the importance of forthright communication to the effective implementation of Title IX.

## **II. Restorative Remedies**

- II.1. Develop protocols to address the restorative and ongoing needs of victims of reported sexual assault between 2011 and 2015.
- II.2. Contact known victims in the specific cases identified in this review to determine if there are appropriate remedies consistent with the goals of Title IX.
- II.3. Conduct review of past cases from 2011 to 2015 to consider pattern, trends, climate.
- II.4. Identify victims who are still at Baylor who made reports that did not move forward to determine if the following exist:
  - any current conduct of concern
  - any current need for support
  - any appropriate restorative actions
  - any need for additional investigative steps
- II.5. Identify victims who made reports, but later withdrew from Baylor, to understand if the withdrawal was connected to Title IX concerns.

## **III. Governance, Leadership, and Compliance**

- III.1. Resolve current governance issues at the Executive Council and board levels.
- III.2. Empower board committees to take active role in education, oversight, and enforcement of governance issues and fiduciary responsibilities:
  - Provide Association of Governing Boards training for Board of Regents
  - Evaluate and make recommendations regarding board size and composition
  - Review considerations and standards for new board membership, including actual or perceived conflicts of interest, and implement due diligence standards in the selection of board members
  - Educate and train board members to remain within appropriate reporting protocols and lines of communication when addressing members of the administration and the Athletics Department (consistent with employment contracts)
- III.3. Expand representation of departments on the Executive Council in order to integrate Title IX across university functions (e.g., human resources).
- III.4. Restructure reporting lines for the Title IX and Clery (VAWA) Coordinators to ensure that each position has the power and authority necessary to implement responsibilities.
- III.5. Hire a full-time, dedicated, and qualified Chief Compliance Officer responsible for identifying risk, the likelihood of occurrence, the effectiveness of existing controls, the action needed to address gaps in compliance, and the consequences of failure to comply.

- III.6. Develop oversight system of checks and balances to recognize non-compliance and hold administrators accountable for failures to comply.
- III.7. Properly resource general counsel's office and the chief compliance officer to track key legal developments in Title IX law and guidance, proactively identify risks associated with Title IX and related compliance requirements, and provide appropriate legal advice.
- III.8. Train senior leadership to understand current federal law and guidance to support the University's Title IX function and set an informed tone at the top that reinforces Baylor's commitment to Title IX.
- III.9. Identify a special oversight committee of the board to work in conjunction with leadership to ensure that these recommendations are properly resourced, completed in a timely manner, and effectively implemented.
- III.10. Provide detailed periodic reports to the Board regarding the implementation of these recommendations.
- III.11. Provide detailed continuing quarterly reports to the Board on Student Conduct issues, Title IX compliance, and athletics compliance.

#### **IV. Title IX Infrastructure, Resources and Internal Protocols**

- IV.1. Properly resource (personnel and funding) Title IX office to implement policies, procedures, and practices:
  - Add Deputy Title IX coordinators for intake, support, and case management
  - Add prevention and education coordinator
  - Evaluate current investigative functioning to ensure thorough, adequate, reliable investigations
  - Assess the need for additional trained and experienced investigators (internal or external)
  - Provide trained and effective administrative support
  - Identify personnel for all positions based on level of training and experience to ensure effective implementation and removal of conflict in roles and reporting structure
- IV.2. Restructure the Title IX office to improve the implementation of policy, procedure and practices:
  - Develop specific intake protocol
  - Use case management approach to track and monitor interim measures and student success
  - Separate investigations from the provision of resources and support
  - Develop investigative templates and protocols for consistent documentation and evaluation

- Review internal operating protocols to assure compliance, consistency, and follow up on all reports
- IV.3. Develop structured protocols and systems for the coordination of information between and among implementers, including internal case management and documentation that tracks timelines, regular and ongoing internal and external communications, and documents investigative steps, interim measures and steps taken to eliminate sexual harassment or violence, prevent its recurrence and address its effects.
- IV.4. Develop consistent protocols for application to critical decisions that identify decision-making authority, outline the applicable law and guidance, establish a template list of key considerations, and maintain appropriate documentation of the factual foundation for each decision.
- IV.5. Review and standardize existing template communications for regular stages of the process to assure consistency, the use of trauma-informed language, adherence to policy requirements and compliance with federal law regarding required written communications.
- IV.6. Conduct an initial assessment in every case and ensure contemporaneous documentation of steps taken and information considered. The initial review should proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made, and the Title IX Coordinator and/or Title IX Management Team has sufficient information to determine the best course of action, which may include an investigation or steps to otherwise determine what occurred.
- IV.7. As part of the initial assessment of a report, develop a standardized process for evaluating a complainant's request for anonymity, determining the appropriate course of action when balancing individual autonomy with broader campus safety obligations, and documenting the facts and circumstances that inform the University's determination. This process, which must be supportive of a complainant's needs and iterative in nature, can involve the Title IX Coordinator, the Title IX Management Team, or a separate entity specially designated to assist or evaluate a request for anonymity. The Title IX Coordinator should document the information gathered, the factors considered, the determination reached, and any additional steps taken to eliminate, prevent, and address the effects of the misconduct. Initial assessment protocols should vet whether a potential pattern of sexual violence is present.
- IV.8. Ensure that all forms of informal resolution are clearly documented to demonstrate the actions that are taken to meet the University's Title IX obligation to take action to eliminate a hostile environment, prevent its recurrence and address its effects on the complainant and the community.
- IV.9. Maintain appropriate documentation and records of all reports and steps taken to eliminate, prevent and address the effects of the prohibited conduct.



- IV.10. Review and revise protocols to incorporate patterns, trends and climate assessment for consistent broad remedy analysis and investigation of potential serial offenders.
- IV.11. Evaluate appropriateness and availability of facilities to effectively implement Title IX responsibilities.
- IV.12. Explore the use of available technology for reporting, responding, and tracking cases.

**V. Title IX Policy**

- V.1. Revise Title IX policy, procedure, and practices consistent with law, guidance, and most effective models from around the country. Incorporate the following considerations:
  - The findings of this review
  - Lessons learned from implementation during the 2015-2016 year
  - Compliance-related required updates
  - Effective and promising practices/solutions
  - Baylor’s institutional values and mission
- V.2. Revise Baylor’s Title IX policy to include a clear amnesty provision for violation of the Sexual Conduct Policy.
- V.3. Revise the Title IX policy appeals process.
- V.4. Revise the Title IX policy to ensure that both parties may be present for, or otherwise participate in, the other party’s presentation to adjudicator.
- V.5. Revise policies, procedures, and practices to ensure consistent access to interim remedial measures and consistent use, as appropriate, of interim protective measures.
- V.6. Review policy regarding informal resolution process.
- V.7. Commit to conducting an annual review and assessment of Title IX policies, procedures, and practices to incorporate changes in the law and lessons learned from the current year (through student and administrator input).

**VI. Centralized Reporting and Resolution of Reports**

- VI.1. Ensure that relevant policies, procedures, and protocols clearly outline all Title IX, Clery, and any other reporting responsibility (e.g., mandatory child abuse reporting).
- VI.2. Provide training and annual updates for clear implementation of reporting responsibilities and centralized reporting expectations.
- VI.3. Ensure accountability for all failures to report by University employees. Amend “for cause” language in all prospective contracts to specifically include the failure to report

misconduct as required by policy or law. Make clear in existing policies that violation of reporting obligations could be cause for discharge.

- VI.4. Ensure that all reports of sexual or gender-based harassment or violence or other forms of interpersonal violence are reported to the Title IX office.
- VI.5. Ensure that all reports of sexual or gender-based harassment or violence or other forms of interpersonal violence are evaluated under the Title IX policy.
- VI.6. Develop a centralized system for all reporting and a database and protocols for consistent record-keeping.

## **VII. Resources and Support**

- VII.1. Expand resources and support functions to augment the steps taken by the Board of Regents in February 2016.
- VII.2. Review whether additional resources are needed within student life, Title IX, counseling, or health service to provide an optimal level of care for victims. Add resources as soon as practicable if there are remaining gaps.
- VII.3. Confirm availability of after-hours crisis hotline.
- VII.4. Ensure counseling resources currently provided to students adequately address their needs.
- VII.5. Ensure that what is communicated to students in need who present to the counseling center is caring and helpful.
- VII.6. Ensure there is adequate space for the counseling center.
- VII.7. Ensure that information about the range of interim measures is widely disseminated and accessible to all community members.
- VII.8. Train all implementers to effectively communicate availability of resources, interim measures, and all process options. Develop and provide a written resource guide and process chart.
- VII.9. Provide dedicated victim-advocacy services on campus through full-time confidential advocate or contracted services with community agencies.

## **VIII. Training, Education, and Communication of Efforts**

- VIII.1. Designate one individual with oversight responsibility for coordination and review of all University training and educational programming related to and required by Title IX, Clery and VAWA.

VIII.2. Consider integrated multi-disciplinary programming to address issues of sexual and gender-based harassment and violence, gender equity, tolerance, diversity, inclusion, intersectionality, alcohol and substance abuse, consent, social media, bullying and hazing, classism, racism, and other issues that impact campus culture and the development and education of students.

VIII.3. Until further study demonstrates otherwise, continue to prioritize annual education and training consistent with federal law and guidance for *all* community members and implementers, including:

- Students – undergraduate and graduate
  - All student groups
  - Fraternities and sororities
  - Athletes
- Administration and Staff
  - All athletics personnel including coaches
  - Baylor Police
  - Faculty
  - Student Affairs/Student Conduct
  - Title IX Staff
  - Counseling
  - General Counsel
  - Executive Leadership
- Board
- Alumni

VIII.4. Ensure that all implementers, investigators and adjudicators have trauma-informed training.

VIII.5. Ensure that all training is informed by effective practices and experienced practitioners and is consistent with Baylor University’s mission and values.

VIII.6. Communicate all efforts (training, education, policies, procedures, reporting options, resources, and programs) through a user-friendly centralized website and other ongoing and effective means.

## **IX. Culture and Climate**

IX.1. Conduct appropriate climate surveys or assessments to evaluate the effectiveness of campus procedures, identify challenges in the current campus climate that affect the educational or employment environment or create barriers to reporting, and test for prevalence.

IX.2. Use the results of the climate survey to inform institutional priorities and educational programming.

- IX.3. Evaluate the role of alcohol or other drugs on campus and the efficacy of existing alcohol or other drug policies.
- IX.4. Design and conduct a campus campaign to provide a visible platform for candid discussion about consent, alcohol or other drug use, common victim-blaming myths, and barriers to reporting (including the University's amnesty policy).
- IX.5. Develop and implement a sustained campaign to keep institutional and community focus on Baylor's commitment to the prevention of sexual and gender-based harassment and violence.
- IX.6. Collaborate with the University's Marketing and Communications personnel to develop an intentional and strategic plan to implement the campaign, identify branding, design visual content, and consider the effectiveness of forms of delivery, including web content, written materials, posters, and other formats.
- IX.7. Prioritize student engagement. Seek mechanisms to incorporate student input through student leaders, open forums and individual engagement from current and former students.

**X. Athletics Department**

- X.1. Create and maintain culture of high moral standards, enforcement, and discipline. Review, revise, and reinforce the expectation of a culture of high moral standards and discipline from coaches and staff to players.
- X.2. Communicate findings to senior leadership and relevant athletic administrators regarding response failures in Athletics Department
- X.3. Identify leadership to set a tone from the top regarding Title IX compliance, attention to student welfare, and reporting obligations.
- X.4. Consider appropriate disciplinary response for employee misconduct or employee failure to respond to several reported allegations of misconduct by football players.
- X.5. Charge the Board audit committee with ensuring and monitoring appropriate oversight of Athletics Department and Athletic Director by the President or other senior administration.

- X.6. Through an appropriate board committee, ensure that the President and the Athletics Director have appropriate authority over department personnel.
- X.7. Consistent with employment coaches, train and educate coaches about the need to remain with appropriate reporting protocols and lines of communication when addressing members of Board of Regents.
- X.8. Ensure that all athletics personnel receive specific, extended, targeted, ongoing, and annual training regarding Title IX obligations and responsibilities, including an understanding of the risks attendant to Title IX issues.
- X.9. Educate athletics personnel about individual student safety risks as well as risks to the program and the university community.
- X.10. Build opportunities for athletics personnel to integrate and develop relationships with non-athletics personnel.
- X.11. Develop and implement a new drug testing policy. This policy should follow the standard of informed practices among peer institutions.
- X.12. Educate athletics personnel on reporting policies/protocols to ensure immediate sharing of information with the Title IX coordinator and student conduct as required by policy.
- X.13. Establish clear policies and protocols for all Athletic Department staff when students are accused of misconduct in violation of University policy.
  - Clear documentation protocols for athlete misconduct
  - Clear reporting protocol
    - To Head Coach and Athletic Director
    - To Title IX Coordinator
    - To Judicial Affairs
- X.14. Establish clear disciplinary consequences for personnel who fail to follow reporting and documentation protocols.
- X.15. Expand athletics compliance function to capture and monitor athlete misconduct. Consider independent athletics compliance oversight (i.e. Chief Compliance Officer) with dual reporting lines to the President and an appropriate board committee.
- X.16. Review and revise transfer policies and protocols to ensure due diligence is exercised in the screening of transfer candidates. Consider Big 12 and national best practices when implementing a protocol that will consider, at a minimum, criminal history, college disciplinary history, and character references.
- X.17. Establish policy and practice for consistent evaluation of any recruit with some level of past legal or disciplinary conduct issue, including the review of the known information by

compliance professionals outside of the Athletics Department, and as appropriate, external to the University.

- X.18. Formalize team and departmental policies regarding team suspension or dismissal with respect to arrest and or student conduct investigation.
- X.19. Consider a software solution for reporting, documenting, and sharing of information.
- X.20. Annually review all cases of athletes accused of misconduct to ensure that responses are consistent with applicable policies and procedures for all Baylor student misconduct.

## **XI. Baylor University Police Department**

- XI.1. Develop policies, procedures, and protocols to integrate federal, state, and local laws with trauma-informed responses to all forms of sexual and gender-based harassment, violence, interpersonal violence, and stalking.
- XI.2. Identify informed training programs to support BUPD in the effective implementation of Title IX, Clery, and all other federal, state and local laws.
- XI.3. Annually review training, personnel, and policy needs.
- XI.4. Develop systems to consistently coordinate information sharing with Title IX and Student Conduct personnel. Consider use of available technology.

## **XII. Community Partnerships**

- XII.1. Meet with local law enforcement and prosecuting authorities to review and update the memorandum of understanding that outlines the coordination of responsibilities between internal and external law enforcement agencies consistent with the proper implementation of Title IX, Clery and VAWA.
- XII.2. Revisit protocol for sharing of information between Waco Police Department and Baylor University Police Department.
- XII.3. Identify and develop partnerships with external advocacy organizations.
- XII.4. Identify appropriate campus and community supports for respondents.
- XII.5. Work with local governmental entities and area non-profits in an effort to develop a Waco-area Sexual Assault Response Team (SART).

## **XIII. Clery**

- XIII.1. Update Clery analysis and assess reporting obligations based on Pepper Hamilton findings.

**APPENDIX III**  
**OVERVIEW OF UNIVERSITY PREVENTION,**  
**EDUCATION AND TRAINING PROGRAMS**

## Additional Training Topics to Supplement Core Title IX Programs

### Schedule for 2017-2018 Title IX Office Trainings

Month	Topic - Students	Topic – Faculty/Staff	Facilitator(s)
August 2017			
September 2017	Resources Healthy Relationships Internet Safety/Social Media	Responsible Employee *Resources (same session as students)	
October 2017	Prohibited Conduct Media Literacy Comm. Skills/Conflict R <b>Title IX Q&amp;A</b>	Process/Policy	
November 2017	Policy Updates Consent	Responsible Employee	
December 2017			
January 2018			
February 2018	Resources Healthy Relationships Internet Safety/Social Media	Responsible Employee *Resources (same session as students)	
March 2018	Prohibited Conduct Media Literacy Comm. Skills/Conflict R	Process/Policy	
April 2018	Policy Updates Consent		
May 2018			

Healthy Relationships – Christina  
 Resources – Christina  
 Media Literacy - Britney  
 Internet Safety/Social Media – Elizabeth  
 Comm. Skills/Conflict R – Christina  
 Consent - Elizabeth  
 Policy/Process Updates - Britney  
 Prohibited Conduct - Elizabeth  
 Responsible Employee – Britney

Mid-end of August have curriculum outlined/ready for review  
 Need to look at booking rooms and reserving dates  
 Put on website  
 50-75 people



**Media Literacy**

This session will focus on examining how the media (e.g., TV, movies, magazines, advertisements, etc.) portrays relationships and creates gender stereotypes. Moreover, an emphasis will be placed on understanding how the media influences cultures and one's own understanding of a healthy relationship and self-identity.

**Policy/Process Updates**

This session will be offered both to students and to faculty/staff periodically to provide information about the Title IX investigative process and to inform participants as to any policy updates.

**Responsible Employee**

This session will be offered to faculty and staff to provide an opportunity for participants to ask questions about and gain a deeper understanding of their role as a responsible employee, mandated to report any Title IX-related incident disclosed to them.

**Internet Safety**

This session will look at how technology, while often helpful, can also be harmful and even cause safety issues. Participants will learn the importance of privacy settings, how to turn off locations settings, and what information is not appropriate for social media, dating sites, and other internet platforms.

**Prohibited Conduct**

Title IX policy focuses on these specific areas of prohibited conduct: stalking, dating/interpersonal violence, gender-based harassment, sexual harassment, sexual exploitation, and sexual assault. In this session participants will become familiar with the behaviors that fall under each of these categories, in order to identify behaviors that are prohibited.

**Consent**

This session will focus on defining consent, removing any stigma there may be about obtaining consent, and the role of consent within Title IX investigations. Will discuss and define incapacitation and coercion. Additionally will address the importance of affirmative consent

**Healthy Relationships:** This session will examine characteristics of healthy relationships such as: boundaries, healthy communication skills, conflict resolution, etc. Additionally, how to identify red flags of an unhealthy relationship.

**Resources:** This session will be offered to both students and staff/faculty. The Title IX Administrative Case Manager will be introduced as a resource through the Title IX office and present information about resources available at Baylor University as well as the Waco community.

**Communication Skills/Conflict Resolution:** This session will examine characteristics of healthy and effective verbal and non-verbal communication. This session will focus specifically on communication tactics in conflict situations. Furthermore, tips and practical ways to respect others viewpoint and beliefs during a conflict.

# TRAINING AND EDUCATION – 2016-2017

Program/Training	Host Department	Target Audience	Audience #s	Time of Year	Description	Other Content Areas
<b>Sexual and Gender Based Harassment and Violence</b>						
It's On Us BU	Title IX, Wellness, Counseling, VP's Office, Spiritual Life, Leadership Academy, CL&L, Student Activities	New students (freshmen and transfer)	>3000	Fall	All new students come together for training on sexual assault, sexual harassment, consent, healthy relationships, and bystander intervention	- Consent - Healthy Relationships
Prolonged Exposure Trauma Training	Counseling	Providers for victims of assault	<100	Fall	In depth training for counselors to provide the best care for victims of trauma	
Online F/S Title IX Training	Title IX	All faculty and staff	>3000	Fall	Online training on sexual assault, Title IX, and reporting for faculty/staff	- Reporting
Online Student Title IX Training	Title IX	All students	>3000	Fall	Online training on title IX, reporting, and consent	- Reporting - Consent
In-Person Title IX Training – F/S	Title IX	DDH; Residence Hall Directors; Temporary and Contract Employees; Athletics Staff	500-1500	Summer/Fall/Spring	More in depth training than online module	- Reporting
Student Leader Title IX Training	Title IX and respective departments	Welcome week leaders; Orientation leaders; Line camp leaders;	500-1500	Summer/Fall/Spring	Training for student leaders and employees about	- Reporting - Consent

		<p>Lead NSP Team; All student organization leaders; Personal Trainers; Group X instructors; Nutrition Educators; Campus Rec; Fitness Center Attendants; Front desk staff; Marina staff; Rock wall staff; Intramural staff; Lifeguards; Mental Health PLs; Health and Wellness PLs; NSE PLs Community Engagement and Service PLs; Multicultural Affairs PLs; First in Line PLs; LEAD LLC; CL's</p>			<p>definitions, consent, reporting, and bystander intervention</p>	
<p>Greek Life Title IX Training</p>	<p>Title IX and Student Activities</p>	<p>All men and women active in Greek Life</p>	<p>1500-3000</p>	<p>Spring</p>	<p>In depth Title IX and healthy relationships training for all members of sororities and fraternities</p>	<ul style="list-style-type: none"> <li>- Reporting</li> <li>- Consent</li> <li>- Healthy Relationships</li> </ul>
<p>Student Athlete Title IX Training</p>	<p>Title IX</p>	<p>All athletic teams: Football Basketball (Men) Basketball (Women) Tennis (Men) Tennis (Women) CC (Men) CC (Women) Track (Men) Track (Women) Acrobatics and Tumbling</p>	<p>500-1500</p>	<p>Summer</p>	<p>Individual teams training on Title IX, consent, reporting, and bystander intervention</p>	<ul style="list-style-type: none"> <li>- Reporting</li> <li>- Consent</li> </ul>

Orientation – Campus Expectations	New Student Programs	Equestrian Baseball Softball	>3000	Summer	Overview of Title IX office procedures	<ul style="list-style-type: none"> <li>- Tolerance</li> <li>- Alcohol and Substance Abuse</li> </ul>
Orientation – Breakout Sessions	New Student Programs and respective departments	All incoming students and parents that elect to attend specific breakout session	100-500	Summer	30-minute focused sessions on a variety of topics	<ul style="list-style-type: none"> <li>- Reporting</li> <li>- Healthy Relationships</li> <li>- Diversity/Inclusion</li> <li>- Racism</li> <li>- Alcohol/Substance Abuse</li> <li>- Mental Health</li> <li>- Addiction</li> </ul>
Speaker Series for Athletics	Athletics	Student athletes and athletics staff	100-500	Summer/Fall/Spring		<ul style="list-style-type: none"> <li>- Reporting</li> <li>- Consent</li> <li>- Alcohol/Substance Abuse</li> <li>- Addiction</li> <li>- Mental Health</li> <li>- Healthy Relationships</li> </ul>
Sexual Assault Investigation Training	Baylor Department of Public Safety	BUPD	<100		Extensive training on sexual assault investigations, collecting evidence, crime scenes, etc.	
MVP Training Series	Title IX	Student Athletes	100-500	Summer/Fall/Spring	Sessions on: Healthy vs. Abusive Relationships; Sexual Respect; Gender Roles & Destructive Behaviors	<ul style="list-style-type: none"> <li>- Consent</li> <li>- Gender Equity</li> <li>- Healthy Relationships</li> </ul>
Student Organization Summit	Student Activities	Student Organization Leaders	100-500	Spring	Extensive training for leaders of	<ul style="list-style-type: none"> <li>- Alcohol and substance abuse</li> <li>- Addiction</li> </ul>

						student organizations on: alcohol and illegal drugs; hazing; sexual abuse and harassment; fire and other safety issues; travel; behaviors; adoption of risk management policy; organizational activities; liability and negligence; emergency procedures and preparation; contracts	- Bullying and Hazing - Tolerance - Reporting
Break the Silence	Multicultural Affairs	All students welcome	<100				- Diversity/Inclusion - Gender Equity
Men's Masculinity Group	Formation/Wellness	Male students	<100	Fall/Spring		Men taking a stand against sexual assault; defining masculinity	- Sexual and gender based harassment and violence
<b>Gender Equity</b>							
Leadership Academy Course Curriculum	Leadership Academy	Students enrolled in any course listed under the leadership minor	100-500	Summer/Fall/Spring		Discussion based curriculum on important leadership and societal issues and topics	- Sexual and Gender Based Harassment and Violence - Reporting - Tolerance - Diversity/Inclusion - Mental Health
Movie Mondays at the Hippodrome	Student Activities	All students	100-500	Fall/Spring		Every Monday a documentary is shown at the Hippodrome on	- Tolerance - Diversity/Inclusion - Racism - Classism

MVP Training Series	Title IX	Student Athletes	100-500	Summer/Fall/Spring	a relevant topic Sessions on: Healthy vs. Abusive Relationships; Sexual Respect; Gender Roles & Destructive Behaviors	<ul style="list-style-type: none"> <li>- Consent</li> <li>- Sexual and Gender Based Harassment and Violence</li> <li>- Healthy Relationships</li> </ul>
CL Training	CL&L	CLs	100-500	Summer	Extensive training for community leaders serving in the residence halls on campus	<ul style="list-style-type: none"> <li>- Sexual and Gender Based Harassment</li> <li>- Diversity and Inclusion</li> <li>- Reporting</li> <li>- Alcohol and Substance Abuse</li> <li>- Mental Health</li> <li>- Suicide</li> <li>- Healthy Relationships</li> </ul>
Public Deliberation Initiative	Formation	All students welcome	<100	Summer/Fall/Spring	Learning to have civil dialogue with one another.	<ul style="list-style-type: none"> <li>- Tolerance</li> <li>- Diversity/Inclusion</li> <li>- Alcohol and Substance Abuse</li> <li>- Bullying and Hazing</li> <li>- Classism</li> <li>- Racism</li> </ul>
Gender Equity within Recovery Education	Wellness	All students welcome; students in recovery	<100	Summer/Fall/Spring	Education on the gender gap within recovery services; offering women's only recovery groups and meetings	
Women's History Month	Multicultural Affairs	All students, faculty, and staff welcome	<100	Fall	Education and awareness of gender equity	
Break the Silence	Multicultural Affairs	All students welcome	<100	Fall/Spring	??	<ul style="list-style-type: none"> <li>- Diversity/Inclusion</li> <li>- Sexual and Gender Based Harassment and Violence</li> </ul>

**Tolerance**

Leadership Academy Course Curriculum	Leadership Academy	Students enrolled in any course listed under the leadership minor	100-500	Summer/Fall/Spring	Discussion based curriculum on important leadership and societal issues and topics	<ul style="list-style-type: none"> <li>- Sexual and Gender Based Harassment and Violence</li> <li>- Reporting</li> <li>- Gender Equity</li> <li>- Diversity/Inclusion</li> <li>- Mental Health</li> </ul>
Academy Lecture Series	Leadership Academy	Students enrolled in any course listed under the leadership minor	100-500	Fall	Invited speakers to speak on leadership and societal issues/topics	<ul style="list-style-type: none"> <li>- Diversity/Inclusion</li> <li>- Racism</li> <li>- Gender Equity</li> <li>- Mental Health</li> </ul>
Movie Mondays at the Hippodrome	Student Activities	All students	100-500	Fall/Spring	Every Monday a documentary is shown at the Hippodrome on a relevant topic	<ul style="list-style-type: none"> <li>- Gender Equity</li> <li>- Diversity/Inclusion</li> <li>- Racism</li> <li>- Classism</li> </ul>
Public Deliberation Initiative	Formation	All students welcome	<100	Summer/Fall/Spring	Learning to have civil dialogue with one another.	<ul style="list-style-type: none"> <li>- Gender Equity</li> <li>- Diversity/Inclusion</li> <li>- Alcohol and Substance Abuse</li> <li>- Bullying and Hazing</li> <li>- Classism</li> <li>- Racism</li> </ul>
This Matters: Chapel Edition	Worship & Chapel	Students enrolled in chapel	>3000	Fall	Chapel service during which students can tweet questions	<ul style="list-style-type: none"> <li>- Diversity/Inclusion</li> <li>- Racism</li> <li>- Classism</li> <li>- Healthy Relationships</li> </ul>
Chapel Speaker: Martin Carcasson	Worship & Chapel	Students enrolled in chapel	>3000	Fall	Civil dialogue	<ul style="list-style-type: none"> <li>- Diversity and Inclusion</li> </ul>
Orientation – Campus Expectations	New Student Programs	All incoming students and parents	>3000	Summer	Overview of Title IX office procedures	<ul style="list-style-type: none"> <li>- Sexual and Gender Based Harassment and Violence</li> </ul>
Everfi AlcoholEdu	Wellness	All incoming students	>3000	Summer	Extensive online training on alcohol, substance abuse, bystander	<ul style="list-style-type: none"> <li>- Alcohol and substance abuse</li> <li>- Addiction</li> </ul>

Chapel Speaker: Carr Harkrader	Worship & Chapel	Students enrolled in chapel	>3000	Fall	intervention, and tolerance	- Diversity and Inclusion
Spiritual Message Training	Formation	Student Leaders	<100	Fall	Teaching leaders how to talk about faith	
Student Organization Summit	Student Activities	Student Organization Leaders	100-500	Spring	Extensive training for leaders of student organizations on: alcohol and illegal drugs; hazing; sexual abuse and harassment; fire and other safety issues; travel; behaviors; adoption of risk management policy; organizational activities; liability and negligence; emergency procedures and preparation; contracts	- Alcohol and substance abuse - Addiction - Bullying and Hazing - Sexual and Gender Based Harassment and Violence - Reporting
<b>Diversity and Inclusion</b>						
CL Training	CL&L	CLS	100-500	Summer	Extensive training for community leaders serving in the residence halls on campus	- Gender Equity - Diversity and Inclusion Reporting - Alcohol and Substance Abuse - Mental Health - Suicide - Healthy Relationships



CL&L Professional Staff Training	CL&L	CL&L Professional Staff	<100	Summer	Extensive training for CL&L Professional Staff	-
Leadership Academy Course Curriculum	Leadership Academy	Students enrolled in any course listed under the leadership minor	100-500	Summer/Fall/Spring	Discussion based curriculum on important leadership and societal issues and topics	- Sexual and Gender Based Harassment and Violence - Reporting - Gender Equity - Tolerance - Mental Health
Movie Mondays at the Hippodrome	Student Activities	All students	100-500	Fall/Spring	Every Monday a documentary is shown at the Hippodrome on a relevant topic	- Tolerance - Gender Equity - Racism - Classism
This Matters	Multicultural Affairs/Formation	Welcome to all students	<100	Summer/Fall/Spring	Teaching about various topics	-
Difficult Dialogue	Multicultural Affairs/Formation	Welcome to all students	<100	Summer/Fall/Spring	Teaching about various topics	-
Student Life Staff Development	VP's Office	All student life staff and graduate students	100-500	Fall/Spring	Various speakers and discussions for staff to develop cultural competency skills	- Racism - Classism
Student Leader Training	Community Engagement and Service; Wellness	Student leaders in respective areas	100-500	Fall/Spring	Cultural competency training	
Public Deliberation Initiative	Formation	All students welcome	<100	Summer/Fall/Spring	Learning to have civil dialogue with one another.	- Tolerance - Alcohol and Substance Abuse - Bullying and Hazing - Classism - Racism
This Matters: Chapel Edition	Worship & Chapel	Students enrolled in chapel	>3000	Fall	Chapel service during which students can tweet questions	- Tolerance - Racism - Classism - Healthy Relationships
Chapel speaker: Alvin	Worship & Chapel	Students enrolled in	>3000	Fall	Bridging the	

Sanders		chapel						Diversity Gap	
Chapel speaker: Martin Carcasson	Worship & Chapel	Students enrolled in chapel	>3000	Fall				Civil dialogue	- Tolerance
Chapel speaker: Austin Channing Brown	Worship & Chapel	Students enrolled in chapel	>3000	Fall				Diversity	- Racism - Healthy Relationships
Chapel speaker: Carr Harkrader	Worship & Chapel	Students enrolled in chapel	>3000	Fall				Interreligious dialogue	- Tolerance
Hispanic Heritage Month	Multicultural Affairs	Welcome to all students, faculty, staff	100-500	Fall				??	
MLK Luncheon	Multicultural Affairs	Welcome to select students, and all faculty, and staff	100-500	Spring					- Classism - Racism
Black History Month	Multicultural Affairs	Welcome to all students, faculty, and staff	100-500	Spring					
More Than We Can Bear	Multicultural Affairs, Counseling, Wellness, Community Engagement and Service	Staff	100-500	Summer				Training seminar on mental health disparities among African Americans	- Racism - Mental Health
Orientation – Breakout Sessions	New Student Programs and respective departments	All incoming students and parents that elect to attend specific breakout session	100-500	Summer				30-minute focused sessions on a variety of topics	- Reporting - Healthy Relationships - Diversity/Inclusion - Racism - Alcohol/Substance Abuse - Mental Health - Addiction
Kente Service	Multicultural Affairs	Students, faculty, staff	500-1500	Spring				Graduation service for African-American Service	
Better Together BU	Multicultural Affairs	All students	<100	Fall/Spring				Religious inclusion	-
Cross-cultural engagement dinners	Multicultural affairs	All students	100-500	Fall/Spring				Cultural competency development	
<b>Reporting</b>									

CL Training	CL&L	CLs	100-500	Summer	Extensive training for community leaders serving in the residence halls on campus	<ul style="list-style-type: none"> <li>- Sexual and Gender Based Harassment</li> <li>- Diversity and Inclusion</li> <li>- Reporting</li> <li>- Alcohol and Substance Abuse</li> <li>- Mental Health</li> <li>- Suicide</li> <li>- Healthy Relationships</li> </ul>
Everfi AlcoholEdu	Wellness	All incoming students	>3000	Summer	Extensive online training on alcohol, substance abuse, bystander intervention, and tolerance	<ul style="list-style-type: none"> <li>- Alcohol and substance abuse</li> <li>- Addiction</li> </ul>
Leadership Course Curriculum	Leadership Academy	Students enrolled in any course listed under the leadership minor	100-500	Summer/Fall/Spring	Discussion based curriculum on important leadership and societal issues and topics	<ul style="list-style-type: none"> <li>- Sexual and Gender Based Harassment and Violence</li> <li>- Tolerance</li> <li>- Diversity/Inclusion</li> <li>- Mental Health</li> <li>- Gender Equity</li> </ul>
Youth Ministry Team Training	Formation	Youth Ministry Teams	100-500	Summer		
Online F/S Title IX Training	Title IX	All faculty and staff	>3000	Fall	Online training on sexual assault, Title IX, and reporting for faculty/staff	<ul style="list-style-type: none"> <li>- Reporting</li> </ul>
Online Student Title IX Training	Title IX	All students	>3000	Fall	Online training on title IX, reporting, and consent	<ul style="list-style-type: none"> <li>- Reporting</li> <li>- Consent</li> </ul>
In-Person Title IX Training – F/S	Title IX	DDH; Residence Hall Directors; Temporary and Contract Employees; Athletics Staff	500-1500	Summer/Fall/Spring	More in depth training than online module	<ul style="list-style-type: none"> <li>- Reporting</li> </ul>

Student Leader Title IX Training	Title IX and respective departments	Welcome week leaders; Orientation leaders; Line camp leaders; Lead NSP Team; All student organization leaders; Personal Trainers; Group X instructors; Nutrition Educators; Campus Rec; Fitness Center Attendants; Front desk staff; Marina staff; Rock wall staff; Intramural staff; Lifeguards; Mental Health PLs; Health and Wellness PLs; NSE PLs Community Engagement and Service PLs; Multicultural Affairs PLs; First in Line PLs; LEAD LLC; CL's	1500-3000	Summer/Fall/Spring	Training for student leaders and employees about definitions, consent, reporting, and bystander intervention	- Reporting - Consent
Greek Life Title IX Training	Title IX and Student Activities	All men and women active in Greek Life	500-1500	Spring	In depth Title IX and healthy relationships training for all members of sororities and fraternities	- Reporting - Consent - Healthy Relationships
Student Athlete Title IX Training	Title IX	All athletic teams: Football Basketball (Men) Basketball (Women) Tennis (Men) Tennis (Women) CC (Men) CC (Women)	100-500	Summer	Individual teams training on Title IX, consent, reporting, and bystander intervention	- Reporting - Consent

			Track (Men) Track (Women) Acrobatics and Tumbling Equestrian Baseball Softball	500-1500	Summer	30-minute focused sessions on a variety of topics	<ul style="list-style-type: none"> <li>- Reporting</li> <li>- Healthy Relationships</li> <li>- Diversity/Inclusion</li> <li>- Racism</li> <li>- Alcohol/Substance Abuse</li> <li>- Mental Health</li> <li>- Addiction</li> </ul>
Orientation – Breakout Sessions	New Student Programs and respective departments	All incoming students and parents that elect to attend specific breakout session					<ul style="list-style-type: none"> <li>- Sexual and Gender Based Harassment and Violence</li> <li>- Consent</li> <li>- Alcohol/Substance Abuse</li> <li>- Addiction</li> <li>- Mental Health</li> <li>- Healthy Relationships</li> </ul>
Speaker Series for Athletics	Athletics	Student athletes and athletics staff	100-500	Summer/Fall/Spring			
<b>Alcohol and Substance Abuse</b>							
Public Deliberation Initiative	Formation	All students welcome	<100	Summer/Fall/Spring			<ul style="list-style-type: none"> <li>- Tolerance</li> <li>- Diversity/Inclusion</li> <li>- Bullying and Hazing</li> <li>- Classism</li> <li>- Racism</li> </ul>
Orientation – Campus Expectations	New Student Programs	All incoming students and parents	>3000	Summer	Overview of Title IX office procedures		<ul style="list-style-type: none"> <li>- Sexual and Gender Based Harassment and Violence</li> <li>- Tolerance</li> </ul>
Orientation – Breakout Sessions	New Student Programs and respective departments	All incoming students and parents that elect to attend specific breakout session	500-1500	Summer	30-minute focused sessions on a variety of topics		<ul style="list-style-type: none"> <li>- Reporting</li> <li>- Healthy Relationships</li> <li>- Diversity/Inclusion</li> <li>- Racism</li> <li>- Alcohol/Substance</li> </ul>

Everfi AlcoholEdu	Wellness	All incoming students	>3000	Summer	Extensive online training on alcohol, substance abuse, bystander intervention, and tolerance	<ul style="list-style-type: none"> <li>- Abuse</li> <li>- Mental Health</li> <li>- Addiction</li> <li>- Reporting</li> <li>- Tolerance</li> <li>- Addiction</li> </ul>
Invited Student Group Trainings	Wellness	Students that are part of student groups	100-500	Summer/Fall/Spring	Training for student groups on alcohol use and abuse	
Drug and Alcohol Education Seminars	Wellness	Students who have alcohol or drug infractions	100-500	Summer/Fall/Spring	State-mandated training on alcohol and drugs	
Individual Consults and Training – Alcohol and Drugs	Wellness	Students who have alcohol or drug infractions	100-500	Summer/Fall/Spring	Individualized consultations to educate and train students that have a history of issues with alcohol and/or drugs	
Hope, Peace, Love Week	Counseling, Wellness	Students/Faculty/Staff	<100	Spring	Week-long programming on major mental-health related issues including depression and anxiety, relational health, and addiction	<ul style="list-style-type: none"> <li>- Mental Health</li> <li>- Healthy Relationships</li> <li>- Addiction</li> </ul>
Alcohol and Substance Abuse Training – Athletes	Wellness	Student Athletes	100-500	Summer	Specific training for student athletes on drug and alcohol use	

Leadership Course Curriculum	Leadership Academy	Students enrolled in any course listed under the leadership minor	100-500	Summer/Fall/Spring	Discussion based curriculum on important leadership and societal issues and topics	<ul style="list-style-type: none"> <li>- Sexual and Gender Based Harassment and Violence</li> <li>- Reporting</li> <li>- Tolerance</li> <li>- Diversity/Inclusion</li> <li>- Mental Health</li> <li>- Gender Equity</li> </ul>
Speaker Series for Athletics	Athletics	Student athletes and athletics staff	100-500	Summer/Fall/Spring		<ul style="list-style-type: none"> <li>- Reporting</li> <li>- Consent</li> <li>- Sexual and Gender Based Harassment and Violence</li> <li>- Addiction</li> <li>- Mental Health</li> <li>- Healthy Relationships</li> </ul>
Student Organization Summit	Student Activities	Student Organization Leaders	100-500	Spring	Extensive training for leaders of student organizations on: alcohol and illegal drugs; hazing; sexual abuse and harassment; fire and other safety issues; travel; behaviors; adoption of risk management policy; organizational activities; liability and negligence; emergency procedures and preparation; contracts	<ul style="list-style-type: none"> <li>- Addiction</li> <li>- Bullying and Hazing</li> <li>- Sexual and Gender Based Harassment and Violence</li> <li>- Reporting</li> </ul>

**Consent**

Online Student Title IX Training	Title IX	All students	>3000	Fall	Online training on title IX, reporting, and consent	- Reporting - Consent
Student Leader Title IX Training	Title IX and respective departments	Welcome week leaders; Orientation leaders; Line camp leaders; Lead NSP Team; All student organization leaders; Personal Trainers; Group X instructors; Nutrition Educators; Campus Rec; Fitness Center Attendants; Front desk staff; Marina staff; Rock wall staff; Intramural staff; Lifeguards; Mental Health PLs; Health and Wellness PLs; NSE PLs Community Engagement and Service PLs; Multicultural Affairs PLs; First in Line PLs; LEAD LLC; CL's	500-1500	Summer/Fall/Spring	Training for student leaders and employees about definitions, consent, reporting, and bystander intervention	- Reporting - Consent
Greek Life Title IX Training	Title IX and Student Activities	All men and women active in Greek Life	500-1500	Spring	In depth Title IX and healthy relationships training for all members of sororities and fraternities	- Reporting - Consent - Healthy Relationships
Student Athlete Title IX Training	Title IX	All athletic teams: Football Basketball (Men) Basketball (Women)	500-1500	Summer	Individual teams training on Title IX, consent, reporting, and	- Reporting - Consent





Initiative						civil dialogue with one another.	<ul style="list-style-type: none"> <li>- Alcohol and Substance Abuse</li> <li>- Diversity/Inclusion</li> <li>- Classism</li> <li>- Racism</li> </ul>
Student Organization Summit	Student Activities	Student Organization Leaders	100-500	Spring	Extensive training for leaders of student organizations on: alcohol and illegal drugs; sexual hazing; sexual abuse and harassment; fire and other safety issues; travel; behaviors; adoption of risk management policy; organizational activities; liability and negligence; emergency procedures and preparation; contracts	<ul style="list-style-type: none"> <li>- Alcohol and substance abuse</li> <li>- Addiction</li> <li>- Sexual and Gender Based Harassment and Violence</li> <li>- Reporting</li> </ul>	
<b>Classism</b>							
Public Deliberation Initiative	Formation	All students welcome	<100	Summer/Fall/Spring	Learning to have civil dialogue with one another.	<ul style="list-style-type: none"> <li>- Tolerance</li> <li>- Alcohol and Substance Abuse</li> <li>- Bullying and Hazing</li> <li>- Diversity/Inclusion</li> <li>- Racism</li> </ul>	
This Matters: Chapel Edition	Worship & Chapel	Students enrolled in chapel	>3000	Fall	Chapel service during which students can tweet questions	<ul style="list-style-type: none"> <li>- Tolerance</li> <li>- Racism</li> <li>- Diversity/Inclusion</li> <li>- Healthy Relationships</li> </ul>	

Chapel speaker: Martin Carcasson	Worship & Chapel	Students enrolled in chapel	>3000	Fall	Civil dialogue	- Tolerance - Diversity/Inclusion
MLK Luncheon	Multicultural Affairs	Welcome to select students, and all faculty, and staff	100-500	Spring		- Diversity/Inclusion - Racism
Movie Mondays at the Hippodrome	Student Activities	All students	100-500	Fall/Spring	Every Monday a documentary is shown at the Hippodrome on a relevant topic	- Tolerance - Diversity/Inclusion - Racism - Gender Equity
<b>Racism</b>						
Undoing Racism	Community Engagement and Service	Select faculty and staff	<100	Fall	Intense training of racism and cultural competency	
Public Deliberation Initiative	Formation	All students welcome	<100	Summer/Fall/Spring	Learning to have civil dialogue with one another.	- Tolerance - Alcohol and Substance Abuse - Bullying and Hazing - Classism - Diversity/Inclusion
This Matters: Chapel Edition	Worship & Chapel	Students enrolled in chapel	>3000	Fall	Chapel service during which students can tweet questions	- Tolerance - Diversity/Inclusion - Classism - Healthy Relationships
Orientation – Breakout Sessions	New Student Programs and respective departments	All incoming students and parents that elect to attend specific breakout session	500-1500	Summer	30-minute focused sessions on a variety of topics	- Reporting - Healthy Relationships - Diversity/Inclusion - Racism - Alcohol/Substance Abuse - Mental Health - Addiction
Movie Mondays at the Hippodrome	Student Activities	All students	100-500	Fall/Spring	Every Monday a documentary is shown at the Hippodrome on a relevant topic	- Tolerance - Diversity/Inclusion - Gender Equity - Classism
More Than We Can	Multicultural Affairs,	Staff	100-500	Summer	Training seminar	- Diversity/Inclusion

Bear	Counseling, Wellness, Community Engagement and Service						on mental health disparities among African Americans	- Mental Health
Chapel speaker: Austin Channing Brown	Worship & Chapel	Students enrolled in chapel	>3000	Fall		Diversity	- Racism - Diversity/Inclusion	
MLK Luncheon	Multicultural Affairs	Welcome to select students, and all faculty, and staff	100-500	Spring			- Classism - Diversity/Inclusion	
<b>Addiction</b>								
Fight the New Drug: Pornography Addiction	Worship & Chapel	Students enrolled in chapel	>3000	Fall			Training about the dangers of porn	
Road to Recovery Week	Wellness	All students	500-1500	Fall			Week-long programming educating on addiction and services to help	
Addiction Training	Wellness	Student Athletes; CL&L; PsyD Students	500-1500	Summer			Training on substance addiction	
Addiction Lecture	Wellness	Students enrolled in HED 1145 Classes	100-500	Fall/Spring			Introduction to addiction for students enrolled in general health courses	
Orientation – Breakout Sessions	New Student Programs and respective departments	All incoming students and parents that elect to attend specific breakout session	500-1500	Summer			30-minute focused sessions on a variety of topics	- Reporting - Healthy Relationships - Diversity/Inclusion - Racism - Alcohol/Substance Abuse - Mental Health - Addiction
Everfi AlcoholEdu	Wellness	All incoming students	>3000	Summer			Extensive online training on alcohol,	- Alcohol and substance abuse - Tolerance

							substance abuse, bystander intervention, and tolerance	- Reporting
Speaker Series for Athletics	Athletics	Student athletes and athletics staff	100-500	Summer/Fall/Spring			<ul style="list-style-type: none"> <li>- Reporting</li> <li>- Consent</li> <li>- Alcohol/Substance Abuse</li> <li>- Addiction</li> <li>- Mental Health</li> <li>- Healthy Relationships</li> </ul>	
<b>Suicide</b>								
QPR	Counseling	Faculty/Staff/Students	>3000	Summer/Fall/Spring			Training on suicide prevention and reporting	
Chapel Speaker: Jim Marsh	Worship & Chapel	Students enrolled in chapel	>3000	Fall			QPR Training	
<b>Mental Health</b>								
Chapel Speaker	Worship & Chapel	Students enrolled in chapel	>3000	Fall			Working through anxiety	
More Than We Can Bear	Multicultural Affairs, Counseling, Wellness, Community Engagement and Service	Staff	100-500	Summer			Training seminar on mental health disparities among African Americans	<ul style="list-style-type: none"> <li>- Racism</li> <li>- Diversity/Inclusion</li> </ul>
Leadership Academy Course Curriculum	Leadership Academy	Students enrolled in any course listed under the leadership minor	100-500	Summer/Fall/Spring			Discussion based curriculum on important leadership and societal issues and topics	<ul style="list-style-type: none"> <li>- Sexual and Gender Based Harassment and Violence</li> <li>- Reporting</li> <li>- Tolerance</li> <li>- Diversity/Inclusion</li> <li>- Mental Health</li> <li>- Gender Equity</li> </ul>
Orientation – Breakout Sessions	New Student Programs and respective departments	All incoming students and parents that elect to attend specific breakout session	500-1500	Summer			30-minute focused sessions on a variety of topics	<ul style="list-style-type: none"> <li>- Reporting</li> <li>- Healthy Relationships</li> <li>- Diversity/Inclusion</li> <li>- Racism</li> <li>- Alcohol/Substance</li> </ul>

								<ul style="list-style-type: none"> <li>- Abuse</li> <li>- Mental Health</li> <li>- Addiction</li> <li>- Reporting</li> <li>- Consent</li> <li>- Alcohol/Substance</li> <li>- Abuse</li> <li>- Addiction</li> <li>- Mental Health</li> <li>- Healthy Relationships</li> </ul>
Speaker Series for Athletics	Athletics	Student athletes and athletics staff	100-500	Summer/Fall/Spring				
<b>Relational Health</b>								
Love the Run You're With 5K and Outreach	Wellness	Students/Faculty/Staff	100-500	Spring	Promotion and education on healthy relationships			
It's On Us BU	Title IX, Wellness, Counseling, VP's Office, Spiritual Life, Leadership Academy, CL&L, Student Activities	New students (freshmen and transfer)	>3000	Fall	All new students come together for training on sexual assault, sexual harassment, consent, healthy relationships, and bystander intervention			<ul style="list-style-type: none"> <li>- Consent</li> <li>- Sexual and Gender Based Harassment and Violence</li> </ul>
This Matters: Chapel Edition	Worship & Chapel	Students enrolled in chapel	>3000	Fall	Chapel service during which students can tweet questions			<ul style="list-style-type: none"> <li>- Tolerance</li> <li>- Racism</li> <li>- Classism</li> <li>- Diversity/Inclusion</li> </ul>
Orientation – Breakout Sessions	New Student Programs and respective departments	All incoming students and parents that elect to attend specific breakout session	500-1500	Summer	30-minute focused sessions on a variety of topics			<ul style="list-style-type: none"> <li>- Reporting</li> <li>- Healthy Relationships</li> <li>- Diversity/Inclusion</li> <li>- Racism</li> <li>- Alcohol/Substance Abuse</li> <li>- Mental Health</li> <li>- Addiction</li> </ul>

Chapel speaker: Austin Channing Brown	Worship & Chapel	Students enrolled in chapel	>3000	Fall	Diversity	- Racism - Diversity/Inclusion
Chapel Speaker: James K. A. Smith	Worship & Chapel	Students enrolled in chapel	>3000	Fall	Service around relational well-being	
Men's Masculinity Group	Formation/Wellness	Male students	<100	Fall/Spring	Men taking a stand against sexual assault; defining masculinity	- Sexual and gender based harassment and violence
Enneagram Training	Formation	Faculty/Staff/Students	100-500	Fall/Spring	Personality inventory that helps foster healthy relationships by learning about different people	
MVP Training Series	Title IX	Student Athletes	100-500	Summer/Fall/Spring	Sessions on: Healthy vs. Abusive Relationships; Sexual Respect; Gender Roles & Destructive Behaviors	- Consent - Gender Equity - Sexual and Gender Based Harassment and Violence
Speaker Series for Athletics	Athletics	Student athletes and athletics staff	100-500	Summer/Fall/Spring		- Reporting - Consent - Alcohol/Substance Abuse - Addiction - Mental Health - Sexual and Gender Based Harassment and Violence
Friendships Seminar – Baylor Line Camp	New Student Programs	Students at Line Camp	1500-3000	Summer	Developing healthy friendships in college	

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
8/13/2014, 11:30 am- 12:30 pm	Campus Living and Learning Level 2 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Cheryl Wooten	Campus Living & Learning- CLs, Hall Directors, Resident Chaplains; Spiritual Life Staff,	211	"Level 2 Title IX Training - PPT 8.14"
8/19/2014, 1:15-1:45 pm	Welcome Week Level 1 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Cheryl Wooten	Welcome Week Leaders, CL&L Office Assistants (students)	548	"Welcome Week Level 1 Title IX Training - PPT 8.19.14"
8/20/2014, 10:45 - 11:15 am	Religion Department Level 1 Training: Title IX & Violence Against Women Act	Chris Holmes, Martha Lou Scott	Religion department professors and lecturers (faculty/staff)	29	"Religion Department Level 1 Title IX Training - PPT 8.20.14"
8/20/2014, 1:45-2:00 pm	Music Department Level 1 Training: Title IX & Violence Against Women Act	Chris Holmes, Martha Lou Scott	Music department professors and lecturers (faculty/staff)	65	"Music Department Level 1 Title IX Training - PPT 8.20.14"
8/21/2014, 9:15-9:30 am	Mathematics Department Level 1 Training: Title IX & Violence Against Women Act	Chris Holmes, Martha Lou Scott	Math department professors and lecturers (faculty/staff)	32	"Mathematics Department Level 1 Title IX Training - PPT 8.21.14"
8/21/2014	Peer Leader Education Presentation	Martha Lou Scott			"Peer Leader Education Presentation 8.21.14"
8/22/2014 9:00-9:30 am	Campus Recreation Level 1 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Cheryl Wooten, Chris Holmes	Primarily Campus Recreation Staff (staff, student workers)	231	"Campus Recreation Level 1 Title IX Training - PPT 8.22.14"
9/4/2014	Student Life Deans and Department Heads Level 2 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Cheryl Wooten, Chris Holmes	Student life deans and department heads	25	"Student Life DDH Level 2 Title IX Training - PPT 9.4.14"
9/4/2014	Open Student Life Session Level 1 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Cheryl Wooten	Student life staff	124	"Open Student Life Session Level 1 Title IX Training - PPT 9.4.14"
9/4/2014, 5:00-5:30 pm	Open Student Life Session Level 2 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Cheryl Wooten	Fitness Center staff, LEAD LLC students, Waco Hall staff, Health Services staff, CI&L staff, CASA, Campus Rec staff	22	"Open Student Life Session Level 2 Title IX Training - PPT 9.4.14"



Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
9/5/2014, 1:30-2:00 pm	Open Student Life Session 1 Training : Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Cheryl Wooten, Chris Holmes	Student life staff/faculty	117	"Open Student Life Session Level 1 Title IX Training - PPT 9.5.14"
9/5/2014, 1:30-2:00 pm	Open Student Life Session Level 2 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Cheryl Wooten, Chris Holmes	Waco Hall staff, LEAD LLC students, Student Activities staff, Campus Recreation staff, Health Services, Department of Community Engagement and Service VISTA, BDSC Staff, other campus staff	80	"Open Student Life Session Level 2 Title IX Training - PPT 9.5.14"
9/12/2014 10:15	Executive Council Level 1 and 2 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Chris Holmes	Executive Leadership (EC, President, Interim Provost)	9	"EC Level 1 Title IX Training - PPT 9.12.14" and "EC Level 2 Title IX Training - PPT 9.12.14"
9/16/2014, 8:30 am	Athletics Level 2 Training: Title IX & Violence Against Women Act	Nancy Post, Bethany McCraw, Cheryl Wooten, Chris Holmes	Athletics staff	63	"Athletics Level 2 Title IX Training - PPT 9.16.14"
9/18/2014 13:30	Athletics Level 2 Training: Title IX & Violence Against Women Act	Nancy Post, Bethany McCraw, Cheryl Wooten, Chris Holmes	Athletics staff, CL&L staff, Campus Recreation, Wellness	31	"Athletics Level 2 Title IX training - PPT 9.18.14"
9/22/2014, 3:30 pm	ITS and Libraries Level 2 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Sarah Dorrell, Chris Holmes	ITS, Liaison Services, , ISS, Libraries,	98	"ITS and Libraries Level 2 Title IX Training - PPT 9.22.14"
9/23/2014 10:30	ITS and Libraries Level 2 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Sarah Dorrell, Chris Holmes	ITS, Delivery services, Liaison services, Libraries,	70	"ITS and Libraries Level 2 Title IX Training - PPT 9.23.14"
9/24/2014 10:30	ITS and Libraries Level 2 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Sarah Dorrell, Chris Holmes	ITS, Libraries	35	"ITS and Libraries Level 2 Title IX Training - PPT 9.24.14"
10/1/2014	Honors College Level 2 Training: Title IX & Violence Against Women Act	Tiffany Hogue, Martha Lou Scott	BIC, Honors College (faculty/staff)	21	"Honors College Level 2 Title IX Training - PPT 10.1.14"

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
10/8/2014 13:00	Hankamaer School of Business Department Level 2 Training: Title IX & Violence Against Women Act	Tiffany Hogue, Martha Lou Scott	Business school, development, other leadership (faculty/staff)	14	"Hankamer School of Business Department Level 2 Title IX Training - PPT 10.8.14"
10/13/2014 15:00	Open Student Life Session 1 Level 2 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Sarah Dorrell, Chris Holmes	Baylor Staff	16	"Open Student Life Session Level 2 Title IX Training - PPT 10.13.14"
10/13/2014 16:00	Open Student Life Session 2 Level 2 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Sarah Dorrell, Chris Holmes	Baylor staff	13	"Open Student Life Session Level 2 Title IX Training - PPT 10.13.14"
11/4/2014 13:00	School of Social Work Level 2 Training: Title IX & Violence Against Women Act	Tiffany Hogue, Sarah Dorrell	School of Social Work faculty and staff	29	"School of Social Work Level 2 Title IX Training - PPT 11.4.14"
11/7/2014 12:00	Human Resources Level 2 Training: Title IX & Violence Against Women Act	Martha Lou Scott, Bethany McCraw, Chris Holmes	HR	21	"Human Resources Level 2 Title IX Training - PPT 11.7.14"
11/20/2014 11:00	Mechanical Engineering Level 2 Training: Title IX & Violence Against Women Act	Tiffany Hogue, Patty Crawford	Mechanical Engineering faculty and staff	16	"Mechanical Engineering Level 2 Title IX Training - PPT 11.20.14"
12/10/2014	Arts and Sciences Council of Chairs Level 2 Training: Title IX & Violence Against Women Act	Tiffany Hogue, Patty Crawford, Martha Lou Scott	College of Arts and Sciences faculty/staff	41	"Arts and Sciences Council of Chairs Level 2 Title IX Training - PPT 12.10.14"
1/21/2015	Computer Science Faculty Level 2 Training: Title IX & Violence Against Women Act	Patty Crawford	Computer science department faculty	11	"Computer Science Level 2 Title IX training - PPT 1.21.15"
2/6/2015	Responsible Employee Training Title IX & Violence Against Women Act	Patty Crawford	Hall Directors	21	
3/25/2015 and 3/27/2015	Responsible Employee Training - Title IX Mandatory Reporting, Student Tutors		Tutors	37	
4/23/2015	Office of Community Engagement Discussion/Presentation for Fraternity Men	Ian McRary	Office of Community Engagement volunteers/students	40	

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
5/19/2015	SAAB Training	Patty Crawford, Sexual Assault Advisory Board	Sexual Assault Advisory Board		
6/2/2015	Coaches Meeting			42	
6/3/2015	Bystander Intervention: Train the Trainer	Officer Kandy Knowles of BU PD, Dr. Kelley Kimple, Dr. Cheryl Wooten of Baylor Counseling Center	Sexual Assault Advisory Board		"Train the Trainer Bystander Intervention for SAAB - PowerPoint 6.3.15"
6/10/2015	Bystander Intervention: Train the Trainer Second Session		Sexual Assault Advisory Board		
6/25/2015	Academic Leadership Conference, Title IX: A Campus Update	Patty Crawford	Academic Leadership Conference Attendees		"Academic Leadership Conference - PowerPoint 6.25.15"
7/6/2015	First In Line Peer Leader Training	Gabrielle Lyons, Patty Crawford	Student leaders	8	"First in Line Prevention Training - PowerPoint 7.6.15"
7/20/2015 13:30	Volleyball and Women's Basketball Team Training	Gabrielle Lyons, Cheryl Wooten	Student athletes	35	
7/23/2015	Audit and Compliance Committee: Governance, Risk and Compliance				
7/24/2015 15:00	Line Camp Leaders II: Bystander	Patty Crawford, Cheryl Wooten	Student leaders	75	
7/27/2015 11:00	Line Camp Leaders II: Mandatory	Patty Crawford	Student leaders	75	
7/27/2015 17:00	Soccer team training	Gabrielle Lyons, Cheryl Wooten	Student athletes	25	
8/6/2015 8:30	Academic Leadership Seminar			24	
8/7/2015	Encouraging Safety and Success: What Title IX Means for Intern Supervision	Patty Crawford, Sarah Dorrell Ritter	Baylor School of Social Work field instructors and field supervisors	34	"Fieldwork Supervisor Training - PowerPoint 8.7.15"
8/15/2015 16:00	Community Leader Training	Patty Crawford, Shelley Deats	CLS (student workers)	300	

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
8/17/2015 14:00	Welcome Week Volunteers Training	Gabrielle Lyons, Patty Crawford	Student volunteers	500	"Welcome Week Leaders - PowerPoint 8.17.15"
8/18/2015 10:30	New Faculty Retreat	Patty Crawford	New faculty		
8/18/2015 15:30	Golden Wave Marching Band	Patty Crawford	Student organization	200	
8/18/2015	Cross Country Men Team Training	Ian McRary, Shelley Deats	Student athletes	15	
8/18/2015 10:30	Cross Country Women Team Training	Gabrielle Lyons of BU Title IX, Meg Patterson of the Baylor Wellness Center	Student athletes	26	
8/20/2015 10:00	Engineering Faculty Training	Patty Crawford	Faculty		
8/20/2015 16:30	Campus Recreation Student Employees	Patty Crawford	Student workers	150	
8/20/2015 11:30	Communication Faculty	Patty Crawford	Faculty		
8/20/2015 14:00	Football Team Training	Don Arterburn, Ian McRary, Patty Crawford	Student athletes	100	
8/24/2015 16:00	Student Conduct Board Training Session 1	Bethany McCraw, Ian McRary	Student conduct board members	1	No PowerPoint was used
8/24/2015 14:00	Women's Golf and Women's Tennis Team Training	Gabrielle Lyons, Erin Payseur	Student athletes	20	
8/24/2015 13:30	Men's Golf and Men's Tennis Team Training	Ian McRary, Eddie Labid	Student athletes	25	
8/24/2015 16:00	Men's Basketball Team Training	Patty Crawford, Ian McRary	Student athletes	25	
8/24/2015 18:00	Peer Leader Training	Gabrielle Lyons of BU Title IX, Patty Crawford	Student peer leaders	150	

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
8/25/2015 16:00	Student Conduct Board Training Session 2	Bethany McCraw, Ian McRary	Student conduct board members	1	No PowerPoint was used
8/25/2015	It's On Us New Student Event 2015 - 3 Sessions	Sexual Assault Advisory Board	New students (freshmen and transfer)	4,200	
8/26/2015 17:00	Student Conduct Board Training Session 3	Bethany McCraw, Gabrielle Lyons	Student conduct board members	1	No PowerPoint was used
8/26/2015 16:00	Men's Track and Field Team Training	Ian McRary, Leslie Moore	Student athletes	45	
8/26/2015 16:00	Women's Track and Field Team Training	Gabrielle Lyons, Eddie Labid	Student athletes	60	
8/27/2015 16:30	Acrobatics Team training	Gabrielle Lyons, Lisa Murphy	Student athletes	45	
8/27/2015	Baseball Team Training	Gabrielle Lyons, Ian McRary	Student athletes		
8/28/2015 9:30	Student Conduct Board Training Session 4	Bethany McCraw, Gabrielle Lyons	Student conduct board members	2	No PowerPoint was used
8/29/2015 9:00	Equestrian Team Training	Patty Crawford, Anna Freeto, Gabrielle Lyons	Student athletes	75	
9/1/2015 12:30	Teacher of Record Training	Patty Crawford			
9/15/2015 8:00	NSE Teachers Training	Patty Crawford			
9/23/2015 17:00	Rugby Club Training	Patty Crawford, Ian McRary, Leslie Moore	Club sport students	50	"Rugby Club Training - PowerPoint 9.23.15"
2015	Baylor Police & Campus Safety and Security Title IX Training	Patty Crawford	Baylor Police department and Campus Safety & Security		"Baylor Police Department TIX Training - PowerPoint 2015"
2015	Interpersonal Violence: Awareness, Prevention, Getting Help and Reporting	Gabrielle Lyons	First in Line Peer leaders		

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
2015	Title IX: Sex, Drugs, and Compliance (Presentation at University of Mary Hardin Baylor)	Patty Crawford	UMHB		
2015	Interpersonal Violence: Awareness, Prevention, Getting Help and Reporting	Patty Crawford	Line Camp Leaders		
2015	Sexual Assault Prevention Peer Leader Training	Anna Freeto	Peer leaders		
2015	Baylor Title IX Office		GRC Retreat Attendees		
2015	Title IX: Baylor's Caring Community	Patty Crawford, Gabrielle Lyons	Welcome Week Leaders		
2015	Title IX Intro		Community Leaders		
Unknown	Title IX: 2015-2016	Patty Crawford	Academic Title IX Summary Presentation attendees		
1/7/2016	CL Refresher Training	Patty Crawford	CL&L student workers		
1/7/2016 and 1/8/2016	Contracted Employee Training	Margolis Healy: Steven J. Healy; Michael Nelson Webster; Adriana Ovalle	Contracted staff (dining halls)	310	"Margolis Healy Contractor Training - PowerPoint 1.7-8.16" "Margolis Healy Contractor Training - Spanish PowerPoint 1.7-8.16"
Jan-16	Football Team Refresher	Patty Crawford	Football team and some staff, at football's request		
2/29/2016 5-6 pm	(No Suggestions) Training	Sarah McPherson	Greek Life men and women (Alpha Kappa Delta Phi, Lambda Phi Epsilon, Delta Epsilon Psi, Beta Kappa Gamma, Non Greek)	25	No PPT used; outline "(No Suggestions) Presentation - Outline 2.29.16"

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
3/1/2016	Brief Introduction with Pi Phi sorority	Sarah McPherson and Maddy Saldivar (Student Advisory Council)	Greek Life women	75	No PPT used/provided
3/14/2016 6:00-8:00 pm	Teal Hall Miss Representation Screening and Discussion	Sarah McPherson	Students	8	No PPT Used; outline "Teal Hall Miss Representation - Discussion Questions 3.14.16"
3/15/2016 and 3/16/2016	Study Abroad Faculty Training	Sarah McPherson	Faculty	21	"Study Abroad Faculty Training - PPT 3.15,16 and 4.13.16"
3/20/2016 3:15 pm and 8:15 pm	That Sex and Relationships Program- Aaron Boe for Greek Life Men - 2 Sessions	Aaron Boe	Greek Life men	735	"Aaron Boe - Program Title, Summary and bio 3.20,21.16" PPT not provided at request - see "Boe, Aaron - email Re Presentation Copies 11.21.16"
3/21/2016 5:15 pm and 7:15 pm	That Sex and Relationships Program - Aaron Boe for Greek Life Women - 2 Sessions	Aaron Boe	Greek Life women	1732	"Aaron Boe - Program Title, Summary and bio 3.20,21.16" PPT not provided at request - see "Boe, Aaron - email Re Presentation Copies 11.21.16"
3/24/2016 13:00	AmeriCorps VISTA and Volunteers from the Office of Community Engagement and Service	Sarah McPherson	Volunteers	11	"Office of Community Engagement Volunteer Training - PPT 3.24.16"
3/31/2016	Campus Recreation Training	Sarah McPherson	Student workers	57	"Campus Recreation Training - PowerPoint 3.31.16"
4/5/2016	Kappa Kappa Gamma Sorority Introduction	Patty Crawford, Sarah McPherson	Greek Life women	approximately 100	No PPT used; Title IX brochures provided

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
4/7/2016	Campus Recreation Training	Sarah McPherson	Student workers	104	"Campus Recreation Training - PowerPoint 4.7.16"
4/13/2016	Study Abroad Faculty Training	Sarah McPherson, Kristan Tucker	Faculty	4	"Study Abroad Faculty Training - PPT 3.15.16 and 4.13.16"
4/13/2016	It's On Us Student Advisory Council: A Conversation with Title IX	Sarah McPherson, Trenia Cooper, Sonya Splane, Kristan Tucker	Students	10	No PPT used
4/28/2016	Human Sexuality Classes - 3 Sessions	Sarah McPherson, Student Survivor	Students	27	No PPT used
5/4/2016 10:00	Law School Study Abroad Program Conversation	Patty Crawford	Faculty	8	
5/11/2016 11:45	Board of Regents, Audit and Compliance Committee - Green Dot Preview and Prevention Plan Update	Sarah McPherson, Patty Crawford	BOR		"Board of Advocates - Green Dot Presentation 5.11.16"
5/11/2016 11:45	Baylor Police Department Training	Sarah McPherson, Patty Crawford	Campus police	8	"BU PD Training - PowerPoint 5.17,18,24,27.16"
5/17/2016 3-5 pm	Baylor Police Department Training	Sarah McPherson, Patty Crawford	Campus police	8	"BU PD Training - PowerPoint 5.17,18,24,27.16"
5/18/2016 3-5 pm	Baylor Police Department Training	Kristan Tucker, Patty Crawford	Campus police	8	"BU PD Training - PowerPoint 5.17,18,24,27.16"
5/24/2016 3-5 pm	Baylor Police Department Training	Sarah McPherson, Patty Crawford	Campus police	7	"BU PD Training - PowerPoint 5.17,18,24,27.16"



Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
5/31/2016 3-5 pm	Line Camp and Orientation Leaders - Bystander Intervention	Sarah McPherson, Tierra Barber	Student workers	60	"Line Camp Leader Bystander Intervention Training - PowerPoint 5.31.16"
6/2/2016 4-5 pm	Line Camp and Orientation Leaders - Compliance	Sarah McPherson	Student workers	60	"Line Camp Leader Title IX Training - PowerPoint 6.2.16"
June 9, 10, 14, 15, 21, 22, 28, 29, 30 July 1 9:30-9:55 am	Summer 2016 Orientation Sessions	Sarah McPherson, Trenia Cooper	Parents, incoming students, some staff	49	"Title IX Orientation Session - PowerPoint 6.16"
June 9, 10, 14, 15, 21, 22, 28, 29, 30 July 1	Summer 2016 Orientation Community Expectations Sessions	Patty Crawford, Meg Patterson, Chief Brad Wigtil	Parents, incoming students	3,020 students; many parents also attended	
June 8, 9, 13, 14, 20, 21, 27, 28, 29, 30	Campus Connections Resource Table during Summer 2016 Orientation Sessions	Sarah McPherson, Trenia Cooper	Parents, incoming students	NA	no PPT- provided Title IX Brochure, Title IX Orientation Brochure, It's On Us T-shirts and pens
6/21/2016 9-10:30 am	Athletics Staff Training Session 1	Patty Crawford, Kristan Tucker, Sarah McPherson	Athletics staff	72	"BU Athletics Staff Training - PowerPoint 6.21.16"
6/22/2016 3-4:30 pm	Women's Basketball Team Training	Kristan Tucker, Sarah McPherson	Student athletes	14	"Women's Basketball - PowerPoint 6.22.16"
6/23/2016 5:15-6:15 pm	Campus Visitor Center Student Workers	Sarah McPherson	Student workers	41	"Visitors Center Training - PowerPoint 6.23.16"
6/28/2016 1:30-2:30 pm	Baylor's Summer Faculty Institute	Sarah McPherson	Faculty	18	"Summer Faculty Institute - PowerPoint 6.28.16"
6/29/2016 2:15-3:45 pm	Women's Volleyball team	Sarah McPherson	Student athletes	18	"Volleyball Training - PowerPoint 6.29.16"
6/30/2016 10-11:30 am	Athletics Staff Training Session 2	Patty Crawford, Kristan Tucker, Sarah McPherson	Athletics staff	53	"BU Athletics Staff Training - PowerPoint 6.30.16"
7/5/2016 2-3 pm	First in Line Peer Leader Training	Kristan Tucker, Sarah McPherson	Students	9	"First In Line Peer Leader Training - PowerPoint 7.5.16"
7/11/2016 2-3 pm	New Hall Directors Training (CL&L)	Kristan Tucker, Shelley Deats, Sarah McPherson	Residence hall new staff	7	"New Residence Hall Directors - PowerPoint 7.11.16"

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
7/13/2016 14:00	Freshmen Athletes Brief Introduction	Sarah McPherson	Student athletes	55	"Freshmen Athletes Intro to Title IX - PowerPoint 7.13.16"
7/14/2016 9-10:30 am	Athletics Staff Training Session 3	Patty Crawford, Kristan Tucker, Sarah McPherson	Athletics staff	57	"BU Athletics Staff Training - PowerPoint 7.14.16"
7/14/2016 1:15-2:15 pm	Hall Director Training (CL&L)	Kristan Tucker, Sarah McPherson	Residence hall staff	21	"Residence Hall Directors - PowerPoint 7.14.16"
7/18/2016 3-4:30 pm	Women's Soccer Team	Sarah McPherson	Student athletes	24	"Women's Soccer Training - PowerPoint 7.18.16"
7/19/2016 11:30	July Board of Regents Meeting, Audit and Compliance Committee Title IX Update	Patty Crawford, Kristan Tucker	BOR		"Regents Compliance Training PPT 7.19.16" and "Regents Updates - PPT 7.19.16"
7/27/2016 9:30-10:30 am	It's On Us New Student Event Overview for Residence Hall Directors	Lisa Murphy, Sarah Dorrell-Ritter	Residence hall staff	20	
7/27/2016 2-3 pm	Football Team Training	Patty Crawford, Trena Cooper, Sonya Splane, Rob Carter, Reggie Miller, Steve Kieff, Sarah McPherson, Michael Noble, Tierra Barber	Student athletes	84	"Football Team Training - PowerPoint 7.27.16"
8/2/2016 11-12	Conversation with Admissions	Patty Crawford, Sarah McPherson	Admissions staff	30	No PPT used
8/11/2016 2-3 pm	Community Leader Training	Kristan Tucker, Sarah McPherson	Student residence hall workers	172	"CL Title IX Training - PowerPoint 8.11.16"
8/15/2016 9:30	LEAD LLC Training	Sarah McPherson	Students	29	"LEAD Training - PowerPoint 8.15.16"
8/15/2016 15:30	It's On Us New Student Event Community Leader Training	Sarah Dorrell-Ritter, Sarah McPherson, Lisa Murphy	Student residence hall workers	172	"CL IOU New Student Event Training - PowerPoint 8.15.16"
8/16/2016 3-4 pm	Welcome Week Volunteers	Sarah McPherson	Student volunteers	463	"Welcome Week Training - PowerPoint 8.16.16"
8/16/2016 10:30	New Faculty Orientation	Patty Crawford, Sarah McPherson	New faculty	66	"New Faculty Training - PPT 8.16.16"

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
8/17/2016 12-1:15 pm	Graduate Student Association Orientation Resource Table	Sarah McPherson, Michael Noble	Graduate students	NA	no PPT- provided Title IX Brochure, Title IX Orientation Brochure, It's On Us T-shirts and pens
8/18/2016 9:30-10:30 am	Office of Academic Support Tutors and Mentors	Sarah McPherson	Student workers	41	"Tutors Training - PowerPoint 8.18.16"
8/18/2016 13:30	Men & Women Cross Country Team (plus some football players)	Sarah McPherson	Student athletes	42	"Cross Country Team - PowerPoint 8.18.16"
8/18/2016 15:30	Campus Recreation Training	Sarah McPherson	Student workers	200	"Campus Recreation Training - PowerPoint 8.18.16"
8/19/2016 11:30-12:15	Truett New Student Orientation	Sarah McPherson	New students	65	"Truett Orientation Training - PowerPoint 8.19.16"
8/22/2016 19:00	It's On Us New Student Event	Sexual Assault Advisory Board	New students (freshmen, transfer)	3, 713	"It's On Us New Student Event - PowerPoint 8.22.16" "It's On Us New Student Event - Pre and Post Slides 8.22.16" "It's On Us New Student Event - Script 8.22.16"
8/24/2016 14:30	Men's Golf, Baseball and Basketball Teams	Tierra Barber	Student athletes	58	"Men's Golf, Baseball, Basketball Training - PowerPoint 8.24.16"
8/25/2016 15:30	Acrobatics and Tumbling, Women's Golf	Tierra Barber	Student athletes	48	"Acrobatics and Tumbling, Women's Golf - PowerPoint 8.25.16"
8/26/2016 15:00	Men's Tennis Team	Sarah McPherson	Student athletes	13	"Men's Tennis - PowerPoint 8.26.16"
8/27/2016 9:00	Equestrian Team	Sarah McPherson	Student athletes	61	"Equestrian Training - Presenter Credentials and explanation 8.27.16"

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
8/28/2016 10:30	Student Life SALT Retreat	Chris Holmes	Student leaders		
8/29/2016 15:30	Women's Tennis Team	Sarah McPherson	Student athletes	18	"Women's Tennis - PowerPoint 8.29.16"
8/30/2016 15:30	Softball Team	Tierra Barber	Student athletes	19	"Softball Training - PowerPoint 8.30.16"
8/31/2016 15:00	Track and Field	Tierra Barber	Student athletes	52	"Track and Field Training - PowerPoint 8.31.16"
9/9/2016 18:00	One Love Workshop with Zoe Skinner from the One Love Foundation	Zoe Skinner, One Love Foundation	It's On Us Student Advisory Council	12	"Escalation Workshop Manual_2016 Edition_FINAL"
9/13/2016 5:15-6:15 pm	Campus Visitor Center Student Workers	Sarah McPherson	Student workers	153	"Visitors Center Training - PowerPoint 9.13.16"
9/14/2016 15:30	Conversation with Resident Chaplains	Sarah McPherson	Residence hall chaplains/graduate students	17	PPT not used "Resident Chaplain Training - PowerPoint 9.14.16"
10/27/2016	National Society of Collegiate Scholars	Sarah McPherson	Students	28	"NSCS Training - PowerPoint 10.27.16"
12/1/2016	Baylor Ambassadors	Kristan Tucker	Students	26	"Baylor Ambassadors - PowerPoint 12.1.16"
1/5/2017	Community Leaders Refresher Training	Kristan Tucker, Sarah McPherson	Student workers	167	"CL Refresher Training - PowerPoint 1.5.17"
1/24/2017	Campus Recreation Training	Sarah McPherson	Student workers	197	"Campus Rec Training - PowerPoint 1.24.17"
2/20-21/2017	Hearing Panel Training	Jeff Nolan	Hearing Panel members	26	"Hearing Panel Training Day One - PowerPoint Jeff Nolan 2.20.17" "Hearing Panel Training Day Two - PowerPoint Jeff Nolan 2.21.17"
2/23/2017	Investigator Training	Jeff Nolan	Title IX Investigators, Title IX Coordinator, Title IX Deputy Coordinator	5	None used
3/7/2017 7:00	Baylor Campus Police Training	Kristan Tucker	BU PD	53 (total 3.7 and 3.8)	"BU PD Training - PowerPoint 3.7-8.17"

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
3/7/2017 14:00	Baylor Campus Police Training	Kristan Tucker	BU PD	53 (total 3.7 and 3.8)	"BU PD Training - PowerPoint 3.7-8.17"
3/8/2017 21:00	Baylor Campus Police Training	Kristan Tucker	BU PD	53 (total 3.7 and 3.8)	"BU PD Training - PowerPoint 3.7-8.17"
3/7/2017	Chemistry Graduate Student Association	Sarah McPherson	Graduate students	37	None used
3/20/2017	Women's Colloquium	Kristan Tucker, Sarah McPherson	Faculty		None used; more of a conversation/Q&A
3/22/2017	Campus Recreation Training Makeup 1	Sarah McPherson	Student workers	33 (total 3.22 and 3.23)	"Campus Recreation Makeup Training - PowerPoint 3.22-23.17"
3/23/2017	Campus Recreation Training Makeup 2	Sarah McPherson	Student workers	33 (total 3.22 and 3.23)	"Campus Recreation Makeup Training - PowerPoint 3.22-23.17"
3/29/2017	Baylor Communications Panel	Suzanne Enck, Pam McKeown, Tonya Lewis, Kristan Tucker	Students	approximately 150	NA
4/3/2017	Baylor Football Team	Kristan Tucker, Coach Matt Rhule	Football team and some staff	82	"Football Team Training - PowerPoint 4.3.17"
4/18/2017	Study Abroad Program Directors	Kristan Tucker, Public Safety	Study abroad faculty	15	"Study Abroad - PowerPoint 4.18-19.17"
4/19/2017	Study Abroad Program Directors	Sarah McPherson, Public Safety	Study abroad faculty	12	"Study Abroad - PowerPoint 4.18-19.17"
5/30/2017	Line Camp & Orientation Leaders	Kristan Tucker, Sarah McPherson, Britney Graber	Student workers		"Line Camp Leader Training - PowerPoint 5.30 and 6.1.17"
6/1/2017	Line Camp & Orientation Leaders	Alex Fulcher	Student workers	31	"Line Camp Leader Training - PowerPoint 5.30 and 6.1.17"
6/7, 6/7, 6/12, 6/13, 6/19, 6/20, 6/26, 6/27, 6/28, 6/29/2017	Campus Connections Resource Table during Summer 2017 Orientation Sessions	Britney Graber, Carolyn Hughes, Michael Noble, Christina Jeong, Alex Fulcher, Elizabeth Wellinghoff	Parents and new students	NA	NA

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
6/8, 6/9, 6/13, 6/14, 6/20, 6/21, 6/27, 6/28, 6/29, 6/30/2017	Summer 2017 Orientation Information Sessions	Michael Noble, Alex Fulcher, Carolyn Hughes	Parents and new students	23	"Orientation Information Sessions - PowerPoint 6.17"
6-Jul	Campus Living and Learning Training	Alex Fulcher	New resident hall directors		"New Hall Directors Training - PowerPoint 7.6.17"
7/17/2017	CL & L Training	Kristan Tucker, Elizabeth Wellinghoff	All resident hall directors		"Resident Hall Directors Training - PowerPoint 7.17.17"
7/18/2017	Board of Regents - Title IX Training	Kristan Tucker	New board of regents members and Dr. Livingstone	9	"Baylor Board Training 7.18.17"
7/20/2017	Line Camp Leaders	Kristan Tucker, Elizabeth Wellinghoff			"Line Camp Leader Training - PowerPoint 7.20.17"
8/10/2017	CL Training	Kristan Tucker, Elizabeth Wellinghoff	CLs and 8 First in Line Peer Leaders		CL Compliance Training - PowerPoint 8.9.17
8/12/2017	CL & L Office Assistant Training	Elizabeth Wellinghoff	Office Assistants Employed by CL&L		"Office Assistants Training - PowerPoint 8.12.17"
8/14/2017	Welcome Week Leaders	Elizabeth Wellinghoff	Welcome Week Leaders		"Welcome Week Leaders Bystander Intervention Training - PowerPoint 8.14.17"
8/15/2017	LEAD LLC Training	Elizabeth Wellinghoff			"LEAD Compliance Training - PowerPoint 8.9.17"
8/15/2017	SALT Training	Carolyn Hughes	Student Organization Leaders		"SALT Info Sessions- PowerPoint 8.15.17"
8/15/2017	New Faculty Training	Kristan Tucker	New Faculty		"New Faculty Title IX Training - PowerPoint 8.15.17", "New Faculty Title IX Training Shortened Version- PowerPoint 8.15.17"
8/15/2017	Local Ministers Info Session	Alex Fulcher		n/a	
8/15/2017	Cross-Country (Men and Women) - Part 1	Alison Kiss (Clery Center), Neil Irvin (Men Can Stop Rape)	Cross - Country (Men and Women) student athletes and coaches		

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
8/16/2017	Graduate Student Association Orientation Resource Table	Michael Noble, Elizabeth Wellinghoff	New Graduate Students	n/a	n/a
8/16/2017	Volleyball and Soccer - Part 1	Alison Kiss (Clery Center), Neil Irvin (Men Can Stop Rape)	Volleyball and Soccer student athletes and coaches		
8/16/2017	Athletic Staff Members	Alison Kiss (Clery Center), Neil Irvin (Men Can Stop Rape)	Athletic Staff Members		
8/16/2017	Athletic Staff Members	Alison Kiss (Clery Center), Neil Irvin (Men Can Stop Rape)	Athletic Staff Members		
8/16/2017	Campus Connections	Carolyn Hughes, Elizabeth Wellinghoff	New students (freshmen, transfer)	n/a	n/a
8/17/2017	Tutoring Center Training	Christina Jeong, Elizabeth Wellinghoff			"Tutoring Center Undergraduate Tutors Training - PowerPoint 8.17.17"
8/17/2017	Graduate Academic Mentors	Elizabeth Wellinghoff	Graduate Students who are Academic Mentors	13	"Graduate Academic Mentors - PowerPoint 8.17.17"
8/17/2017	Football Student Athletes - Part 1 and 2	Alison Kiss (Clery Center), Neil Irvin (Men Can Stop Rape)	Football Student Athletes		
8/18/2017	Campus Rec Student Staff	Elizabeth Wellinghoff	Campus Recreation Student Staff Members		"Campus Rec Student Staff - PowerPoint 8.18.17"
8/18/2017	Campus Connections	Michael Noble	New students (freshmen, transfer)	n/a	n/a
8/20/2017	Student Activities Student Worker Training	Elizabeth Wellinghoff			"Student Activities Training - PowerPoint 8.20.17"

Title IX Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
8/21/2017	It's On Us Student Event	It's On Us New Student Event Committee	New students (freshmen, transfer)		"It's On Us New Student Event - PowerPoint 8.21.17", "It's On Us New Student Event - Pre and Post Slides 8.8.17[3][2]"
8/29/2017	Athletic Staff Members	Alison Kiss (Clery Center), Neil Irvin (Men Can Stop Rape)	Various Athletic Staff		
9/5, 9/6, 9/13, 9/19, 9/21	Student Organization summits	Elizabeth Wellinghoff, Carolyn Hughes	Student Leaders of Student Organizations on Campus		"Student Summits - PowerPoint 9.17"
9/8/2017	Athletic Staff Responsible Employee Training	Kristan Tucker	Men's Basketball Staff		
9/12/2017	Athletic Staff Responsible Employee Training	Kristan Tucker	A&T, Baseball, Equestrian, Volleyball, and soccer staff		
9/13/2017	Athletic Staff Responsible Employee Training	Kristan Tucker	Women's basketball, softball, m/w track and cross country, women's golf staff		
9/13/2017	Student Organization Advisor summit	Elizabeth Wellinghoff	Advisors for the Student Organizations on campus		"Advisor Summits - PowerPoint 9.13.17"
9/15/2017	BU PD new officer training	Kristan Tucker	New Baylor PD officers	3	"BU PD New Officers Training - PowerPoint 9.15.17"



Clery Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
5/17/2016	CSA Training 0900	Shelley Deats, Jeff Nolan	faculty/staff	115	"Campus Security Authority - PowerPoint Jeff Nolan 5.16"
5/17/2016	CSA Training 1230	Shelley Deats, Jeff Nolan	faculty/staff	54	"Campus Security Authority - PowerPoint Jeff Nolan 5.16"
5/17/2016	CSA Training 1445	Shelley Deats, Jeff Nolan	faculty/staff	54	"Campus Security Authority - PowerPoint Jeff Nolan 5.16"
5/18/2016	CSA Training 0900	Shelley Deats, Jeff Nolan	faculty/staff	133	"Campus Security Authority - PowerPoint Jeff Nolan 5.16"
5/18/2016	CSA Training 1230	Shelley Deats	faculty/staff	45	"Campus Security Authority - PowerPoint 2016"
5/18/2016	CSA Training 1445	Shelley Deats, Jeff Nolan	faculty/staff	62	"Campus Security Authority - PowerPoint 2016"
5/19/2016	BUPD CSA Training 0800	Shelley Deats	Baylor Police Department	8	"Campus Security Authority - PowerPoint 2016"
5/19/2016	BUPD CSA Training 1500	Shelley Deats	Baylor Police Department	10	"Campus Security Authority - PowerPoint 2016"
5/26/2016	BUPD CSA Training 0800	Shelley Deats	Baylor Police Department	7	"Campus Security Authority - PowerPoint 2016"
5/26/2016	BUPD CSA Training 1500	Shelley Deats	Baylor Police Department	7	"Campus Security Authority - PowerPoint 2016"
6/7/2016	Piper Center CSA Training 1730	Shelley Deats	Piper Center staff	17	"Campus Security Authority - PowerPoint 2016"

Clery Training

Date	Event	Facilitator	Description of Attendees	Number Attended	PowerPoint File Name
6/17/2016	School of Education CSA Training 0930	Shelley Deats	School of Education faculty/staff	9	"Campus Security Authority - PowerPoint 2016"
6/20/2016	CSA Training 0900	Shelley Deats	faculty/staff	51	"Campus Security Authority - PowerPoint 2016"
6/20/2016	CSA Training 1230	Shelley Deats	faculty/staff	33	"Campus Security Authority - PowerPoint 2016"
7/6/2016	Dallas School of Nursing CSA Training	Shelley Deats	faculty/staff	15	"Campus Security Authority - PowerPoint 2016"
8/4/2016	Academic Leadership Seminar CSA Training 1300	Shelley Deats	faculty/staff	8	"Campus Security Authority - PowerPoint 2016"
9/22/2016	CSA Training 0830	Shelley Deats	faculty/staff	32	"Campus Security Authority - PowerPoint 2016"
9/22/2016	CSA Training 0945	Shelley Deats	faculty/staff	20	"Campus Security Authority - PowerPoint 2016"
9/22/2016	CSA Training 1100	Shelley Deats	faculty/staff	23	"Campus Security Authority - PowerPoint 2016"
10/6/2016	Campus Living & Learning CSA Training 1600	Shelley Deats	CLL staff	55	"Campus Security Authority - PowerPoint 2016"
10/28/2016	Campus Living & Learning CSA Training 1600	Shelley Deats	CLL staff	57	"Campus Security Authority - PowerPoint 2016"

Baylor Athletics - Educational Programs Master List

Date	Type	Audience	Training Medium	Content	Notes
Feb-14	Personal Dev.	Student-Athletes	Chris Herren - Guest Speaker	Drug & Alcohol Abuse; Gambling - All Students	Organized by SASS
Jun-14	Personal Dev.	Student-Athletes	Waco PD - Guest Speaker	Community Sees You as Role Models - Football Team	Organized by Athletic Performance
Jun-14	Personal Dev.	Student-Athletes	Campus Housing- Guest Speaker	Campus Housing Update - Football Team	Organized by Athletic Performance
Jul-14	Personal Dev.	Student-Athletes	John Underwood - Guest Speaker	Lifestyle and Impact on Performance/Health - Football Team	Organized by Athletic Performance
Aug-14	Personal Dev.	Student-Athletes	Leadership Academy Launch	Fall/spring program for select student athletes; leadership for team and community	Organized by SASS
Aug-14	Personal Dev.	Student-Athletes	Family Reunion Gathering	Introduction to athletics and campus resources (counseling center; Title IX, PD, judicial affairs, multicultural affairs, etc.)	Organized by SASS & AP
Sep-14	Title IX	Athletics Staff	Email Notification - Campus Training	Meeting Notification; Reasoning; Location and Times; Required Attendees	Reminder: email on 9/15/14
Sep-14	Title IX	Student-Athletes	MVP(Mentors in Violence Prevention)	Option #4: Full Training (Healthy vs. Abusive Relationships; Sexual Respect; Gender Roles & Destructive Behaviors)	Organized by SASS; Done by MVP Rep: Daryl Fort - see attachments in BOX file
Sep-14	Personal Dev.	Athletics Staff; Student-Athletes	Feed My Starving Children MobilePack	Dpartment-wide event to pack meals for hungry children around the world	Organized by Athletics
Sep-14	Title IX	Athletics Staff	Campus Title IX Level 2 Training	Campus Rep Presentation, Know your Rights Doc, PPT	Organized by campus; Document of Attendees: Athletics Level II Training 9/16/14
Sep-14	Title IX	Athletics Staff	Notification - YouTube Video on MVP Training	Recap of MVP Training	<a href="http://www.youtube.com/watch?v=94gQQ6Rur0">http://www.youtube.com/watch?v=94gQQ6Rur0</a>
Sep-14	Title IX	Athletics Staff	Campus Title IX Level 2 Training	Campus Rep Presentation, Know your Rights Doc, PPT	Organized by campus; Document of Attendees: Athletics Level II Training 9/18/14
Sep-14	Title IX	Athletics Staff	Department Staff Newsletter	Link to NCAA Addressing Sexual Assault and Interpersonal Violence	Sent by Athletics; See Department Newsletter 9.19.14
Sep-14	Title IX	Athletics Staff	Email Notification - Video Training Required	Link to Video training, Attached PPT, and Know your Rights Doc	Will follow up in October with reminder
Oct-14	Title IX	Athletics Staff; Student-Athletes	Email Notification - NCAA Sexual Violence Prevention	Link to NCAA Addressing Sexual Assault and Interpersonal Violence and Know Your Rights doc	Sent to student athletes, head coaches, senior admin staff
Oct-14	Title IX	Athletics Staff	Email Notification - All Athletics Staff Completed Training	Email notification that all athletics full-time staff completed Level 2 training (live or via video link) sent to Juan Alejandro	
Jan-15	Title IX	Student-Athletes	Email Notification - to all students	Email notification to all students (including student-athletes) on Bear Up training (from Patty Crawford)	Sent by Campus
Feb-15	Personal Dev.	Student-Athletes	Andrew Short - US Army - Speaker	Acts Not Words - Football Team	Organized by Athletic Performance
Feb-15	Personal Dev.	Student-Athletes	Resume Book (sent to potential employers)	Annual event - resume book of graduating student-athletes sent to potential employers	Organized by SASS
Feb-15	Title IX	Athletics Staff	Department Staff Newsletter	Reminders on Reporting Sexual Misconduct/Violence	Sent by Athletics
Mar-15	Personal Dev.	Student-Athletes	Financial Peace University	Financial training - offered to multiple sports	Organized by Athletic Performance
Apr-15	Title IX	Public Awareness	In-Game Script - Sexual Awareness Month	Game to announce - Baseball, Softball, A&T (April)	In partnership with Title IX Office
Apr-15	Personal Dev.	Student-Athletes	Fort Hood Trip - Team Building	Football Team	Organized by Athletic Performance
Apr-15	Title IX	Athletics Staff	Email Notification - Athletics Staff Newsletter	Within Newsletter - April Sexual Assault Awareness Month	Sent by athletics - See Department Newsletter 4.9.15
Jun-15	Personal Dev.	Student-Athletes	Waco PD - Guest Speaker	Community Sees You as Role Models - Football Team	Organized by Athletic Performance

Baylor Athletics - Educational Programs Master List

Date	Type	Audience	Training Medium	Content	Notes
Jun-15	Personal Dev.	Student-Athletes	Dervay & Cassidy (NASA) Guest Speaker	Discipline, Details, Accountability, Working with Intent - Football Team;	Organized by Athletic Performance
Jun-15	Personal Dev.	Student-Athletes	Campus Housing- Guest Speaker	Campus Housing Update - Football Team	Organized by Athletic Performance
Jun-15	Title IX	Athletics Staff	Coaches Training - In Person with Patty Crawford	See outline in attachment: Title IX Outline for coaches meeting and list of attendees	Organized by athletics; handout provided; representation from all sports other than baseball (staffing transition)
Jul-15	Title IX	Public Awareness	video created by Baylor Vision for University-wide Title IX Training	It's On Us Baylor Campaign Video created by athletics staffer Ben Brune with BaylorVision	Part of Title IX campaign; see link: <a href="https://youtu.be/Uz-0YqGy93M">https://youtu.be/Uz-0YqGy93M</a>
Jul-15	Personal Dev.	Student-Athletes	John Welbourne - Guest Speaker	Former professional FB player - on professionalism - Football Team	Organized by Athletic Performance
Aug-15	Personal Dev.	Student-Athletes	Family Reunion Gathering	Introduction to athletics and campus resources (counseling center; Title IX; PD, judicial affairs, multicultural affairs, etc.	Organized by SASS & AP
Aug-15	Personal Dev.	Student-Athletes	Financial Peace University	Financial training; offered to multiple sports	Organized by Athletic Performance
Aug-15	Personal Dev.	Student-Athletes	Leadership Academy Launch	Fall/spring program for select student athletes; leadership for team and community	Organized by SASS
Sep-15	Title IX	Student-Athletes	Student-Athlete Team Trainings	Title IX Training by team through the summer	Organized in partnership with Title IX Office; all completed by September 1
Sep-15	Title IX	Student-Athletes	Katie Koestner - Guest Speaker	Two sessions - sexual violence prevention speaker; invited staff/coaches (100+attended); SA mandatory	Organized by SASS; see email attached in 15_16 folder with invite
Sep-15	Title IX	Student-Athletes	Patty Crawford - Guest Speaker	Patty spoke to EDC 1200 Life Skills class	Organized by SASS
Sep-15	Title IX	Public Awareness	It's On Us Announcement/Video - Football Game	It's On Us Baylor Campaign Video created by Ben Brune with Baylor Vision; shown at half time at Lamar Game	Organized by Athletics
Sep-15	Personal Dev.	Athletics Staff; Student-Athletes	Feed My Starving Children MobilePack	Department-wide event to pack meals for hungry children around the world	Organized by Athletics
Oct-15	Personal Dev.	Student-Athletes	Speaker - The Speaking Specialists (Media/Social Media)	Interacting with the media, social media and personal conduct; Men's Basketball Team	Organized by Athletics
Oct-15	Personal Dev.	Student-Athletes	Speaker - The Speaking Specialists (Media/Social Media)	Interacting with the media, social media and personal conduct; Men's Basketball Team	Organized by Athletics
Oct-15	Title IX	Athletics Staff	NCAA Sexual Assault Survey Results Email	From NCAA to University Chancellors/Presidents cc. Ads - forwarded to Athletics Senior Staff; summary of NCAA Sexual Assault Survey Results	Under "reports" section of Title IX folder
Oct-15	Personal Dev.	Student-Athletes	Eric Smith - Guest Speaker	Financial Literacy	Organized by SASS
Nov-15	Title IX	Athletics Staff	Department Staff Newsletter	Reminders on Reporting Sexual Misconduct/Violence	Sent by Athletics
Dec-15	Personal Dev.	Student-Athletes	Speaker - Elton Gumbel (Media/Social Media)	Interacting with the media, social media and personal conduct. He will discuss issues and examples in college and professional sports of how interpersonal violence has sidetracked or ended athletic careers (i.e. Ray Rice); Football Team	<a href="http://180communicationsllc.com/about/elton-gumbel/">http://180communicationsllc.com/about/elton-gumbel/</a>
Jan-16	Title IX	Student-Athletes	Patty Crawford	Basics of Title IX at football's request; Football Team and some staff	Requested by football

Baylor Athletics - Educational Programs Master List

Date	Type	Audience	Training Medium	Content	Notes
Jan-16	Title IX	Student-Athletes	Dr. Derek Greenfield - Speaker	Two-hour presentation to student-athletes about diversity and inclusion; interpersonal and sexual violence; and making positive lifestyle choices; as well as constructive team building and unity exercises with student-athlete population; mandatory	Organized by SASS
Feb-16	Personal Dev.	Student-Athletes	Dr. Corley, Psychologist - Speaker	Stress is Normal; Football Sas	Organized by Athletic Performance
Feb-16	Personal Dev.	Student-Athletes	Resume Book (sent to potential employers)	Annual event - resume book of graduating student-athletes sent to potential employers	Organized by SASS
Feb-16	Title IX	Athletics Staff	Student Worker Presentation	Title IX Office present to observe these types of trainings for future involvement (invited in the fall but unable to join until now)	In coordination with Title IX Office
Feb-16	Title IX	Student-Athletes	Baylor Counseling Center, Waco Psychological Associates	Spoke about their services and availability to help; Football Team Presentation	Organized by Athletic Performance
Feb-16	Title IX	Student-Athletes	Football Team Presentation - Ian McCaw	A reminder about personal conduct and Title IX compliance (don't allow yourself to be put in a situation where an allegation can be made against you); Football	Organized by Athletics
Feb-16	Title IX	Athletics Staff	Patty Crawford - Compliance Coaches Forum	Reminder on Title IX reporting requirement, etc.	Organized by Athletics
Feb-16	Title IX	Public Awareness	It's On Us Video - Women's Basketball Game	Will run the video following the Big 12 sportsmanship script in pre-game	Organized by Athletics; April in recognition of Sexual Violence Awareness month
Feb-16	Title IX	Athletics Staff	Department Staff Newsletter	Reminders on Reporting Sexual Misconduct/Violence	sent by Athletics
Mar-16	Title IX	Public Awareness	It's On Us Video - Men's Basketball Game	will run the video following the Big 12 sportsmanship script in pre-game	Organized by Athletics; April in recognition of Sexual Violence Awareness month
Mar-16	Title IX	Athletics Staff	Title IX Blurb in FB Student Worker Handbook	Consulted with Title IX Office on language to include in FB Student Worker Handbook	Athletics requested input from Title IX Office; language in Title Title IX folder on shared drive
Mar-16	Title IX	Athletics Staff	Coaches Forum - Judge Starr	Charged coaching staff with speaking with their Sas about interpersonal violence; zero tolerance; reporting, etc. (reps from each sport)	Folder with email confirmations of conversations
Mar-16	Title IX	Public Awareness	It's On Us Video - Baseball Game	Will run the video following the Big 12 sportsmanship script in pre-game	April in recognition of Sexual Violence Awareness month
Mar-16	Title IX	Public Awareness	It's On Us Video - Softball Game	Will run the video following the Big 12 sportsmanship script in pre-game	April in recognition of Sexual Violence Awareness month
Mar-16	Title IX	Athletics Staff	Tentative: Aaron Boe (Greek Life)	Requested information from Patty on possible FB involvement (2/26); meeting with Aaron Boe 3/21 for future SA training	Meeting on 3/21 with Aaron, Patty, Sarah, Kaz, Callie, Tierra; Tierra/Callie attending Greek session on Sunday
Apr-16	Title IX	Public Awareness	readers/scripted announcements	Will have readers at each home game during April	April in recognition of Sexual Violence Awareness month
Apr-16	Title IX	Student-Athletes	Signage in Key SA areas within Athletics	Signage in 5 key areas that states that real men respect women	Sample of sign in Title IX shared drive folder
Apr-16	Personal Dev.	Student-Athletes	Fort Hood Trip - Team Building	Football Team	Organized by Athletic Performance
Apr-16	Personal Dev.	Student-Athletes	Bears in the WorkForce	Former Baylor student-athlete panel to discuss career path and steps after graduation with upperclassmen	Organized by SASS and B Association
Apr-16	Title IX	Public Awareness	It's On Us Video - Baseball Game	Will run the video following the Big 12 sportsmanship script in pre-game	April in recognition of Sexual Violence Awareness month

Baylor Athletics - Educational Programs Master List

Date	Type	Audience	Training Medium	Content	Notes
Apr-16	Title IX	Athletics Staff; Student-Athletes	Sexual Assault Awareness Month and Diadeloso 2016 (sent on behalf of AD Ian McCaw)	Reminders on SAAM and Diadeloso support	See email in folder; Email to student athletes and cced senior staff and sport staff
Apr-16	Title IX	Public Awareness	It's On Us Video - Baseball Game	Will run the video following the Big 12 sportsmanship script in pre-game	April in recognition of Sexual Violence Awareness month
Apr-16	Title IX	Public Awareness	It's On Us Video - Softball Game	Will run the video following the Big 12 sportsmanship script in pre-game	April in recognition of Sexual Violence Awareness month
Apr-16	Title IX	Public Awareness	It's On Us Video - Softball Game	Will run the video following the Big 12 sportsmanship script in pre-game	April in recognition of Sexual Violence Awareness month
May-16	Title IX		Judge Starr Charge to Sport Teams	On interpersonal violation and sexual assault; MFB, MBA, MBB, T&F (9 sport teams)	See dates, locations, times in folder (April, May)
May-16	Title IX	Athletics Staff	Green Dot Training	Tierra Barber traveled with Title IX Rep to week long Green Dot Training	Tierra Barber in Athletics Student Services
May-16	Clery Act	Athletics Staff	Clery Act Training	Jeff Nolan Speaker (May 17, 18); athletics staff attendees determined by campus	Directed and organized by Shelley Deats, BUPD
Jun-16	Title IX	Athletics Staff	Student Misconduct Link & Quick Tips	Notification of <a href="http://www.baylor.edu/studentmisconduct">www.baylor.edu/studentmisconduct</a> link and quick tips for reporting	See email in folder; sport administrators to make follow-up contact with head coaches to ensure reception and answer any questions
Jun-16	Title IX	Athletics Staff	In Person Refresher with Patty Crawford & Staff	Reporting refresher, scenarios, Clery Act participations	One of three date options summer 2016; 9am Stone Room
Jun-16	Title IX	Athletics Staff	In Person Refresher with Patty Crawford & Staff	Reporting refresher, scenarios, Clery Act participations	One of three date options summer 2016; 10am Stone Room
Jul-16	Title IX	Athletics Staff	In Person Refresher with Patty Crawford & Staff	Reporting refresher, scenarios, Clery Act participations	One of three date options summer 2016; 9am Stone Room
Jul-16	Title IX	Athletics Staff	Patty Crawford Follow-Up	Individual Team Meetings with Patty Crawford and 14 sport staffs	Dates/times - TBD (post Refresher Trainings)
Jul-16	Personal Dev.	Student-Athletes	NFL: Habitudes Character & Leadership Development - Steve Sanders	Football Student Athletes - 7/21	See documentation for training description
Jul-16	Title IX	Student-Athletes	Speaker - Brenda Tracy	Football Student Athletes - 7/25	Organized by football
Jul-16	Title IX	Student-Athletes	NFL: Dating Violence & Sexual Assault - Dwight Hollier	Football Student Athletes - 7/28	See documentation for training description
Jul-16	Personal Dev.	Student-Athletes	NFLPA (Willis Whalen & Mark Levin)	<a href="http://www.nflpa.com/pipeline">Pipeline to the Pros program: https://www.nflpa.com/pipeline</a>	In conjunction with agent day
Aug-16	Title IX	Student-Athletes	Student Athlete Summer Training	Dates/Locations/Agenda (July, August)	SASS in coordination with Title IX Office
Aug-16	Personal Dev.	Student-Athletes	Leadership Academy Launch	Fall/spring program for select student athletes; leadership for team and community	Organized by SASS
Aug-16	Title IX	Athletics Staff	Sport Staff & Patty Individual Meetings following department-wide training	Scheduling in August, September, October; Patty meets with each sport staff	Organized by Athletics/Title IX
Aug-16	Title IX	Athletics Staff	Student Worker Presentation	Athletics Student Workers	As requested by Athletics in January; send attachment for details; Title IX Office cancelled on 8/18
Aug-16	Personal Dev.	Athletics Staff; Student-Athletes	Feed My Starving Children MobilePack	Department-wide event to pack meals for hungry children around the world	Organized by Athletics
Sep-16	Title IX	Public Awareness	It's On Us Announcement/Video - Football Game	It's On Us Baylor Campaign Video created by Ben Brune with Baylor Vision; shown at Northwestern State football game	Organized by Athletics & Campus Groups

Baylor Athletics - Educational Programs Master List

Date	Type	Audience	Training Medium	Content	Notes
Sep-16	Personal Dev.	Athletics Staff; Student-Athletes	Social Media Training Brainstorming	Social Media Sports Management, SM2, will be required for every Baylor student-athlete and staff member ..ongoing	Organized by Athletic Communication
Oct-16	Title IX	Athletics Staff	Updated Title IX Brochure	Distributed to staff via mailbox	Received from Sarah McPherson
Oct-16	Title IX	Athletics Staff	Reminder on Student Misconduct Reporting Requirements	During Athletics All-Staff Meeting Presentation	Delivered by Todd Patulski
Jan-17	Title IX	Athletics Staff	Online - Baylor Compass	Staff completed Title IX - Bridges: Building a Supportive Community online training (that will subsequently be required by all new employees).	Monitored by HR
Feb-17	Title IX	Athletics Staff	Quick Reference Card	Passed out Title IX quick reference card provided by campus & send in electronic format	
Feb-17	Title IX	Athletics Staff	Conversation on speaker/program to address sexual violence and prevention training	Talking to Alison Kiss (The Clery Center); Neil Irvin (Men Can Stop Rape)	
Feb-17	Title IX	Athletics Staff	Harassment, Discrimination, Sexual Violence Training Reminders	Reminders to all staff on campus training requirement	Several reminders
Apr-17	Title IX	Student-Athletes	In Person Title IX Training	Presented by Title IX Office Staff	Football team only
May-17	Clery Act	Athletics Staff	Clery Act Training	CSAs identified by campus personnel completed in-person and on-line training in May and June.	Directed and organized by Shelley Deats, BUPD
May-17	Title IX	Athletics Staff	Green Dot Training	Four day session attended by Sean Padden (Football Operations) and Corey Campbell (Football Athletic Performance).	
Jun-17	Title IX	Student-Athletes	Speaker - Rachel Baribeau	"Changing The Narrative" presentation to football team	
Jul-17	Compliance	Board of Regents		Head Coach/Board of Regents Interaction Guidelines	
Jul-17	Title IX	Student-Athletes	Online Title IX Training	Deputy AD met with incoming student-athletes enrolled in summer school to discuss Title IX and have the students complete the online training modules.	All incoming freshman student-athletes enrolled in summer school
Aug-17	Title IX	Student-Athletes	Team compliance meetings	Deputy AD attended team compliance meetings at the start of the semester to discuss Baylor's commitment to provide a safe learning environment and how to make a Title IX report.	
Aug-17	Title IX	Student-Athletes	Campus-wide event for new students	Campus hosted an "It's On Us New Student Event" on the first night of class, August 21, 2017 at 7:00pm. This was a mandatory event for all freshman and new transfer students.	Head coaches were asked by the Deputy AD to enforce their freshman and new transfer student-athletes to attend this mandatory event.
Aug-17	Title IX / Clery	Student-Athletes	In Person Training w/ Guest Speakers	All student-athletes were required to participate in a two-part interactive workshop on sexual and gender violence prevention featuring Allison Kiss (Clery Center), Neil Irvin (Men Can Stop Rape) and Kristan Tucker (Baylor Title IX Coordinator).	Two part training



Baylor Athletics - Educational Programs Master List

Date	Type	Audience	Training Medium	Content	Notes
Aug-17	Title IX / Clery	Athletics Staff	In Person Training w/ Guest Speakers	All athletics staff members participated in a mandatory training on sexual and gender violence prevention, as well as Title IX reporting responsibilities and processes. Presenters included Allison Kiss (Clery Center), Neil Irvin (Men Can Stop Rape) and Kristan Tucker (Baylor Title IX Coordinator).	
Aug-17	Title IX	Student-Athletes	Speaker - Rachel Baribeau	"Changing The Narrative" presentation to football team	<ul style="list-style-type: none"> <li>As a Christian university, Baylor has an expectation of a culture of high standards and doing the "right thing."</li> <li>As a result, every department employee has a duty to report any student-athlete misconduct issues to the appropriate authorities within the University, including but not limited to Title IX issues.</li> <li>Baylor.edu/misconduct is the best way to report any and all such misconduct issues.</li> <li>There are disciplinary consequences for failure to report any misconduct issues, including possible termination.</li> </ul>
Aug-17	Student Conduct	Leadership Team	Mack's Reminders	Reminders to Head Coaches, Sport Program Administrators on student athlete misconduct reporting (on agenda - started meeting)	
Aug-17	Title IX	Athletics Admin	Online Webinar	Hosted by EVERFI: <ul style="list-style-type: none"> <li>The five core commitments of the NCAA Sexual Violence Prevention Tool Kit</li> <li>Challenges and considerations for building a comprehensive, ongoing prevention strategy</li> <li>Best practices for implementing, tracking, and evaluating effective prevention trainings</li> </ul>	Morgan Strehlow participated in the webinar. A link to the recording and the slides can be found here: <a href="http://bit.ly/2yr6R44">http://bit.ly/2yr6R44</a>
Sep-17	Title IX	Coaching Staffs	Team meetings	Baylor Title IX Coordinator and Deputy AD met with all coaching staffs by sport to review Responsible Employee reporting protocol, provide feedback on Title IX Workshops done with the staff and student-athletes and answer questions	
Sep-17	Title IX / Clery	Athletics Staff	All-Staff Meeting	Mandatory reporting reminder to entire athletic department staff and coaches	
Oct-17	Title IX	Athletics Staff	In Person Training	Athletics staff members who missed the required trainings earlier in the fall participated in a make-up training on sexual and gender violence prevention, as well as Title IX reporting responsibilities and processes.	Kristan Tucker (Title IX Coordinator) facilitated the training session.
Ongoing	Title IX	New Staff	Online - Baylor Compass	Title IX - Bridges: Building a Supportive Community online training modules to be required by all new staff to complete within a month of their first day at Baylor.	Monitored by HR
Ongoing	Clery Act	Athletics Staff	Clery Act Training	New staff are required to complete on-line training if identified as a CSA.	Department of Intercollegiate Athletics coordinating with Shelley Deats (Clery Compliance Manager) and Human Resources.



Baylor Athletics - Educational Programs Master List

Date	Type	Audience	Training Medium	Content	Notes
Ongoing	Student Conduct	New Staff	E-mail notification	Every new full-time staff member receives an email within the first week to outline expectations and requirements for reporting student misconduct and this information is reiterated periodically at all staff gatherings or related-trainings.	Includes link to report acts of misconduct to the University ( <a href="http://www.baylor.edu/misconduct">www.baylor.edu/misconduct</a> ). Includes reporting protocol and list of incidents to report (non-exhaustive).
Spring-17	Title IX	Student-Athletes	Online Title IX Training		All freshman and transfer student-athletes

Student Life Division Training
<b><u>Academy for Leadership Development</u></b>
ALD Team: Staff Retreat - August 2, 2017
LEAD Team Fall Retreat - August 14-15, 2017
First In Line Peer Leader Training - August 10 - 11, 2017
NSE Peer Leader Training - August 14-15, 2017
<b><u>Campus Living &amp; Learning</u></b>
New RHD Training (New Staff - Res Learning Training) - July 3, July 5-12, 2017
RHD Training (Res Learning Training) - July 11-14, July 17-21, July 24-26, July 31, 2017
Summer Conference Assistant Training - May 25-26, May 30-June 1, 2017
LLP Symposium (Training for Program Directors and RHDs) - August 1, 2017
FIR Training - August 14, 2017
CL Training - August 4, August 7-17, 2017
CL Retreat - August 8-9, 2017
<b><u>Campus Recreation</u></b>
Student Staff Rec Retreat - August 14-18, 2017
Each staff (IM, OA, GM, AQ, FD, CS) will have monthly meetings
<b><u>Community Engagement &amp; Service</u></b>
Men of Color Summit - April 27-28, 2017
AHOC End of Year Conference - May 12-16, 2017
Language of Shalom training - May 15-17, 2017
Race & Equity in Education - May 30, 2017
Civic Life Summit - June 1-2, 2017
NASPA Mid-Managers' Institute - June 11-16, 2017
Service Unites Conference on Volunteering & Service - June 19-22, 2017
CES staff retreat - July 24-25, 2017
Campus Kitchen Boot Camp - August 7-9, 2017
LDS 3305: Peer Leadership for Community Engagement & Service - August 21-December 4, 2017
PDI: Introduction to Public Deliberation - September 5-19, 2017
PDI: Advanced Listening & Facilitation - October 10, 2017

PDI: Naming & Framing Community Issues - October 24, 2017
Student Development Student Leader Retreat - TBA September 2017
Baylor Buddies mentor training - TBA September 2017
Campus Kitchen student retreat - TBA August 2017
Mentoring Summit - TBA October 2017
Service Chair Training - TBA August 2017
<b><u>Counseling Center</u></b>
Training Discussion/Practicum Manual - June 5, 2017
Treatment Team Meeting; Clinical Skills Training; Clinic Procedures, Scope of Service, Walk-In I; Clinical Skills (video review) - June 7, 2017
Professionalism and Multiple Roles, Diversity Training - Introduction and Cultural, Humility - June 9, 2017
Clinical Skills Training, Power and Privilege Analysis, PnC/Canvas/CCAPS/Box - June 12, 2017
Treatment Team Meeting, Microaggressions and Color-blindness, Walk-In II and Role Play, Clinical Skills (video review) - June 14, 2017
Supervisor Reflection Time and Eating Disorders Intro - June 16, 2017
Clinical Skills Training and Transference and Countertransference - June 19, 2017
Treatment Team Meeting, Sexuality and Sexual Orientation, Culture and Diversity Reflection time, Clinical Skills - Video Review - June 21, 2017
Training - June 23, 2017
Clinical Skills Training; Suicide, Risk Management and Crisis intervention;
Treatment Team Meeting, AOD Intake & Referral Criteria, Supervision Preparation Time, Intro to DBT (informed care at BUCC) - June 28, 2017
Goals in Brief Psychotherapy and Group Training - June 30, 2017
Clinical Skills Training and Race and Power Video plus discussion - July 3, 2017
Treatment Team Meeting, Art Exploration Exercise, Crisis Intervention and On-Call II, and Clinical Skills (video review) - July 5, 2017
Difficult Conversations: Alliance Maintenance & Mandated Reporting and Group Training - July 7, 2017
Clinical Skills Training and The Mask You Wear Video plus brief debrief - July 10, 2017
Treatment Team Meeting, Men's Issues, and Clinical Skills (video review) - July 12, 2017
Case Conceptualization and Treatment Planning, and Group Training - July 14, 2017
Clinical Skills Training, and Miss Representation Screening and Discussion - July 17, 2017
Treatment Team Meeting, Intro to IPV Assessment and Care, Mental Health Outreach, Clinical Skills (video review) - July 19, 2017
Group Training - July 21, 2017
Clinical Skills Training, and Ability and Disability - July 24, 2017
Treatment Team Meeting, Baseline Clinical Assessment Role-plays, Clinical Skills (video review) - July 26, 2017
Group Training - July 28, 2017
Clinical Skills Training, and Religion and Spirituality - July 31, 2017
Treatment Team Meetings, Cultural Conversation (Diversity in Action), Clinical Skills (video review) - August 2, 2017

Group Training - August 4, 2017
Staff Retreat Day - August 7, 2017
Clinical Skills (video review) - August 9, 2017
Treatment Team Meeting - August 11, 2017
Clinical Skills Training, and Ethical and Legal Issues at BUCC - August 14, 2017
Treatment Team Meeting - August 18, 2017
College Student Mental Health - August 23, 2017
Foster Success Center - August 28, 2017
Treatment Team Meeting - September 1, 2017
<b><u>Health Center</u></b>
Peer Reviews of all providers
FERPA/HIPAA
OSHA training
Cultural Competency Training - January 2017
Fire extinguisher training - November 16, 2016
Code Blue drill - February 8, 2016
Anthrax emergency drill - May 2016
Fire drill - August 18, 2016
Active Shooter training - October 13, 2016
Infection Prevention/Hand Hygiene training
Suicide Prevention - April 2017
All nurses, nurse practitioners, and physicians have done continuing education to maintain licensure and certifications
Healthcare provider CPR/AED - May 2017
<b><u>Department of Multicultural Affairs</u></b>
Officer Transition Workshop - April 2017
GA Training - August 2017
CL&L Training - August 2017
Student Assistant Training - September 2017
Intern Training - September 2017
<b><u>New Student Programs</u></b>
Student Leadership Team (SLT) - May 24-28, 2017

Orientation and Baylor Line Camp Leaders (OR+BLC) - May 28-June 6, June 9, June 12, 2017
Tradition Leaders (TLs) - August 2017
Welcome Week Leaders - August 15-17, 2017
<b><u>Student Activities</u></b>
Staff Retreat - August 3-4, 2017
Waco Hall Student Staff
Union Student Staff (reservations/operations)
Graduate Apprentice Training (volunteer)
Student Activities Student Staff
Student Foundation Retreat (volunteer)
Student Government Retreat (volunteer)
Student Organization Tailgate Staff
State Mandated Risk Management Training
Greek Leadership Retreat (volunteer)
Effectively Developing Greeks
Panhellenic Orientation (volunteer)
Student Activities Fall Retreat (volunteer)
SALT (volunteer) - August 14-15, 2017
<b><u>Student Conduct Administration</u></b>
Staff Planning Meeting - June 7, 2017
<b><u>Wellness</u></b>
National Collegiate Recovery Conference - July 2017
IDEA Fitness Conference - July 2017
Staff Training Retreat - August 16-18, 2017
Monthly staff meetings for fitness students - power-based violence prevention and Title IX one month and cultural competency another month

**APPENDIX IV**

**EXHIBITS**

**EXHIBITS**

Exhibit 1	Publication entitled <i>Our Commitment. Our Response. Our Progress.</i> .....	A-84
Exhibit 2	Summary of Board Actions taken on May 13, 2016 .....	A-130
Exhibit 3	Guideline for Interaction between Head Coaches and Members of the Board of Regents .....	A-132
Exhibit 4	Guidelines for Board Operations .....	A-137
Exhibit 5	August 14, 2016 Memorandum from Cathy A. Trower to Cary Gray and Ron Murff re: Governance Process .....	A-156
Exhibit 6	October 4, 2016 Memorandum from J. Cary Gray to Dr. Reagan M. Ramsower and Brandyn J. Hicks re: Status Report to Sexual Assault Task Force.....	A-159
Exhibit 7	Report of the Governance Review Task Force of the Baylor University Board of Regents, January 16, 2017 .....	A-166
Exhibit 8	July 19, 2017 Memorandum from J. Cary Gray to Doug Welch and Rob Carter re: Supplement to October 4 <sup>th</sup> Status Report.....	A-196
Exhibit 9	Title IX Survey Summary .....	A-200
Exhibit 10	2017 Social Climate Survey Findings .....	A-203
Exhibit 11	<i>Sexual and Gender-Based Harassment and Interpersonal Violence Policy</i> (January 2017 Policy).....	A-252
Exhibit 12	August 2, 2017 Memo from Rob Carter to Wesley Null re: Review of Adherence to Title IX Policy .....	A-293
Exhibit 13	<i>Sexual and Gender-Based Harassment and Interpersonal Violence Policy</i> (October 20, 2017).....	A-296
Exhibit 14	Policy to Protect Children and Prevent Abuse.....	A-336
Exhibit 15	Baylor Report It Webpage .....	A-358
Exhibit 16	Threat Assessment Group Policy.....	A-363
Exhibit 17	Complainant Intake/Checklist Form .....	A-371
Exhibit 18	Respondent Intake/Checklist Form.....	A-379

Exhibit 19	Closeout Checklist/Form .....	A-385
Exhibit 20	Your Rights, Options and Resources .....	A-389
Exhibit 21	Title IX Pocket Guide .....	A-403
Exhibit 22	2017 Annual Fire Safety and Security Report .....	A-406
Exhibit 23	November 12, 2016 Memorandum re: Title IX Coordinator Contact Information .....	A-482
Exhibit 24	Strategic Communications Plan – Academic Year 2016-2017 .....	A-497
Exhibit 25	It’s On Us Awareness Policy .....	A-502
Exhibit 26	“The Path of a Report of Student Prohibited Conduct” and “Disciplinary Resolution Process for Students” Infographic .....	A-504
Exhibit 27	“Title IX Process and Procedure” Infographic .....	A-507
Exhibit 28	Public Incident Report .....	A-509
Exhibit 29	Athletics Integration with Campus .....	A-514
Exhibit 30	Athletics Student Misconduct Reporting Form .....	A-517
Exhibit 31	Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol.....	A-520
Exhibit 32	Prospective Student Athlete Background Assessment Policy .....	A-527
Exhibit 33	Counseling Services Organizational Charts.....	A-534
Exhibit 34	Sexual Violence Response and Investigation Policy, Baylor University Police Department Policy Number 13.01.08 .....	A-537
Exhibit 35	Training Requirements Overview.....	A-556



**EXHIBIT 1**



**Our Commitment.  
Our Response.  
Our Progress.**



**BAYLOR**  
UNIVERSITY



# Table of Contents

## **Our Commitment. Our Response.**

Understanding Title IX.....	4
A Place of Help and Healing .....	7
To Serve and Protect .....	10
Ambassadors for the Baylor Mission (Mack Rhoades).....	12

## **Our Progress: Advocacy**

Trauma Informed Care: What it Means for Students.....	14
An Advocate for Students Who've Experienced Sexual Assault.....	16
Baylor Police and Waco Advocacy Center: A Vital Partnership.....	18
Baylor Counseling Center Improvements Mean Support for Students.....	20

## **Our Progress: Safety**

Strengthening Campus Safety and Security: Changes to the Department of Public Safety .....	22
Forefront of their Field .....	24
A Place to Turn – Reporting Options Give Students 24 Hour Access .....	26
Investigations with a Trauma Informed Approach.....	28

## **Our Progress: Prevention**

A Path to Success: Programs and Policies to Enhance Prevention and Safety.....	30
Research, Depth of Knowledge Strengthen Assault Prevention Measures at Baylor .....	32
Baylor Set to Implement First Phase of Green Dot Program.....	34

## **Our Progress: Where We Are Today**

A Milestone in Our Continuing Progress.....	36
Connecting Students and Providing Leadership Opportunities .....	38
Distinguished Leader Takes the Reins at Baylor.....	40
Baylor Board of Regents Announces Improvements to Structure .....	42
Baylor University Reflects on a Year of Significant Change and Progress .....	44



# Understanding Title IX

Three sophomore students gathered around a table in the Title IX Office at Baylor University. With a twinge of apprehension, one woman spoke up. “We’re here because we’re concerned about our roommate. We think she’s in an abusive relationship, and we want her to get help.”

A student employee called his sister after a mandatory campus recreation staff Title IX training at the beginning of the school year. “I know you don’t want to tell anyone what happened to you, but I just met the woman you need to talk to.”

A Baylor student intervened in the midst of an escalating situation between a friend and his girlfriend. After reporting the incident, a Title IX investigation began less than 24 hours later.

These examples, and others like them, are the result of a rising culture of awareness about healthy relationships and a caring community at Baylor University. Students are reporting concerns about their peers, sharing knowledge about how to get help and safely intervening in potentially violent situations. Throughout the 2015-16 academic year, more members of the Baylor community than ever before stepped forward to report and intervene, in tandem with an increase in prevention training and awareness about Title IX.

This awareness comes with the painful recognition that sexual and gender-based harassment and violence, dating violence, domestic violence and stalking impact our students, both on and off campus. As a Baylor Family, our mission calls us to care for one another and take an active role in preventing and responding to allegations of sexual violence on campus.

Recommendations for improvement of University processes are actively underway. Baylor’s Title IX Office, leadership and administration are committed to continuing to adapt to federal mandates and recommendations as a deeper campus understanding of Title IX and the requirements placed on educational institutions continue to take shape and to ensuring the University provides a caring community and safe campus for the entire Baylor Family.

## Title IX

What exactly is Title IX? Why are colleges and universities responsible for investigating such serious crimes as sexual assault and rape?

Part of the Education Amendments of 1972, Title IX is a federal mandate that protects students, employees and third parties from sex discrimination in education programs and activities. The law, overseen by the Office for Civil Rights (OCR) and the Department of Education (DOE), includes directives related to recruitment, admissions, financial assistance, athletics, sex-based harassment and employment.

Throughout the 1980s, the courts interpreted Title IX to include sexual harassment as a form of sex discrimination under Title IX. In April 2011, OCR made it clear that Title IX also applied to sexual assault. Title IX’s original intent — to

prevent sex-based discrimination and provide access to the civil right of an unencumbered education — broadened, as did the responsibilities of educational institutions. OCR's April 4, 2011, "Dear Colleague" letter offered additional guidance to help clarify compliance with federal legislation. During this time, Baylor University appointed a senior administrator as the Title IX coordinator, which was an acceptable practice under federal recommendations.

In March 2013, the Violence Against Women Reauthorization Act of 2013 was signed into law. The act, which went into effect in March 2014, with final rules implementable as of July 1, 2015, gives institutions official guidelines to follow to prevent and respond to sexual assault, dating violence, domestic violence and stalking — acts that are typically crimes under state law.

In November 2014, Baylor University established a separate office devoted to the coordination of the University's compliance with Title IX. Currently, Baylor's Title IX Office is staffed with a full-time coordinator; a deputy coordinator; two full-time investigators, who are trained in investigating Title IX-related cases and are trauma-informed; a full-time case manager, who is a licensed social worker; a full-time training and prevention specialist; a full-time office manager. In addition, Baylor has hired five external professionals and an outside attorney to work with the Title IX Office. Staff who work directly with students have

received trauma-informed training. (Trauma-informed services are influenced by a recognition of the significant impact of trauma on those who experience it and protects against re-traumatization with a consistent sensitivity to the recovery process.)

## A University-wide Process

Under Title IX, educational institutions that receive federal financial aid are required to investigate reported allegations of sexual discrimination and remediate the impact. Educational institutions are required to provide this protection to students, employees and third parties.

### Intake

Intake is the process of sharing a concern with the Title IX Office, allowing the staff to connect the complainant — the individual(s) allegedly subjected to prohibited conduct — with support services. At Baylor, reports are received in a number of ways — from the complainant, the Baylor police department, faculty members, staff members or students reporting for a friend or as witnesses. Once a report is received, the complainant is informed of rights, options and resources and is asked if he or she would be willing to meet with the Title IX Office to talk about safety and success.

An important part of the process is to understand what the student needs and what help they are seeking from





the University. The Title IX Office must weigh its obligation to maintain an educational environment free from discrimination and harassment with a complainant's desire to move forward with a complaint. The decision to pursue a report or discuss their story with others is a deeply personal choice made only by the complainant. When a complainant chooses not to pursue a report, the University has resources that are offered to support the student's success and well-being.

## Determination of Jurisdiction

For the University to pursue disciplinary action, the respondent — the individual(s) reported to have engaged in prohibited conduct — must be a formal part of the campus community (e.g. faculty, staff, student or volunteer). If the complainant does not want to participate in a formal process, but the Title IX Coordinator determines a campus safety issue is present, the process commences, with or without the active participation of the complainant.

Complainants are provided with the option to contact law enforcement regardless of whether the Title IX Office has jurisdiction to investigate. After reviewing the provided collection of rights, options and resources, complainants can request reasonable support services, interim measures and/or protection. This can include counseling services, academic support resources, psychological assistance, spiritual services, financial aid services and University-issued "Do Not Contact Directives."

## Disciplinary Process

The Title IX disciplinary process determines, by a preponderance of evidence (i.e. more likely than not), whether a violation of the University policy, which protects the educational environment as mandated by law, has occurred. If deemed responsible, disciplinary sanction(s) are prescribed. A University's Title IX process is not a trial or a criminal process. It is a University process.

In the criminal justice system, a burden of proof "beyond reasonable doubt" is required to prove guilt of the accused party. The maximum penalty for a convicted crime of aggravated sexual assault is a prison sentence. In contrast, under a university Title IX process, a preponderance of evidence is used to determine responsibility. As Title IX protects the civil right to an education, the most extreme discipline that can be provided by the University upon a finding of responsibility is expulsion of the respondent.

Throughout the disciplinary process, the Title IX Office continues to work with the complainant and the respondent to ensure a fair and equitable process and maintain access to academic opportunity for both parties, unless an interim sanction is instated for the responding party during the investigation.

## Prevention, Training and Education

Nine months before the release of the Pepper Hamilton Findings of Fact, Baylor University's Title IX Office began implementing a robust expansion of training, prevention and awareness opportunities, and requirements for students, faculty and staff.

Trainings center around five objectives —developing an understanding of Title IX law and guidance (student civil rights), building awareness of the Title IX Office at Baylor, distinguishing healthy relationships from unhealthy ones, empowering action through a research-supported method of bystander intervention and explaining reporting requirements.

Throughout Fall 2015 and again in Fall 2016, more than 4,000 incoming students participated in mandatory prevention and awareness training. All student workers, including tutors and orientation, Line Camp and community leaders, are trained annually on the scope of their reporting requirements. Staff and faculty, including graduate students with teaching responsibilities and study abroad faculty, are annually trained in prevention and mandatory reporting.

## Bystander Intervention and a Growing Campus awareness

Intervention is a proven method that works within peer groups to begin to change a culture. Anecdotal evidence suggests that Baylor students are applying both direct and indirect bystander intervention methods in their social circles.

Education is a critical step in shifting campus awareness. In order to change campus culture, Baylor is informing students about Title IX, the purpose of the Title IX Office and Baylor University's policy regarding sexual and gender-based harassment and violence, dating violence, domestic violence and stalking. Students and student groups are being empowered with tools and resources to transform the culture within their peer groups and the University more broadly.

However, culture does not change overnight. Research indicates that culture in a college setting shifts every two years. Baylor's Title IX Office continually assesses the unique needs and trends among students in order to adapt trainings and messaging to best support a culture of care and healthy relationships.





# A Place of Help and Healing

One way to measure the growth taking place at the Baylor University Counseling Center over the past year would be to examine the many ways student services are being enhanced: additional staff counselors, specialists with expertise in a wider variety of mental health issues, expanded facilities and increased campus outreach to students.

These enhancements are the fruit of a focused action plan by Baylor University, affirmed and funded by the Board of Regents, to ensure that the educational, physical, emotional and spiritual needs of students, and especially survivors of interpersonal violence, are given priority attention.

The Baylor Counseling Center has long offered students a wide array of services to support student well-being, but the University's action plan presented an opportunity to dramatically enhance Baylor's caring community and take mental health services to the next level.

## A Growing Focus on Mental Health

Like other university counseling centers across the country, Baylor's Counseling Center has consistently grown to address an ever-present modern reality: student demand for university counseling services has been increasing unabated for nearly two decades. In addition, professionals have seen a rise in the complexity and severity of issues.

The statistics show the growth. According to the American College Health Association's (ACHA) 2015 National College Health Assessment, nearly 58 percent of college students reported feeling overwhelming anxiety in the prior year, and 54.5 percent reported experiencing above average to

tremendous stress. The range of issues students face go far beyond what many might consider typical collegiate stressors, such as classes, jobs or relationships. Many students faced complex issues related to trauma from interpersonal violence or sexual assault, eating disorders, addiction and more.

Mental health experts and college administrators and staff have studied the trends and have found many reasons for the uptick in mental health needs, but have not pinpointed a specific cause.

There are also uniquenesses to this generation. Students have high expectations. Whether they set those expectations for themselves or whether those come from elsewhere, they expect levels of success, grades and opportunity that are sometimes more difficult to achieve than expected.

In 1999, the Baylor Counseling Center treated approximately 350 students. By 2005, this number nearly doubled, to 610. That jump was only the beginning. In the 2015-16 school year, the Counseling Center served 1,300 students. In the last six years, Baylor's undergraduate population has increased by 2,000 students, a figure that accounts for only some of the uptick.





As the volume of students seeking counseling increased, universities enacted strategies to see as many students as possible. The most common strategy was to limit the number of sessions a student could visit the counseling center. Baylor capped students at 12 sessions per academic year, a limit similar to or higher than many peer institutions. Students could return each academic year for an additional 12 sessions — roughly the length of a semester. Even with these adjustments, waiting lists were the norm for universities; backlogs of up to two weeks were common. Additionally, students seeking specialized treatment often were referred to outside agencies better equipped to treat more complex issues.

Baylor’s Counseling Center continued to add resources through the years; however, the demand made it difficult to see students quickly after an initial consultation. Students often come to the clinic during the Counseling Center’s walk-in hours and visit with a staff counselor. From that initial visit, Counseling Center staff would consider the best next step for treatment. Students would get further treatment, although that next appointment often wasn’t available immediately.

Baylor has taken steps to respond in recent years, adding additional staff, including specialists, and starting group therapy sessions to expand access to more students. These changes began to alleviate the backlog, but for a university committed to supporting student well-being, taking steps to move into the top tier of university counseling centers nationally was prioritized.

## Strategic Improvement

In February 2016, the Baylor Board approved and funded an administrative action plan to prevent acts of sexual violence on campus and to improve treatment and services for all those impacted by interpersonal violence. The Counseling Center was provided with additional funding for a two-fold purpose: to alleviate the immediate backlog of students waiting to see a counselor and to take steps to be the “gold standard” in university counseling centers moving forward.

Within two weeks of the announcement, Baylor had hired 11 part-time staff members, many of whom had their own private practices in the area, to allow the students to be seen promptly. Those 11 counselors worked with the Counseling Center through the end of the semester and



enabled the clinic to meet the immediate demands of both initial and follow-up visits.

The Counseling Center now employs 21 full-time staff members. In the world of college counseling, the ratio of full-time staff to students serves as a benchmark. As Baylor's enrollment has increased, new hires were needed just to maintain their ratio, which had been about 1:1,660 (one full-time staff member for every 1,660 students). New staff hires have reduced that ratio to 1:750, a level commensurate with many of the top universities in the nation. Beyond the all-important ability to see more students and eliminate waiting lists and session limits, increased staffing has created a ripple effect throughout the Counseling Center. Among these effects, the Counseling Center no longer has session limits or fees for service.

In recent years, trends have shifted counseling centers away from hiring generalist practitioners to staff with specific areas of expertise. Several new positions include experts in working with victims of sexual assault and interpersonal violence, an addictive behavior specialist, an eating disorder specialist and a dialectical behavioral therapist, who specializes in working with students who engage in self-harmful behaviors or harbor suicidal thoughts.

In addition to providing specialized care for students on the Baylor campus, these specialists raise the knowledge level of the entire staff.

The Counseling Center has expanded training and development of current employees with funds allotted by the Board. For example, Dr. Edna Foa, a clinical psychology professor at the University of Pennsylvania and one of the nation's foremost experts on the treatment of post-traumatic stress disorder (PTSD), came to campus to speak to Counseling Center staff. The Counseling Center also welcomed Waco-area mental health professionals who work with victims of interpersonal violence to participate. The administrative action plan makes it possible for the Counseling Center to bring top-of-the-line training opportunities to Waco.

For the Baylor Counseling Center, serving the well-being of students takes staff beyond the walls of the Counseling Center itself. By reaching students where they are, Counseling Center staff can make students aware of the services provided, educate students on mental health and help them grow comfortable with the idea of seeking care. If a student is aware of the Counseling Center and comfortable with visiting counselors early, he or she can sometimes keep a smaller problem from becoming a bigger one. In the last two years, the Counseling Center has averaged approximately 125 different outreach presentations across campus, in chapel, with student

organizations, in trainings with residence hall staff and community leaders, and other on-campus events.

The Baylor Counseling Center's main office is housed in the McLane Student Life Center (SLC), but in Spring 2017 the center gained additional office space on campus to provide care for trauma patients. In addition to offices for new staff members, the most notable feature of their second campus home is a trauma recovery area where individuals who have training meet with students privately and interact with them in key moments. Other new rooms in the offices provide group therapy to students and house other resources that serve multiple students. The second location more than doubles the Counseling Center's space—from 4,250 square feet in the SLC to 11,880 square feet overall.

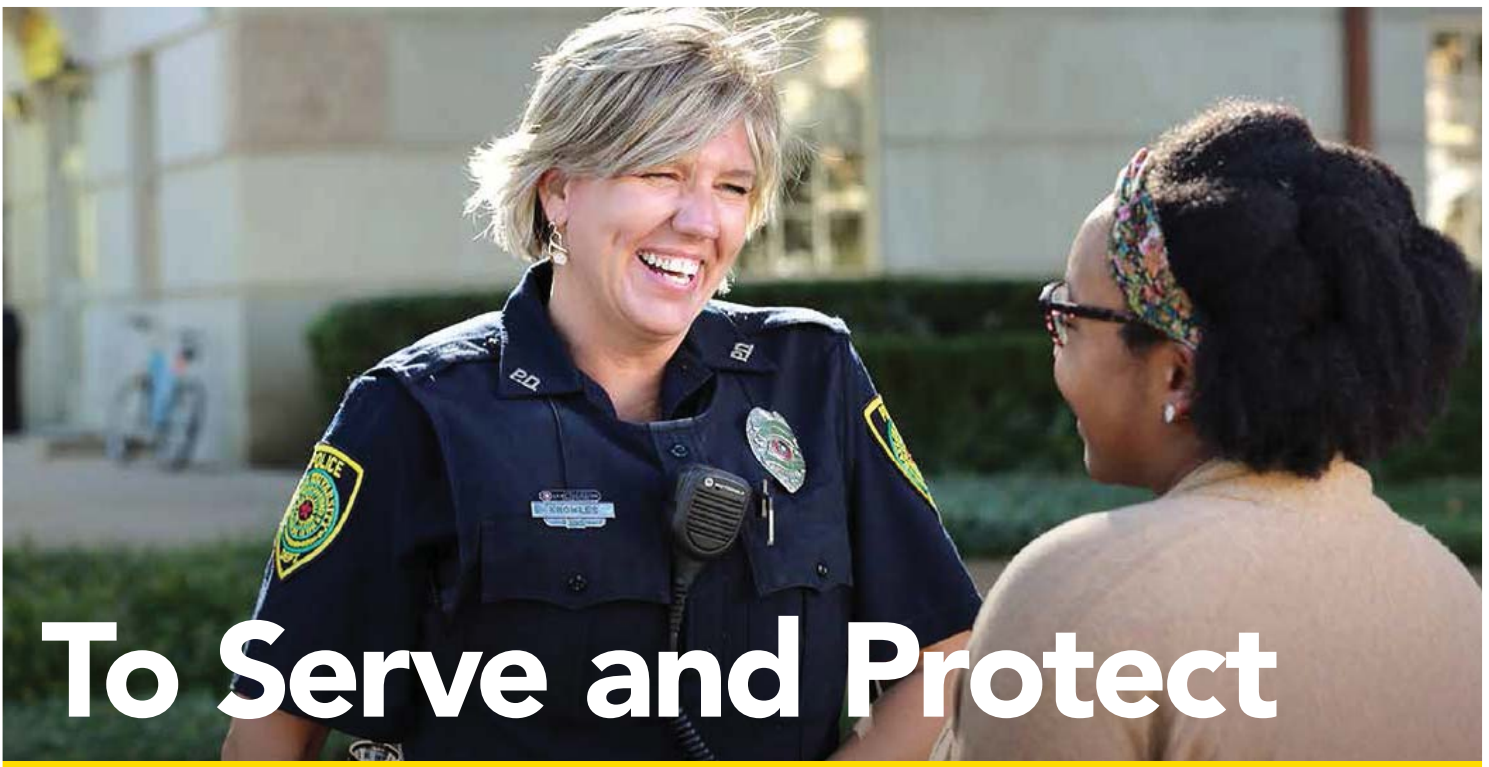
Everyone currently on staff in the Counseling Center is trained and equipped to provide care to students dealing with a traumatic event, such as sexual assault. But with the addition of further skilled staff and the expansion in facilities, the Counseling Center is taking their trauma care to the next level.

Dr. Cheryl Wooten, who joined the Counseling Center in 2011, leads a team of three clinicians in a specialized Trauma Recovery Team. This team gains additional insight through training and conferences to make sure the Center is constantly aware of the latest developments in this area.

The Trauma Recovery Team works closely with the Title IX Office and the Baylor Police Department to facilitate holistic care for victims. Additionally, the team has developed protocols and guidelines for the Counseling Center to share their knowledge with colleagues and to ensure each staff member is constantly equipped to provide the best possible care.

Staff, specialization, outreach, expanded facilities and enhanced trauma recovery care: these are some of the visible ways the Counseling Center is taking a leap forward. To help measure the improvement, a team of seasoned professionals from universities like Cornell, Pepperdine, Houston and Washington University in St. Louis — leading universities in clinical care — visited the Counseling Center in Fall 2016 and provided an appraisal of Baylor's progress and noted additional improvements that could be made. No university counseling center can cover everything; some severe mental health concerns will always require a level of care not found on college campuses. But the Baylor Counseling Center's new resources will serve students with a level of prompt service and enhanced expertise that places the University in the top tier of collegiate counseling centers.





# To Serve and Protect

Baylor's Department of Public Safety (DPS) includes the campus police department as well as fire safety, emergency preparedness, parking and transportation services, and physical security. In Addition, DPS works regularly with outside agencies such as the Waco Police Department, the McLennan County Sheriff's Office and McLennan County Emergency Management, as well as local fire departments, emergency medical services (EMS), state law enforcement agencies and the FBI. There have been many changes in campus safety and security during the past three years at Baylor. That is the nature of the operation: a constant commitment to improvement.

Over the past three years, Baylor University has made a significant investment in leadership, staffing and training in the Department of Public Safety (DPS) to establish a professional public safety operation that pursues excellence in all things.

In Spring 2014, Baylor University's Operations and Facilities Division retained Margolis Healy & Associates to conduct an organizational assessment of the University's Police Department and physical security program. The study included an evaluation of all procedures, policies and systems to determine improvements that would ensure a safe and secure campus community while also maintaining an open, inviting and vibrant campus environment. The study resulted in 60 recommendations for improvement, including the creation of the Department of Public Safety in which BUPD, emergency preparedness, technology security, fire safety and parking and transportation would all be combined for better collaboration. The study also pointed to the importance of hiring a full-time, dedicated Title IX Coordinator.

When results of this study were delivered in August 2014, work began immediately on implementation of the recommended improvements.

Mark Childers, associate vice president for public safety and security, joined Baylor University in September 2014 after a 26-year career in federal law enforcement with the U.S. Marshals Service and the U.S. Secret Service, where he supervised protective operations for President George W. Bush and foreign dignitaries. His final operation on Bush's detail served as a transition to his role with Baylor as he oversaw the former president's visit to Waco for the opening game at McLane Stadium.

Also in 2014, Brad Wigtil was promoted to chief of police. Wigtil joined the Baylor police department in August 2012 after 20 years with the University of Houston Department of Public Safety. He also worked for the Houston Police Department.

Safety and security at Baylor is a far-reaching endeavor. DPS staff work everything from bicycle theft to counterterrorism—a stark reminder of how campus-life





threats have evolved in the past two decades. To better meet the needs of students, Baylor has added nine additional police officers – bringing the total of commissioned officers to 38 – over the past two years.

During Summer 2016, Baylor officials completed benchmarking trips to Yale University and Virginia Tech, learning from their law enforcement safety programs and comparing their practices and policies. Baylor continues making progress toward its goal of illustrating leadership by example among its peers.

## Community Interaction

The Baylor University Police Department (BUPD) strives to continuously understand the cares and concerns of the campus community. Wigtil has implemented a program in which officers are required to spend at least 30 minutes each day meeting members of the Baylor community, introducing themselves and asking what they can do to better serve.

Wigtil believes that when you develop a relationship, you develop trust. When there is trust, people feel more comfortable reporting issues, concerns, suspicious activity and suspicious people to the police. Police departments must have great relationships with their communities. BUPD understands communication with the campus community is key in order to serve well.

Feedback from faculty, staff and students regarding the police department's community engagement has been positive.

## Constant Re-education

One challenge encountered by a campus police force that differs from municipal police work is turnover within the community. Roughly one-quarter of the population served by BUPD changes every year as students graduate and new students enter. This turnover requires officers to re-educate the community as the next class of freshmen enter, helping them understand things they can do to maintain their safety.

Baylor DPS has taken numerous steps to improve its operation as a whole. From increased community engagement and increasing its presence in the areas surrounding campus to pursuing accreditation levels with outside organizations. These steps are an outgrowth of the goals of the division.

Baylor is in the process of gaining accreditation from the International Association of Campus Law Enforcement Administrators (IACLEA). The program consists of 214 standards, some of which are optional but departments must comply with 60 percent of even the optional standards. Wigtil and Childers believe IACLEA's guidelines represent the best practices developed by the organization. Baylor has laid the groundwork and is well into the accreditation process.

In addition, Baylor officers are certified by the Texas Commission on Law Enforcement, a regulatory state agency that establishes and enforces standards that ensure the people of Texas are served by highly trained and ethical law enforcement officers and other public servants.

## Enhanced Communication and Collaboration

In addition to these efforts, the University has established memorandums of understanding (MOUs) with the Waco Police Department, put together a threat assessment group to better identify threats internally and externally, and strengthened emergency management operations.

Over the past two years, BUPD has established a designated patrol in the neighborhoods surrounding campus. Communication, especially with the Waco Police Department has been key to success. In this partnership, when Waco Police dispatches an officer to an area, BUPD hears the call in real-time. Such calls give BUPD situational awareness for keeping the campus safe. In addition, BUPD responds to these calls. The partnership provides a level of back-up both forces value.

Prior to 2014, Baylor Police used an internal radio system. Childers identified this as ineffective and led efforts to transition to the same system as Waco Police, the McLennan County Sheriff's Office and the Waco Fire Department.

The emphasis on surrounding neighborhoods also includes a crime-free multi-housing program that oversees the sundry apartment complexes, condominiums and rental houses near campus. This initiative involves coordination and cooperation with Waco Police and rental management companies. Certified complexes have about 50 percent lower crime rates than non-certified complexes. But it goes farther than the property itself.

This program is also coordinated with tenant lease agreements. Tenants convicted of a certain level crime will not accept by the management company as a tenant.

The DPS staff consistently meet with internal Baylor entities and receive daily feedback from their law enforcement partners. Department directors regularly attend conferences to learn from other campus law enforcement professionals and undergo outside training. Additionally, they meet internally to discuss better practices and ways to improve.

Chief Wigtil has a passion for training and for preparing the officers and dispatchers to do their jobs well. The Texas Commission on Law Enforcement requires 40 hours of training every two years. Last year, BUPD averaged 100 hours per officer.

Wigtil also meets weekly with the Title IX Office to share key information. There is a synergy in working together and sharing information to keep Baylor's campus safe.



# Ambassadors for the Baylor Mission

by: Mack Rhoades



When I accepted the job as Baylor University's vice president and director of Athletics last summer, there was no shortage of people — including some of my closest friends — who questioned my decision.

They had read the headlines: Baylor was in turmoil.

The university president, head football coach and previous athletic director had departed after an internal investigation revealed a failure within the football program and throughout the

university to respond to sexual assault complaints. Mistakes were made. Baylor had failed its students.

But from the first time I set foot on the Waco campus, it was clear to me that there was more to the story. What came into my view was a university that was contrite, committed to its Christian ideals and determined to tackle one of the most challenging issues on college campuses today.

The more I've come to know Baylor, the more I am convinced that this is a place with a worthy mission. Its academic excellence, service-oriented focus and Christian

heritage are truly unique in the world of higher education. And as such, it calls each of us to challenge the way things have been done in the past and to work toward a stronger future.

In spite of these recent challenges, Baylor continues to attract bright students from around the country because they have done what I did — looked beyond the headlines to see the real Baylor. It is their faith that inspires and motivates us to ensure that the tragic events of the past never happen again.

As Interim President David Garland and his administration made so clear to me, our top priority begins and ends with student safety. More than 80 students, faculty members and administrators have been working to implement 105 sweeping recommendations from the Pepper Hamilton law firm. More than 80 recommendations are either complete or operationalized across the campus.

At the same time, the university has invested \$4.3 million into a Title IX office that now has the personnel and resources to respond promptly to sexual assault victims.

Baylor also has modernized its campus police. That includes adding 11 officers, requiring all personnel to take intensive training in trauma-sensitive investigation techniques,

installing scores of surveillance cameras throughout campus and coordinating across the university and community to assist complainants with the Title IX process.

In Athletics, where the football program had become a focus of the sexual assault controversy, we've moved quickly to redefine the culture, wherever necessary.

Ours is a realm where too many times, student-athletes, coaches and athletic directors are judged solely by results. But I've made it clear we will not cut corners. Nothing will ever be more important than doing the right thing, day after day, on and off the field.

This commitment led us to hire Matt Rhule, an excellent head football coach who is nationally recognized for developing young men of character.

Together, we have established high standards of conduct, not only for sexual violence but for any improper conduct by players or staff. And, as the recent dismissal of two Athletics staff members shows, we aren't afraid to enforce those standards.

I've learned that the actions of a few were in no way reflective of the integrity and commitment displayed by the many wonderful, caring individuals who make up our athletic department.

As was evidenced by our impressive men's and women's basketball teams this spring — and indeed across all of our 19 intercollegiate athletic programs — our student-athletes, coaches and staff are outstanding ambassadors for the Baylor mission.

Unfortunately for our university, there may well be more negative media stories about Baylor in the coming weeks and months as legal proceedings move forward.

Baylor will continue to face its share of scrutiny. Yet, we in Athletics and across campus are determined to use our time in the national spotlight to serve as a beacon for how universities can address the scourge of sexual violence.

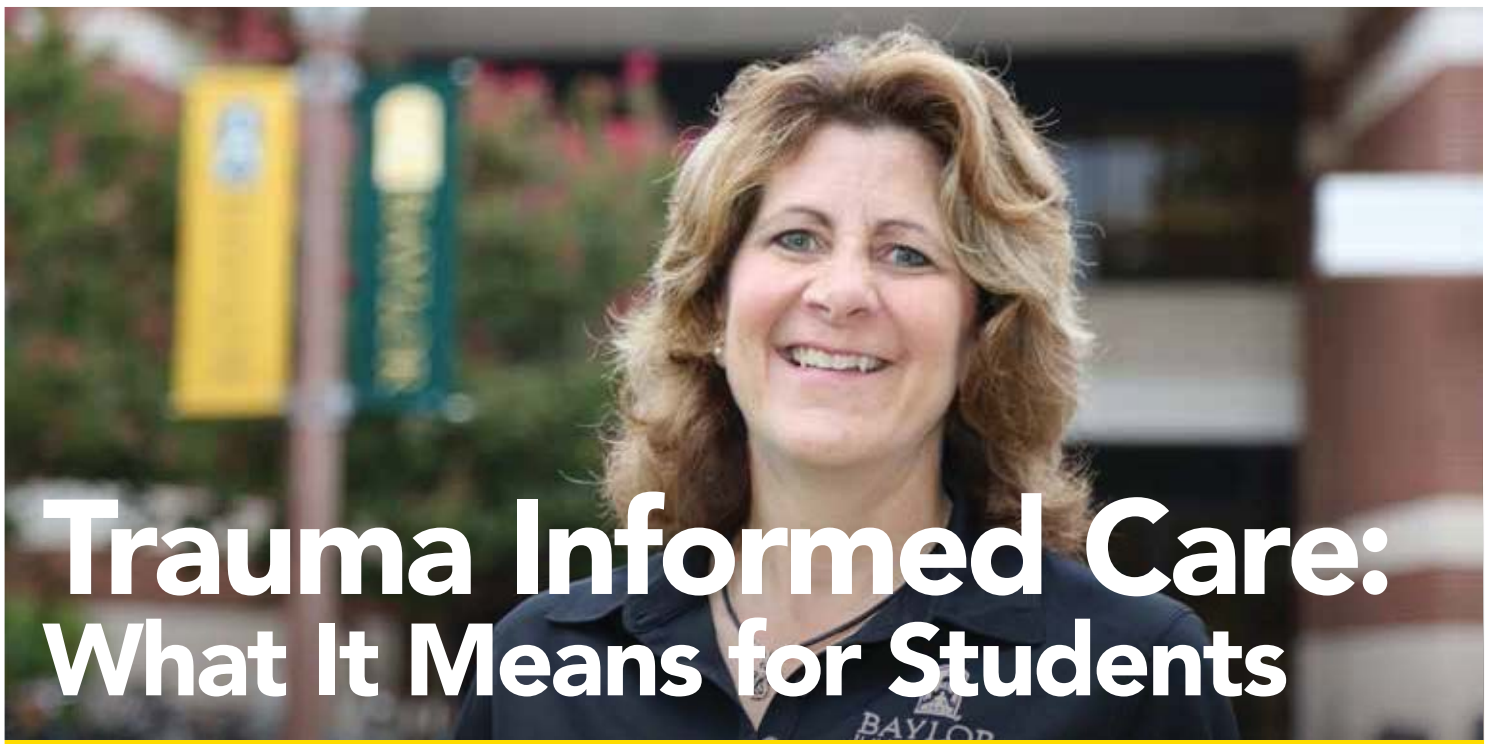
As Baylor's director of Athletics, I can promise this: We will win games and develop champions. But we will do so the right way, upholding the values of both our university and our God.

*Mack Rhoades was named Baylor's Vice President and Director of Athletics in July 2016.*



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# Trauma Informed Care: What It Means for Students

Cheryl Wooten is the Assistant Director of Trauma Recovery at Baylor. She holds a doctorate in clinical psychology from Wheaton College. She has been serving students at Baylor since September 2011.

**Q: What does it mean for a professional to be trauma informed?**

**A:** To provide trauma-informed care means you must suspend any sense of disbelief and assume the victim is telling the truth – even if the victim’s account is disjointed and imprecise. Recounting traumatic incidents is incredibly difficult, and it may take time for details to become clear. Unless an individual is serving in a professional or legal capacity that requires them to judge the veracity of a student’s claims of being victimized by sexual violence, it doesn’t benefit a professional to spend mental or emotional energy trying to decide who is responsible for what occurred.

As human beings, we often feel a need to convince ourselves that the world is just, right, good and fair, that we get what we deserve, and we deserve what we get. Sociologists have named this phenomenon “The Just World Hypothesis.” For most people, believing that we get what we deserve makes us feel safe and as if we have some control over the events of our lives. It takes a great deal of courage to admit that we live in a world that is often completely unjust and that in this world innocent young women and men really are targeted for sexual exploitation even though they have done nothing wrong. Decades of scientific research have shown that false reports of rape and sexual assault are very low, so it is extremely likely that the student who tells you that they have been sexually assaulted is telling you the truth.

**Q: How does being trauma-informed help professionals understand how a victim responds to trauma?**

**A:** I hear the term trauma-informed being referenced a great deal in society today and used by different groups in various ways. While I am always thankful that people are engaging in the conversation of how we can better understand and help people who have experienced traumatic events, I do feel a sense of caution about using a term implicit with multiple meanings. While I know that people are using the term in an attempt to be helpful, I think that perhaps we are best able to help when we step away from all the terms, labels and rhetoric and focus on the unique individual sitting in front of us.

In those singular moments when a student reaches out to a professional for help, the help they are looking for is often very different from what we imagine. At its most elemental level, it is the need to be heard, to know that another human being sees your suffering and cares that your worst nightmare just became a reality in your life.

From my point of view, the students who enter our offices are more than survivors, victims or any other label you feel is most appropriate. Those terms don’t encompass their identity. They each have a name. They each have a story. They each have dreams and hopes for their future. When they tell you something happened, they may not even know how to really describe it or maybe they know, and it’s just



too painful to say it. No matter what they say or don't say, can you push away all the distractions and know that in that critical moment you have the monumental opportunity to have a profound impact in the life of a precious, beautiful and irreplaceable child of God?

If a student came to you for help after being severely injured by an out-of-control drunk driver, would you ask why they didn't see the oncoming car? Would you ask if they were talking on the phone or texting when they were hit? Or would you focus on listening to them and helping them access the medical care they need? It's not about what they were doing, it's about what was done to them and about what they need now. Let them know that you care that they were hurt and that you want to do what you can to help them heal.

Interpersonal violence is usually about power. Violence robs us of our power to make our own choices. One of the most healing things that you can do is to empower a student who is engaged in the trauma recovery process. People often have a reflex action to feel pity for someone who has been victimized, see them as weak and try to rescue them by taking control of the situation. See the person, not the victim. See their strength and resilience, hear their story, offer them options, respect their choices and then ask how you can help.

**Q: Tell me about the services you've set up to support victims of sexual violence in the Counseling Center. Are there new ones that have recently been added?**

**A:** Resources that we have had for several years are:

- A 24-hour crisis line where help is a phone call away (710-2467).
- Quicker access to therapy for students who have experienced a sexual assault.
- Individual therapy for students who have experienced traumatic events.
- A trauma recovery group filled with stellar students who do a phenomenal job of supporting each other in the recovery process.

Resources we have recently added:

- A confidential advocate who can be accessed with one phone call during office hours – no appointment necessary (710-4983).
- A second trauma recovery group.
- Additional clinicians to help meet the need for services.
- Evening hours two days a week.
- A second location with additional resources, including a private waiting area for students who have experienced interpersonal violence.
- Additional training for our entire clinical staff on the best

ways to provide treatment for students after a rape or sexual assault.

- The addition of several clinicians who have specialized training and experience in working with students who have experienced traumatic events.

**Q: What does it take for someone to seek help?**

**A:** It takes courage beyond words and a desire to do more than just survive, but to truly heal, grow and thrive. To those who are reluctant I would say, "I can only imagine how hard it is to push yourself to come and talk to a stranger about something so painful that sometimes you can't even put it into words. I think that you are worth the effort. I think that your healing is worth the struggle. It's okay to be skeptical. It's okay to be anxious. It's okay to tell us if we are not doing what we need to do to help you. I just want you to know that we care and that we are waiting for you."

We have created a special video message on our website for students who have had unwanted sexual experiences – I think it captures the heart of our staff for these students. Jamie McGregor, worship and arts pastor at University Baptist Church in Waco, was generous enough to allow us to use one of his songs for the video. I loved the song when I first heard it because I felt like it expressed my hope for these students. When I talked to Jamie about it, I found out that this is a cause near to his heart as well.

**Q: What do you think people reading this article are least informed about or would be surprised to know when it comes to sexual assault and the victims?**

**A:** I think most people would be surprised to know that the victims are their spouse, their best friend, their sister, their daughter, their mother, their nephew – someone very close to them that they care about very much. I think they would be surprised to know that all the careless and divisive words they speak about sexual assault, blame and the stories in the media are like physical blows to that person they love.

Many sexual assault survivors never tell anyone about their experience, many more tell only a handful of people, and many try to keep their experience relegated to their past. So wherever you are, and whoever you're with, there is probably someone around you who has experienced interpersonal violence. Please don't wound them any further with your words. I think that the one thing we can all agree on is that we want the violence to stop.

I also think that people would be surprised to know that the most important thing they can do for a student close to them who has experienced a sexual assault is to truly listen. Don't ask questions. Don't try to problem-solve. Don't share your own experiences. Be quiet. Be still. Put everything else aside and listen as if someone's life depends on it, because sometimes it does.







# An Advocate for Students Who've Experienced Sexual Assault

In a world that can feel unsafe to a sexual assault victim, Liz Noble provides a safe place. She is Baylor's new Advocate for Students. When she watched Baylor in the national media recently, she knew the campus was a place where she could put her heart's passion to work.



Liz Noble

interpersonal violence, which is trauma as a result of abuse, including sexual abuse.

"I felt very aware that the problem that was being put in the media at Baylor is a problem across all college campuses," said Noble, who wanted to help students in need.

Noble started in her new role this November. She is a licensed counselor, part of Baylor's Counseling Center and a first point of contact for student's who've experienced

Prior to the creation of Noble's role, therapists had to take time away from therapy to advocate for their clients. Noble is one of the completely confidential resources on campus where a student can get help managing details that have the potential to end their academic career. Employees of the Counseling Center, the Health Center and Chaplain Burt Burtleson are the only Baylor employees not required to report incidents of sexual violence to Title IX.

"Students who have had an unwanted sexual experience often feel confused, overwhelmed and afraid to talk to anyone about their experience due to fears of being judged, misunderstood or blamed," said Cheryl Wooten, Assistant Director of Trauma Recovery at Baylor.

During the 2016-2017 academic year, the Counseling Center experienced a 52 percent increase in the number of students seeking services. Wooten alone worked with over 130 students struggling with a trauma-related disorder, with the large majority of cases involving students facing posttraumatic stress disorder.

In her few short months at Baylor, Noble has networked with key partners across the university, including student life, sorority advisors, the police department and the Title IX Office to share that she is a resource.

Often students might not reach out for help until several months after the abuse has occurred because they want to pretend it didn't happen and try to move on. "It's really overwhelming for them at times to figure out how to manage all of it on top of trying to process through what's happened to them," said Noble.

Simple daily tasks that most people take for granted may become difficult. Noble's role could encompass helping a student locate a new place to live because they no longer feel safe. She might talk with the financial aid office to determine what happens if a student's grades drop and

how that affects their standing. She could meet with a professor to share that a student is having a difficult time focusing or attending class. She can also connect students with a counselor. Then there's the student's decision of whether to report the incident and navigate the criminal or legal process.

Baylor staff has been receptive and eager to help students in need, said Noble. "I want [the campus] to know there are people that are willing to do that, to go through the pain and the brokenness and all of the hurt that exists. They don't have to do it alone."

*Liz Noble's office is located in the Dutton Counseling Center. She can be reached during office hours at 710-4983 with no appointment necessary.*







# Baylor Police and Waco Advocacy Center: A Vital Partnership

The partnership between the Baylor University Police Department (BUPD) and the Waco Advocacy Center is a steadfast alliance that has sought to bring about change in response to sexual assaults. Collaboration between the University and the Center has existed for many years and continues to grow in effectiveness as both parties seek to continually improve their response to sexual assault.

The Advocacy Center for Crime Victims and Children (Waco Advocacy Center) began in Waco more than 40 years ago. The Center serves six counties through their mission to promote healing of children and crime victims through advocacy, collaboration, prevention and treatment. They provide a crisis hotline, forensic examinations, counseling and prevention programs and other services to the community.

"We have had a long-standing partnership with Baylor and it's been good. But recently, through the past events, it has been strengthened," said Barbara Wright, executive director of the Waco Advocacy Center. The motto of the Waco Advocacy Center is "Help victims become survivors; be a part of the change."

"We like to think that they walk in as victims, but go out as survivors," Wright said.

Currently, the Waco Advocacy Center is preparing to finalize a "Memorandum of Understanding" (MOU) with Baylor to "formalize the great relationship we've had over the years," according to Brad Wigtil, Chief of the Baylor University Police Department. The partnership between the Advocacy Center and BUPD helps victims of sexual assault to more conveniently and effectively access the resources

available to them. For example, if a victim first meets with a representative from the Waco Advocacy Center, that representative can encourage him or her to also meet with the BUPD, and vice versa.

A few examples of the partnership between Baylor and the Waco Advocacy Center include:

## 1. Sexual Assault Response Team (SART)

The BUPD is a participant of the Waco-Area Sexual Assault Response Team (SART), which is coordinated through the Waco Advocacy Center.

"The heart and soul of the Children's Advocacy Center [another service of the Center] is their multi-disciplinary team. That's what SART is for the Victim's Center – medical advisors, nurses, law enforcement agencies, etc. that come into the initial meeting to work together," Wright said.

BUPD Crime Victim Liaison Officer Kandy Knowles echoed Wright's statement by describing the Advocacy Center as the "hub" of advocating for and assisting survivors.

"Entities come into the hub and are able to connect to get the best outcome for the survivor," she said. "It's a voice for each group's representative to discuss what is working and

how we can make improvements. And representatives have learned that they have additional resources through their SART partners.”

## 2. BUPD Member on the Waco Advocacy Center Board of Directors

BUPD Assistant Chief John Kolinek, who serves on the Waco Advocacy Center Board of Directors, believes, “It’s paramount that we have a relationship with the Advocacy Center.”

Wright is quick to praise Assistant Chief Kolinek and his service on the Board of Directors as his presence is beneficial for both parties. Kolinek believes his participation on the Board of Directors has allowed a constant line of communication for the partnership between the Waco Advocacy Center and the BUPD. He also sits on the Financial Committee, which lends another positive perspective on dealing with financial planning, fundraising and donations for the Advocacy Center to support the services they provide.

## 3. Officer Training and Mandatory Visits

The Waco Advocacy Center participates in BUPD officer training to ensure the highest integrity in working with

victims, treating victims with respect, and connecting them to proper medical care. “Victim Centered Trauma Informed Training” has been implemented to help officers understand the neurological impact of assault on victims and to inform and guide interviewing techniques.

The BUPD has also made it mandatory for the officers and dispatchers in its Field Training Program to visit the Waco Advocacy Center. This on-site training gives officers the opportunity to learn where the Advocacy Center is located, more thoroughly understand the services they provide and begin to build relationships with staff and volunteers. This last aspect of the on-site visits is particularly crucial. Building relationships builds trust, and building trust builds success for the survivor.

“It’s critical for Baylor University to provide professional services to our community. It’s a team effort to handle a sexual assault crime,” said Chief Wigtil. “For example, Officer Knowles has developed relationships with the Advocacy Center that successfully help us administer an investigation. The survivor senses and begins to trust that relationship and feels that Officer Knowles is going to help. That kind of confidence is a big thing – whether it’s through the initial response or the ongoing investigation.”



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# Baylor Counseling Center Improvements Mean Support for Students

Throughout the 2016-17 academic year, staff at the Baylor University Counseling Center have met with over 2,000 individual students. This represents a 62 percent increase from last year and is a direct result of opening a second facility on campus, which made possible the hiring of more staff and the increased provision of a range of counseling services.

In January 2017, the Dutton Avenue location opened as a second Counseling Center facility. With 7,630 square feet devoted to group therapy rooms, a relaxation room, therapist offices, trauma services and more, the University now invests a total of 11,880 square feet – in the Student Life Center and Dutton facilities – to students' mental and emotional wellbeing.

"The new space has allowed us to do things we haven't been able to do before," said Dr. Jim Marsh, Executive Director of Counseling Services. "We're able to see a lot more students and offer an even broader range of services, in a very timely manner."

The addition of two new group therapy rooms has allowed the Counseling Center to offer 25 different groups this semester, ranging from social anxiety to sexual assault support to recovery for drugs and alcohol addiction. "Group therapy is a great option for many concerns college students present with," Marsh said. Group therapy offerings more than doubled from last year, due to the extra space available for groups to meet regularly.

Along with the addition of 20 more offices, the new space allowed for the creation of a room designed to teach students relaxation skills and another space for students



who have experienced interpersonal violence to meet with staff.

“We do not have a waiting list. We are able to meet with students soon after they come to our walk-in clinic. Access is greater, and opportunities for treatment are broader,” Marsh said.

Perhaps most essential to the dynamic changes at the Counseling Center, the addition of the Dutton facility allowed for the hiring of new staff. In April of 2016, the center had 8 full-time staff members, 1 half-time employee and several who cycled in part time. The increased space paved the way to hire a number of additional staff members, bringing the Counseling Center to 22 full-time employees.

The impact on students? Baylor University now has 1 full-time clinical staff member for every 750 students. The International Association for Counseling Services recommends a minimum of 1 staff to every 1,500 students, and the average for highly rigorous private schools is around 1 to 1,000.

“We’ve hired, not just more people, but a really diverse staff,” Marsh said. “That’s important because we have a

very diverse student body. The ability to connect with all our students is key.”

The Counseling Center is attracting experts from coast to coast, with clinical staff joining the University from places including San Francisco, North Carolina and Chicago. Many have also been hired within Texas – with new staff joining from Abilene, Houston and Plano – and locally as well. Geographic diversity is only the start.

“We have hired people with lots of different backgrounds and areas of expertise. We’ve been able to add, not just people but knowledge and experience as well. They bring that knowledge and experience working with students with all types of needs and they also consult with everyone on staff to help colleagues grow in that area. Having these experts gives us someone to go to,” Marsh said.

Ultimately, of all the expansions – square footage, therapists and quiet spaces – the most important increase to Marsh is the number of students the Counseling Center has been able to help due to these changes. “The success we’ve seen in one year is pretty amazing – to have built the building, hired all the staff and been able to see all the students,” he said. “The University’s commitment to caring for students is definitely making an impact in this area.”



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# Strengthening Campus Safety and Security: Changes to the Department of Public Safety

The safety and well-being of our campus community is of utmost importance to Baylor University. The Department of Public Safety has made tremendous strides strengthening campus safety and security over the past few years.



In 2014, Baylor commissioned an external review of its Police Department by Margolis Healy & Associates — a leading education safety and security consulting firm, which resulted in the reorganization and enhancement of BUPD, including the hiring of a new police chief, Brad Wigtil, who has 24 years of university law enforcement experience. In addition, the University hired Mark Childers for the

newly created associate vice president for public safety and security position, which oversees the department. Childers retired from the U.S. Secret Service as a supervisory special agent.

Since September 2014, DPS has experienced significant growth and improvements, which have benefited the safety and security of our campus community and beyond.

- In the last two years, BUPD has added 11 commissioned officers and two dispatchers to its professional staff of 38 officers and 10 dispatchers. These additions make the department the third-largest law enforcement agency in McLennan County.
- DPS also has increased its use of technology, from the addition of more than 225 security cameras for a total of 820 cameras across campus to the implementation of BU Campus Guardian, a free phone app that allows users to call or text dispatchers in an emergency.
- BUPD and Waco Police Department solidified and strengthened their partnership by signing a Memorandum of Understanding to formalize the ongoing working relationship between the agencies. Other collaborative efforts have included the first joint active shooter exercise held on Baylor's campus and the expansion of the crime-free multi-housing program with the City of Waco.
- BUPD has increased crime prevention initiatives and added a second officer to assist with safety programming efforts. Two additional officers have been certified and equipped for bike patrol.



- DPS implemented the use of metal detectors at McLane Stadium last year, a first in the Big 12, and added a Sky Watch security tower at special events.
- BUPD officers easily exceed the requirements set by The Texas Commission on Law Enforcement, which mandates officers complete 40 hours of training every two years. In 2015 and 2016, on average, Baylor officers completed 100 hours of training, including 32 hours of in-service training each May that included Title IX, the Clery Act and sexual assault response.
- Members of DPS' Emergency Management spearhead Baylor's Global Engagement and Global Preparedness Group, which plans extensively to enhance the safety of faculty, staff and students traveling abroad for mission trips and exchange programs.
- The Emergency Management team works proactively to prepare for emergencies and continually updates Baylor Alert, the University's emergency notification system, based on best practices and feedback from the campus community.
- DPS hired a full-time Clery Act compliance manager and Clery Act associate to assist with compiling the University's Annual Fire Safety and Security Report.

Ensuring the safety and well-being of all members of the Baylor community is a priority for the men and women of Baylor's Department of Public Safety. The Baylor University Police Department, Emergency Management, Parking and Transportation Services and Technical Security, who comprise the DPS team, faithfully and diligently protect and serve students, faculty, staff and visitors to our campus.







# Forefront of Their Field

## *An intense focus on training enables the Baylor University Police Department to stay prepared and to serve the campus community*

A common misconception exists that campus police simply serve a security function. However, the Baylor University Police Department (BUPD) is fully recognized by the State of Texas as a certified police department whose officers have the full powers, privileges and immunities of any other police officer in the state. Because of the responsibility granted by this authority, the Department is dedicated to a proactive approach to training. While the Texas Commission on Law Enforcement mandates police departments complete 40 hours of training per two-year training cycle, BUPD officers averaged over 100 hours for this past two-year cycle.

"Training is critical for any profession to get people ready to handle the issues they will face in their jobs," said Brad Wigtil, chief of the Baylor University Police Department. "I'm a firm believer that if our officers, dispatchers and security officers are going to serve this community really well then we need to give them the tools to do that—not just equipment but training."

Each May, following commencement, when campus life slows down, Chief Wigtil and Patrol Captain Danny Knight have instituted a 40-hour block of training conducted over a two-week rotation covering a diverse set of subjects, such as Taser certification, distracted driving, alcohol and drug prevention for college campuses, crime prevention, medical skills and more.

"We try to provide BUPD with a variety of training, some of it new exposures and some of it repetitive," said Captain Knight. "We've seen this training pay off—like AED [automated external defibrillator] and CPR training. The standard is every two years, but we do it on an annual basis because we feel that it's so important to keep that up to date."

This past January during a weekend event, a faculty member at the Baylor Law School suffered a heart attack. Because of proximity and availability, BUPD was the first emergency responder to arrive. The officers who responded were able to use AED equipment to revive the faculty member and then to transfer her care to emergency medical services (EMS) when they arrived.

"Our training applies every single day to every single call we go on," Captain Knight said. "It's an essential part of this job. If you don't have the training, then you don't have the skills necessary to serve the community in the way that we do."

## **Sexual Assault Training**

The training coordinated each May by Chief Wigtil and Captain Knight also includes Title IX and Clery Act education. BUPD is committed to devoting all resources necessary to these subjects to stay proficient and up-to-date. When Baylor updated its Title IX policy this spring, Baylor's Title IX Coordinator Kristan Tucker led a two-hour training to instruct BUPD in the new policy.



In addition, the BUPD has brought in Tom Tremblay, a national leader in the development and delivery of trauma-informed, victim-centered sexual assault investigations, to lead training sessions for the entire department.

"It's critical that our dispatchers who take that initial call, our officers who respond and our investigators who investigate the case understand the neurobiology of the brain and what trauma does to a victim," Chief Wigtil said. "Understanding that helps us work with the assaulted student and work through the process, empowering them, if they choose, to go forward with a criminal case."

Chief Wigtil and several other BUPD officers also attended the National Center for Campus Public Safety Trauma-Informed Sexual Assault Investigation and Adjudication Annual Conference in Washington, DC. All BUPD investigators are certified through the Sexual Assault Family Violence Investigator Course, and the Department has committed to having officers recertified every two years to ensure they are up-to-date on changes to laws and regulations.

Looking to the future, BUPD retains a strong dedication to ensuring that its team is fully equipped to handle sexual assault related cases. In addition to providing training, Tom Tremblay will be lending his expertise to a yearly BUPD training needs assessment, evaluating areas of proficiency and areas of need.

"We will continue to evaluate what we need to do. I want us to serve our community really, really well in all areas, including this area of sexual violence," Chief Wigtil said.

## Active Shooter Training

Another area of law enforcement in which BUPD is dedicated to staying in the forefront of their field is active shooter training. All BUPD officers are taught from the Advanced Law Enforcement Rapid Response Training (ALERRT). Active shooter drills are conducted in a private location—to avoid giving away tactical strategies—using Simunition, soap-tipped nine-millimeter bullets that allow the force-on-force training to be as realistic as



possible. BUPD also sends officers to the annual ALERRT Conference in San Marcos, Texas.

"At the conference, they bring in all of the players who were involved in any type of active shooter situation from the last conference," said Captain Knight. "There's a lot of information garnered from those individuals—from the victims and from the officers involved—that can help everyone's overall survivability in these types of situations."

BUPD has taken its firearms qualification a step above what is required by the state, which is to qualify annually with rifles, shotguns and pistols. Because this type of drilling—shooting a target on the range—does not transfer to the real-life situations faced by officers, BUPD travels to Tiger Valley, a firearms and tactical training facility specializing in military and law enforcement exercises, to conduct tactical shooting training.

"Some of our officers will shoot more ammo there in one day than they've shot in their entire career at a regular range," Captain Knight said. "SWAT would be the most comparable as far as level of training."

## Mental Health and Cultural Competency Training

As BUPD continues to assess future training needs, two areas that have taken precedence are mental health and cultural awareness. BUPD currently has five officers certified as Mental Health Peace Officers through Crisis Intervention Training (CIT), and they are currently dispersed among the Department's three shifts.

"We deal with many students who are in crises," Chief Wigtil said. "So I made the decision that I want to certify everyone, hopefully, this summer."

Chief Wigtil hopes to bring in Senior Officer Frank Webb of the Houston Police Department to conduct the 40-hour training. Senior Officer Webb helped to develop and implement Houston's CIT program and served as the program's CIT Coordinator.

BUPD also plans to conduct cultural competency training this spring. Though the Department has very rarely received complaints about officer treatment, Chief Wigtil still believes it is important to broach the subject of cultural diversity on a fairly regular basis.

"What I want my officers to understand is that I don't care what a person's social class or race or background is—God values that individual. What I want my officers to do is value them," he said. "If we arrest someone, regardless of what law they violated, they still deserve dignity and respect based on the fact that God values that individual. This is a noble profession. Let's serve people well."







# A Place To Turn: Reporting Options Give Students 24-Hour Access

Baylor's commitment to student safety means being available 24 hours a day. When a student is victimized by sexual or interpersonal violence, it is vital that resources and support are available right away. Recognizing that each student is different, Baylor University and Baylor's Title IX Office provide many methods for students to report incidents of sexual violence, as well as information about resources that offer individualized support and care.

"We want to provide students with the help they need promptly, to let them know what their rights are and connect them to the resources available to them," Kristan Tucker, Title IX coordinator, said. "Because each student and each student's situation is unique, we provide numerous 24-hour resources based on what's best for them as an individual and based on what they've experienced."

## How to Report

For students reporting an incident of sexual violence, the Title IX website provides a simple place to begin. Under the "reporting" tab, students can find the main ways to report an incident—online reporting, anonymous online reporting and contact information to report in-person or by phone. These reports receive prompt attention from Title IX staff, who will respond via email or phone call with information about the student's rights and available resources, and then find a time to visit with the student.

"Once we've corresponded over email, they come in and we talk to them about their options and rights, and present an investigative and resolution process," Tucker said. "Even if they choose not to go through with those processes, we provide them with resources to get academic and

emotional assistance. We want to empower students to make the decision that's best for them, and to be there for them throughout the process once they've reported."

## Anonymous Reporting

For many personal reasons, some students do not feel comfortable coming forward after an incident of sexual or interpersonal violence. Because each student responds differently to trauma, Baylor works to ensure that fear of reporting an incident is not a barrier to receiving help. Baylor offers EthicsPoint, a third-party reporting feature that provides complete anonymity to the student, witness or friend reporting an incident. EthicsPoint allows Title IX staff to respond with options and resources available to provide assistance.

"Not all students feel comfortable reporting something," Rob Carter, director of internal audit and management analysis, said. Carter receives all anonymous information posted in Ethics Point and Title IX related reports are immediately shared with the Title IX Office. "EthicsPoint is a very valuable resource from the perspective of helping people not be afraid if they might otherwise be. We have a lot of great reporting resources, and it's a valuable thing to

be able to provide a way for students who might be afraid to report, for any number of reasons. Once something is shared, it goes to Title IX, who can begin working through the situation. We want students to have a way to report and know that every proper diligence is taken to investigate.”

## Additional Resources

Baylor’s support for students doesn’t stop with adjudication through the Title IX Office. The Title IX Office partners with other campus resources that provide guidance and support to help students find healing, wholeness, and academic success. Those resources include the Baylor University Police Department, Baylor University Counseling Center and the Counseling Center’s 24-hour Crisis Line phone number, Baylor University Health Services and the Baylor University Chaplain.

“The Title IX Office has to act in a neutral, investigative way,” Tucker said. “Other resources on campus can offer methods for healing and coping that we cannot. We want students to be academically successful and to function as well as they can amidst the trauma. Students can talk

to the counseling center, call the Crisis Line, health center and chaplain confidentially. These joint partnerships are effective because we meet student needs in various ways.”

## Awareness

All across campus—including every public restroom stall—students see “It’s On Us BU” flyers that feature the Title IX website, phone number, and other campus resources so that students receive regular reminders of where to go and what is available to them in the event of sexual violence.

“We’ve worked to train our campus community to know what options are available,” Tucker said. “We’ve put it all together, on flyers and on the website, so that if someone is in crisis, they have those contact numbers.

“It’s so important for students to know that we are here for them during an emotionally trying situation, especially right after an event has taken place. Providing resources 24 hours a day lets students know there’s always someone available, ready to help and support them each step of the way.”







# Investigations with a Trauma-Informed Approach

The Baylor University Police Department (BUPD) recognized a growing need to implement new approaches to working with sexual assault victims using trauma-informed, victim-centered methods. Through intensive training and a commitment to serving the Baylor community, the BUPD is specially equipped to respond to reports and to conduct investigations concerning sexual violence.

The BUPD staff includes four investigators, including two officers who specialize in sexual assault investigations. Sergeant Molly Davis and Officer Kandy Knowles possess the experience and passion to do their jobs extremely well. Before coming to Baylor, Sergeant Davis investigated Crimes Against Children and worked with victims of sexual assault through the Bastrop County Sheriff's Office. Officer Knowles volunteered in victim services in Waco before becoming a police officer and has served as the BUPD victim liaison for several years.

"Somebody can have the skills and all of the knowledge in the world, but if they don't have the right personality and compassion and patience that it takes to deal with sexual violence crimes then it won't work," Chief Wigtil said. "Kandy Knowles and Molly Davis have all of the skills, knowledge and abilities to handle these cases very well."

The BUPD is committed to providing Sergeant Davis and Officer Knowles – and the entire Department – the resources and training to excel in their roles. For example, the Sexual Assault Family Violence Investigators Course (SAFVIC) is a three-day, 24-hour class funded by a grant from the Criminal Justice Division, Office of the Governor and the National Violence Against Women Office. The certification achieved through the course lasts a lifetime, but the BUPD goes

beyond the minimum certification by sending investigators to the course every two years, ensuring they stay up-to-date with the latest research, laws and strategies as curriculum is updated.

In addition, the BUPD has hired Chief Tom Tremblay as a consultant to lead the Department in several trauma-informed sexual assault related trainings, to aid in case and policy review and to conduct a training-needs assessment. Chief Tremblay is a retired Chief of Police from Burlington, Vermont and the former Commissioner of the Vermont Department of Public Safety. He is a nationally known leader in trauma-informed sexual assault investigations and even assisted the National Center for Campus Public Safety with the White House Task Force recommendation to develop a new curriculum for Trauma Informed Sexual Assault Investigations specific to colleges and universities across the country.

## Victim-Centered Investigation

This investment in training and dedication to preparation allow the BUPD to maximize the effectiveness of a sexual assault investigation while minimizing traumatization or re-traumatization of a victim. Beginning with the initial response and then continuing throughout the investigation, the Baylor

police employ a number of thoughtful strategies to ensure a victim-centered, trauma-informed process while being mindful of the need to collect forensic evidence that may be time-sensitive but difficult for the victim.

When a victim reports a sexual assault, a BUPD investigator will respond rapidly, first ensuring the victim's safety and then beginning to establish a relationship that walks victims through the steps of the investigation and options available to them.

"I like to get there as soon as possible," Sergeant Davis said. "That way I can get the advocate there and get the victim whatever help they need right then and there. I give them a notebook, so they can jot things down as it comes to them since often their memory is scattered."

Whether or not they decide to pursue a criminal investigation, victims are encouraged, when they are emotionally ready, to participate in a forensic interview with a BUPD investigator, which delves into all of the details of the trauma the victim suffered. The investigator will engage in many different strategies to make the victim feel comfortable during the interview, such as not wearing a police uniform and offering frequent breaks. The BUPD also video records forensic interviews, which provides numerous benefits. Using video recording allows the investigator to focus on listening and to engage in a dialogue with the victim, rather than concentrating on taking notes. Because sexual assault cases often take years to go to trial, having a video recording of the initial interview can be an invaluable aid to a victim's case.

The style of conversation BUPD investigators utilize during a forensic interview is heavily influenced by trauma-informed training and research. For example, because of the impact sexual assault has on the brain, a victim's story may not be chronological or she or he may follow a "rabbit trail" that initially seems illogical. BUPD investigators are trained to listen and to allow a victim to talk, understanding that important details to the case may be included in all aspects of the conversation. The investigators also work to explain why they may ask a certain question and to phrase questions in a manner that do not imply accusation or blame.

"A good example is clothes. If we ask, 'What were you wearing the night this happened?' then that comes off as very, 'Why do you want to know? Are you suggesting it is my fault?'" Sergeant Davis said. "Versus 'I'd like to have the clothes you were wearing that night for possible evidence.' We want to put it into the context of, 'The reason I'm asking you this is because of this.' So rather than putting a victim on the defensive, we want to give them what they need."

## Continuous Support for Victims

A victim does not have to pursue a criminal investigation. She or he can also begin an investigation and then decide

to put it on hold. The victim controls the situation, but no matter what she or he decides, the BUPD is there to support her or him with resources and with compassion. The timeline for a sexual assault investigation can vary greatly from case to case, from days to years, and the court process takes additional years. The BUPD is there to support the victim no matter how short or long the timeline.

"I always give victims my cell phone number, my email. They can text me. I tell them after hours, if you have an emergency, please call me," Sergeant Davis said. "I want to help alleviate any fears or pressure a victim may feel. I want to make sure they know I won't pressure them into pursuing charges or pressure them into talking to me, but I'm also going to let them know that I'm here and that I'll continue to check in with them regularly."

If a victim is considering pursuing a criminal investigation but is unsure about the process, the BUPD investigator can help to explain the different scenarios that could occur. The investigator can set up a meeting with the district attorney's office to allow the victim to meet the staff and begin to form a relationship and trust. The investigator can also connect the victim with the Title IX Office, Baylor Counseling Center or Waco Advocacy Center.

"We have great partnerships with open lines of communication. We do lunches and after work dinners," Sergeant Davis said. "I'm on speed dial with Baylor's new advocate, Elizabeth Noble. She'll just drop whatever she's doing and come over – same with Title IX and Waco PD. We all work great together."

"We care deeply about all of our students, faculty and staff," Chief Wigtil said. "Particularly on these sexual violence cases, Molly Davis and Kandy Knowles are two of the most caring and compassionate people I know and they have servant hearts. They want to serve each person and help them through the process of recovery."







# A Path To Success: Programs and Policies to Enhance Prevention and Safety

Baylor Police Chief Brad Wigtil is well acquainted with the Baylor experience as the father of two Baylor graduates. He embraced the University's Christian mission and commitment to scholarship and service. It dovetailed perfectly with his faith and dedication to duty.

In 2012, Wigtil joined Baylor University Police Department (BUPD) as assistant chief and was named chief in September 2014. Since that time, Wigtil and Mark Childers, associate vice president for public safety and security, have revamped the department and have taken campus safety and security to new levels.

In the last two years alone, BUPD has added 11 commissioned officers and two dispatchers for a total of 38 officers and 10 dispatchers, making the department the third largest in the county.

The department has also increased technology usage, adding more than 175 cameras (which will bring the total to approximately 1,000 cameras by fall 2017) on campus while rolling out BU Campus Guardian, a phone app that allows users to connect with friends to monitor safety or call or text dispatchers.

In addition to an increase in staff and technology, an important component of Wigtil's strategy is community policing. Over the past year, Wigtil instituted the Community Contact Program where all officers are expected to interact with Baylor campus community members during each shift. He sees building relationships and engaging and educating students about personal safety as priorities.

"I care deeply about the students and feel that a big part of our mission is to help our students acquire personal safety life skills that they can employ for a lifetime," Wigtil said.

Other department initiatives include hosting the first-ever National Night Out in the heart of campus so that officers and students could get to know one another in a safe and friendly space; implementing the first National Drug Take Back event at the end of the semester to help students safely dispose of prescription drugs; and signing an memorandum of understanding with the Waco Police Department to formalize the partnership between the two entities. The Baylor-Waco police department partnership has grown stronger over the past three years and was solidified and supported with their first joint active shooter exercise, which was held on Baylor's campus.

BUPD has also increased crime prevention initiatives and added a second officer to assist with safety programming efforts. Because much of Baylor's campus is closed to traffic, BUPD has certified and equipped two additional officers for bike patrol increasing their coverage of campus.

Even with all these accomplishments, Wigtil is focused on continued improvement of the department.

"Baylor University is committed to safety. We wake up each day focused on how to get better and create an even safer

campus," Wigtil said. "The Baylor Police Department will never become complacent and will continue to evaluate, research and implement new programs to enhance safety on campus."

Wigtil's commitment is clear as he encourages additional training for Baylor police officers. Wigtil said the Texas Commission on Law Enforcement requires officers to complete 40 hours of training every two years. His officers easily double that.

"In 2015 and 2016, on average, Baylor officers completed 100 hours of training in one year alone," Wigtil said. "We are on track to continue that level of training this year."

Part of the department's extensive training includes 32 hours of in-service training each May to cover Baylor-related policies and procedures related to issues such as Title IX and the Clery Act.

While campus safety is paramount, Wigtil and Baylor police officers do not confine their duties to just the campus grounds. They are focused on making an impact on the city and students off-campus as well.

"We expanded our crime-free multi-housing program partnership with the City of Waco to ensure the safety

of our students who live in the apartments and houses near campus," Wigtil said. "To become certified in the program these housing complexes must meet stringent security standards."

Even with such rapid departmental progress, Wigtil is looking forward to positioning the department as a gold standard for university law enforcement. He said BUPD has enrolled in the International Association of Campus Law Enforcement Administrators' (IACLEA) accreditation program.

"We will be required to meet 215 standards, which represent the best practices in campus law enforcement across the country," Wigtil said.

While accreditation and reaching gold-standard status are important, Wigtil believes there is a higher calling for him and the Baylor police officers.

"I believe God has amazing plans and purposes for each and every student at Baylor. At BUPD, we are working attentively to maintain a safe campus to protect that destiny," Wigtil said.





# Research, Depth of Knowledge Strengthen Assault Prevention Measures at Baylor

Recently, conversations across the country related to Title IX have expanded to focus on the importance of helping students to understand how and where to report instances of sexual violence as well as efforts to prevent their occurrence. Increasing student awareness of the support available through the Title IX Office, the effects of sexual violence on survivors and the ways in which bystanders can diffuse violent or potentially violent situations are key priorities of Baylor's sexual assault awareness and prevention programming.

"Awareness and reporting go hand-in-hand with effective prevention," said Sarah McPherson, prevention and training specialist in Baylor University's Title IX Office. "What is commonly understood among prevention workers is that as awareness and prevention measures become more effective, we typically see reporting increase for a period of time. Prevention is tied to greater awareness of unsafe situations and unacceptable behavior, which is tied to an understanding that we in the Title IX Office are here for students, along with other resources. Reporting reflects students' trust in us and in the policies in place, as well as a shift in the campus culture."

McPherson studied psychology and anthropology as an undergraduate at the University of Pittsburgh and later earned a master's degree from Baylor's Diana R. Garland School of Social Work. Before joining the Title IX Office in 2015, she worked as the prevention coordinator at Waco's Advocacy Center for Crime Victims and Children. Her time in this role solidified something McPherson already knew—that attitudes about gender are so tightly woven into the cultural fabric, in part, because they take shape in early childhood.

"Prevention starts very early," she said. "When I was with the Advocacy Center, we went into schools and talked with kindergarteners, middle schoolers, high schoolers, each in age- and developmentally appropriate ways, about things like consent and bullying, emotions and gender stereotypes. From a young age, the messages we receive about what is manly or not – which colors or clothes are for boys and which are for girls – that can inform, when we're older, how we think about the way men and women should be treated."

By the time students enroll at a college or university, a reliance on ineffective prevention measures is all too common – namely risk reduction techniques which place the responsibility of prevention primarily on victims. These may well be sound, common-sense tips, but they do not constitute an effective, long-term prevention strategy.

Challenging harmful and often deeply rooted attitudes while promoting a campus-wide culture of care and understanding for one another is the goal motivating everyone in the Title IX Office. The national "Its On Us" campaign was adopted at Baylor in 2015 and has helped



to usher in palpable change in the way faculty, staff and students acknowledge the reality of sexual violence and the role of the individual in its prevention.

“‘It’s On Us’ is a powerful message and a rallying cry directed not only toward students, but also faculty, staff and administrators,” McPherson said. “That messaging is all over campus.”

Baylor’s It’s On Us Student Advisory Council met weekly with staff in the Title IX Office throughout the 2016-17 academic year and organized a robust calendar of programming. An It’s On Us football game involved signature boards for anyone taking the It’s On Us Pledge, campaign stickers, and a stirring video which aired during the game.



At the first mandatory training event for incoming students, Baylor Theatre actors performed a series of skits illustrating examples of effective bystander intervention; and new students were introduced to key staff within the Title IX Office, including Title IX Coordinator, Kristan Tucker.

“The school year was particularly ‘front-loaded’ with programming as students and faculty were returning to campus,” Tucker said. “And in March, we had 150 to 200 or more students attend a panel discussion about victim blaming. It was hosted by the communications department. I sat on the panel with a local counselor, a professor and researcher from the University of North Texas and a staff member from Baylor marketing and communications. It was very successful. Then in April, Sexual Assault Awareness Month, the [It’s On Us Student Advisory] Council really took the lead in planning a four-week speaker series discussing sexuality within different contexts – within the Christian faith, within society. Baylor faculty attended and shared research and experience. We’re just having really good conversations, good dialogue about these tough topics, which helps to raise awareness and open doors.”

Influenced by the Social-Ecological Model, a four-level model for understanding violence promoted by the Centers for Disease Control and Prevention, Title IX Office staff are always negotiating the complex interaction between individual, relationship, community and society in developing the most effective strategies for prevention.

“We must move away from measures and ideas that promote viewing all men as perpetrators and all women as victims,” McPherson said. “That change is not going to happen through any single training module or presentation alone. Understanding the reason why there is violence will require research. It will require a lot of deep digging and examining the messages reinforced by the culture.”

To that end, Baylor students were recently invited to take part in a Campus Climate Survey the results of which will be analyzed this summer and will inform prevention efforts at Baylor, including training modules.

“We were pleased with the participation rate because this is the first time we’ve conducted this survey,” Tucker said. “It’s completely voluntary, so [the participation] has demonstrated that students are willing to help us understand where they’re coming from, to make a difference.”

Within a relatively short amount of time, Baylor’s Title IX Office has experienced rapid evolution thanks to significant investment by the University – resources that allow the Title IX Office as a whole to function more proactively, with an eye toward the future. In May, Tucker and McPherson are excited to launch Green Dot, a violence prevention program whose approach relies on peer influence and views all individuals as potential bystanders capable of recognizing and diffusing violence before it starts.

“About 35 Baylor faculty and staff members from a variety of departments across campus have committed to a four-day ‘Train the Instructor’ session with Green Dot,” McPherson said. “These Baylor employees receive training, and via word-of-mouth, those employees generate interest in the program within their circles. It’s unique in that the rollout happens in stages, and this is only the first stage. Unlike other faculty, staff and student training, Green Dot training is not mandatory. According to research, you get the most buy-in and the program is most effective when it’s totally organic and grass-roots in the way awareness spreads and changes the culture.”

important, Wigtil believes there is a higher calling for him and the Baylor police officers.

“I believe God has amazing plans and purposes for each and every student at Baylor. At BUPD, we are working attentively to maintain a safe campus to protect that destiny,” Wigtil said.





# Baylor Set to Implement First Phase of Green Dot Program

Beginning Summer 2017, Baylor University's Title IX Office will launch an innovative and growing prevention initiative called, the Green Dot, etc. program. Commonly referred to as Green Dot, the program views every person within a population or community as a potential bystander of interpersonal violence. It is one of only four assault prevention programs recognized by the Centers for Disease Control (CDC) as "promising, based on their comprehensive program models and documented evidence of impact on sexual violence," according to the CDC website.

"It is very well thought-through and researched in a way I haven't seen in some other similar programs," said Kristan Tucker, Title IX coordinator at Baylor University. "That's not to say other prevention programs aren't good; it's just that Green Dot has been around for a long time and is proven to be effective."

In 2014, the Center for Research on Violence Against Women at the University of Kentucky published the results of a five-year study evaluating the efficacy of the Green Dot program in Kentucky high schools. Their findings indicated a 50 percent reduction in self-reported sexual violence perpetrated by students at Green Dot-trained high schools, compared to a marginal increase at schools that did not receive training. Researchers also found a 40 percent drop in self-reported violence of any kind (including sexual violence, sexual harassment, stalking and dating violence) at Green Dot-trained schools, compared to only a small reduction at the non-Green Dot schools.

## What's with the Green Dot?

When a contagion of uncommon virulence begins to spread somewhere in the world, it is called an outbreak and the story is picked up by major news networks. On an enlarged map of the affected region, each reported case is represented by a red dot. As a television news anchor reads the prompts, viewers watch the red dots multiply, eventually overlapping one another and covering the map.

"Green Dot is asking you to imagine that the map is your town or your campus, and the red dots represent acts of power-based violence," said Sarah McPherson, training and prevention specialist in Baylor's Title IX Office. "That red dot also represents a moment of inaction by a bystander. They made a choice to do nothing."

Conversely, a green dot placed in the middle of all of the red dots represents a proactive step or choice to intervene, an instance wherein violence is prevented. One green dot begets another and another.

"A green dot is any behavior, choice, word or attitude that promotes safety for all our citizens and communicates utter intolerance for violence," according to [livethegreendot.com](http://livethegreendot.com).

## Implementing Green Dot

The program's stated goal is to mobilize a force of engaged and proactive bystanders. To that end, approximately 35 Baylor faculty and staff members from a variety of departments and divisions have volunteered to attend a four-day Green Dot instructor training session in May. Hosted by the Title IX Office, completion of the 32-hour training will equip participants to play an integral role in implementing Green Dot across campus – a rollout unlike any Baylor has ever seen.

"Part of the Green Dot way is that in order for it to spread, it has to be organic and grassroots," McPherson said. "There can't be mandatory trainings, according to the research. The success of the program depends on that grassroots approach. Having a wide variety of faculty and staff trained means they'll have that buy-in with their students and their peers and their colleagues, and they can say, 'Hey, here's this great thing I spent four days learning and I'm really excited about it. Do you want to hear more?' It will be really amazing for our campus."

What McPherson is referring to – the model of social change on which Green Dot was built – is called sociological diffusion of innovation, a theory posited by American communication theorist and sociologist Everett Rogers in the early 1960s. A few individuals become aware of a new idea or behavior, their interest is piqued as they learn more. They adopt the new idea or behavior and influence others to learn more and adopt, too, until a critical mass of people willing to engage in the new behavior is achieved. This process of social change is recognizable everywhere on national and regional scales, and within tight-knit communities; but it takes time and patience, and its success requires strategy.

Tucker, who has experience with other violence prevention programs, explained that a more "top-down" implementation of prevention programs on campuses is common. Green Dot is focused on effecting social change through relationships, connections, knowledge and social marketing, regardless of rank, title or position.

"I've utilized other programs in previous positions, and I've been trained in those programs," Tucker said. "Green Dot is not focused solely on the president or highest-ranking officer in an organization as a means of changing a place. It's not about "I'm in charge and I say do this." [Green Dot] relies on the people who are influencers in the population because they have that personality, that charisma, that

caring spirit that draws people together and makes them want to do similar things."

Following this month's 'Train the Instructor' phase, these 35 men and women will be prepared to facilitate bystander intervention training on campus. They will actively engage colleagues, friends and students on campus to equip more potential bystanders with the tools they need to understand the barriers to taking action and to intervene if they find themselves in a bystander situation. The result is a growing number of people within our community prepared with real-life methods to intervene in the event they encounter a violent, or potentially violent, situation.

"As part of the program's design, we can't force or mandate anyone to attend training, and we won't even progress to speaking about or doing Green Dot trainings with incoming freshman classes until the second year of its implementation," McPherson explained. "The program focuses on getting that buy-in from the influential folks on campus; and if you think about it, that's not going to include new freshman coming to campus for the first time. The influencers are trained first and then they 'live the Green Dot,' they live out bystander intervention, promote that through their actions and conversations, getting their peers to ask, 'What is Green Dot? What is this all about?' Then, those people can be training in the Green Dot model."

With a goal of impacting prevention on every front, Baylor's Title IX team also is adding a second full-time training and prevention specialist to reach out to student organizations, campus leaders, and the broader campus community to engage them in conversations and educational opportunities to help them understand the impact of sexual violence and provide tips for prevention and information about reporting options and resources available to all students, faculty and staff.







# A Milestone in Our Continuing Progress

In May 2016, Baylor University's Board of Regents heard the comprehensive findings of a nine-month, independent investigation into the University's response to reports of sexual violence within its campus community. A broad array of 105 recommendations was released to the public and became a blueprint for improvement under the leadership of Interim President David Garland in the months that followed.

On May 11, 2017, the Baylor Board of Regents received a briefing affirming that all 105 recommendations are now structurally complete, with some elements that remain ongoing to sustain this effort. For each recommendation, the infrastructure and foundation are in place, and the University continues to work diligently to integrate implementation efforts across campus. A written report by national experts Gina Maisto Smith and Leslie M. Gomez, of Cozen O'Connor, detailing both an internal and external audit of the completion of the recommendations will be released later this summer.

"My top priority during my interim presidency was to implement these expansive corrective actions that demonstrate Baylor's firm institution-wide commitment to improving our processes, communication, training and response. We want to re-ignite a culture of respect and character that reflects Baylor's Christian mission," Garland said. "I appreciate the work of the many task forces and implementation groups consisting of members from Baylor's faculty, staff, students and administration. They cared deeply about their work, and their dedication has led to greater awareness of and the prevention of sexual assault that plagues campuses across the nation. Their efforts led to the development of

a robust Title IX Office, with mandatory Title IX training for all students, faculty and staff; and additional support services for all students who need them, among many other significant improvements.

"It is important to note that for some of the recommendations, there is no completion point as they speak to an overall culture of compliance and commitment to ongoing initiatives, not necessarily a one-time 'to-do list.' These recommendations will be ongoing as we continue to make them operational throughout the campus. We look forward to sharing a public accounting of the University's response related to the recommendations and institutional focus on Title IX and the Violence Against Women Act, which we believe may serve as an industry benchmark for all of higher education."

Among the most notable improvements:

- A Chief Compliance Officer with responsibility for Title IX and other federal and state regulatory standards has been named.
- Vice President and Director of Athletics Mack Rhoades and Head Football Coach Matt Rhule, who each value the University mission and the integration of athletics



into the life and purpose of the University, have joined Baylor's administration.

- The staff of Baylor's Title IX Office has been expanded, including the hiring of a full-time training and prevention coordinator (with the search for a second underway), and the office has grown into one of the largest in the Big 12.
- A new Title IX policy, informed by leading experts in the field, has been approved, implemented and distributed to all faculty, staff and students.
- An amnesty provision has been incorporated into the Title IX policy to break down potential barriers to reporting, and an online, confidential reporting tool has been launched.
- Mandatory training for faculty, staff and first-year students has been completed and additional training for upper-division students has been provided.
- A centralized database of student conduct information has been implemented across multiple departments.
- A mandatory drug-testing and education program has launched within the University's athletics programs, ensuring compliance above Big 12 and NCAA standards.
- The staff of Baylor's Counseling Center has doubled in size; trauma-informed training and PTSD treatment training have been completed among the counseling center staff; physical space for the counseling center has almost tripled; and new specialists to assist with trauma recovery have been hired over the past year.
- A full-time Clery coordinator has been named and more than 600 employees designated as Campus Security Authorities (CSA) have been identified and trained to reinforce Clery Act reporting obligations.
- The University President meets monthly with the Director of Athletics, Senior Associate Athletics Director for Compliance, and University Chief Compliance Officer to monitor compliance in all areas of the University.
- New student-athlete transfer policies and recruitment policies have been implemented.
- Baylor police officers have each completed an average of 100 hours of training – more than twice the number of hours required by the Texas Commission on Law Enforcement. Included in BUPD training is 32 hours of in-service training to cover Title IX and the Clery Act. Investigators have completed the Texas Sexual Assault Family Violence Investigators Certification Course

and the Victim-Centered Interviewing and Forensic Interviewing Course.

- A Victim Advocate has been hired to assist complainants throughout the reporting and investigative process, which includes helping the complainant navigate Title IX and criminal justice processes.
- Baylor police now video record all complainant, witness and suspect interviews to reduce the need for complainants to relay information more than once and aid investigators by allowing them to gather information firsthand.
- Baylor has strengthened its partnership with the Waco Advocacy Center and participates in McLennan County's Sexual Assault Response Team.
- A student-focused social climate survey was completed, the results of which will shape additional awareness and prevention training and communication strategies.
- Baylor's Board of Regents adopted more than 30 detailed best-practice recommendations for improvement to university governance that resulted from a comprehensive, independent task force review.

In addition to the structural completion of the 105 recommendations, Baylor University has selected Linda A. Livingstone, PhD, current dean and professor of management at The George Washington University School of Business, as the institution's 15th president. Dr. Livingstone was the unanimous choice of the Baylor Board of Regents, following the recommendation of the 12-member Presidential Search Committee.

Dr. Livingstone, who will begin as president on June 1, brings a distinguished academic career to Baylor. Prior to George Washington, she served as dean of Pepperdine University's Graziadio School of Business and Management and associate dean and associate professor in Baylor's Hankamer School of Business.

"We are going to do everything we can to be sure we provide a safe and healthy environment for all of our students," Livingstone said. "I'm committed to that, I know the Board of Regents is committed to that and we will continue to be vigilant in that as we move forward."





# Connecting Students and Providing Leadership Opportunities

The opportunities for students to connect and develop a sense of belonging at Baylor are on the rise. The division of student life is actively engaged in enhancing the Baylor experience outside of the classroom through innovative partnerships across campus led by Director of Student Activities Matt Burchett. "The variety of what's being offered to students is significantly greater than what it was five or six years ago," according to Burchett. In 2010 the campus had 220 official organizations with 5,500 students taking part in campus activities. This year, that number was more than 300, with more than 9,000 students getting involved. By nature of the volume of activities available, Burchett said, the variety of opportunities available for students to connect to distinct and unique experiences has also grown.

Baylor's Department of Student Activities encompasses Campus Programs, Greek Life, Student Organizations, Spirit and Traditions, Waco Hall and the Baylor Student Union. "Our events have gone from being smaller, more organization-driven to really being campus-wide," said Burchett.

## New Activities

Vice President for Student Life Kevin Jackson said in the past two years weekend programming has grown, including everything from free bowling in the Bill Daniel Student Center to outdoor concerts to showing movies on the massive video screen in McLane Stadium. Additionally, Student Activities is seeking to expand coffeehouse-style events in the student center, increase the showing of first-run movies on weekends and team up with organizations like residence halls and Greek organizations to sponsor more thematic events.

## Late-Night Activities

This fall, the campus will move toward a late night programming model, a growing trend among universities across the country. Baylor will begin offering programming at the same time, on the same day and in the same location every weekend from 9 p.m. until 1 a.m. "It provides space for students who are wondering, 'What can I do tonight?'," said Burchett, adding that instead of relying on event-specific promotion, the focus will be on creating an expectation that something fun will be happening each week at a specific time and place. New programming may include personalities or acts, concerts, DJs or other activities inside the student union.

## Safety

Baylor is looking at research to see how student programming can help provide a safer environment, particularly through late-night programming. "Our



findings indicate that the approach we are planning will create an environment that engages students and keeps them on campus. I would say by the sheer nature of creating space for that, it's going to be a positive contribution to the campus community," said Burchett. "Studies are showing more consistently that late night programming is having a significant impact on the mitigation of alcohol, drug and violence reports across college campuses."

Jackson added there are a number of reasons why offering on-campus activities makes the college experience safer for students. Among them, "Students tend to be more familiar with campus and less likely to find themselves in vulnerable situations, and if for some reason they do, bystanders tend to intervene more readily because they have a greater understanding of the expectations for conducting oneself on campus."

## Student Involvement

A few years ago Baylor shifted to a student-led activities model. The Student Activities department provides support and mentorship, but relies heavily on student leadership to execute campus events. "Students are constantly dreaming up innovative and engaging programs to host on campus. It's our responsibility to equip them with the resources, training and support to help these dreams thrive as they work through the challenging processes associated with event planning," said Burchett, noting that a marketing strategy is also key. "When our students are leading the way it generates relevant programming that significantly contributes to a vibrant campus community."

Danny Dominguez is one of those students involved in shaping student activities. He is a member of Baylor Chamber of Commerce, a campus group that oversees the university mascots and coordinates campuswide events like Diadeloso and Homecoming. Dominguez is also an employee in the Student Activities office and Chair of the Baylor Line where he coordinates Baylor's freshman cheering section at each home football game. "I hope (student activities) provides an opportunity for students to create long-lasting relationships, memories and experiences with people they may not have otherwise interacted with. We want to help shape students in fun, interactive and service-centered ways that traditional classroom experiences cannot," said Dominguez.

## Partnerships

As part of the expanding opportunities available to students, Baylor began identifying gaps in its programming and developing collaborations in the Waco community. What developed were partnerships with the

Cameron Park Zoo, the Waco Downtown Farmer's Market, the Hippodrome Theatre, the city of Waco and the Waco Chamber. Movie Mondays takes place each week at the Hippodrome, where a documentary is free for students and open to the community, averaging an attendance between 100 and 150 at each showing. Last Labor Day weekend, hundreds of students took part in a wide range of activities including a Brazos River float hosted by the city.

## Staying in the Know

Baylor Connect, an online organization management platform, was launched two years ago to help students connect. Students can search the database by key word for an activity that interests them or look at what's taking place on a specific day. The platform also allows organizations to manage and market their events through social media.

As the school year comes to an end, Burchett hopes that students have developed meaningful relationships with a depth that persists beyond their time on campus. "When I talk to first-year students and their parents, one of the analogies I like to use is in every great story, the character changes. No one wants to go to the movie where the character is introduced at the beginning and is the exact same at the end," said Burchett.

"In the Baylor story, that's where I'm hoping our students come to – that they'll become more aware of the challenges and opportunities in front of them that being involved in or attending a campus program or choosing to engage in leadership opportunities brings," Burchett added. "That it will somehow equip them to become a better person themselves. That when they graduate they'll look back and say, 'Look how far I've come. I'm so proud of who I am, where I'm going, what I've learned.' That they've lived a really good story here."

### Student Activities 2016-2017 by the Numbers

- Total Events: 11,072
- Number of Speakers: 98 not including Chapel
- Number of T-Shirts: 442
- Total Active Organizations: 323
- Total Student Involvement: 9,000+

## Stay in the Know

- Twitter: [@BaylorSA](#)
- Instagram: [@BaylorStuAct](#)
- Website: [baylor.edu/studentactivities](http://baylor.edu/studentactivities) (new site launching in June)





# Distinguished Leader Takes the Reins at Baylor

On April 18, 2017, Baylor University announced the selection of Linda A. Livingstone, PhD, current dean and professor of management at The George Washington University School of Business, to become the institution's 15th president.

A Perkins, Oklahoma, native, Dr. Livingstone played varsity basketball at Oklahoma State University, where she earned a Bachelor of Science in economics and management, a Master of Business Administration and a Doctor of Philosophy in management and organizational behavior. Her husband Brad also played basketball at Oklahoma State, and their daughter Shelby, who was born in Waco, is a rising senior on Rice University's volleyball team.

Dr. Livingstone began her professional career at Oklahoma State as a graduate teaching assistant and research assistant in the management department. She joined Baylor's faculty in 1991 as an assistant professor of management and became associate professor in that department in 1997. The following year, she was named associate dean of Baylor's business graduate programs.

Dr. Livingstone left Baylor in 2002 for Pepperdine University, where she served as dean of the Graziadio School of Business Management and professor of management. In 2014, she was named dean and professor of management for the George Washington (GW) University School of Business.

Dr. Livingstone has answered numerous questions from media over the past weeks. A sampling of those conversations follows.

## **As a former collegiate athlete, what is your view of the role of athletics in higher education, particularly at Baylor?**

We're an academic institution, and that's the core of our business. But wrapped around that are a lot of other experiences that inform and build on the academic and Christian mission of the institution. Athletics is an important part of that. It's one of the most visible things we do on a campus; it's a tremendous window into the institution. As much as we sometimes wish we received that kind of publicity for an amazing research project that a faculty member does or some other amazing activity in which a student engages, in our society, athletics gets that attention. But what you do in athletics has to support the Christian mission and the academic mission, not the other way around. We will focus on continuing to excel on the court and on the field, but doing it in a way that enhances and supports the core academic mission and the core Christian mission of the University.

## **What is the significance of being named the first female president of Baylor, especially in a time when the focus is on the safety of women on campus?**

I have a great appreciation for Baylor's history and certainly understand what my being named president means in that



context. But it is not the first time in my career that I have been the first woman at doing something, I think I can take that on. I certainly appreciate the confidence that the search committee and the Board of Regents have shown in me as a leader and am grateful that they believe I am the right person for Baylor at this particular time – regardless of my gender. I look forward to the opportunities that are ahead.

In regard to the second part of your question regarding campus safety, I obviously take those issues very seriously. They are certainly important issues because they affect the entire community – female students to be sure – but also male students and others in the community as well. And it is certainly my commitment coming into this role that at Baylor we are going to do the right things, certainly according to federal and state guidelines and law, and beyond that, the right things as an institution of higher education.

We are going to do everything we can to be sure we provide a safe and healthy environment for all of our students. I'm committed to that, I know the Board of Regents is committed to that and we will continue to be vigilant in that as we move forward.

### **What do you see as your biggest challenge in moving Baylor forward?**

It has been a difficult time for Baylor, given all that has gone on in the last year or so. And I look forward to working with the members of the Baylor Family, the Baylor community. I think one of the things that is so special about Baylor is the tremendous passion that people have for the University and the love they have for the University. In spite of some of the challenges that we have to work through, I think that foundational sense of commitment to Baylor and love for Baylor is really critical, and we have to build on that.

I believe we also must continue to build on the many exciting initiatives that are going on at the University. And if we can do that and bring people together around the good

that is going on at Baylor, about the changes that are taking place, we can work through any differences, and we can bring people together. We certainly need to do that to take full advantage of the opportunities that Baylor has ahead of her.

### **What did you need to know in order to feel comfortable taking this position?**

I had some really in-depth conversations with both the search committee and then certainly with the Board of Regents, as well as with some individual Regents along the way and then even more recently with some of the administration at the University. I wanted to understand the issues that had been addressed, how they felt they were making progress on those, and what issues need to continue to be worked on in that process. We talked quite a bit about some of the investigations and lawsuits that Baylor is facing. So, I go into this with eyes wide open about some of those continuing challenges that we have to work through.

I asked some questions about the commitment of the Regents to continue to work through these issues and ensure we get to the right place as a university. Beyond that, we talked about the commitment of the University to move to tier-one academic status, to really focus on excelling as an outstanding academic institution. How are we going to do that? How are we going to continue to support faculty to ensure their success? How do we move forward with regard to student life to ensure that we're doing the right things to support students both inside and outside of the classroom?

We certainly talked a lot about the specific issues that have gone on in the last 18 months, but we talked much, much more broadly about the mission of Baylor University and how we grow that — the academic trajectory of Baylor and how we ensure we continue to move forward to advance Baylor even beyond what the University is doing now that is making a huge difference in Texas and around the world.







# Baylor Board of Regents Announces Improvements to Structure

At its regular spring meeting, the Baylor University Board of Regents announced implementation of best-practice governance policies and procedures and took action to approve new Board members.

The Board received a year-end update from Regent J. Cary Gray, BA '79, BAcc '80, JD '83, chair of the Board's Governance and Compensation Committee, on additional improvements to the Board's structure and progress toward implementing the best-practice recommendations from an independent Governance Review Task Force. In February, the Board approved the slate of governance recommendations, which will go into effect on June 1.

Among the adopted recommendations were restructuring committees and enlarging the Board's Executive Committee. Regents voted to approve the new committee structure and new officers and committee chairs, who also will serve on the Executive Committee:

Elected as chair, vice chairs and committee chairs are:

- Joel T. Allison, BA '70, of Dallas, Chair
- Daniel H. Chapman, BBA '66, M.B.A. '73, of Dallas, Vice Chair
- Jerry K. Clements, JD '81, of Austin, Vice Chair
- Mark Hurd, BBA '79, of Redwood Shores, California, Vice Chair
- Drayton McLane Jr., BBA '58, of Temple, Chair, Regent Emeriti
- Larry P. Heard, BBA '80, of Houston, Chair, Finance and Facilities Committee
- J. Cary Gray, BA '79, B.Acc. '80, J.D. '83, of Houston, Chair, Nominating, Governance and Regent Leadership Committee
- Bob Beauchamp of Houston, Chair, University Leadership and Compensation Committee
- David H. Harper, BBA '88, of Dallas, Chair, Academic Committee
- Jennifer Walker Elrod, BA '88, of Houston, Chair, Student Life Committee
- Mark Rountree, BBA '86, M.T.A. '87, of Dallas, Chair, Audit Committee
- Dan Hord III, BBA '89, of Midland, Chair, Compliance and Regulatory Committee
- Jeff D. Reeter, BBA '84, of Houston, Chair, Advancement and Development Committee
- Ronald D. Murff, BBA '75, of Dallas, Past Chair
- Dr. Linda A. Livingstone, President-Select



In other action, the Board elected three new at-large Regents:

- Jill Manning, BBA '84, of Dallas – three-year term; retired vice president and chief financial officer, Efficient Networks Inc.; member of Park Cities Baptist Church
- Alicia D.H. Monroe, MD, of Missouri City, Texas – three-year term; provost and senior vice president for academic and faculty affairs, Baylor College of Medicine; member of Windsor Village Methodist Church, Houston
- Julie Hermansen Turner, BBA '67, M.S.E.D '68, of Dallas – two-year term; community volunteer and philanthropist; member of Park Cities Baptist Church; previously served a one-year term on the Board as part an agreement with the Baylor Line Foundation

Elected by Baylor alumni and welcomed by the Board to a three-year term as an alumni-elected Regent is:

- Melissa Purdy Mines, BA '90, of Austin; vice president of client success at Bulldog Success; member of First Baptist Church of Austin

Regents re-elected by the Board to three-year teams are:

- Miles Jay Allison, BBA '78, M.S. '80, J.D. '81, of Frisco, Texas (final three-year term)
- Kenneth Q. Carlile, BA '69, Ph.D. '96, of Marshall, Texas (final three-year term)
- Jerry K. Clements, JD '81, of Austin, Texas (final three-year term)
- Mark A. McCollum, BBA '80, of Houston (final three-year term)
- C. Clifton Robinson, BBA '63, of Waco, Texas (final three-year term)
- Mark Hurd, BBA '79, of Redwood Shores, California (second three-year term)
- Neal Jeffrey, B.B.A. '75, of Plano, Texas (second three-year term)
- Mark E. Lovvorn, BBA '76, B.Acc. '77, of Dallas (second three-year term)

Regents reappointed by the Baptist General Convention of Texas last fall and confirmed by the Board are:

- Milton Hixson, BBA '72, of Austin (final three-year term)
- Dennis R. Wiles, PhD, of Arlington (second three-year term)

Honoris Causa Faculty Regents elected by the Board are:

- Andrea L. Dixon, PhD, associate professor of marketing and director of the Keller Center for Research and Center for Professional Selling, Hankamer School of Business; member of the Faculty Senate (served one year and reelected to serve through 2019)
- Gaynor I. Yancey, DSW, professor, Master Teacher and director of the Center for Family and Community Ministries, Diana R. Garland School of Social Work; University Faculty Ombudsperson (elected to a three-year term)

Honoris Causa Student Regents approved by the Board for one-year terms are:

- Hannah Vecseri, a junior University Scholar from Houston
- Will Cassara, a sophomore pre-business major from Keller

Upon completion of the selection process, the Board also expects to elect Honoris Causa Athletic Regents from The Baylor Bear Foundation and the "B" Association.

Terms begin on June 1.

"I can assure the Baylor Family that the members of the Baylor Board of Regents – the overwhelming majority of whom are active alumni or parents of students transformed by this University – are continuously working to improve the Board and our governance structures," Murff said. "We love this University and voluntarily give of our time and resources to support it. We strive to understand the laws governing private university boards, study other universities to determine best practices we can incorporate into our own operations, engage with experts who have a national view of higher education trends and Board governance, and continue to enact improvements that help us be efficient, effective and forthright. This commitment to continuous improvement reflects the pursuit of excellence that is the cornerstone of Baylor University."





# Reflecting on a Year of Significant Change and Progress

For the past 12 months, Baylor University has been intensely focused on substantive improvements to awareness, prevention and response to the needs of those impacted by sexual violence.

This campus-wide effort involving personnel, processes, systems and support services was initiated last May after Baylor's Board of Regents heard the comprehensive findings of a nine-month, independent investigation into the University's response to reports of sexual violence within its campus community.

Then on May 26, 2016, the Board undertook several unprecedented actions – making significant changes to university and athletics leadership, publicly releasing scathing findings from the investigation that outlined the University's failures, and making public a broad array of 105 recommendations for improvement that were drawn from the investigation. These recommendations became a blueprint for work across the University in the months that followed.

One year later, at its May 2017 meeting, the Baylor Board of Regents received a briefing affirming that all 105 recommendations are now structurally complete, with some elements that remain ongoing to sustain this effort. For each recommendation, the infrastructure and foundation are in place, and the University continues implementation efforts across campus. A written report by national experts Gina Maisto Smith and Leslie M. Gomez of the Philadelphia-based law firm Cozen O'Connor P.C. detailing

both an internal and external audit of the completion of the recommendations will be released later this summer.

Making substantive improvements has never been a 'to do' list for Baylor. This commitment to improvement comes from a deep sense of responsibility as part of our Christian mission and heartfelt care for our students. These improvements have been made because they are the right things to do and the University will continue to be attentive to the needs of students, the guidance provided by the government and best practices learned from national experts.

Among the most notable improvements over the past year, many resulting from implementation of the 105 recommendations:

- A Chief Compliance Officer with responsibility for Title IX and other federal and state regulatory standards has been named.
- Vice President and Director of Athletics Mack Rhoades and Head Football Coach Matt Rhule, who each value the University mission and the integration of athletics into the life and purpose of the University, have joined Baylor's administration.



- The staff of Baylor’s Title IX Office has been expanded following a \$4.3 million investment, including the hiring of two full-time training and prevention coordinators, and the office has grown into one of the largest in the Big 12. Physical space for the Title IX Office has almost doubled and implementation of the Green Dot program has begun.
- A new Title IX policy, informed by leading experts in the field, has been approved, implemented and distributed to all faculty, staff and students.
- An online anonymous reporting tool and 24-hour access to crisis support have been established.
- An amnesty provision has been incorporated into the Title IX policy to break down potential barriers to reporting.
- Mandatory annual Title IX training for faculty, staff and first-year students has been completed and additional training for upper-division students has been provided.
- A “Report It” centralized database of student conduct information has been implemented across multiple departments.
- A mandatory drug-testing and education program has launched within the University’s athletics programs, ensuring compliance above Big 12 and NCAA standards.
- The staff of Baylor’s Counseling Center has doubled in size to exceed national recommendations, trauma-informed training and PTSD treatment training have been completed among the counseling center staff, physical space for the counseling center has almost tripled, and new support groups and specialists to assist with trauma recovery have been hired over the past year.
- A full-time Clery Act compliance manager and Clery Act associate have been named and more than 600 employees designated at Campus Security Authorities (CSA) have been identified and trained to reinforce Clery reporting obligations.
- The University President meets monthly with the Director of Athletics, Senior Associate Athletics Director for Compliance, and University Chief Compliance Officer to monitor compliance in all areas of the University.
- New student-athlete transfer policies and recruitment policies have been implemented.
- The number of commissioned officers in the Baylor University Police Department has increased to 38 and officers have each completed an average of 100 hours of training – more than twice the number of hours required by the Texas Commission on Law Enforcement. Included in BUPD training is 32 hours of in-service training to cover Title IX and the Clery Act. Investigators have completed the Texas Sexual Assault Family Violence Investigators Certification Course and the Victim-Centered Interviewing and Forensic Interviewing Course.
- A Victim Advocate has been hired within BUPD to assist complainants throughout the reporting and investigative process, which includes helping the complainant navigate Title IX and criminal justice processes.
- Baylor police utilize a trauma-informed approach to work with victims of assault and now video record all complainant, witness and suspect interviews to reduce the need for complainants to relay information more than once and aid investigators by allowing them to gather information firsthand.
- Baylor has strengthened its partnership with the Waco Advocacy Center and participates in McLennan County’s Sexual Assault Response Team.
- A student-focused social climate survey was completed this spring, the results of which will shape additional awareness and prevention training and communication strategies.
- Baylor’s Board of Regents adopted more than 30 detailed best-practice recommendations for improvement to university governance that resulted from a comprehensive, independent task force review.

Baylor University’s commitment to care for survivors of sexual assault and to prevent such acts in our community drives our pursuit of continuous improvement. Providing a safe environment in which all our students thrive as they find and follow their callings is the institution’s highest priority.

More information related to Baylor’s commitment, response and progress regarding the issue of sexual violence within its campus community can be found at [www.Baylor.edu/TheFacts](http://www.Baylor.edu/TheFacts).

**EXHIBIT 2**



## **Summary of Board Actions taken on May 13, 2016**

The Board approved the following actions:

1. The Board adopts the recommendations of Pepper Hamilton and instructs the University's administration or, as appropriate, certain Board committees charged with such responsibility, to implement the recommendations as soon as practicable in a manner consistent with the University's mission and institutional values. The previously formed Title IX Action Team should begin work immediately on such implementation.
2. The Action Team should also review and develop a set of immediate recommendations to foster an even more Christ-centered culture on campus, including the chaplaincy program, involvement of local churches and other Christian ministries on campus.
3. A follow up review will be initiated evaluating Baylor's current Title IX compliance and performance after the changes implemented during 2015-16 and another such review be conducted after the 2016-17 academic year.
4. The University calls on Baylor Nation to pray for healing for the victims of sexual assault at Baylor, for wisdom as to all these matters for all of the leaders, faculty and staff at Baylor, and for each member of the Baylor community to treat one another with dignity and respect as beloved children of God.



**EXHIBIT 3**



# BAYLOR UNIVERSITY

## GUIDELINE FOR INTERACTION BETWEEN HEAD COACHES AND MEMBERS OF THE BOARD OF REGENTS

Although it is understood that from time to time head coaches and members of the University's Board of Regents may have social interactions at fundraising events, media events, receptions or other social functions, head coaches and Board members shall refrain from contacting one another to discuss any issues related to the administration of the head coach's sport program or Baylor's intercollegiate athletics program, as well as any contract or employment matters of the head coach or coaching/support staff. Any discussion of such items of concerns must be handled in accordance with established University procedures within supervisory channels. Any questions regarding whether a specific interaction between a head coach and Board members should be directed to the Director of Athletics.



# GUIDELINES FOR INTERACTION

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## Do's

- Speak to head coach or coach's family members in social settings.
- Send congratulatory text or e-mail to head coach.
- Share information about prospective student-athletes in your area, but please be sure to share the communication with the Director of Athletics.

## Don'ts

- Discuss salary or employment matters of head coach or members of head coach's staff – this includes discussions with any person(s) representing the head coach, such as an agent.
- Discuss sport program, Athletics Department or University budget items.
- Discuss any student-athlete conduct issues.
- Discuss any human resource matter of any Athletics Department or University employee.
- Commit University funds to any sport program or Athletics Department project.
- Commit any personal funds to any sport program or Director of Athletics project without the involvement of the Director of Athletics or Development staff.
- Communicate, for the purpose of recruiting, with a prospective student-athlete or members of the prospective student-athlete's family or coaching staff, in-person, by telephone, e-mail or text.



BAYLOR  
UNIVERSITY



# BAYLOR UNIVERSITY

**EXHIBIT 4**

# BAYLOR UNIVERSITY

## BOARD OF REGENTS

### GUIDELINES FOR BOARD OPERATIONS

#### Table of Contents

1. BOARD ORGANIZATION
  - 1.1. Officers
  - 1.2. Terms of Office for Officers
  - 1.3. Committees
  - 1.4. Committee Appointments and Coordination
  - 1.5. Committee Charges
  - 1.6. Special Committees
  - 1.7. Baylor Endowment Investment Committee
  - 1.8. Regents Honoris Causa
  - 1.9. Regents Emeriti
  
2. BOARD MEETINGS, AGENDA AND ARRANGEMENTS
  - 2.1. Board Meetings
  - 2.2. Board Agenda
  - 2.3. Meeting Arrangements
  
3. ELECTIONS
  - 3.1. Election of Regents and Officers
  - 3.2. Other Elections and Appointments
  
4. PRESIDENTIAL GOAL SETTING AND ASSESSMENT AND INSTITUTIONAL PLANNING
  - 4.1. Presidential Goal Setting and Assessment
  - 4.2. Institutional Planning
  - 4.3. External Reporting
  
5. EXPECTATIONS OF BOARD MEMBERS
  - 5.1. Expectations
  - 5.2. Assessment and Reporting
  - 5.3. Impact on Continued Board Service

**6. BOARD PROFESSIONAL**

**6.1 Position**

**6.2 Qualifications**



# BAYLOR UNIVERSITY

## BOARD OF REGENTS

### GUIDELINES FOR BOARD OPERATIONS

#### 1. BOARD ORGANIZATION

##### 1.1. Officers

1.1.1. Officers of the Board are a Chair and three Vice Chairs. The Vice Chairs will perform such duties and functions as might be given in the Bylaws and as determined by the Chair and Vice Chairs, in consultation with the Executive Committee and may also serve as a chair of standing, special or ad-hoc committees. The Vice Chairs shall be available for receiving the opinions of any Regents regarding topics about which there may be significant differences.

1.1.1.1 The duties and functions of the Chair and each Vice Chair should be described to the full Board at the first regular meeting following the officers taking office.

1.1.1.2 Vice Chairs are not required to chair a standing committee. Vice Chairs may serve as standing committee chairs under the same process as outlined in Section 1.4.1.1.

1.1.2. In the case of a temporary absence or inability of the Chair to serve, the Chair should select a Vice Chair to perform the duties of the Chair. If the Chair fails to make such a selection, the three Vice Chairs shall select a Vice Chair to perform the duties of the Chair.

1.1.3. The Chair and a majority of the Vice Chairs must have completed their first term on the Board prior to taking office.

##### 1.2. Terms of Office for Officers

1.2.1. The Board year will parallel the academic year; i.e., begin on the first of June and end on the last day of May in the following year. In accordance with Bylaw 2.1, the Board Chair and Vice Chairs are elected for a term of one year and take office on June 1 following election at the annual meeting.

1.2.2. Ordinarily, each Regent should serve a maximum of three one-year terms as Chair and three one-year terms as a Vice Chair.

##### 1.3. Committees

1.3.1. There shall be nine standing committees: (1) Executive; (2) Academic Affairs; (3) Student Life; (4) Finance and Facilities; (5) Nominating, Governance and Regent Leadership; (6) Audit; (7) Compliance and

Regulatory Affairs; (8) Advancement and Development; and (9) University Leadership and Compensation.

- 1.3.2 As a general rule, standing committees should schedule their meetings in such a way as to minimize the instances when multiple standing committees are meeting at the same time. The President, Chair and Vice Chairs should, and each Regent is encouraged to, attend any standing committee meeting, recognizing (1) only members of that committee have a vote; (2) Regents who are not members of the committee are guests and should use discretion when participating; and (3) the Board Chair and Committee Chair maintains the prerogative to limit notice and attendance at a committee meeting to members of the committee only or to exclude specific Regents due to legal limitations, governance interests, and conflicts or potential conflicts, but should exercise prerogative sparingly. Each committee may meet in executive session which may exclude (1) members of the administration or (2) all persons (including Regents) who are not members of the committee. Further, a specific Regent may be excluded from a standing committee's particular meeting or a portion thereof, provided, however, such Regent should be provided notice and the Board Chair or Committee Chair should explain the reason for such exclusion to the Board.
- 1.3.3 Generally, each Regent is required to serve on one standing committee, and is encouraged to serve on two standing committees. Except for the Executive Committee, the Chair and past Chair are prohibited from serving as a voting member on any standing Committee. Members of the Executive Committee should expect to serve on one or two standing committees in addition to their Executive Committee membership.
- 1.3.4 The President, Chair, Vice Chairs and past Chair are encouraged to attend all committee meetings. Each committee should also consider including one or more administrators and/or faculty members to provide information helpful to the committee in fulfilling its charge. Each committee should hold an executive session at the beginning or end of each committee meeting for discussion of confidential matters. Committee executive sessions should not include the President or other members of the University administration. Further, there may be limited circumstances where it may be appropriate for only members of the Committee to attend.
- 1.3.5 The Executive Committee
  - 1.3.5.1 As a general rule, no person (other than the President) should serve on the Executive Committee more than six years.
  - 1.3.5.2 The Executive Committee should meet at least monthly and provide counsel and advice to the President.
  - 1.3.5.3 The Chair and President may invite other administration to participate in the meetings to provide additional insight on issues under discussion.

1.3.5.4 The Executive Committee should inform the Board in a timely manner of Executive Committee actions. When necessary, the Board should consider approval or ratification of those matters requiring Board approval.

#### **1.4. Committee Appointments and Coordination**

##### 1.4.1. Appointment to Committees

1.4.1.1 Prior to the annual meeting of the Board each year the Nominating, Governance and Regent Leadership Committee shall solicit interest and preference from each Regent regarding committee membership. The Nominating, Governance and Regent Leadership Committee shall then prepare a recommendation to the Board of the chairs, vice chairs and members of each standing committee. The Nominating, Governance and Regent Leadership Committee must also solicit input from the then serving Chair, Vice Chairs and Chairs of the Board committees. The Nominating, Governance and Regent Leadership Committee should consider prior board experience when selecting nominees for committee leadership positions. The Board shall vote regarding whether to approve the Nominating, Governance and Regent Leadership Committee's recommendation at the annual meeting of the Board.

1.4.1.2. Committee assignments shall be made in the best interest of Baylor, and there shall be no presumption that each Regent will rotate through each committee.

1.4.1.3. The Board Chair and Vice Chairs shall be ex officio members of all other Board committees, but shall have no vote in those committee matters. The President shall be an ex officio member of all Board committees, but shall have no vote in committee matters.

1.4.1.4. The members of committees are appointed for one-year terms. Other than the expiration of the term or terms of service as a member of the Board, there is no limit on the number of one-year terms a member of a standing committee may serve.

1.4.1.5. The Chair and Vice Chair of committees are appointed for one-year terms. Other than the expiration of the term or terms of service as a member of the Board, there is no limit on the number of one-year terms a committee Chair or Vice Chair may serve, however, it is recommended that no committee Chair serve for more than six years.

- 1.4.1.6. The Executive Committee requirements regarding composition and operation shall be set forth in the Bylaws.

The Executive Committee should also coordinate and assist in the activities of the various committees of the Board, assist the Chair in the development of meeting agendas, and act as an advisory group to the President and Chair of the Board.

- 1.4.1.7 All members of the Audit Committee must submit an updated Conflict of Interest Disclosure Statement and Information Sheet prior to accepting the committee appointment. The officers and the President should review the disclosures to ensure that the appointed members of the Audit and Compliance Committee are independent (i.e., no financial interest in the institution, no relationships with outside interests that do business with Baylor University, and no relationships with other members of the Board that could compromise independent judgment.)

- 1.4.1.8 The committee chairs shall work with the President to develop agendas for committee meetings. The agendas for committee meetings will be made available to the full Board.

## **1.5. Committee Charges**

- 1.5.1. Between the time of the appointment of the Chairs of the respective committees and the first regular meeting of the year, the incoming Board Chair and Vice Chairs will meet in person or by phone with the newly appointed committee Chairs and appropriate members of the administration to establish Board goals that support the mission of the University and its strategic plan.
- 1.5.2. The new Board Chair and Vice Chairs shall prepare a general charge to each committee so that committee work can relate strategically to overall work of the Board.
- 1.5.3. Prior to the first regular board meeting of the year, each committee will review its charge, confirm their agreement to fulfill the responsibilities, review proposed modifications regarding the charge with the Nominating, Governance and Regent Leadership Committee, and set goals and objectives for the year. Each standing committee will also review its annual calendar. At the first regular board meeting of the year, each standing committee shall report that it has reviewed its charter and committee calendar and discuss any changes to the charter which were approved by the committee and the Nominating, Governance and Regent Leadership Committee. [CWH: Committees must develop calendars.]

- 1.5.4. Committee charges, goals, and objectives will be distributed to each member of the Board following the summer retreat meeting and prior to the first fall meeting of the Board of Regents.
- 1.5.5. The charge, goals and objectives of the Audit Committee shall include the responsibility to ensure auditor independence and to make a recommendation to the Board regarding the awarding of the contract for an independent auditor based on a competitive process at least every five years.
- 1.5.6. The charge, goals and objectives of the Nominating, Governance and Regent Leadership Committee shall include conducting a comprehensive governance review at least every five years. The Committee must include in its review at least the following matters: the mission statement, fiduciary oversight principles, governing documents and board operating policies, conflict of interest policy and procedures, code of ethics, membership composition, and size and structure of the Board. The Board will also create a special committee between 2020 and 2022 to review implementation and effectiveness of the 2017 Governance Task Force recommendations. One-half of the special committee's membership shall consist of individuals who have not previously served on the Board.
- 1.5.6. Each committee shall prepare and present a robust summary report at each regularly scheduled Board meeting so that all Regents are fully informed about each committee's work. The Compliance and Regulatory Affairs committee shall also be required to provide an annual update to the Board.

**1.6. Special Committees**

- 1.6.1. The Chair, with the approval of the Board, may appoint ad-hoc and special committees, and such committees' terms will be specified at the time of committee appointment.

**1.7. Baylor Endowment Investment Committee**

- 1.7.1. The University endowment shall be managed by the Baylor Endowment Investment Committee in accordance with the Board-approved Endowment Investment Policy.

**1.8. Regents Honoris Causa**

- 1.8.1. The Board of Regents may have up to two tenured faculty members, two currently enrolled students, a member of the Baylor Bear Foundation and a member of the Baylor B Association elected to the Board as Regents Honoris Causa.
- 1.8.2. Regents Honoris Causa shall each serve terms as specified in the Bylaws.
- 1.8.3. The Vice President for Student Life shall submit to the Nominating, Governance and Regent Leadership Committee at least four students as

nominees for review and consideration as Student Regents. Similarly, the Provost shall submit to the Nominating, Governance and Regent Leadership Committee at least four tenured faculty members as nominees for review and consideration as a non-voting Regents. The Nominating, Governance and Regent Leadership Committee, will, after consultation with the Chairs of the Academic Affairs and Student Life Committee, nominate up to two students and up to two faculty members from either (1) the nominees or (2) any other qualified person. The student nominee(s) and faculty nominee(s) shall be presented for election in a manner consistent with the Board's election of Regents.

- 1.8.4. In the event of a vacancy of any Regent Honoris Causa, the Board may refill the vacancy or have it remain vacant until the end of the term.
- 1.8.5. Any faculty Regent shall in this role serve and act solely for the best interests of Baylor University but shall be expected to facilitate and communicate the views and interests of Baylor faculty. Similarly, any student Regent shall in this role serve and act solely for the best interests of Baylor University but shall be expected to facilitate and communicate the views and interests of Baylor students. Finally, the Regents providing perspectives from other University constituencies shall act solely in the best interests of Baylor University and shall be expected to communicate the views and interests of their respective constituent bodies.
- 1.8.6. Each of the Regents Honoris Causa must be a committed Christian and must have accepted Jesus Christ as both Lord and Savior and live in a manner that demonstrates his or her commitment to Him. The Regents Honoris Causa will not be included in any calculation of Baptist (or non-Baptist) Regents under the Bylaws. The Regents Honoris Causa may not serve on the Board of another BGCT institution of higher education or HighGround Advisors (formerly the Baptist Foundation of Texas).
- 1.8.7. All board policies or rules not in conflict with these provisions shall apply to the Regents Honoris Causa.

## **1.9. Regents Emeriti**

- 1.9.1. Regents Emeriti are elected by the Board after nomination from the Nominating, Governance and Regent Leadership Committee. Regents Emeriti should be selected based on their extraordinary service to Baylor and their ability to share institutional history and perspective. Regents Emeriti should not have term limits, but are subject to annual confirmation of continued service by the Board each year.
- 1.9.2. Regents Emeriti are permitted to attend each Board and Committee meeting unless the Board or Committee determines otherwise.
- 1.9.3. It is the express intent of the Board that there be a minimum of five Regents Emeriti.

- 1.9.4 One Regent Emeritus will be elected by the Board to serve as Chair of the Regents Emeriti. The term will be a single three-year term. The Chair of the Regents Emeriti may be a voting member of the Board and may serve as a member of the Board's Executive Committee during his or her three-year term provided that all requirements for Board members, including requirements regarding attendance are met.

## **2. BOARD MEETINGS, AGENDA, AND ARRANGEMENTS**

### **2.1. Board Meetings**

#### 2.1.1. Regular Board Meetings

2.1.1.1. The full Board shall hold at least four regular meetings a year, one of which shall be held in conjunction with the Board's annual summer retreat. In accordance with Bylaw 1.4, the President and the Chair of the Board shall set the date and times of all regular meetings. In order to help minimize scheduling conflicts, Regents may provide the President's office with a list of known scheduling conflicts for the following calendar year prior to May 1 of the preceding year. Called meetings may take place as often as needed when called in accordance with Bylaw 1.5.

2.1.1.2. The annual meeting will take place in the spring. At this annual meeting, the Board of Regents shall elect the officers of the Board for the ensuing year and shall elect new members of the Board of Regents.

2.1.1.3. The annual summer retreat must include an opportunity for strategic planning.

2.1.1.4. One or more Board regular meetings per year may take place outside of Waco, but within the State of Texas.

2.1.1.5. Materials for each regular meeting will be circulated in advance of the meeting unless a compelling reason not to do so exists.

#### 2.1.2. Committee Meetings

2.1.2.1. Committee meetings should be scheduled in such a manner as they do not conflict with one another.

2.1.2.2. Committees may convene as needed between Board meetings.

## **2.2. Board Agenda**

- 2.2.1. The full Board will ordinarily conduct its business meeting on Friday.
- 2.2.2. The Board agenda will include at least four areas (not necessarily in the order listed) which ideally should focus on subjects important to the University or on decisions before the Board:
  - 2.2.2.1. A report from the President, with opportunity for questions and answers;
  - 2.2.2.2. Presentations of important information (including finance, academic programs, student life, development and educational topics);
  - 2.2.2.3. An Executive Committee report by the Chair and ratification by the Board of Executive Committee actions as appropriate;
  - 2.2.2.4. Comprehensive committee reports;
  - 2.2.2.5. Risk review;
  - 2.2.2.6. Accreditation and regulatory compliance, including Title IX and other anti-discrimination compliance updates;
  - 2.2.2.7. Action items requiring Board response; and
  - 2.2.2.8. Executive Session. A portion of each Executive Session should be held without any University officers or staff present.

## **2.3. Meeting Arrangements**

- 2.3.1. The Chair is authorized to invite representatives of key constituent groups to attend meetings provided, however, that the Chair consults with the Vice Chairs.

## **3. ELECTIONS**

### **3.1. Election of Regents and Officers**

- 3.1.1. The Nominating, Governance and Regent Leadership Committee is responsible for nominating a Chair and three Vice Chairs each year. The Nominating, Governance and Regent Leadership Committee should seek input from all Regents as part of the nomination process. Further, the Nominating, Governance and Regent Leadership Committee should emphasize the board experience and profile of each nominee when making its nominations. As a general rule, the Nominating, Governance



and Regent Leadership Committee shall nominate a Chair and Vice Chairs for the Board at the regular meeting immediately preceding the annual meeting. The Nominating, Governance and Regent Leadership Committee shall review prior self-assessment surveys and attendance records when considering nominees for officer positions. All nominees shall be submitted in Executive Session to the full Board for election at the annual meeting.

3.1.2. Persons wishing to make recommendations for At-Large Regent positions on the Board of Regents and on other boards as required by the Bylaws of Baylor University or by other legal agreements shall submit such recommendations to the Nominating, Governance and Regent Leadership Committee. The Nominating, Governance and Regent Leadership Committee should encourage the Board of Regents at the first Board meeting of the year to submit recommendations to be considered. The Nominating, Governance and Regent Leadership Committee should communicate with the appropriate Baptist General Convention of Texas personnel or committees to coordinate regarding the identification of potential nominees.

3.1.2.1. Each year the Nominating, Governance and Regent Leadership Committee shall create a Selection Subcommittee composed of several members of the Nominating, Governance and Regent Leadership Committee as well as individuals who are not Regents (nor have served as a Regent in the prior six years), but who have had significant and successful careers in business, education, the arts and sciences and other varied professional fields, as well as other corporate (for-profit and non-profit) experience, who can assist the Nominating, Governance and Regent Leadership Committee in identifying and reviewing potential Regents. The Selection Subcommittee shall be composed of an equal number of Regents and non-regents. The Selection Subcommittee shall present its recommendations to the Nominating, Governance and Regent Leadership Committee prior to February 1 of each year.

3.1.2.2. Candidates must meet the qualifications established in the Certificate of Formation or Bylaws to be a member of the Board of Regents. In addition, the candidate must also:

3.1.2.2.1. Be a committed Christian and must have accepted Jesus Christ as both Lord and Savior and live in a manner that demonstrates his or her commitment to Him;

3.1.2.2.2. Actively demonstrate his or her deep appreciation for Baylor University, its unique role in higher education and Baptist life, and its indebtedness to its Baptist founders and Texas Baptist churches;

- 3.1.2.2.3. Have the influence, associations, energy, and determination necessary to attract financial support to sustain the University;
  - 3.1.2.2.4. Be willing and able to contribute their time, talent, and financial means to strengthen and move the University forward;
  - 3.1.2.2.5. Possess the wisdom, experience, and intellectual capabilities to make sound policy decisions and provide leadership in matters of governance;
  - 3.1.2.2.6. Not currently serve on the board of another BGCT institution of higher education or the Baptist Foundation of Texas;
  - 3.1.2.2.7. Submit a written personal statement of faith;
  - 3.1.2.2.8. Describe his or her faith commitment to Christ in an interview with one or more members of the Nominating, Governance and Regent Leadership Committee (who shall thereafter report to the Committee on the discussion);
  - 3.1.2.2.9. Submit a written letter of recommendation from a minister at his or her local church, preferably the senior minister, discussing the candidate's faith commitment and addressing whether the candidate is an active and faithful member and other matters discussed in this section, or submit a similar letter of recommendation from another minister or person in full-time Christian service who is familiar with the candidate; and
  - 3.1.2.2.10. Be sponsored by a current member of the Board who will confirm the candidate's Christian commitment.
- 3.1.2.3 The Nominating, Governance and Regent Leadership Committee must also consider the following criteria when considering whether to nominate a person for election by the Board of Regents:
- 3.1.2.3.1. Relationship with Jesus Christ and commitment to the furtherance of His Kingdom;
  - 3.1.2.3.2. Occupational and educational backgrounds and credentials;
  - 3.1.2.3.3. Functional expertise (e.g., education, finance, communications, legal);

- 3.1.2.3.4. Geographic diversity (national and intrastate);
- 3.1.2.3.5. Baptist constituency and heritage;
- 3.1.2.3.6. Other diversity of background and experience;
- 3.1.2.3.7. Prior board experience (non-profit or for-profit);
- 3.1.2.3.8. Support of University's development efforts;
- 3.1.2.3.9. Relationship to Baylor University;
- 3.1.2.3.10. Other relevant considerations including independence and freedom from conflicts of interest; and
- 3.1.2.3.11. When nominating a sitting Regent for a second or third term, the prior self-assessment surveys and attendance records shall also be evaluated.

- 3.1.3. The Nominating, Governance and Regent Leadership Committee shall ordinarily present to the Board of Regents in Executive Session at the regular meeting of the Board immediately preceding the annual meeting of the Board (1) the names, including biographical information and a Conflict of Interest Disclosure and Information Statement, of the persons nominated by the Committee for election to the Board of Regents who are not currently serving on the Board, and (2) the names of the persons currently serving on the Board who have been nominated by the Committee for election by the Board of Regents for another term.
- 3.1.4. The Board of Regents shall vote on nominees for election as Officers of the Board and for membership on the Board of Regents ordinarily during the Executive Session at the annual meeting of the Board of Regents.
- 3.1.5. The Bylaws govern how long each Regent may serve and the total number of Regents. While the Bylaws require that Regents must leave the Board for a period of at least one year between periods of service on the Board, it is the express intent of the Board that ordinarily the break in service will be longer than the minimum contained in the Bylaws. While the Bylaws establish a minimum of 16 Regents and a maximum of 44 Regents, it is the express intent of the Board that ordinarily the number of Regents will be between 32 and 38.
- 3.1.6. The Nominating, Governance and Regent Leadership Committee shall make recommendations or nominations for Regent positions elected by the Baptist General Convention of Texas. Furthermore, in recognition of Baylor's long history with Texas Baptists, the Nominating, Governance and Regent Leadership Committee (and the Board) shall also strive to enhance Baylor's connections with Texas Baptists generally, as well as with other Baptist and other Christian entities nationally and

internationally, to broaden the pool of potential Regents and to preserve and strengthen Baylor's heritage and Christ-centered mission.

- 3.1.7. Alumni-elected Regents will be nominated and elected according to the process contained in the Bylaws.

### **3.2. Other Elections and Appointments**

- 3.2.1. In addition to the nomination and election of Regents as set forth in 3.1 above, the Nominating, Governance and Regent Leadership Committee shall receive and consider the names of persons to serve on the governing boards of (a) the Baylor College of Medicine, and (b) such other organizations as the Board of Regents of Baylor University may from time to time have the authority to nominate and elect. The Board has delegated the authority to elect the governing board of the Brazos Valley Public Broadcasting Foundation to the President. The Committee shall submit its nominations for election to these boards to the Board of Regents for election at the annual meeting of the Board or at such other time as may be specified in the articles of incorporation or Bylaws of such organizations.
- 3.2.2. Unless specified in the Certificate of Formation, Bylaws, or other governance document of the organization, elections or appointments to boards of organizations other than Baylor University will be for a one-year term.

## **4. PRESIDENTIAL GOAL SETTING, ASSESSMENT AND CORPORATE PLANNING, AND EXTERNAL REPORTING**

### **4.1. Presidential Goal Setting and Assessment**

- 4.1.1. The Board shall annually evaluate the President's performance on the basis of clearly defined and mutually agreed upon performance goals. The Board shall include in its assessment the President's actions in advancing the mission of the University. The Board may adopt further policies regarding the process and procedures for this key Board function.
- 4.1.2. The University Leadership and Compensation Committee shall have primary responsibility in conducting the evaluation of the President's performance and the compensation of the President, it should include the Executive Committee in its work.
- 4.1.3. The following criteria should be utilized in the assessment: (1) academic management and leadership; (2) administrative management and leadership; (3) athletics program management and leadership; (4) budget and finance; (5) fundraising; (6) external relations; and (7) personal characteristics.
- 4.1.4. The University Leadership and Compensation Committee should report to the Board the results of its assessment annually.

## **4.2. Institutional Planning**

4.2.1. The Board is expected to ensure that appropriate institutional planning takes place and should insist that plans are used regularly for decision-making. In carrying out this responsibility, the Board should consider the following: the University's effectiveness in carrying out its mission; alternative sources for revenue beyond its historical revenue streams (tuition and fundraising); the usefulness of planning in higher education, the need for a regular planning process for the institution, the President's role in and responsibility for the planning function, the incorporation of the Board's expertise or experience in the planning process, and reliance on the University's plans to make decisions (particularly those that involve setting priorities and allocation of resources).

## **4.3 External Reporting**

4.3.1. The President may make or cause to be made a report to each annual meeting of the Baptist General Convention of Texas setting forth the condition and activities of the University

# **5. EXPECTATIONS OF BOARD MEMBERS**

## **5.1. Expectations**

5.1.1. While serving on the Baylor Board of Regents, individual members will be called on and are expected to make significant contributions to the University. These contributions include donations of their time, energy, skills, talents and finances as set forth more fully in the Board's Statement of Responsibilities. Each Regent is expected to reaffirm annually the Statement of Commitment and Responsibilities, and the Conflict of Interest Policy. More specifically, each Regent is expected to:

- 5.1.1.1. Adhere to the Board's Conflict of Interest Policy.
- 5.1.1.2. Adhere to the Statement of Commitment and Responsibilities.
- 5.1.1.3. Provide annual financial support to the University at a level consistent with the Board member's financial capability and generally support the University's development efforts among other donors to the University. In addition to being an appropriate expression of their commitment to Baylor University, this financial support by each Regent is necessary because outside foundations sometimes use this as a criterion for grant eligibility.
- 5.1.1.4. Where appropriate, attend and participate in, University events and activities (e.g., Academic, Development, Athletic Department and Alumni functions) in Waco and

their home community. Each Regent is also expected to attend and participate in at least one Baylor University graduation ceremony each year.

- 5.1.1.5. Regularly prepare for, punctually attend, and actively participate in Board meetings, committee meetings, dinner receptions and other Board functions; provided, however, a Regent may take a leave of absence from the Board if approved by the Chair of the Board in consultation with the Nominating, Governance and Regent Leadership Committee. A Regent on a leave of absence remains a Regent in office. Each Regent is expected to attend (preferably in-person) at least 75% of the regular Board meetings, special Board meetings and committee meetings for which they are a member. Board members who fail to meet this attendance expectation should recognize that they may not be re-elected to the Board and may wish to withdraw their name from consideration for re-election at the end of their term.
- 5.1.1.6. Recognize that it is important for the Board to communicate and present unified support for Baylor's mission and policies. Each member must remain mindful that absent specific delegation by the Board to another person, the Chair of the Board is the official spokesperson for the Board and the President, or his or her designee, is the official spokesperson for the University. While individual Board members do not have the authority to speak on behalf of either the Board or the University they may on occasion have an opportunity to speak publicly to groups or the media. On such occasions, after a Board decision is made, each Regent must respect the Board's authority to act by majority decision and is expected to publicly support the decisions of the Board and the policies of Baylor University. Regents also must not encourage others to criticize decisions of the Board.
- 5.1.1.7. Annually complete self-study in Board governance and remain knowledgeable on other higher education matters (e.g., Trusteeship magazine, Chronicle of Higher Education, etc.).
- 5.1.1.8. Complete and submit in a timely manner the Individual and Board Performance Assessment Instrument.

## **5.2. Assessment and Reporting**

- 5.2.1. Board members will be asked to self-assess their performance in each of these areas in the annual Individual and Board Performance Assessment Instrument. The Individual Board Performance Assessment Instrument

should include an opportunity to evaluate: (1) Board leadership; (2) committee leadership and (3) each committee. The assessment should also provide members with the opportunity to make suggestions to improve the functioning of the Board and its committees. The Nominating, Governance and Regent Leadership Committee Nominating, Governance and Regent Leadership may review any identified areas of weaknesses in Board performance with the relevant board committee and the officers for consideration and action. A summary of the cumulative responses of the Board regarding whether they have met the expectations listed in this section will be reported annually to the Board by the Nominating, Governance and Regent Leadership Committee.

5.2.2. The Nominating, Governance and Regent Leadership Committee will annually report on the attendance records of Board members at Board and Committee meetings according to the minutes kept of those meetings and whether each Board member has contributed financially to Baylor University during the prior eighteen month period. The Nominating, Governance and Regent Leadership Committee may also include such other information in its report that will enable the Board to assess fairly whether individual Board members are meeting the expectations listed above.

5.2.3. While there are many other factors to consider when making a nomination to re-elect a Board member to an additional term, the Nominating, Governance and Regent Leadership Committee Nominating, Governance and Regent Leadership must include in its review and consideration whether each Regent considered for re-election has met these expectations during their service on the Board. Failure to meet the expectations in these guidelines could have a negative impact on continued service on the Board. Another material consideration is whether the Regent has satisfied the Board's attendance requirements. Additionally, the Nominating, Governance and Regent Leadership Committee must conduct a full "360-degree" review of each Regent's performance. The review should include an assessment of the Regent by other Regents and faculty and administrators with whom he or she had significant contact.

5.2.4. At least every five years the Board will retain an outside facilitator to coordinate with the Nominating, Governance and Regent Leadership Committee in conducting a thorough self-assessment of the Board's performance combined with a Presidential assessment.

### **5.3. Impact on Continued Board Service**

5.3.1. Failure to meet the expectations in this section could have a negative impact on continued service on the Board.

## **6. BOARD PROFESSIONAL**

### **6.1. Position**

6.1.1. The Board Professional shall be a staff member of the University selected by the President with input from members of the Board's Executive Committee, serving without fixed term and shall report directly to the Board (primary) and the President (secondary). The President will facilitate and conduct the compensation and evaluation process with the University Leadership Committee.

6.1.2. The Board Professional should facilitate communications between the Board and University administration in a manner that enhances good Board governance. The Board Professional's responsibilities include: preparing for and managing Board and committee meetings and retreats; setting meeting agendas; assuring Board and Committee members are provided with necessary background materials; attending all Board and committee meetings; overseeing the preparation of meeting minutes; monitoring further actions by, or reports to, the Board; development and management of new Regent orientation program with appropriate Board committees; identification of topics requiring additional training and education; maintenance of the Board website; reviewing recommendations and reports for the Board to ensure materials are timely, complete and concise; serving as the Board's historian and archivist; and supervision of staff hired to assist the Board Professional. The Board Professional shall also be responsible for maintaining the Board's website and shall ensure that the Board's calendar of regular meetings, agendas, meeting minutes and published reports are posted on the website.

### **6.2 Qualifications**

6.2.1 The Board Professional should demonstrate strong board experience and expertise, excellent communications and organizational skills, impeccable character, exceptional judgment, and the ability to work with and within the Baylor community. While it is recommended that the Board Professional have a legal background, the Board Professional shall not be an attorney for either the Board or the University.



**EXHIBIT 5**



Cathy A. Trower, President

Trower and Trower, Inc.  
P.O. Box 218  
Weare, NH 03281  
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FEIN: 02-0500346

Memorandum

To: Cary Gray, Committee Chair, Governance and Compensation  
Ron Murff, Board Chair, Baylor University Board of Regents

From: Cathy A. Trower, President, Trower & Trower, Inc. / Governance Consulting

Date: August 14, 2016

Re: Governance Process

This is a summary of my thoughts about the process used, and the steps taken, by the Baylor University Board of Regents (BOR) in response to the Pepper Hamilton recommendations concerning governance at the university. The BOR took four major steps forward.

First, with your leadership, the BOR has adopted the single best Statement of Commitment and Responsibilities (Statement) I have ever seen. It is comprehensive and clear, leaving no room for doubt about the level of commitment and conduct expected of regents at Baylor University. It promises to bring transparency and lucidity to what is too often opaque and obscure – board member comportment.

Because such statements only work in practice if there are consequences for misconduct, the Governance and Compensation Committee (GCC) and Board Chair have discussed how the policy will be enacted and will discuss mechanisms for peer review with the Board. Good practice suggests that the GCC should be responsible for ensuring that all board members comply with what is set forth in the Statement, for discussing issues that may arise, and making recommendations on how to deal with such issues. Typically, a conversation with the regent is sufficient; however, if further action is required, that would be the purview of the Executive Committee (EC). In addition to getting all existing regents on the same page with respect to behavior, the Statement will also help as you vet, screen, and onboard new members, and over time, it will become enculturated as the way that Baylor regents behave in their capacity as trustees of the institution.

Second, the BOR approved an EC comprised of Board officers and standing committee chairs. The EC, so constituted, is up, charged, clear on its responsibilities, and functioning – meeting telephonically every week, or two, as needed during this time.

Third, while not a specific recommendation of Pepper Hamilton, you took a big step forward for improving governance at Baylor overall by creating charters describing roles, responsibilities, membership, meetings, goals, and reporting for each Board Committee. These documents provide transparency and clarity for board and staff members alike. These charters are exemplary and are "best of breed;" they could be used as models for other institutions.

Fourth, the BOR discussed the idea of hiring a "board professional." In addition to thinking about the portfolio of such an individual, you thoughtfully considered reporting relationships and the timing of hire, wisely deciding to hold off on that while there is an interim President and an acting General Counsel. When the time is right, you plan to move forward with this position – a good idea given the size and complexity of Baylor, and the many adaptive challenges which the BOR will face in the years ahead.

My high regard for process and product is only surpassed by my esteem for your leadership, Cary and Ron, and the countless hours you have committed to getting this right. A lot of trustees say they will make such sacrifices but few actually do. The steps taken and the leadership you demonstrate are making Baylor University stronger and provide important scaffolding to help attract a great next president.

Sincerely,  
Cathy A. Trower

**EXHIBIT 6**

## MEMORANDUM

**To:** Dr. Reagan M. Ramsower, Sr. Vice President and Chief Operating Officer  
Brandyn J. Hicks, Esq., Director of Special Projects and Initiatives

**From:** J. Cary Gray, Chair  
Baylor University Board of Regents Governance and Compensation Committee

**Date:** October 4, 2016

**Re:** Status Report to Sexual Assault Task Force

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This is a memorandum concerning progress of the Baylor University Board of Regents (“Board”) towards implementation of the May, 2016 recommendations from Pepper Hamilton as such recommendations pertain to Board operations and to matters within the scope of the Board’s responsibilities. The Board considers these efforts to be on-going in nature, and would welcome further input from the Administration. As you also know, the Board is also relying on outside consultants as more fully described below.

Section III of Pepper Hamilton’s Report of External and Independent Review addresses “Governance, Leadership and Compliance” recommendations. The first section below is keyed off of the “Project Road Map” you have provided to the Board concerning that section of the Pepper Hamilton recommendations. The remaining sections below address other parts of the Pepper Hamilton document.

### I.

#### **Empower Board committees to take active role in education, oversight, and enforcement of governance issues and fiduciary responsibilities**

Section III.2 proposes four specific action items to be undertaken by the Board. These action items were a major focus of the Board’s July meetings.

- a. Provide Association of Governing Boards training for Board of Regents

The Board’s efforts to accomplish the tasks associated with this recommendation arguably began in April of 2016. Three members of the Board attended the Association of Governing Boards’ National Conference on Trusteeship in Washington, D.C.: David Harper, Chair of the Board’s Academic and Student Affairs Committee; Cary Gray, Chair of the Board’s Governance and Compensation Committee; and Kathy Wills Wright, Vice-Chair of the Board’s Governance and Compensation Committee.

The Board has also engaged two individuals with the type of expertise suggested by this recommendation to assist the Board with its deliberations on governance issues: Raymond D. Cotton, an attorney with the Washington, D.C. firm of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.; and Dr. Cathy A. Trower, President of Trower & Trower, a Weare, NH based consulting firm. Mr. Cotton regularly represents

universities, university governing boards and university presidents in dealing with governance issues. Dr. Trower is a nationally prominent higher education governance consultant. She was formerly a faculty member of the Harvard Graduate School. Both Mr. Cotton and Dr. Trower attended the Board's July meetings.

The Board's July meetings consisted of a full day, annual retreat followed by a day of committee meetings and then a meeting of the full Board was held on the third day of the meetings. The retreat included a presentation by Dr. Trower on issues that are a focus of the AGB, including education, oversight, and enforcement of governance issues and fiduciary responsibilities. Dr. Trower and Mr. Cotton then facilitated a lengthy discussion on education, oversight, and enforcement of governance issues and fiduciary responsibilities issues during the Thursday meeting of the Governance and Compensation Committee.

During the meetings the Board considered and eventually adopted a new "Statement of Commitment and Responsibilities." This Statement has now been executed by every voting and non-voting member of the Board. Dr. Trower has advised us she considers the Statement a "best in class". One of the goals of the new Statement is to emphasize the Board's commitment to performing its responsibilities to the institution.

b. Evaluate and make recommendations regarding Board size and composition

The Governance and Compensation Committee regularly reconsiders and recommends updates to the Board's Bylaws and a document entitled "Guidelines for Board Operations". The Guidelines, in particular, speak to the recommended size of the Board and call for a target of 33 to 38 voting Regents. This is in line with other major, private universities including Stanford, Northwestern, Vanderbilt, as well as regional peers such as Rice University, Southern Methodist University and Texas Christian University.

Section 5.1 of the Bylaws previously provided the Board with the option of establishing an Executive Committee consisting of the Chair, Vice-Chair, Committee Chairs and immediate Past Chair of the Board. In order to address concerns about the efficiency of Board operations with a Board of more than 30 voting Regents, the Board voted in July to establish an Executive Committee. This action was taken as a direct response to the results of the Pepper Hamilton investigation and the Pepper Hamilton recommendations.

Additionally, during the July Board meetings the Governance and Compensation Committee re-evaluated the composition of the Board. Recognizing the continued lack of diversity, and the belief greater diversity in the membership would enhance the Board's performance of its responsibilities to the institution, an announcement was made to the full Board that the Governance and Compensation Committee deems it unlikely new Regents will be nominated in the near future unless they would improve the Board's overall diversity.

c. Review considerations and standards for new Board membership, including actual or perceived conflicts of interest, and implement due diligence standards in the selection of Board members

The standards for new Board membership are covered in the Bylaws and Guidelines for Board Operations. These standards are under constant evaluation, as are the processes for identifying candidates and selecting them for nomination to serve on the Board.

In addition, during the July Board meeting three new "alumni-elected (voting) Regents" attended their first meeting of the Board. Individuals willing to serve as alumni-elected Regents will be screened by a four



person nominating committee and the three best candidates will appear on a ballot. The candidates selected to appear on the ballot will not campaign on issues, but will instead be introduced to all alumni through a series of communications and elected by popular vote. Another action taken by the Board during the July meetings that relates at least in part to this recommendation from Pepper Hamilton was the adoption of provisions in the Bylaws that provided alumni-elected Regents will not be counted in the calculation (percentages) of Baptist and Non-Baptist Regents.

The Governance and Compensation Committee is continually evaluating the standards for new board membership and the processes for selecting nominees. The Committee regularly seeks input and assistance of the full Board on these issues.

- d. Educate and train Board members to remain within appropriate reporting protocols and lines of communication when addressing members of the administration and the Athletics Department (consistent with employment contracts)

Another focus of the July Board meetings was remaining within appropriate reporting protocols and lines of communication. This is addressed in the new Statement of Commitment and Responsibilities. The members of the Board seem to fully appreciate the importance of the issue and agreed that as a matter of process the Board Chair and Chair of the Governance and Compensation Committee would be contact points for recognizing and reporting deviations from the protocols, and would be contacting Regents where deviations occur.

Further, during the July meetings the Board continued discussions on the best way to identify and engage a “Board Professional” who would serve as the primary point of contact between the Board and the rest of the Administration, including the Athletics Department. The Board asked the Administration to develop recommendations. Per this request, the Administration has since responded with a recommendation that the current Chief of Staff to the President be dually designated as the “Board Professional” and tasked with the roles of a Board Professional as contemplated by organizations such as the AGB. The designation of a Board Professional is on the agenda for the October meeting of the Governance and Compensation Committee.

An additional step taken at the July Board meetings was the elimination of the Board’s Athletics Committee and the delegation of its prior duties to other standing committees of the Board. This should more easily and better align athletics with the rest of the institution. This action was also consistent with the recommendations from Pepper Hamilton in Section X.5 and X.6

In addition to the foregoing efforts to accomplish the objective of insuring Board members remain within appropriate protocols, an emphasis on more consistent communications among Board members has been implemented. The new Executive Committee of the Board is holding regular conference calls every other week, with updates on the matters discussed during the calls being subsequently sent to the full Board. These updates are including reminders of the importance of fulfilling the mandates of the Statement of Commitment and Responsibilities and remaining within appropriate reporting protocols.

All of these efforts seem to be working. The Administration has been specifically asked to notify Board leadership when there are deviations from these protocols. During the (almost) three months since the July

meetings there have only been two instances noted. Calls were made by Board leadership to Regents and each of these instances seems to have been addressed effectively and amicably.

## **II.**

**Identify a special oversight committee of the board to work in conjunction with leadership to ensure that these recommendations are properly resourced, completed in a timely manner, and effectively implemented.**

Section III.9 of the recommendations is to identify an oversight committee of the Board to assist in ensuring these recommendations are properly resourced, completed in a timely manner and effectively implemented. Working with the Administration, the Board determined the most effective way to accomplish this recommendation was to designate the Audit and Compliance Committee to provide primary oversight, and to designate the new Executive Committee of the Board to confirm. The Audit and Compliance Committee meets with certain members of official university implementation teams and various individuals involved in the implementation of the Pepper Hamilton recommendations, as well as the University's Title IX Office.

As of the date of this memorandum, the Board's leadership is fully satisfied with the progress being made and believes the Administration is to be commended on the effectiveness of their response to the Board's decision to adopt all 105 recommendations. Of course, not all of the recommendations have been fully implemented, but commendable progress is being made.

During its July meetings, the full Board received a comprehensive report from Dr. Ramsower outlining the steps and projects that had been undertaken to that point, as well as the status of implementing the recommendations in general. During the October meetings it is anticipated that an update will be brought forward in the report to the full Board on the October Audit and Compliance meeting.

## **III.**

### **Status of broad recommendations not specifically assigned to the Board**

In addition to the recommendations from Pepper Hamilton in part III, several of the items identified as "Broad Recommendations" in part I have been addressed to some degree by the Board.

Section I.1 of the recommendations proposes "establishing Title IX obligations as an institutional priority." This action had already been undertaken by the University prior to delivery of the specific recommendation by Pepper Hamilton. However, from the Board's perspective it is understandable and appropriate that Pepper Hamilton would have included it anyway. To whatever extent someone would try to argue Title IX obligations were not already an institutional priority prior to May of 2016, the Board's adoption of all 105 recommendations and vote to have the Administration implement them should settle that question. Title IX obligations are an institutional priority for Baylor.



Similarly, Section I.2 proposes “swift and certain action consistent with these recommendations.” In addition to the adoption of all 105 recommendations, the Board took personnel actions in May to assure leadership at all levels of the university is capable and committed to fulfilling the commitment of the university to integrate academic excellence and a Christian commitment in a caring community. These actions by the Board also accomplished the recommendation in Section I.4 that “necessary personnel action for accountability and effective implementation of Title IX” be considered.

Through the actions identified in the prior sections of this memorandum, Section I.6 of the Pepper Hamilton recommendations also appears to have been accomplished. However, as will many of the foregoing action steps, this also requires on-going attention which the Board is fully committed to providing.

Section I.8 recommends committing sufficient infrastructure and resources for effective Title IX implementation. While the determinations about how such resources are being deployed is left to the discretion of the Administration, the Board is fully committed to finding (where necessary) and allocating these resources. These commitments by the Board include the resources referenced in all of Section VII of the recommendations by Pepper Hamilton.

The recommendations of Section I.9 and I.10, as well as the recommendations in all of Section X, were in part addressed by personnel decisions that were made by the Board in May. In addition, the Board supported changes in policies such as the drug testing protocols for athletes, as suggested in Section X.11, as well as the aforementioned decision to dissolve the Athletics Committee of the Board to ensure the football program and all of the inter-collegiate athletics programs are fully aligned with the university and its mission.

Section 1.12 suggests considering the important of forthright communication to the effective implementation of Title IX. Through its release of the “Findings of Fact” on May 26, 2016, the Board has been reliably advised that no university has done more in the way of fully, forthrightly and accurately communicating the university’s failures at all levels to respond to the mandates of Title IX in a timely manner.

#### **IV. Conclusion**

This memorandum should reflect the Board’s broad commitment to compliance – not only with regard to Title IX of the United States Education Code – but in every respect necessary to fulfill Baylor mission.

As mentioned several times in this memorandum, the Board understands many of the recommendations cannot be accomplished without on-going vigilance. The Board is committed to undertaking whatever efforts are necessary and welcomes (indeed, encourages) feedback from the Administration to ensure the Board is fulfilling its responsibilities to the institution in every respect.

Cc: Dr. David E. Garland  
Christopher W. Holmes  
Ronald D. Murff

Joel T. Allison

**EXHIBIT 7**

**REPORT**  
**OF THE**  
**GOVERNANCE REVIEW TASK FORCE**  
**OF THE**  
**BAYLOR UNIVERSITY BOARD OF REGENTS**

**JANUARY 16, 2017**

## TABLE OF CONTENTS

	<u>Page</u>
Introduction.....	1
The Task Force.....	1
Process, Scope and Context of the Task Force’s Review .....	3
I.    Board Composition and Procedures.....	5
a. Diversity.....	5
b. Size of the Board.....	5
c. Term and Term Limits .....	6
d. Existing Regent Qualifications .....	6
e. Removal of Regents .....	6
f. Affirmation and Commitments by Regents .....	8
g. Confidentiality .....	8
h. New Regent Orientation .....	9
i. Regent Assessment .....	9
j. Board and Board Committee Effectiveness Assessments .....	10
II.   Regent Selection .....	10
a. General Selection Process.....	10
b. Special Selection Process; Student, Faculty, Bear Foundation and “B” Association Regents.....	10
c. Regent Emeriti .....	11
III.  Board Governance and Administration .....	12
a. Leadership.....	12
b. Eligibility of Chair and Vice Chairs .....	13
c. Duties of Vice Chairs.....	13
d. Duties of Chair.....	14
e. Board Committees .....	14
f. Board Meetings.....	21
g. Presidential Assessment.....	23
IV.   Regent Giving .....	23
V.    Office of the Board Secretary .....	24
a. Secretary to the Board.....	24
b. Terms of Employment .....	24
c. Core Responsibilities .....	24
d. Staff for the Board Secretary .....	25
VI.   Transparency and Engagement of the Board with Key Constituencies.....	25
VII.  Future Reviews .....	26
VIII. Conclusion .....	27

## Introduction

### *The Task Force*

In November 2016, the Governance and Compensation Committee of the Baylor University (“Baylor” or the “University”) Board of Regents (the “Board”) established a Governance Review Task Force (the “Task Force”) to review the University’s current Board governance structure and practices, including the relationship between the Board and the University, and to make recommendations to the Governance and Compensation Committee and the Board regarding governance best practices.

The Task Force was comprised of six individuals with extensive for-profit and not-for-profit board experience. It included an equal number of members who were current Baylor regents and who had never been Baylor regents.

The Task Force recognized that, given the situation at Baylor and the need for an outside perspective, the non-regent members of the Task Force should spearhead certain tasks. As a result, Mr. Gregory D. Brenneman, a non-regent, chaired the Task Force, and the non-regent members prepared initial drafts of this report and held discussions with relevant parties.

Lawyers at Gibson, Dunn & Crutcher assisted the Task Force, but the recommendations and conclusions in this report are those of the Task Force. Further, to encourage candor, the Task Force spoke with members of the Baylor community without lawyers present.

The following individuals comprised the Task Force:

1. **Robert E. Beauchamp** – Mr. Beauchamp is a Baylor regent and Chair of BMC Software. He also serves on the boards of the Raytheon Company and Forcepoint LLC and previously served on the boards of many other companies, including National Oilwell Varco, Inc. and Memorial Hermann Health System. He received his bachelor’s degree in finance from the University of Texas and his Master of Science degree in management from Houston Baptist University.
2. **Douglas Y. Bech** – Mr. Bech is Chief Executive Officer and owner of Raintree Resorts International, which he founded in 1997. He also serves on the boards of HollyFrontier Corporation, for which he is lead independent director and Chair of its Compensation Committee, j2 Global, for which he is Chair of the Compensation Committee and the

Governance Committee, CIM Commercial Trust Corporation, and four private companies. Mr. Bech has also served as a director for many years of the American Resort Development Association, as well as nine other public companies over the past 35 years. Prior to Mr. Bech's business career, he was a longtime partner at AndrewsKurth in Houston, with a focus on corporate finance and securities practice, and was named one of America's Best Lawyers. Mr. Bech is a 1967 graduate of Baylor with a B.A. in political science, a 1970 graduate of The University of Texas School of Law and a member of the Texas and New York bars.

3. **Gregory D. Brenneman** – Mr. Brenneman is Executive Chairman of CCMP Capital. He also serves on the boards of Baylor College of Medicine, The Home Depot, Inc., of which he is the Lead Independent Director, Milacron, of which he is the Chair of the Nominating and Governance Committee, PQ Corporation, Volotea and Baker Hughes. Previously, Mr. Brenneman served as President and CEO of Quiznos Subs, Chairman and CEO of Burger King Corporation, and President and COO of Continental Airlines and served on the Boards of ADP, BFI, Continental Airlines, Francesca's Collections and J.Crew. He received his bachelor's degree in accounting/finance from Washburn University of Topeka, Kansas and his M.B.A. from Harvard Business School.
4. **Jerry K. Clements** – Chair and Managing Partner of Locke Lord, an international law firm recognized as one of the Global 100 firms, Ms. Clements has represented Fortune 500 companies in a wide range of complex commercial litigation. She currently serves as a Baylor regent and is a 1981 graduate of Baylor Law School. The National Law Review and Dallas Business Journal have recognized her as one of the most influential women lawyers in the United States and Texas.
5. **Paul L. Foster** – A 1979 Bachelor of Business Administration graduate of Baylor, Mr. Foster founded and currently serves as Chair of Western Refining, a Fortune 200 company. Mr. Foster has served for nine years on the University of Texas System Board of Regents and serves on the Texas Business Leadership Council and on the board of the El Paso branch of the Dallas Federal Reserve Bank.
6. **Larry P. Heard** – Also a Baylor regent, Mr. Heard is President and Chief Executive Officer of Transwestern, a global diversified real estate organization actively involved

in investment, development and real estate services. He also serves as vice chair and on the executive committee of the board of trustees of the Baylor College of Medicine. He earned a bachelor's of business administration degree in finance from Baylor in 1980.

*Process, Scope and Context of the Task Force's Review*

The Task Force undertook a critical review of Baylor's existing governance practices and policies, including Board interaction with University administration, faculty, alumni, past regents, donors and others with whom Baylor has significant relationships. The Task Force also tested Baylor's governance practices and policies against the ten basic responsibilities of a board provided by the Association of Governing Boards of Universities and Colleges in its guide for independent colleges and universities.<sup>1</sup>

The Task Force endeavored to make recommendations consistent with best practices and the overarching principle that an effective Board requires exceptional regents who organize themselves effectively and act according to clear standards of regent performance to fulfill Baylor's mission and promote Baylor's highest values.

At the outset, the Task Force acknowledged a widely held perception by many Baylor constituents that the Board tends to micromanage University administrative matters and that it has not been open regarding how it has made its decisions, selected regents, or chosen its leadership. The Task Force recommendations seek to address this perception by promoting greater transparency, openness, and accountability and effective oversight. The Task Force believes that these recommendations will help build greater trust and confidence within the Baylor community.

The Task Force also based its recommendations on the belief that one of the Board's primary responsibilities is finding and retaining exceptional executive leadership, particularly the President, who, in turn, must be responsible for running the University and selecting his or her own executive staff. The Board has the ultimate responsibility to promote the University's mission, protect its values and traditions, and ensure its viability, health, and welfare. It fulfills this responsibility by working with the President to set the strategic direction of the University,

<sup>1</sup> EFFECTIVE GOVERNING BOARDS: A GUIDE FOR MEMBERS OF GOVERNING BOARDS OF INDEPENDENT COLLEGES AND UNIVERSITIES (2011).



providing appropriate risk and reputation oversight, and otherwise serving the University with distinction. In fulfilling these responsibilities, the Board must conduct regular and effective reviews of the President, each individual regent, the Board committees, and the Board itself.

In addition to relying on its members' significant experience on for-profit and non-profit boards, the Task Force undertook the following work to ensure its review was thorough and its recommendations reflected best practices:

- ❖ First, the Task Force reviewed the Certificate of Formation and Bylaws of Baylor and other governing materials and policies adopted by the Board (the “Governing Documents”).
- ❖ Second, the Task Force reviewed reports from other universities that had completed similar reviews to consider and distill best practices for board governance. The Task Force found particularly helpful the report and recommendations issued in 2006 by a special committee on governance of the American University Board of Trustees (the “American University Report”).
- ❖ Third, with the assistance of counsel, the Task Force surveyed a broad selection of authoritative literature and commentary on the governance of colleges and universities, including the accreditation standards relating to governance of the Southern Association of Colleges and Schools Commission on Colleges (the “SACSCOC”), statements on governance and other publications by the Association of Governing Boards of Universities and Colleges, and non-profit governance materials from the American Bar Association (“ABA”).
- ❖ Finally, the non-regent members of the Task Force spoke with individuals representing a cross-section of University constituents, including faculty, administrators, current and past regents, and distinguished alumni, and engaged in informal dialogue with other Baylor constituents for the express purpose of carefully considering the views of the Baylor community in the preparation of this report. The Task Force found the insights of those individuals to be quite valuable and accordingly placed significant weight on their input.

The Task Force acknowledges that the Board has already taken a number of steps recently to strengthen governance, including creating an Executive Committee (which the Task Force

believes is essential for a Board this size), revising and improving charters for each of its committees, adopting a new Statement of Commitment and Responsibility, and identifying and recruiting highly qualified, diverse new regents, including those with professional backgrounds in higher education. The Task Force intends for the recommendations to build on many of these changes. If adopted, these recommendations will require certain changes to the Board's existing Governing Documents.

I. Board Composition and Procedures

- a. **Diversity.** The Board should continue to increase the overall diversity of race, gender, and background of the regents. The Task Force emphasizes that diversifying the Board should include selecting new regents from a wide variety of professional and educational backgrounds and ages and, to the extent regents are alumni of Baylor, from a broad range of graduating classes and geographies, all to provide the greatest variety of perspectives and broader personal networks. The Board would particularly benefit from additional expertise in the higher education field. The lifetime endeavors of regents should also include the arts, sciences, technology, medicine and health, higher education, communications and marketing, as well as business and law. To the extent practical, regents, and particularly Board leadership and committee chairs, should have strong backgrounds in public company and non-profit board service to contribute best practices and experiences to the Board. While the Task Force understands that efforts to increase the diversity of the Board are ongoing, these efforts will be more successful in conjunction with greater involvement by members of various University constituents, whose reputation and career successes provide added trust in the nomination of regents as set forth in these recommendations.
- b. **Size of the Board.** The Governing Documents set the size of the Board at 16 to 44. The Board's current size of 34 regents is consistent with many, if not most, other private universities that seek to have experienced business leaders, distinguished alumni and representatives of other constituencies participate in university governance. The recent creation of an Executive Committee comprised of the Chair, Vice Chair, and committee chairs should facilitate efficient and effective decision-making, while still permitting oversight by all regents. The Executive Committee currently has eight

members, and will grow to between 10 and 15 members due to the Task Force's recommendations, but should not have more than 15 members. Further, given the additional duties for which regents would be responsible following implementation of this report's recommendations regarding committee expansion, committee membership, and attendance, the Task Force believes that maintaining the current Board size would facilitate proper functioning of the Board and its committees.

- c. Term and Term Limits.** The Governing Documents establish three-year terms for regents and a limit of three consecutive terms, following which a regent must sit out for at least one year prior to rejoining the Board. Terms and term limits of this duration are common among private universities, and the Task Force does not recommend changing these provisions. The Task Force does recommend looking at these terms and term limits again in five years to confirm that they still reflect best practices.
- d. Existing Regent Qualifications.** The Governing Documents provide that three quarters of the regents must be Baptist, and the remainder must be Christian and active members of a local church from an historic Christian tradition. At least half of the regents must also have had Texas as their principal state of residence at the time of their election. Up to one quarter of the Board is selected by the Baptist General Convention of Texas and confirmed by the Board. Approximately 10% of the voting regents are elected by University alumni (the "Alumni-Elected Regents"). The Task Force does not recommend changes to these requirements or the requirements for selecting faculty and student regents. Within this overall framework, the Board is encouraged to continue increasing diversity and identifying new regents with expertise in higher education.
- e. Removal of Regents.** The Governing Documents provide that regents may only be removed by the Board for "cause" (defined as any behavior inconsistent with the role of a regent, including the breach of a regent's fiduciary duty to the University, duties imposed on a regent by law, rule, or regulation, including those imposed on the regents by associations in which the University is a member, or failure to meet expectations established by the Board). The Governing Documents also provide each regent the right to challenge his or her removal by demanding confidential arbitration.

The Task Force recommends two changes to the regent removal process. First, the Task Force recommends eliminating the for “cause” removal standard for all regents who are not Alumni-Elected Regents. Instead, if the newly formed Nominating, Governance and Regent Leadership Committee (the “Governance Committee”) determines that removal of a regent would be appropriate and in the best interests of the University, the Governance Committee would recommend removal to the Executive Committee, after which the Executive Committee may recommend removal to the full Board. The subject regent would be notified of the intent to pursue removal at the same time the Governance Committee notifies the Executive Committee so that such regent has an opportunity to respond to the removal recommendation. The notice would include a summary of the reasons for the Governance Committee’s determination and recommendation to the Executive Committee. Following recommendation by the Executive Committee, the Board would then have to approve the removal by a majority vote.

The Task Force believes that this removal procedure would be consistent with SACSCOC standards for removal of members of governing boards, which require the “governing board ha[ve] a policy whereby members can be dismissed only for appropriate reasons and by a fair process.”<sup>2</sup> The proposed procedure reflects that “[m]embers of the governing board need to exercise their responsibilities without fear of retaliatory measures, such as removal from office by arbitrary or capricious means,” and that “[s]ubstantive and procedural processes protect the interests of the institution and the members of the governing board.”<sup>3</sup>

Second, the Task Force believes that a lengthy and adversarial process where regents may challenge their removal through confidential arbitration, while may be required for Alumni-Elected Regents due to the settlement agreement with the Baylor Line Foundation, is inadvisable for other regents because, among other things, it may lead to an entrenched Board. To the extent implementing any of these changes requires notice to the Baylor Line Foundation under the settlement agreement, the Board should contact

<sup>2</sup> S. ASS’N OF COLLS. AND SCH. COMM’N ON COLLS., RESOURCE MANUAL FOR THE PRINCIPLES OF ACCREDITATION: FOUNDATIONS FOR QUALITY ENHANCEMENT 40 (2012).

<sup>3</sup> *Id.*

the Baylor Line Foundation as soon as possible to provide notice and to seek to include the Alumni-Elected Regents under this same “majority vote” standard.

- f. Affirmation and Commitments by Regents.** The Task Force does not recommend substantive modification to the Statement of Commitment and Responsibilities, the Regent Code of Conduct, or the Code of Ethics, which the Board has recently reviewed, modified and/or implemented. However, the Task Force does recommend regents annually reaffirm and recommit to these documents.
- g. Confidentiality.** The Task Force believes that each regent, as an ambassador of the University, should meet informally with the many constituents of the Baylor community to discuss the mission and work of Baylor and the Board. However, individual regents cannot and should not attempt to speak for the Board, which should speak with one voice. Individual regents should listen, explain publicly announced decisions of the Board, and bring to the Board concerns expressed by members of the Baylor community. Regents should not, however, discuss the details of Board or committee discussions or disclose how other regents vote. Further, public announcements and press communications should be the duty of the Chair, in consultation with the President.

The Task Force’s recommendations align with best practices in university and other contexts. According to the ABA, directors must treat “all matters involving the [non-profit] corporation” as confidential “until there has been general public disclosure or unless the information is a matter of public record or common knowledge.”<sup>4</sup> Regents should presume that “all current information about legitimate board or corporate activities” is confidential.<sup>5</sup> The ABA further emphasizes that directors must always “retain the confidentiality of the nonprofit’s information and board deliberations, unless such information becomes publicly known through no fault of the director, or is otherwise a matter of public record.”<sup>6</sup> When unsure whether information is public, the regent should refer the matter to the Chair, the President, or one of the University’s

<sup>4</sup> AM. BAR ASS’N, GUIDEBOOK FOR DIRECTORS OF NONPROFIT CORPORATIONS 67 (3d ed. 2012).

<sup>5</sup> *Id.*

<sup>6</sup> AM. BAR ASS’N, NONPROFIT GOVERNANCE AND MANAGEMENT 11 (3d ed. 2011).

other senior executives.<sup>7</sup> The regents' annual reaffirmation of standards should highlight the Regent Code of Conduct's current confidentiality standards, which follow the ABA's guidance.

- h. New Regent Orientation.** It is vital that each regent understands his or her duties and receives effective training. The Task Force understands that the University conducts a regent orientation program. The Task Force recommends that the Governance Committee, together with the Board Secretary, promptly update the existing program to assure regent orientation continues to be mandatory, is robust, employs evolving best practices for new regents, and is available to incumbent regents. The Task Force recommends that the leadership of the Board continue to take an active role in improving and overseeing the regent orientation program and that the Board Secretary administer the program to foster continuity as new regents are integrated into the Board.
- i. Regent Assessment.** The Board requires each regent to submit an annual self-assessment based on the board assessment instrument developed by BoardSource, an organization seeking to bolster nonprofit board leadership.<sup>8</sup> The Task Force believes this assessment should seek to encourage each regent to make suggestions for improving the functioning of the Board, Board committees, and special task forces of the Board, including meeting procedures. The Governance Committee should continue its annual practice of accumulating feedback from the individual regents and place additional emphasis on reviewing the results annually with the whole Board. Additionally, the Governance Committee should conduct a full "360-degree" review of each regent's performance prior to the end of the regent's three-year term. The 360-degree review should include an assessment of the regent by other regents and faculty and administrators with whom he or she had significant contact. The Governance Committee should complete the 360-degree review prior to any recommendation by the Governance Committee to re-nominate the regent for a second or third term. While the Task Force does not oppose the use of consultants in

<sup>7</sup> *Id.*

<sup>8</sup> See BoardSource, "Board Self-Assessment for Nonprofit Organization," available at <https://boardsource.org/resources-solutions/assessing-performance/board-self-assessment/>.

facilitating the assessment of regents, the Governance Committee and the full Board must retain responsibility for ensuring the quality of regents.

- j. Board and Board Committee Effectiveness Assessments.** In addition to assessing regent performance, the Board and each committee should conduct an annual self-assessment, focusing on performance of responsibilities, including a review of charters, agendas, information flow, and meeting procedures, as well as the appropriate experience and skill sets of committee members.

## II. Regent Selection

- a. General Selection Process.** The Task Force recommends that the Governance Committee create a Selection Task Force composed of members of the Governance Committee and distinguished Baylor alumni and friends who are not regents, who have had significant and successful careers in business, education, the arts and sciences and other varied professional fields, as well as experience serving on public company or major non-profit governing boards, and who come from diverse backgrounds and geographic locations so that they are best positioned to assist the committee in identifying and reviewing the best qualified individuals to be regents. To bring outside perspective to the regent selection process, at least half the members should be individuals who are not regents and, if they had previously served as regents, have not done so for at least the prior six years. The Task Force also recommends that the Selection Task Force include as non-voting members both the President and the Vice President primarily in charge of advancement and development. The Task Force believes that this recommendation is one of the most important in this report as the consistent feedback from the Baylor community was that the scope of regent candidates needs to be broadened beyond those persons known by existing regents or identified through the current process.
- b. Special Selection Process; Student, Faculty, Bear Foundation and “B” Association Regents.** The Task Force does not recommend changing the existing processes for selecting and electing regents through the Baptist General Convention of Texas, the Alumni-Elected Regents, or other special categories of regents designated under the Governing Documents, such as the President or student or faculty regents.

The Board currently includes a non-voting regent nominated by each of the Bear Foundation (a fundraising organization for athletics) and the Baylor "B" Association (an association of athletic letter winners). The Task Force suggests that the Board grant voting rights to these regents and increase their terms to three years to match the terms of the other regents.

There are two non-voting student regents. The Task Force believes that having two student regents provides the student body with appropriate representation and that staggering student regents' two-year terms would provide for continuity. Ideally, one of the student regents would be serving a second year of service while the other is in his or her first year of service. The Task Force also believes that students should serve in a non-voting capacity due to the limited duration of their tenure on the Board.

The Board also has one non-voting faculty regent. Currently, the Governance and Compensation Committee nominates the faculty regent based on the recommendation of the University Provost's Office and in consultation with the chair of the Academic and Student Affairs Committee. The Task Force recommends that the Board increase the number of faculty regents to two, set the terms of the faculty regents at three years, and grant faculty regents voting rights to enrich the Board's understanding and analysis of issues from the perspective of those in higher education. As with student regents, the two faculty regents should serve in staggered terms to facilitate continuity. Faculty members who had discussions with the Task Force support the recommendations in this paragraph.

The Task Force recommends that all regents be given all Board materials unless there is a compelling reason for not doing so, such as for those matters related to compensation or, in the case of non-voting regents, attorney-client privileged information. Of course, any regent should be recused from a Board or committee meeting when matters are discussed with respect to which such regent is conflicted.

- c. **Regent Emeriti.** The Task Force recommends that the Board grant non-voting regent emeritus status to a limited number of former regents who have provided extraordinary service to Baylor. Regent emeriti should not have term limits, but the Board should annually confirm each regent emeritus's continued service on the Board. Regent



emeriti should be welcome at, but not required to attend, every Board and committee meeting, including executive sessions, unless the Board determines otherwise. The Task Force recommends that the Board seek to honor at least five former regents with this special status and elect one such individual to be chair of the regent emeriti for a term of up to three years. The chair should be a voting member of the Board during his or her term as chair and should be required to meet the regent attendance requirements for non-emeriti regents described in the following section of this report. As it deems appropriate, the Board could also appoint regent emeriti to serve on ad hoc committees that the Board may create from time to time to evaluate new initiatives of the University.

The Board should take further steps to strengthen its relationships with regent emeriti and other important alumni and friends of Baylor with significant institutional knowledge. The Task Force further recommends sponsoring at least annually events at which past regents, regent emeriti, important alumni and friends, and active regents may interact and learn more about the Board's work.

### III. Board Governance and Administration

- a. **Leadership.** Under the existing governance structure, the Governance and Compensation Committee annually nominates a Board Chair and a Vice Chair. The Chair then nominates the chairs of the standing committees. In the future, the Task Force recommends that the Governance Committee nominate the chairs of the standing committees and membership of the committees in consultation with the Chair and Vice Chairs and after soliciting recommendations from all regents. The full Board should then approve the Chair, Vice Chairs, chairs of the standing committees and membership of the committees. The Task Force is concerned that the existing process places too much power in the hands of the Chair and could thus be too insular. Prior to recommending individuals to serve as the Board Chair and Vice Chairs, the Task Force recommends that the Governance Committee seek input from all regents as to who is qualified and capable, placing a special emphasis on the board experience (at Baylor and elsewhere) and public profile of the nominees to increase the likelihood that the broader Baylor community will embrace newly selected regents. The Task Force also

recommends expanding leadership from one to three Vice Chairs, each to have responsibility for specific areas of Board work. The Chair and Vice Chairs, in consultation with the Executive Committee and Governance Committee, should divide responsibilities among the Vice Chairs. Three Vice Chairs should better facilitate the functioning of the Board, improving communication, transparency, feedback, and decision-making, and clarify the roles of future Board leaders. To foster discussions and optimize decision-making, the Task Force specifically recommends that the Vice Chairs be responsible for seeking the opinions of all regents regarding topics about which there may be significant differences. The Task Force recommends that all the regents evaluate and assess the performance of the Board's leadership and committee chairs as part of the annual evaluation process. The Governance Committee should review the evaluations of the Chair, Vice Chairs, and committee chairs before it submits such individuals to the Board for possible annual reappointment.

- b. Eligibility of Chair and Vice Chairs.** The Task Force recommends that individuals serve at least one full three-year term as regents prior to election to a one-year term as Chair or Vice Chair and that an individual should not serve in those positions for more than three one-year terms. The Task Force further suggests that the Chair be required to resign from the Board no later than one year following completion of his or her term as Chair. For his or her one-year term as past Chair, the past Chair would retain full voting rights. The Task Force believes that the past Chair leaving the Board after one year will support the new Chair in setting an appropriate forward-looking course for the Board. No Chair or past Chair should serve on any standing committee, but the Chair and past Chair should be non-voting members of all committees. One or more of the Vice Chairs may serve as a committee chair upon the recommendation of the Governance Committee and approval of the Board, but no Vice Chair should be required to chair a standing committee.
- c. Duties of Vice Chairs.** The Task Force believes that, in addition to any responsibilities the Vice Chairs may have chairing standing committees, the duties of the Vice Chairs should remain flexible and open to discussion by the Chair and Vice Chairs in consultation with the Executive Committee. The Chair and Vice Chairs should describe the general division of responsibilities among them to the full Board at the first meeting

following their election to ensure all regents clearly understand the areas each Vice Chair will oversee. The Task Force believes that the foregoing will promote greater involvement and accountability by all regents and not just those who hold leadership positions.

- d. Duties of Chair.** The Chair serves as the primary liaison between the Board and the President, faculty, news media, and other external constituencies. The Chair should set the Board agenda and lead meetings and executive sessions of the Board. If the Chair cannot attend a meeting, the Chair should designate a Vice Chair to lead the meeting. The Chair should attend as many committee meetings as possible or designate a Vice Chair to attend. Likewise, the President should attend as many such meetings as possible. The Task Force also considered whether the Chair and Vice Chairs should meet regularly with the President other than at Executive Committee and Board meetings. In the Task Force's judgment, meeting more frequently could be beneficial, although such meetings should not be mandatory. The Chair, Vice Chairs and President should periodically discuss the frequency of such meetings. The Board Chair and Vice Chairs should serve in both supportive and oversight capacities and not attempt to manage the University's day-to-day operations.
- e. Board Committees.** The Task Force recommends changing the committees as noted below to improve efficiency and effectiveness and promote greater involvement by the regents.

  - 1) *Committee Service.* The Task Force recommends that each regent should be required to serve on at least one committee and be encouraged to serve on two, but no more than two, committees. Each regent should provide input regarding the committees on which he or she would be best suited. No Chair or past Chair should serve as a voting member of any committee but, as with all regents, he or she should be encouraged to attend as many committee meetings as possible. The Task Force believes that the change in the titles and responsibilities of the committees as described below, and the service by most regents on two committees, will create greater interaction among the regents that, in turn, will foster greater collegiality, better decision-making, and stronger engagement by all regents. The Task Force

believes that a dispersal of work and authority among the regents will contribute to the effective functioning of the Board and to each regent's sense of engagement and purpose.

- 2) *Meeting Attendees and Materials.* All regents should be invited to attend every committee meeting, including those of the Executive Committee, as well as all executive sessions of committees, regardless of whether they are members of a particular committee, unless they have a conflict of interest with respect to the subject matter under discussion. The President, Chair, Vice Chairs, and past Chair should attend all committee meetings as ex-officio members. Each Committee should also include the participation of one or more University administrators and faculty members to provide the information, background material, and other insights necessary and desirable for effective oversight by each committee of the areas for which it is responsible. The Task Force recognizes that there may be situations in which it is appropriate to prohibit attendance by non-members or non-regents at particular committee meetings, but the Board Chair or committee chair should use this prerogative sparingly. If the Board Chair or committee chair determines to exclude a regent who previously expressed an intention to attend a particular committee meeting from such meeting, the Board Chair or committee chair should provide notice to the excluded regent and explain the rationale to the Board in order to facilitate transparency. By the same token, all regents should be provided with, or given access to, all Board and committee materials except in those cases where provision of particular materials would be inappropriate due to a conflict of interest or legal limitations on access.
- 3) *Committee Roles and Meeting Schedule.* The Task Force believes that future Board committees should better fulfill their strategic and oversight purposes and facilitate fuller participation by all committee members, the President, and the members of the administration or faculty charged with management of the particular areas that the committees oversee. Based on feedback from the Baylor community, the Task Force is concerned that committees may periodically devote excessive time to granular management issues that should be handled by the President and administrative staff and give inadequate time to strategic matters and general oversight. While it is not

unusual on boards for this to happen from time to time, to enable the regents to provide proper strategic and risk management oversight, the Task Force recommends that the chair of each committee be experienced in board governance and work with the President to set out an agenda for the committee that covers the material in the appropriate level of detail. If any committee meeting takes more than two-to-three hours, the committee chair and the President should review whether the committee material is too detailed. The committee chairs should streamline committee meetings and ensure that University administration is empowered to implement each committee's strategic directions so that the committee can focus on oversight. The Governance Committee and Board Secretary should provide the committee chairs with guidance and training regarding how to run committee meetings effectively. Managing the committee agendas in the manner described above will require a cultural change within the Board. Each committee should schedule its meeting to avoid conflicting with any other committee meeting to the extent possible; shorter, more effective committee meetings with agendas and materials provided in advance should facilitate scheduling. Committees should permit attendance by telephone, especially if a committee meets outside the normal Board meeting dates. However, committees should seek to minimize telephonic participation when possible.

4) *Standing Committee Titles and Responsibilities.* The current standing committees of the Board are Academic and Student Affairs, Audit and Compliance, Finance and Facilities, Governance and Compensation, and Outreach. The Task Force recommends that the standing committees be reconstituted to consist of the following:

- i) Academic;
- ii) Student Life;
- iii) Audit;
- iv) Compliance and Regulatory, which will include review and oversight of all athletic compliance requirements, including Title IX;
- v) Finance and Facilities;

- vi) Nominating, Governance and Regent Leadership (referred to in this report as the “Governance Committee”);
- vii) University Leadership and Compensation; and
- viii) Advancement and Development, which will include oversight of general marketing and communications relating to giving campaigns and University donors.

The Task Force believes this reconstitution of the committees will better align committee work with the responsibilities of the Board and more effectively distribute those responsibilities. In particular, the separation of governance and compensation into separate committees reflects best practice. The Governance Committee should handle governance matters, and the newly formed University Leadership and Compensation Committee should set compensation for senior leaders and review the talent and succession planning across the University.

The Task Force also recommends that the existing Audit and Compliance Committee be separated into two committees—an Audit Committee and a Compliance and Regulatory Committee—to accommodate the added workload required to address legal and regulatory compliance matters, such as Title IX, while still maintaining the necessary standards for financial statement review and assessment of the quality of the financial reporting.

Furthermore, the Task Force recognizes that athletics are the “front porch” of, and carry significant reputational risk for, any university. The Task Force understands the University administration began implementing a comprehensive policy on student-athlete background assessments in response to the recommendations of Pepper Hamilton set forth in the [“Baylor University Report of External and Independent Review.”](#) The Task Force believes it is imperative for a University office that reports outside the Athletic Department, such as the Athletic Compliance Office, which is also responsible to Baylor University Compliance and to the President, be involved in the implementation of such policies.

The Task Forces also believes it is imperative for the Board to ensure implementation of, and compliance with, policies that will identify instances of misconduct by prospective student-athletes, including comprehensive background assessments. Such assessments should include: (1) use of available state and federal databases; (2) verification of responses to information questionnaires; (3) internet searches including search terms designed to identify prior criminal misconduct and expulsion or suspension from another educational institution or sports team; and (4) consent forms authorizing the release to Baylor of all student conduct records from any prior college or university the prospective student-athlete may have attended – all as necessary to determine whether prior misconduct should preclude admission to the University.

In addition, the Task Force acknowledges the University has also instituted a committee of senior administrators outside of the athletic department to assist the athletic department in assessing discipline for serious infractions to ensure consistent standards. The Task Force recommends that the Compliance and Regulatory Committee undertake an immediate and thorough review of the new background assessment policy and the implementation thereof. The Task Force further recommends that the results of the efforts regarding athletic background assessments and assessments of serious infractions be reported directly to the Compliance and Regulatory Committee at each committee meeting and reported to the full Board during its committee report at Board meetings. In addition, the full Board should receive a direct update from Baylor University Compliance at least annually. The Task Force believes that these actions will give University constituents more clarity as Baylor seeks to implement the Pepper Hamilton recommendations.

The Task Force also recommends dividing the existing Academic and Student Affairs Committee into two committees to provide the increased oversight required for continued accreditation of the University in each of these two vital areas. Finally, the Task Force recommends that the Advancement and Development Committee focus on giving to Baylor and donor advancement.

The Task Force recommends the Governance Committee work with each committee and one or more members of the administration and faculty assigned to work with such committee to develop a charter describing such committee's scope of duties and oversight responsibilities as well as an annual calendar for each committee designating the times at which various periodic matters should be reviewed and approved by the committee. The Board should approve the charter and calendar for each standing committee, and the charter and calendar should guide the preparation of materials for committee meetings. Each standing committee should report annually to the Board that it has reviewed its charter and committee calendar and should submit any proposed changes to the Governance Committee for consideration and recommendation for Board approval.

These changes should also provide for greater transparency and openness among the regents. The Task Force emphasizes that the fundamental role of the Board and its committees is to exercise their fiduciary duties to the University and that the activities of the standing committees should bolster, and not undermine or weaken, that essential role.

- 5) *Executive Committee.* The Executive Committee is currently an optional committee under the Governing Documents. Given the size of the Board, the Task Force recommends making the Executive Committee a permanent committee limited to no more than 15 members. The Executive Committee is empowered to conduct the business of the Board between Board meetings to the extent allowed by the Governing Documents. It should meet at least monthly and be a sounding board for the President. The Chair, Vice Chairs, past Chair, chairs of each committee, and the chair of the regent emeriti should be the voting members of the Executive Committee, and the President should be a non-voting member. The Task Force recommends that the President be the primary, but not the sole, link between the Board and Executive Committee, on the one hand, and University administration, on the other. The Task Force recommends that no person (other than the President) serve on the Executive Committee more than six years.



As noted, the Task Force recognizes that while the President is accountable to the Board for the proper administration of the University, he or she is the chief executive officer of the University. The Executive Committee should support and oversee the performance of the President in that role and ensure that the Board and President agree on key strategic matters and means of implementation. Executive Committee meetings are particularly important because they present an indispensable forum for a regular, routine working relationship between the Board and the President and are a vital means by which Board leadership maintains familiarity with, and exercises oversight over and support for, the President in addressing the most significant issues facing the University. As appropriate, the Executive Committee should invite senior administration officials to these meetings to provide additional insight on issues under discussion.

The Task Force recommends that, in populating the Executive Committee through the recommendations to the Board regarding the regents to be selected as Vice Chairs and committee chairs, the Governance Committee be mindful of the same diversity considerations discussed above in “Board Composition and Procedures” in populating the Board as a whole. The Executive Committee should inform the full Board in a timely manner of Executive Committee actions, and the Board should approve or ratify those matters requiring Board approval. The Board and the Executive Committee should reach an understanding on the matters that require Board approval or ratification. The Executive Committee should, however, be empowered to take final action if action before the next Board meeting is needed to protect the University’s interests that would otherwise be compromised by delay or if a matter is simply administrative, is needed for the efficient functioning of the University, and does not compromise any significant interest or prerogative of the Board as a whole.

- 6) *Committee Executive Sessions.* Each committee should hold an executive session at the beginning or end of each meeting, as determined by the committee chair, for discussion of confidential matters. As with Board executive sessions, committee executive sessions should not include the President or other members of the University administration.

- 7) *Committee Reports to the Board.* At each Board meeting, the chair of each committee should deliver a robust summary report so that all regents are fully informed about the committee's work. Committee chairs should also share agendas for committee meetings with the full Board.

**f. Board Meetings.**

- 1) *Frequency.* The Task Force recommends no change to the frequency of Board meetings.
- 2) *Time Allotted.* The Task Force encourages the Board to allot time for a “night-before” dinner plus a full day for Board meetings, except that the annual strategy meeting described below may last more than one day. Committee meetings should be in-person and, if possible, scheduled the day before a Board meeting, with every effort made to hold these meetings at separate times during the day to permit attendance by the Board Chair, the President and all other regents who wish to attend multiple committee meetings. The Task Force acknowledges that maintaining eight standing committees (excluding the Executive Committee) may require holding meetings a week or two prior to the actual Board meeting dates, but that efforts should be made to hold meetings at separate times the day before each Board meeting to allow in-person interaction and facilitate the attendance by the President, the assigned faculty, student or administration officials, and other regents.
- 3) *Attendance.* Regents should attend Board meetings in person absent extenuating circumstances. Each regent should be required to attend in person at least 75% of regularly scheduled Board meetings and strive to attend all special Board meetings. The Task Force recommends a similar guideline for committee meetings except that committees should allow attendance by telephone. The Board Secretary should provide a dial-in number for Board meetings, but attendance by telephone should not count toward the 75% requirement. The 360-degree reviews of regents at the end of their terms should consider the attendance records of each regent. The Task Force recommends that the Board's overarching policy should be to include all regents, voting and non-voting, in Board deliberations unless there is a manifestly sound reason not to do so.

The Task Force notes that there may be circumstances in which certain regents should be recused from Board deliberations in accordance with the Board's conflicts of interest policy. For example, recusal may be necessary for the President or faculty or student regents when a matter entails privacy considerations. Recusal also may be necessary when a Board decision involves a financial or other conflict of interest of any regent. The affected regents and the Board Chair should weigh such considerations prudently and determine to what extent to exclude the regent from such deliberations, and communicate their determination to the full Board at the time.

- 4) *Calendar; Agenda.* The Chair and Vice Chairs should establish, with the advice of the President, an annual Board calendar to set regular meeting dates on approximately the same days and same times each year.

The agenda for each Board meeting should include and cover:

- i) the President's report;
  - ii) the Executive Committee report by the Chair and ratification by the Board of Executive Committee actions as appropriate;
  - iii) comprehensive committee reports;
  - iv) risk review;
  - v) accreditation and regulatory compliance, including Title IX updates;
  - vi) other business; and
  - vii) an executive session.
- 5) *Executive Session.* The Board should hold an executive session at the beginning or end of each meeting, or as determined by the Chair, to discuss confidential matters. The executive session should not include the President or other members of the University administration.
  - 6) *Annual Strategic Planning.* The Task Force recommends that one Board meeting per year focus on Baylor's strategic plan. The strategic planning meeting should include appropriate University leadership and faculty. This meeting should be the most

important Board meeting of the year, at which the Board analyzes the University's goals in connection with the University's strategic plan. The Board also should review and assess at the meeting how the University is achieving its goal to carry out its mission. Further, the Board should consider alternative sources of revenue beyond the historical revenue of tuition and fundraising.

- g. Presidential Assessment.** As noted previously in this report, a significant responsibility of the Board is to appoint, periodically review the compensation of, and provide feedback to, the President. Utilizing the appropriate committees, the Board should regularly assess presidential performance in advancing the mission and strategic plan for the University and performing his or her administrative responsibilities so that the Board can make appropriate adjustments to expectations, actions and compensation. Regular dialogue should enable the Board and the President to work together to enhance the University's objectives and be reasonably assured that the University administration is appropriately handling all University functions. The Board should link the President's compensation to his or her performance, and while committee-level presidential performance assessment should reside in the Executive Committee, subject to the Board's review of its findings, the University Leadership and Compensation Committee should directly oversee the particularized assessment and compensation of the President and other senior executive officers of the University.

#### IV. Regent Giving

The Task Force believes that giving to Baylor is an important aspect of being a regent and that all regents should continue to provide leadership in this area. In making these recommendations, the Task Force has noted that many universities and other non-profit organizations have broad annual giving programs in which the leadership participates 100% and that this participation has an excellent impact on other potential donors. These gifts generally are in addition to other areas of specific giving. The Task Force recommends that regents demonstrate leadership and commitment to the University's mission by establishing an Annual Regents Fund or similar giving vehicle designed with the Office of University Development, with the goal of full Board participation to the extent of each regent's ability. Participation in the Annual Regents Fund would be over and above regents' donations to particular University departments or programs,

such as athletics. The Annual Regents Fund would seek to fund special University needs to further the non-athletic missions of Baylor, as recommended by the President and with the approval of the Advancement and Development Committee, in an effort to encourage greater giving to these important aspects of Baylor.

V. Office of the Board Secretary

- a. **Secretary to the Board.** The Task Force recommends the Board create a full-time senior position of Secretary to the Board (the “Board Secretary”) to serve as the principal officer to the Board in the administration of its responsibilities and as the principal staff officer to the regents in the discharge of their fiduciary oversight responsibilities. The Task Force recommends the Board Secretary be responsible for advising the Board regarding the design and implementation of policies and procedures through which the Board may most effectively fulfill its governance responsibilities within the mission of the University and for providing appropriate advice, support and administrative assistance to aid the Board and its committees.
- b. **Terms of Employment.** The Task Force recommends the Board Secretary be elected by the vote of a majority of the Board, serve without fixed term, and report directly to the Board. The Board should set the Board Secretary’s performance evaluation and compensation. The Task Force further recommends the Executive Committee consult with other universities utilizing a board secretary or similar administrator to identify best practices prior to more fully defining the role of this position. At a minimum, the Task Force strongly recommends that the individual appointed as Board Secretary demonstrate strong board experience and expertise, excellent communication and organizational skills, impeccable character, exceptional judgment, and the ability to work with and within the Baylor community. Additionally, the Task Force recommends that the Board Secretary be a lawyer. The Task Force also recommends the Board Secretary be empowered to interact with the President and senior leadership on behalf of the Board under the guidance of the Chair and Vice Chairs.
- c. **Core Responsibilities.** The Task Force suggests the core responsibilities of the Board Secretary include the following:

- 1) Preparing for and managing Board and committee meetings and retreats, including planning and scheduling meetings and retreats, working with the Chair, Vice Chairs and committee chairs, in coordination with the President and senior University officials, to set meeting agendas, assuring each member of the Board is provided with advance background materials necessary for meaningful discussion and decision-making, attending all Board and committee meetings, overseeing the preparation of meeting minutes, and monitoring matters requiring further actions by, or reports to, the Board;
- 2) Developing and overseeing the new regent orientation program in conjunction with the Governance Committee and identifying other topics requiring ongoing training;
- 3) Maintaining the Board website;
- 4) Reviewing recommendations and reports for the Board to ensure materials are timely, complete, and concise;
- 5) Serving as “historian of the Board” by filing, archiving, and preserving official documents, correspondence, and proceedings of the Board and its committees and conducting research as requested; and
- 6) Supervising any staff that may be hired to assist the Board Secretary.

**d. Staff for the Board Secretary.** The Board should authorize the hiring of an appropriate staff for the Board Secretary to provide for the scheduling and meeting functions of the Board and its standing committees.

## VI. Transparency and Engagement of the Board with Key Constituencies

As discussed in the introduction to this report, the Task Force tailored its recommendations specifically to improve the transparency and accountability of the Board. In particular, the Task Force believes that its recommendations regarding input for regent selection, selection of Board leadership, changes to the removal process for regents, greater regent emeriti involvement, rotation off the Board of the past Chair after one year, reorganization of committee responsibilities, and streamlining of committee meetings will substantially improve transparency and accountability.

To bolster trust and confidence within the Baylor community, the Task Force recommends that the Board Secretary maintain a Board website to inform constituents regarding the Board calendar and agenda and provide summaries of Board meetings. The website should include the biographical information on each regent and his or her term of office and committees and other Board leadership positions. It should also include copies of the Governing Documents and this report. Additionally, the Board should prepare quarterly and annual reports to the Baylor community and post them on the website.

The Task Force recognizes the key role that faculty play in the University and understands that Board leadership has met with small groups of faculty in recent months to facilitate discussion and idea exchange. The Task Force encourages the Board to continue these meetings in addition to establishing the two voting faculty regent positions discussed previously in this report. Furthermore, the Task Force recommends that the Board empower the University Leadership and Compensation Committee to establish a cross-University task force reporting to the President to evaluate the various academic departments and administrative leadership to increase accountability, outline succession planning, and plan for the future. The President and the cross-University task force should periodically update the University Leadership and Compensation Committee on its work. The Task Force understands that the faculty has also made this recommendation to the Board.

The Task Force also discussed whether to open Board and committee meetings to all interested members of the Baylor community. After extensive deliberations, the Task Force concluded that the specific recommendations in this report would sufficiently enhance accountability and transparency and that open meetings would risk unnecessarily disclosing competitive information and detract from the free and open exchange of views and robust dialogue that are necessary to fulfill the regents' fiduciary duties. The Task Force also recognized that very few other leading private universities open board meetings to broad attendance. A large majority of those with whom the Task Force held discussions did not advocate for open meetings.

## VII. Future Reviews

The Task Force recommends that the Board form a follow-up task force in three to five years to evaluate the implementation and effectiveness of the recommendations contained in this report.

The Task Force also recommends that 50% of the members of the new task force consist of individuals who have never been regents.

The Task Force also recommends that the Compliance and Regulatory Committee, with additional oversight from the full Board, place particular emphasis on ensuring that Baylor's Title IX training and policies are continually updated to adhere to best practices. Future reviews should specifically focus on the University's continuing compliance with Title IX.

#### VIII. Conclusion


After comprehensive review and extensive discussions during many meetings, the Task Force unanimously agreed on the recommendations set forth in this report. The Task Force extends its gratitude to the University community for its assistance in the process of preparing this report and thanks the Governance and Compensation Committee and the Board for the opportunity to serve Baylor.



**EXHIBIT 8**

## MEMORANDUM

**To:** Mr. Doug Welch, Chief Compliance Officer  
Mr. Rob Carter, Director, Internal Audit & Management Analysis

**From:** J. Cary Gray, Chair   
Baylor University Nominating, Governance and Regent Leadership Committee

**Date:** July 19, 2017

**Re:** Supplement to October 4<sup>th</sup> Status Report

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This memorandum supplements our Status Report to the Sexual Assault Task Force dated October 4, 2016 regarding the actions undertaken by the Baylor University Board of Regents (the “Board”) to implement the May, 2016 recommendations from Pepper Hamilton pertaining to Board operations and governance, particularly Section III.2 of the Pepper Hamilton Recommendations.

Shortly after our first Status Report was submitted to the Sexual Assault Task Force, six well qualified individuals were appointed by the Board’s Governance and Compensation Committee to a Governance Review Task Force (“Task Force”). The Task Force included three members of the Board and three equally committed friends of Baylor University. The Task Force was ably led by Mr. Gregory D. Brenneman and supported in its efforts by the international law firm of Gibson, Dunn & Crutcher.

The Task Force carefully reviewed the documents governing Board operations as they had been modified in July of 2016; studied governing documents of other universities; interviewed prominent Baylor alumni and constituents representing various interest groups; and considered changes that could be made to assure the Board conducts its affairs in accordance with the very best practices at colleges and universities across the nation. The Task Force released its final report on January 16, 2016. The Task Force Report may be reviewed using the following link to the new Board website: <http://www.baylor.edu/boardofregents/news.php?action=story&story=177249>

### **Additional Changes to Bylaws and Guidelines for Board Operations / Timeline**

Following the release of the report by the Task Force, the Governance and Compensation Committee of the Board carefully considered the recommendations and developed more than thirty proposed changes to the Bylaws and the Guidelines for Board Operations. Each of the proposed changes were formally adopted by the Board at its February, 2017 meeting. Together with the changes enacted in July of 2016, changes to the Bylaws and the Guidelines for Board Operations that have now been implemented, or are in the process of being implemented by the Board during this academic year include:

1. Establishing an Executive Committee (**done**)

2. Developing and Implementing a new Statement of Commitment & Responsibilities **(done)**
3. Eliminating the Athletics Committee and charging other Committees with the responsibilities formerly delegated to the Athletics Committee **(done)**
4. Designating a Board Professional / Board Secretary **(done)**
5. Establishing a Regent Selection Task Force as a sub-committee of the Nominating, Governance and Leadership Committee to review standards for new Board membership and improve due diligence standards for Regent selection **(done)**
6. Granting voting rights to Faculty, Student, Bear Foundation, & B Association Regents **(done)**
7. Adding two additional Vice-Chairs and assigning each the three Vice-Chairs additional responsibilities for areas of current emphasis such as compliance **(done)**
8. Charging the Nominating, Governance and Leadership Committee with seeking input of all Board members before nominating officers **(done)**
9. Charging the Nominating, Governance and Leadership Committee, rather than Chair, with appointing Regents to Committees **(done)**
10. Developing a new schedule for committee meetings such that no two committees of the Board will meet at the same time, thereby allowing the President of the University, the Chair of the Board, the Vice-Chairs of the Board and any Regent to meetings of each committee **(done)**
11. Making significant changes to the Regent removal process in order to make it easier to remove a Regent **(done)**
12. Charging the Nominating, Governance and Leadership Committee with responsibility for enhancing assessments of Regent performance before re-appointment to additional terms **(done)**

The revised Bylaws and Guidelines for Board Operations may also be reviewed at the new Board website.

### **Association of Governing Boards Training**

One of the Regents expected to serve as a Vice-Chair, and three of the Regents expected to serve as committee chairs during the 2017/18 academic year attended the Association of Governing Boards' 2017 National Conference on Trusteeship in Dallas. They were accompanied by Dr. Robyn L. Driskell, who currently serves as Vice-President for Board Relations in the role as the Board Professional (as well as the Chief of Staff to the President) and the two students who were elected as Regents Honoris Causa.

The Board was pleased to host Dr. David Maxwell, a Senior Fellow with AGB, at the Board's summer retreat in 2017. Dr. Maxwell and AGB conducted the Board's Self-Assessment and Dr. Maxwell presented the results of the Self-Assessment during the the retreat. Dr. Maxwell also conducted additional training for the entire board on the role of shared governance in higher education.

## **Board Size and Composition**

The Governance Review Task Force specifically considered and addressed the Board's size as part of its work. The size of the Board was deemed to be consistent with best practices of universities similar to Baylor and the Task Force recommended maintaining the current size of the Board.

However, the Governance Review Task Force also noted the importance of having an Executive Committee of the Board and made two recommendations concerning the Executive Committee that have been implemented as part of the changes to the Bylaws and the Guidelines for Board Operations. First, the aspect of the Bylaws and Guidelines for Board Operations that made having an Executive Committee optional for each Board has been eliminated. An Executive Committee is now mandatory. The size of the Executive Committee has been expanded by the addition of two Vice-Chairs, the increase in the number of committees and the concomitant increase in the number of committee chairs serving on the Executive Committee, and by the possibility of adding a Chair of the Regents Emeriti as a voting member of the Board and a voting member of the Executive Committee.

## **Conflicts of Interest / Reporting Protocols**

Pepper Hamilton Recommendation III.2 references "actual or perceived conflicts of interest." Therefore, Pepper Hamilton also recommends that the Board obtain additional training and education regarding conflicts of interest. The reason for the recommendation relating to Association of Governing Board training was to make Regents aware that interactions with coaches regarding compensation, management, personnel and contractual issues or discipline issues involving student-athletes create an institutional risk to the university, have the potential for creating conflicts of interest for Regents, and have the potential for undermining the authority of university leadership. The president of a university is charged with responsibility for transparency, compliance and alignment of athletics with the rest of the university. The athletic director is delegated with his or her authority by the president, not the board. A board's role is to support the president and hold him or her accountable for discharging these duties effectively. The Governance and Compensation Committee is currently charged with enforcing these principles with the Board. We believe all necessary steps to assure the Board plays its appropriate role have been taken. This was one of the reasons for the decision to eliminate the athletics committee of the Board.

Significantly, the University is not aware of any evidence that sexual assault allegations were ever reported to a current or former Regent other than through official University channels.

We believe the Board has completed the implementation of the Pepper Hamilton recommendations as they relate to the Board and University governance, except to the extent that certain recommendations are ongoing in nature. We welcome any further input you may have.

**EXHIBIT 9**

## **2017 Title IX Survey Summary**

The Administrator Research Campus Climate Consortium Survey (ARC3) was created in 2015 as a response to increased national focus on campus sexual violence, and other organizations' creation of expensive and inadequate climate survey templates.

The Baylor University Social Climate Survey is an adapted version of the ARC3 Survey comprised of 13 modules. The development of the Baylor University Social Climate Survey dates back to March 2015, when the Title IX Coordinator began to hold meetings with campus partners to discuss and plan for a survey at Baylor. Individuals from the Title IX Office, Institutional Research and Testing (IRT), Student Life, Baylor Counseling Center, Marketing & Communications, and Student Government were most heavily involved in the process and creation.

The survey was distributed to all Baylor students (excluding minors) for voluntary and confidential completion. The survey was launched on January 31, 2017, and closed on March 13, 2017. The Baylor Social Climate Survey was distributed to 15,754 Baylor undergraduate and graduate students. A total of 4,523 respondents were included in the final report for a response rate of 28.7%. When reading this report, however, an important concept to take into consideration is non-response survey bias.

Compared to other institutions' climate survey reports, Baylor University's response rate is above the national average. Nonetheless, over 70% of Baylor University's students did not complete the survey; thus, the reader must consider how the individuals who did not complete the survey might bias the survey results—positively or negatively—due to their lack of participation.

### **Purpose of the Study**

The Baylor University Social Climate Survey was designed to gather information to help understand the complexities of interpersonal violence. The study did not primarily focus on the prevalence or number of occurrences but rather on details about incidents of sexual assault, dating violence and sexual harassment to understand the behavior and situations that surround assault. The study responses will aid in the development and implementation of intervention, prevention and education programs.

### **Understanding the Study's Findings**

The study data is organized by categories in which initial questions about sexual harassment, stalking, sexual violence and dating violence are asked. For categories where respondents indicated these types of incidents occurred, additional questions were posed to respondents to gather information about their specific experiences. For instance, for those who experienced sexual harassment, follow-up questions probed the types of harassment such as crude language, sexist remarks and unwanted romantic gestures. These subsequent responses and the resulting statistical data are derived from a subset of the total sample population who experienced the type of behavior outlined in the initial questions. Additionally, a survey respondent could have experienced multiple

acts of violence or harassment in a single incident or over a duration time with numerous tactics employed by the perpetrator(s), which could be reflected multiple times in a single question. The survey design sought information related to the behavior and tactics employed by the perpetrator(s) and the experiences of victims.

The following categories were included on the survey: Peer Norms and Perceptions of Campus Climate, Sexual Harassment, Stalking, Dating Violence, Sexual Violence, Institutional Responses and Formal Reporting, Bystander Intervention and Campus Safety.

All of the survey responses are included and no additional commentary or analysis have been added to maintain the integrity of the survey.

**EXHIBIT 10**



A report on the 2017 Baylor University Social Climate Survey findings regarding issues of harassment, stalking, dating violence, sexual violence, and overall campus climate.

# 2017 Social Climate Survey Findings

Baylor University

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# Table of Contents

<b>Methodology</b> .....	<b>5</b>
Survey Instrument .....	5
Baylor University Social Climate Survey.....	5
Removed Respondents.....	5
Note on Voluntary Participation .....	6
Response Rate & Non-Response Bias.....	6
Response Weighting.....	6
<b>Definitions</b> .....	<b>7</b>
Sexual Harassment.....	7
Stalking .....	8
Dating Violence.....	8
Sexual Violence.....	8
<b>Executive Summary</b> .....	<b>9</b>
Peer Norms and Perceptions of Campus Climate.....	9
Sexual Harassment.....	9
Stalking .....	9
Dating Violence.....	9
Sexual Violence.....	9
Institutional Responses and Formal Reporting .....	9
Bystander Intervention and Campus Safety.....	10
<b>Demographics</b> .....	<b>12</b>
<b>Peer Norms</b> .....	<b>14</b>
<b>Perceptions of Campus Climate</b> .....	<b>16</b>
Perception of Campus Climate Surrounding Sexual Misconduct.....	16
Knowledge of Campus Resources .....	17
Training Regarding Sexual Misconduct.....	18
<b>Sexual Harassment by a Faculty Member, Instructor, or Staff Member</b> .....	<b>19</b>
Sexual Harassment by Faculty/Instructor/Staff: Description of the Incident .....	21
<b>Sexual Harassment by a Student</b> .....	<b>24</b>
Sexual Harassment by a Student: Description of the Incident.....	25
<b>Stalking</b> .....	<b>28</b>
Stalking: Description of the Incident .....	29
<b>Dating Violence</b> .....	<b>31</b>

Dating Violence: Description of the Incident.....	31
<b>Sexual Violence.....</b>	<b>34</b>
Sexual Violence Victimization: Description of the Incident .....	36
<b>Institutional Responses.....</b>	<b>39</b>
<b>Formal Reporting of Victimization.....</b>	<b>41</b>
<b>Peer Responses .....</b>	<b>43</b>
<b>Consent.....</b>	<b>45</b>
<b>Bystander Intervention.....</b>	<b>46</b>
<b>Safety.....</b>	<b>47</b>
Sexual Violence Safety .....	47
Campus Safety .....	48

# Introduction

## Methodology

### Survey Instrument

The Administrator Research Campus Climate Consortium Survey (ARC3) was created as a response to increased national focus on campus sexual violence, and other organizations' creation of expensive and inadequate climate survey templates. The ARC3 survey was created in 2015 through a collaboration of individuals from a variety of institutions and organizations who hold professoriate, administrative, and other professional roles across the nation. For further information regarding the ARC3 instrument, see <http://campusclimate.gsu.edu/>.

### Baylor University Social Climate Survey

The Baylor University Social Climate Survey is an adapted version of the ARC3 Survey comprised of thirteen modules. The survey was distributed to all Baylor students (excluding minors) for voluntary and confidential completion.

The development of the Baylor University Social Climate Survey dates back to March 2015, when the Title IX Coordinator began to hold meetings with campus partners to discuss and plan for a survey at Baylor. Individuals from the Title IX Office, Institutional Research and Testing (IRT), Student Life, Baylor Counseling Center, Marketing, and Student Government were most heavily involved in the process and creation. Numerous existing climate surveys were reviewed and analyzed, including the survey shared by the White House, the Association of American Universities Climate Survey on Rape and Sexual Misconduct, The Association of Title IX Administrators' Sample Climate Survey, and survey variations used at University of Colorado - Boulder, Duke, Rutgers, Penn State University, and more.

In spring and summer of 2016, discussion focused on question criteria as well as a comprehensive marketing and implementation strategy of a short survey with ten questions. When the ARC3 survey was introduced, it was determined that the team should move forward with this as a template for the Baylor survey. IRT also reviewed and approved the survey, and the survey was submitted and approved through the Institutional Review Board (IRB). A student group led by the Student Body President at the time reviewed the ARC3 survey and provided feedback and suggestions, which were then incorporated as the ARC3 template was formed into the existing Baylor University Social Climate Survey. Due to changes within the Title IX office in the fall of 2016, and in consideration and collaboration with the Academic and Work Environment Survey that launched in the spring 2017 semester, the launch of the Baylor University Social Climate Survey was put on hold and reestablished for January 30, 2017.

The survey was launched on January 31, 2017, and closed on March, 13, 2017. Respondents who completed the survey before February 15, 2017 had the opportunity to enter into a raffle to win one of fifty \$20 Amazon gift cards as an incentive.

### Removed Respondents

Respondents who responded incorrectly to three or more quality control items (out of five total) were removed from the study (n=26). Additionally, respondents who accessed the survey but did not answer any questions (n=369) were removed.

### Note on Voluntary Participation

As the climate survey was voluntary, some respondents chose not to continue their participation at various points of completion. Thus, the latter questions in the survey have fewer respondents.

Additionally, certain portions of the survey were made available to only those respondents who responded in affirmation of a specified experience. Further clarifying questions were administered to those respondents to describe their particular experience. Respondents who did not indicate they had ever encountered such an experience were not asked clarifying questions.

### Response Rate & Non-Response Bias

The Baylor Social Climate Survey was distributed to 15,754 Baylor undergraduate and graduate students. A total of 4,523 respondents were included in the final report for a response rate of 28.7%. When reading this report, however, an important concept to take into consideration is non-response survey bias.

Compared to other institutions' climate survey reports, Baylor University's response rate is above the national average. Nonetheless, over 70% of Baylor University's students did not complete the survey; thus, the reader must consider how the individuals who did not complete the survey might bias the survey results—positively or negatively—due to their lack of participation.

### Response Weighting

Responses were weighted by student gender and year in school so that the respondents represented the Baylor student population. The following figures reflect the weighted results.

## Definitions

The survey does not explicitly define terms related to sex- or gender-based discrimination for respondents. However, responding affirmatively to having experienced a specific behavior (e.g., being hit, being a recipient of offensive remarks, receiving unwanted phone calls, etc.) described in the question constitutes victimization of that particular category of discrimination (e.g., stalking, dating violence, etc.). The examples below indicate how the behaviors were categorized. In some cases, reported percentages may not sum to 100% due to rounding.

## Sexual Harassment

Behaviors constituting sexual harassment were classified by the following situations.

- *Sexist Gender Harassment* includes situations in which a person:
  - Treated you “differently” because of your sex;
  - Displayed, used, or distributed sexist or suggestive materials;
  - Made offensive sexist remarks; or
  - Put you down or was condescending to you because of your sex.
- *Crude Gender Harassment* involves situations in which a person:
  - Repeatedly told sexual stories or jokes that were offensive to you;
  - Made unwelcome attempts to draw you into a discussion of sexual matters;
  - Made offensive remarks about your appearance, body, or sexual activities; or
  - Make gestures or used body language of a sexual nature which embarrassed or offended you.
- *Unwanted Sexual Attention* involves situations in which a person:
  - Made unwanted attempts to establish a romantic sexual relationship with you despite your efforts to discourage it;
  - Continued to ask you for dates, drinks, dinner, etc., even though you said “No”;
  - Touched you in a way that made you feel uncomfortable; or
  - Made unwanted attempts to stroke, fondle, or kiss you.
- *Sexual Coercion* involves situations in which a person:
  - Made you feel like you were being bribed with a reward to engage in sexual behavior;
  - Made you feel threatened with some sort of retaliation for not being sexually cooperative;
  - Treated you badly for refusing to have sex; or
  - Implied better treatment if you were sexually cooperative.
- *Sexual Harassment via Electronic Communication* involves situations in which a person:
  - Sent or posted unwelcome sexual comments, jokes or pictures by text, email, Facebook or other electronic means;
  - Spread unwelcome sexual rumors about you by text, email, Facebook, or other electronic means; or
  - Called you gay or lesbian in a negative way by text, email, Facebook or other electronic means.

## Stalking

Behaviors constituting stalking were classified by the following situations in which a person:

- Watched or followed you from a distance, or spied on you with a listening device, camera, or GPS;
- Approached you or showed up in places, such as your home, workplace, or school when you didn't want them to be there;
- Left strange or potentially threatening items for you to find;
- Sneaked into your home or car and did things to scare you by letting you know they had been there;
- Left you unwanted messages (including text or voice messages);
- Made unwanted phone calls to you (including hang up calls);
- Sent you unwanted emails, instant messages, or sent messages through social media apps;
- Left you cards, letters, flowers, or presents when they knew you didn't want them to;
- Made rude or mean comments to you online; or
- Spread rumors about you online, whether they were true or not.

## Dating Violence

Behaviors constituting dating violence include situations in which a boyfriend/girlfriend, husband, wife, or hookup:

- Threatened to hurt you and you thought you might really get hurt;
- Pushed, grabbed, or shook you;
- Hit you;
- Beat you up;
- Stole or destroyed your property; or
- Scared you without laying a hand on you.

## Sexual Violence

Behaviors constituting sexual violence include situations in which a person fondled, kissed, or rubbed up against the private areas of your body (lips, breast/chest, crotch, or butt) or removed some of your clothes without your consent (but did not attempt sexual penetration); TRIED to have oral, anal, or vaginal sex with you without your consent; had oral sex with you or made you perform oral sex on them without your consent; or put their penis, fingers, or other objects into your vagina/butt without your consent by:

- Telling lies, threatening to end the relationship, threatening to spread rumors about you, making promises you knew were untrue, or continually verbally pressuring you after you said you didn't want to;
- Showing displeasure, criticizing your sexuality or attractiveness, or getting angry but not using physical force, after you said you didn't want to;
- Taking advantage of you when you were too drunk or out of it to stop what was happening;
- Threatening to physically harm you or someone close to you; or
- Using force, for example holding you down with their body weight, pinning your arms, or having a weapon.



## Executive Summary

### Peer Norms and Perceptions of Campus Climate

When asked how Baylor University might handle student reports of sexual misconduct, 63% of respondents indicated it was very likely or likely that *The institution would take the report seriously*, and over half of respondents indicated it was very likely or likely that *The institution would support the person making the report*. Most (73%) of respondents strongly agreed or agreed with the statement *If a friend or I experienced sexual misconduct, I know where to go to get help on campus*, and 74% of respondents indicated that they had *seen posters with information about the Title IX office* since coming to Baylor.

### Sexual Harassment

Fifty-six percent of respondents who indicated that they had experienced sexual harassment by a faculty member, instructor, or staff member said that the incident that had the greatest effect on them involved *sexist or sexually offensive language, gestures, or pictures*. Two percent of respondents indicated that they *reported the person*, while 48% of respondents *ignored the person and did nothing*. Most (87%) respondents indicated that the sexual harassment incident occurred *on campus*.

Sixty-two percent of respondents who indicated that they had experienced sexual harassment by a student said that the incident that had the greatest effect on them involved *sexist or sexually offensive language, gestures, or pictures*. Four percent of respondents indicated that they *reported the person*, while 44% of respondents *ignored the person and did nothing*. Additionally, 60% of respondents indicated that the incident occurred *on campus*.

### Stalking

A majority (76%) of respondents who indicated they experienced stalking said that the perpetrator of the incident that had the greatest effect on them was a *Baylor student*. Forty-eight percent of respondents indicated that the incident occurred *on campus*.

### Dating Violence

Fifty-nine percent of respondents who indicated that they had experienced dating violence said that the perpetrator of the incident that had the greatest effect on them was a *Baylor student*. A majority (70%) of respondents indicated that the incident occurred *off campus*.

### Sexual Violence

Seventy-one percent of respondents who indicated that they had experienced sexual violence said that the perpetrator of the incident that had the greatest effect on them was a *Baylor student*, and 77% of respondents indicated that the incident occurred *off campus*.

### Institutional Responses and Formal Reporting

Seventy-five percent of respondents who indicated they experienced some form of sexual misconduct (including sexual harassment, stalking, domestic violence, or sexual violence) indicated that Baylor University did or would play a role by *actively supporting them with either formal or informal resources*. Twenty-eight percent of respondents who had experienced some form of sexual

misconduct indicated that they *told someone about the incident prior to completing the survey*, and 81% of those who told someone indicated that they told a *close friend other than a roommate*.

### Bystander Intervention and Campus Safety

When asked about reactions to situations that arose at Baylor University, 29% of respondents indicated that they always or most of the time *walked a friend who has had too much to drink home from a party, bar, or other social event*. Sixty-one percent of respondents strongly disagreed or disagreed with the statement *I don't think sexual violence is a problem at Baylor University*. However, 76% of respondents strongly agreed or agreed with the statement *On or around this campus, I feel safe from sexual harassment*, and 77% strongly agreed or agreed with the statement *On or around this campus, I feel safe from sexual violence*.

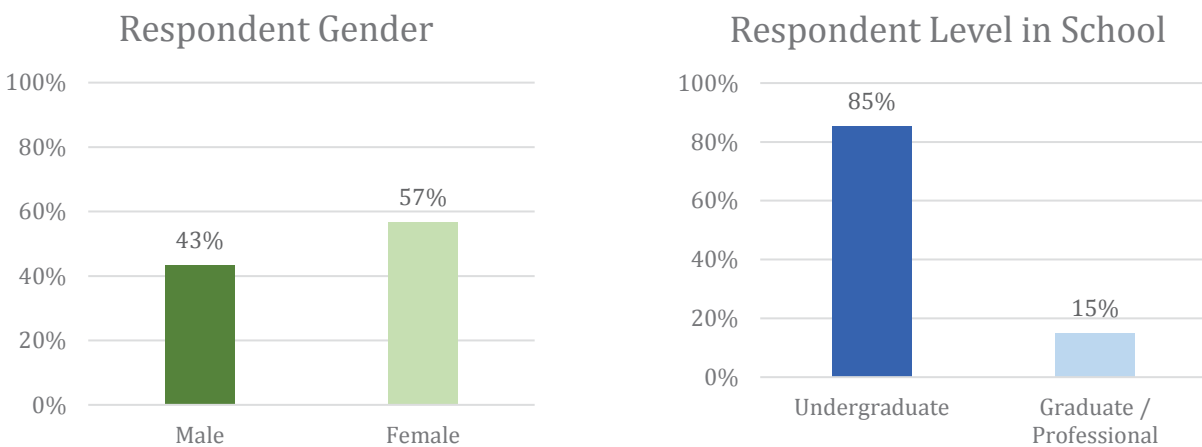
# Findings

## Demographics

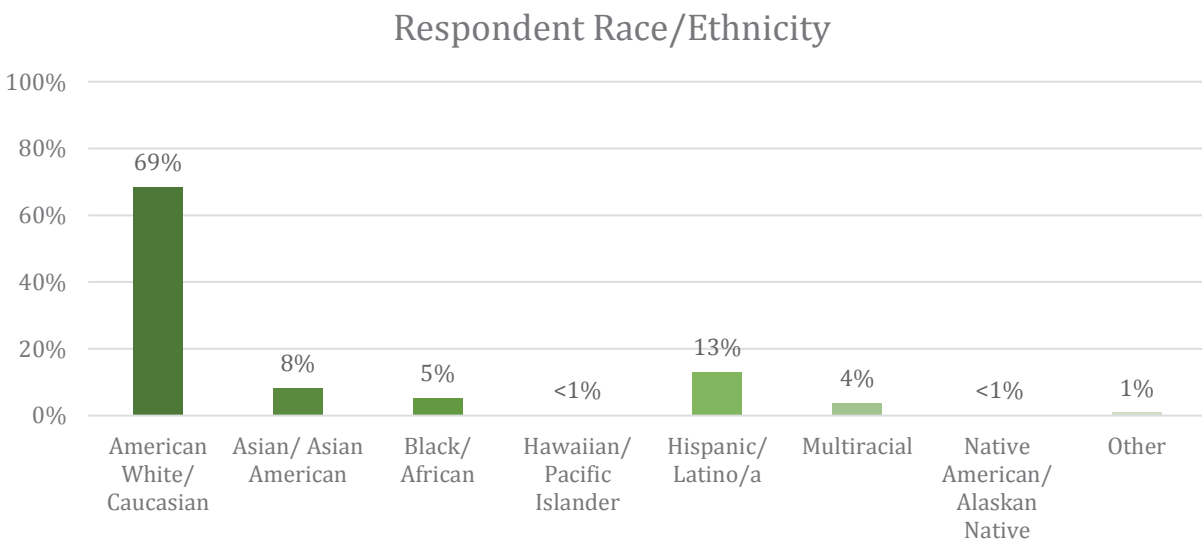
A number of demographic items were presented to respondents at the end of the survey. Results are reported for those who responded to each demographic item.

Fifty-seven percent of respondents who indicated their gender were female, and the remaining 43% were male. A majority (75%) of respondents who indicated their age were 19-22 years old, while an additional eight percent were 18 years old and the remaining 16% were 23 or older.

Eighty-five percent of respondents who indicated their year in school were undergraduate students and the remaining 15% were graduate or professional students. Of the undergraduate students who responded, 42% were in their first or second year and the remaining 58% were in their third year or more.



A majority (69%) of respondents who indicated their race/ethnicity were American White/Caucasian, another 13% were Hispanic/Latino/a, and eight percent were Asian/Asian American. Five percent indicated that they were Black/African, and the remaining five percent were another race/ethnicity.



When asked about their sexual orientation, 92% of those who responded indicated that they were heterosexual and the remaining eight percent indicated another sexual orientation.

Ninety-five percent of respondents who indicated their international status were domestic (non-international) students, while the remaining five percent were international. Over half (67%) of respondents who indicated their housing lived off-campus, 31% lived on-campus, and the remaining two percent lived with their parents or guardians.

A majority (96%) of respondents who indicated their campus location were enrolled at the Waco campus. Another two percent were enrolled at the Dallas Nursing campus, and the remaining two percent were enrolled at other campuses (including Abroad and Online programs).

Respondents were asked to indicate any activities in which they participated. Eighteen percent of respondents indicated that they participated in a fraternity or sorority (including pledge membership), 35% participated in an Honor Society, and 25% participated in intramural athletics. Two percent of survey respondents indicated that they participated in intercollegiate athletics.

## Peer Norms

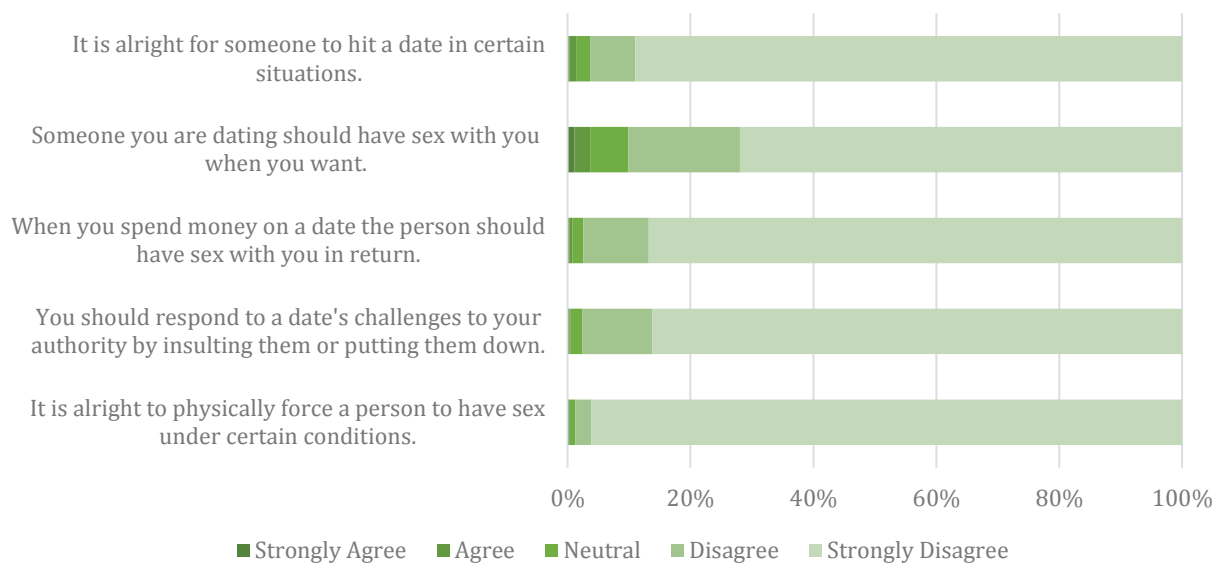
Respondents were asked a series of questions regarding peer approval of specific situations. Overall, over 90% of respondents indicated that their friends would strongly disapprove of actions such as *forcing someone to have sex or using physical force such as hitting or beating to resolve conflicts with dates*.

To what extent would your friends approve of:	Strongly Approve		Approve		Neutral		Disapprove		Strongly Disapprove	
	N	%	N	%	N	%	N	%	N	%
Having many sexual partners?	157	3.5%	546	12.1%	994	22.0%	1250	27.7%	1572	34.8%
Telling stories about sexual experiences?	290	6.4%	1068	23.7%	1226	27.2%	1061	23.5%	869	19.3%
Getting someone drunk or high to have sex with them?	28	0.6%	46	1.0%	127	2.8%	511	11.3%	3801	84.2%
Lying to someone in order to have sex with them?	24	0.5%	37	0.8%	151	3.4%	672	14.9%	3620	80.4%
Forcing someone to have sex?	8	0.2%	6	0.1%	37	0.8%	95	2.1%	4354	96.7%
Using physical force such as hitting or beating to resolve conflicts with dates?	11	0.2%	5	0.1%	35	0.8%	91	2.0%	4352	96.8%
Insulting or swearing at their dates?	14	0.3%	29	0.6%	176	3.9%	937	20.9%	3335	74.3%

Respondents were asked a series of questions regarding peer responses to specific situations. Overall, a majority of respondents indicated that their friends would strongly disagree with statements such as *when you spend money on a date the person should have sex with you in return* or *it is alright to physically force a person to have sex under certain conditions*.

My friends tell me that:	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
It is alright for someone to hit a date in certain situations.	16	0.3%	56	1.2%	97	2.2%	329	7.3%	4006	89.0%
Someone you are dating should have sex with you when you want.	50	1.1%	116	2.6%	280	6.2%	819	18.2%	3246	72.0%
When you spend money on a date the person should have sex with you in return.	15	0.3%	21	0.5%	83	1.8%	477	10.6%	3907	86.8%
You should respond to a date's challenges to your authority by insulting them or putting them down.	15	0.3%	9	0.2%	87	1.9%	510	11.4%	3873	86.2%
It is alright to physically force a person to have sex under certain conditions.	12	0.3%	2	0.1%	39	0.9%	117	2.6%	4314	96.2%

### My friends tell me that:



## Perceptions of Campus Climate

### Perception of Campus Climate Surrounding Sexual Misconduct

Respondents were asked as to the likelihood of Baylor University's response to a student's report of sexual misconduct in a series of situations. Overall, 63% (n=2560) of respondents indicated it was very likely or likely that the institution would *take the report seriously*.

The institution would...	Very Likely		Likely		Neutral		Unlikely		Very Unlikely	
	N	%	N	%	N	%	N	%	N	%
Take the report seriously.	1049	25.6%	1511	36.9%	724	17.7%	593	14.5%	216	5.3%
Maintain the privacy of the person making the report.	1387	33.9%	1772	43.3%	605	14.8%	232	5.7%	99	2.4%
Do its best to honor the request of the person making the report.	929	22.8%	1389	34.0%	891	21.8%	608	14.9%	265	6.5%
Take steps to protect the safety of the person making the report.	1076	26.3%	1431	35.0%	809	19.8%	519	12.7%	254	6.2%
Support the person making the report.	933	22.8%	1245	30.5%	1014	24.8%	590	14.4%	307	7.5%
Provide accommodations to support the person (e.g., academic, housing, safety).	791	19.4%	1179	28.9%	983	24.1%	761	18.6%	370	9.1%
Take action to address factors that may have led to the sexual misconduct.	856	21.0%	1334	32.7%	842	20.6%	632	15.5%	413	10.1%
Handle the report fairly.	692	17.0%	1467	36.0%	968	23.7%	691	16.9%	261	6.4%
Label the person making the report a troublemaker.	229	5.6%	630	15.4%	830	20.3%	1552	38.0%	844	20.7%
Have a hard time supporting the person who made the report.	232	5.7%	872	21.4%	932	22.8%	1377	33.7%	669	16.4%
Punish the person who made the report.	177	4.3%	295	7.3%	706	17.3%	1388	34.1%	1506	37.0%

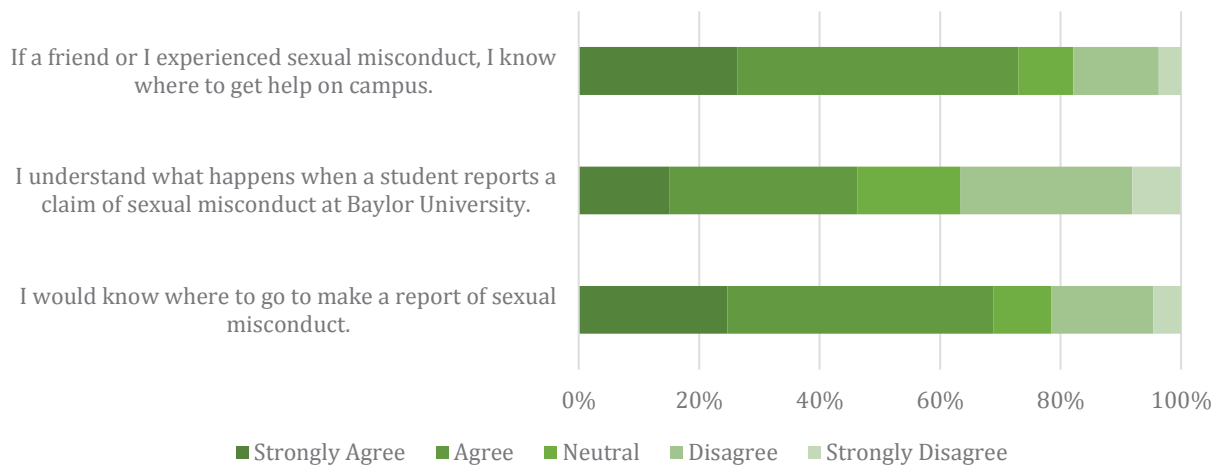


## Knowledge of Campus Resources

Respondents were asked their level of agreement with various statements about their knowledge of campus resources. Seventy-three percent (n=2839) of respondents strongly agreed or agreed with the statement *If a friend or I experienced sexual misconduct, I know where to get help on campus.*

	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
If a friend or I experienced sexual misconduct, I know where to get help on campus.	1026	26.4%	1813	46.6%	354	9.1%	551	14.2%	143	3.7%
I understand what happens when a student reports a claim of sexual misconduct at Baylor University.	584	15.0%	1219	31.3%	663	17.0%	1111	28.6%	313	8.0%
I would know where to go to make a report of sexual misconduct.	962	24.7%	1718	44.2%	373	9.6%	656	16.9%	179	4.6%

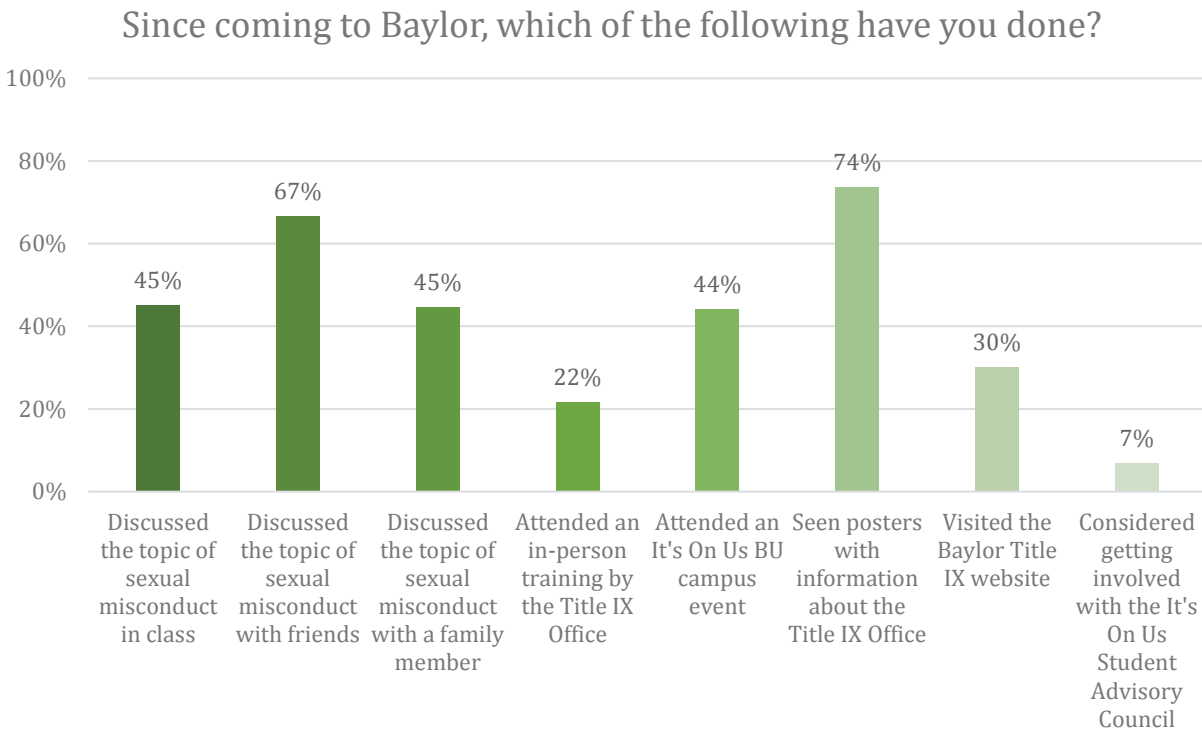
## Knowledge of Campus Resources



## Training Regarding Sexual Misconduct

Respondents were asked about their training regarding sexual misconduct prior to coming to Baylor. A majority (70%, n=2709) of respondents indicated that they had *received information or education about sexual misconduct (that didn't come from Baylor)* prior to coming to campus, while the remaining 30% (n=1183) indicated that they did not have any prior training or education regarding sexual misconduct.

Respondents were asked about their training regarding sexual misconduct since coming to Baylor. Forty-five percent (n=2038) had *discussed the topic of sexual misconduct in class*, and over half (67%, n=3017) indicated that they had *discussed the topic of sexual misconduct with friends* since coming to Baylor. Forty-four percent (n=1996) of respondents had *attended an It's On Us BU campus event*, and 74% (n=3334) of respondents indicated that they had *seen posters with information about the Title IX office*.



## Sexual Harassment by a Faculty Member, Instructor, or Staff Member

Respondents were asked a series of questions about their experiences with faculty members, instructors, or staff members since enrolling at Baylor University. Overall, 16% (n=602) of respondents indicated that a faculty member, instructor, or staff member had *made offensive sexist remarks* once or twice, while six percent (n=212) indicated that this occurred sometimes. Ninety-nine percent (n=3656) of respondents indicated that a faculty member, instructor, or staff member had never *made them feel threatened with some sort of retaliation for not being sexually cooperative?*

Since you enrolled at Baylor University have you been in a situation in which a faculty member, instructor or staff member:	Never		Once or Twice		Sometimes		Often		Many Times	
	N	%	N	%	N	%	N	%	N	%
Treated you “differently” because of your sex?	2771	74.9%	555	15.0%	264	7.1%	62	1.7%	49	1.3%
Displayed, used, or distributed sexist or suggestive materials?	3190	86.3%	342	9.3%	116	3.1%	34	0.9%	14	0.4%
Made offensive sexist remarks?	2798	75.7%	602	16.3%	212	5.7%	54	1.5%	27	0.7%
Put you down or was condescending to you because of your sex?	3188	86.5%	310	8.4%	135	3.7%	31	0.8%	22	0.6%
Repeatedly told you sexual stories or jokes that were offensive to you?	3401	92.0%	189	5.1%	75	2.0%	21	0.6%	10	0.3%
Made unwelcome attempts to draw you into a discussion of sexual matters?	3553	96.2%	93	2.5%	29	0.8	12	0.3%	5	0.1%
Made offensive remarks about your appearance, body, or sexual activities?	3452	93.4%	156	4.2%	55	1.5%	18	0.5%	15	0.4%
Made gestures or used body language of a sexual nature which embarrassed or offended you?	3536	95.8%	98	2.6%	39	1.1%	8	0.2%	9	0.2%
Made unwanted attempts to establish a romantic sexual relationship with you despite your efforts to discourage it?	3617	98.0%	37	1.0%	20	0.5%	7	0.2%	9	0.3%
Continued to ask you for dates, drinks, dinner, etc., even though you said “No”?	3634	98.4%	24	0.6%	20	0.5%	5	0.1%	8	0.2%

Since you enrolled at Baylor University have you been in a situation in which a faculty member, instructor or staff member:	Never		Once or Twice		Sometimes		Often		Many Times	
	N	%	N	%	N	%	N	%	N	%
Touched you in a way that made you feel uncomfortable?	3590	97.3%	69	1.9%	19	0.5%	5	0.1%	7	0.2%
Made unwanted attempts to stroke, fondle, or kiss you?	3634	98.6%	29	0.8%	13	0.3%	4	0.1%	6	0.2%
Made you feel like you were being bribed with a reward to engage in sexual behavior?	3655	99.0%	18	0.5%	10	0.3%	6	0.2%	2	0.1%
Made you feel threatened with some sort of retaliation for not being sexually cooperative?	3656	99.2%	15	0.4%	9	0.2%	4	0.1%	3	0.1%
Treated you badly for refusing to have sex?	3658	99.1%	12	0.3%	15	0.4%	2	0.0%	5	0.1%
Implied better treatment if you were sexually cooperative?	3654	99.1%	15	0.4%	14	0.4%	3	0.1%	3	0.1%

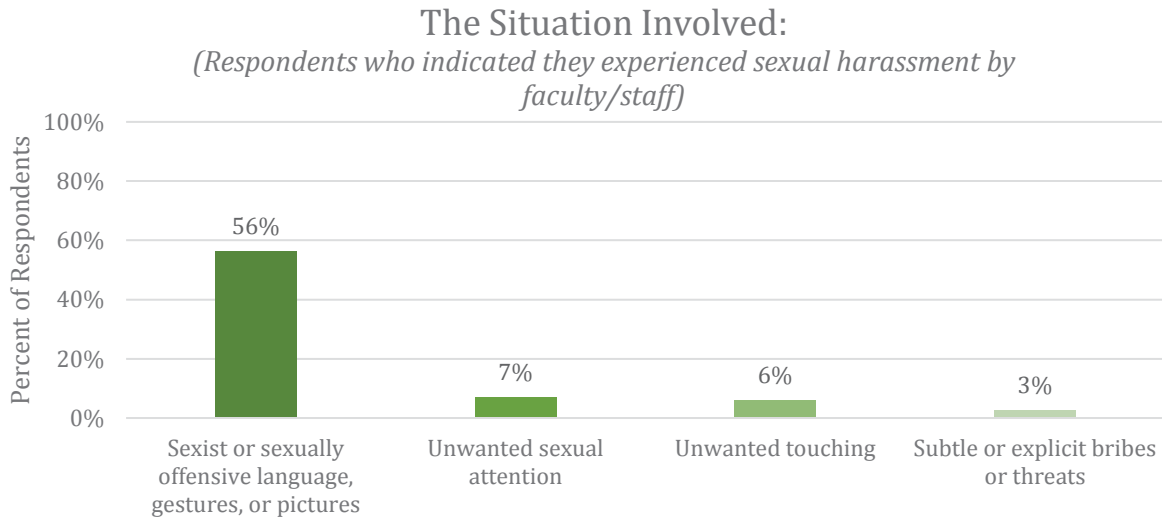
## Sexual Harassment by Faculty/Instructor/Staff: Description of the Incident

Respondents who indicated that any of these behaviors had occurred one or more times answered additional questions related to one particular incident that had the greatest effect on them. Behaviors constituting sexual harassment were classified by the following situations.

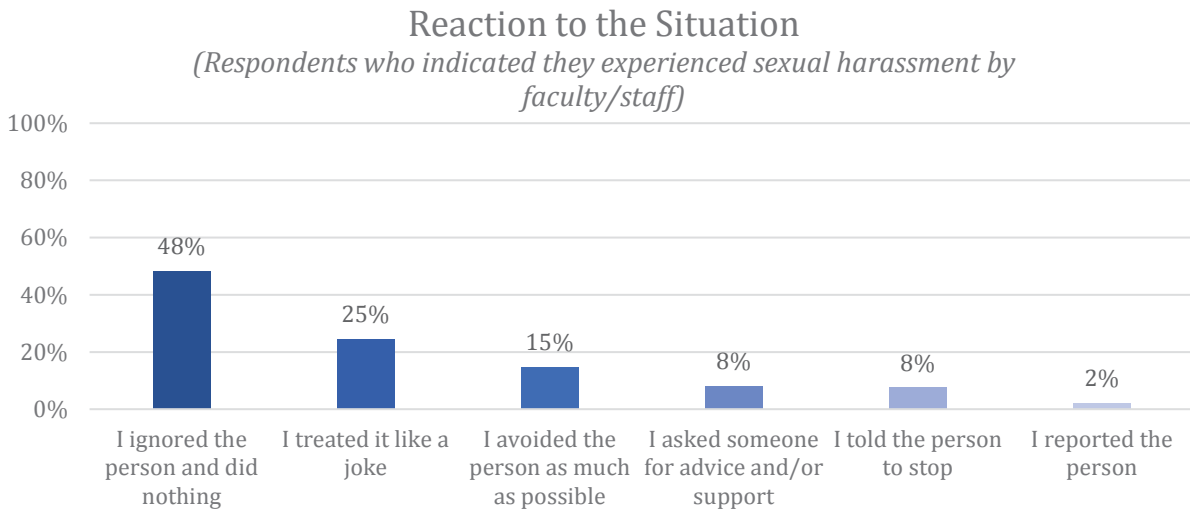
- *Sexist Gender Harassment* includes situations in which a person:
  - Treated you “differently” because of your sex;
  - Displayed, used, or distributed sexist or suggestive materials;
  - Made offensive sexist remarks; or
  - Put you down or was condescending to you because of your sex.
- *Crude Gender Harassment* involves situations in which a person:
  - Repeatedly told sexual stories or jokes that were offensive to you;
  - Made unwelcome attempts to draw you into a discussion of sexual matters;
  - Made offensive remarks about your appearance, body, or sexual activities; or
  - Make gestures or used body language of a sexual nature which embarrassed or offended you.
- *Unwanted Sexual Attention* involves situations in which a person:
  - Made unwanted attempts to establish a romantic sexual relationship with you despite your efforts to discourage it;
  - Continued to ask you for dates, drinks, dinner, etc., even though you said “No”;
  - Touched you in a way that made you feel uncomfortable; or
  - Made unwanted attempts to stroke, fondle, or kiss you.
- *Sexual Coercion* involves situations in which a person:
  - Made you feel like you were being bribed with a reward to engage in sexual behavior;
  - Made you feel threatened with some sort of retaliation for not being sexually cooperative;
  - Treated you badly for refusing to have sex; or
  - Implied better treatment if you were sexually cooperative.

Based upon the definitions above, 31% (n=1384) of respondents indicated that they experienced sexual harassment by a faculty, instructor, or staff member in the form of *sexist gender harassment*, and 11% (n=490) of respondents indicated that they experienced *crude gender harassment* by a faculty, instructor, or staff member. Three percent (n=147) of respondents indicated that they experienced *unwanted sexual attention*, and one percent (n=51) indicated that they experienced *sexual coercion* by a faculty, instructor, or staff member since enrolling at Baylor University.

Over half (56%, n=838) of respondents who indicated they experienced sexual harassment by a faculty, instructor, or staff member said the situation that had the greatest effect on them involved *sexist or sexually offensive language, gestures, or pictures*, while three percent (n=38) of respondents indicated that the situation involved *subtle or explicit bribes or threats*.



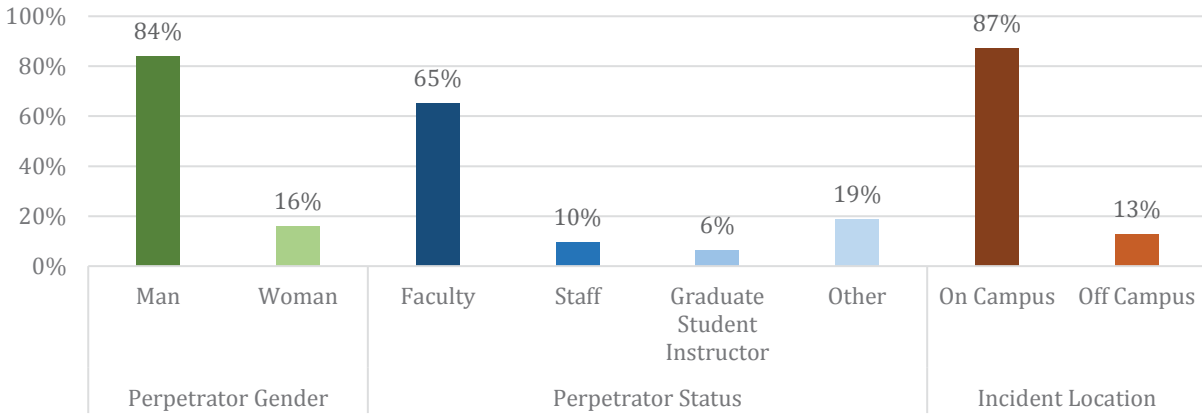
Approximately half (48%, n=716) of respondents who indicated they experienced sexual harassment by a faculty member, instructor, or staff member said they *ignored the person and did nothing*, while another 25% (n=364) of respondents said they *treated it like a joke*. Two percent (n=31) of respondents said that they *reported the person*.



A majority (84%, n=983) of respondents who indicated that they had experienced sexual harassment by a faculty member, instructor, or staff member stated that the perpetrator was a *man*. Over half (65%, n=739) of respondents indicated that the perpetrator was a *faculty member*, and another ten percent (n=111) indicated that the perpetrator was a *staff member*. Additionally, 87% (n=1000) of respondents indicated that the incident happened *on campus* while the remaining 13% (n=146) occurred *off campus*.

### Description of the Incident

(Respondents who indicated they experienced sexual harassment by faculty/staff)



## Sexual Harassment by a Student

Respondents were asked a series of questions about their experiences with students since enrolling at Baylor University. Nineteen percent (n=663) of respondents indicated that a student *made offensive sexist remarks* once or twice since enrolling at Baylor University.

Since you enrolled at Baylor University have you been in a situation in which a student:	Never		Once or Twice		Sometimes		Often		Many Times	
	N	%	N	%	N	%	N	%	N	%
Treated you “differently” because of your sex?	2188	62.3%	598	17.0%	455	13.0%	155	4.4%	114	3.2%
Displayed, used, or distributed sexist or suggestive materials?	2591	73.8%	437	12.5%	314	8.9%	103	2.9%	64	1.8%
Made offensive sexist remarks?	1971	56.3%	663	18.9%	549	15.7%	189	5.4%	130	3.7%
Put you down or was condescending to you because of your sex?	2518	72.1%	485	13.9%	318	9.1%	102	2.9%	68	2.0%
Repeatedly told you sexual stories or jokes that were offensive to you?	2475	70.8%	546	15.6%	294	8.4%	99	2.8%	83	2.4%
Made unwelcome attempts to draw you into a discussion of sexual matters?	2828	80.5%	404	11.5%	192	5.5%	59	1.7%	28	0.8%
Made offensive remarks about your appearance, body, or sexual activities?	2720	77.5%	427	12.2%	243	6.9%	56	1.6%	62	1.8%
Made gestures or used body language of a sexual nature which embarrassed or offended you?	2818	80.3%	411	11.7%	188	5.4%	57	1.6%	35	1.0%
Made unwanted attempts to establish a romantic sexual relationship with you despite your efforts to discourage it?	2908	83.0%	365	10.4%	142	4.1%	52	1.5%	36	1.0%
Sent or posted unwelcome sexual comments, jokes or pictures by text, email, Facebook or other electronic means?	2950	84.0%	326	9.3%	154	4.4%	43	1.2%	38	1.1%
Spread unwelcome sexual rumors about you by text, email, Facebook or other electronic means?	3254	92.8%	149	4.3%	56	1.6%	24	0.7%	23	0.6%
Called you gay or lesbian in a negative way by text, email, Facebook or other electronic means?	3250	92.7%	144	4.1%	4.9	1.4%	31	0.9%	30	0.9%



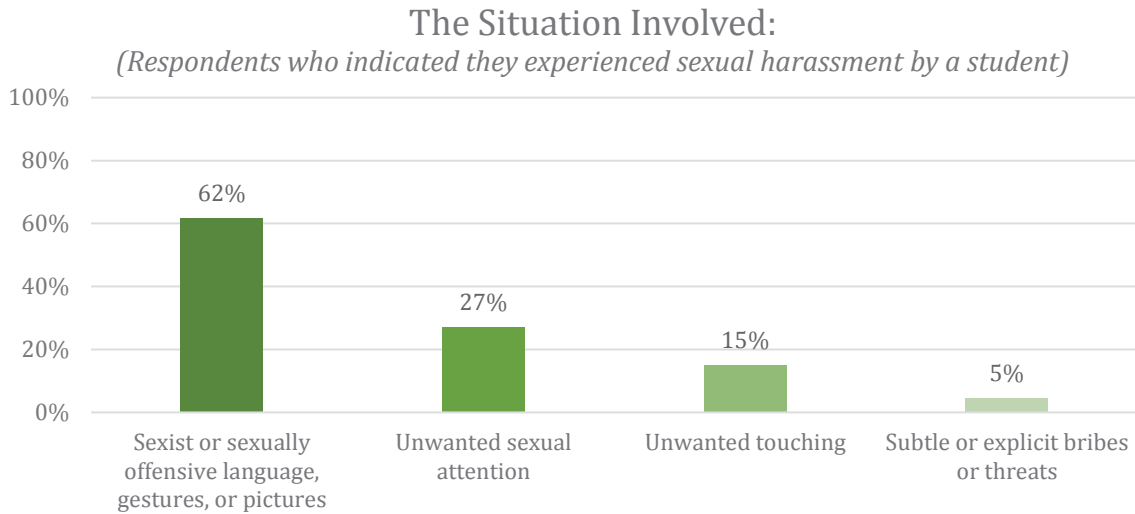
## Sexual Harassment by a Student: Description of the Incident

Respondents who indicated that any of these behaviors had occurred one or more times answered additional questions related to one particular incident that had the greatest effect on them. Behaviors constituting sexual harassment were classified by the following situations.

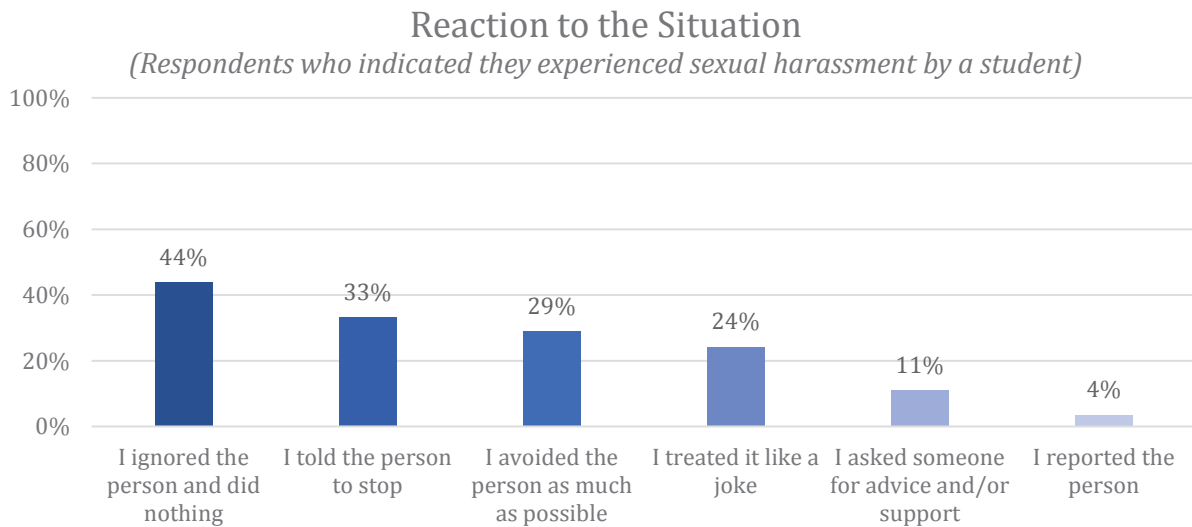
- *Sexist Gender Harassment* involves situations in which a person:
  - Treated you “differently” because of your sex;
  - Displayed, used, or distributed sexist or suggestive materials;
  - Made offensive sexist remarks; or
  - Put you down or was condescending to you because of your sex.
- *Crude Gender Harassment* involves situations in which a person:
  - Repeatedly told sexual stories or jokes that were offensive to you;
  - Made unwelcome attempts to draw you into a discussion of sexual matters;
  - Made offensive remarks about your appearance, body, or sexual activities; or
  - Make gestures or used body language of a sexual nature which embarrassed or offended you.
- *Unwanted Sexual Attention* involves situations in which a person:
  - Made unwanted attempts to establish a romantic sexual relationship with you despite your efforts to discourage it.
- *Sexual Harassment via Electronic Communication* involves situations in which a person:
  - Sent or posted unwelcome sexual comments, jokes or pictures by text, email, Facebook or other electronic means;
  - Spread unwelcome sexual rumors about you by text, email, Facebook, or other electronic means; or
  - Called you gay or lesbian in a negative way by text, email, Facebook or other electronic means.

Based upon the definitions above, 41% (n=1859) of respondents indicated that they experienced *sexist gender harassment* and 30% (n=1359) indicated they experienced *crude gender harassment* by a student. Thirteen percent (n=595) of respondents indicated that they experienced *unwanted sexual attention*, and 17% (n=744) of respondents indicated that they experienced *sexual harassment via electronic communication* by a student since enrolling at Baylor University.

Sixty-two percent (n=1263) of respondents who indicated they experienced sexual harassment by a student said the situation that had the greatest effect on them involved *sexist or sexually offensive language, gestures, or pictures*, and 27% (n=553) said the situation involved *unwanted sexual attention*.



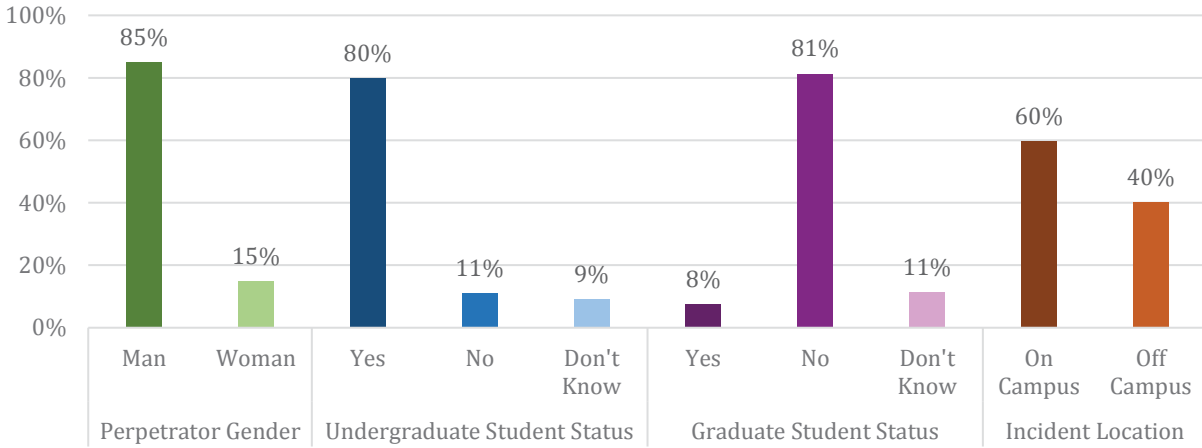
When asked how they responded to the situation, 44% (n=899) of respondents who indicated they had experienced sexual harassment by a student said they *ignored the person and did nothing*. Thirty-three percent (n=678) of respondents said they *told the person to stop*, and 29% (n=595) said they *avoided the person as much as possible*. Four percent (n=73) of respondents indicated that they *reported the person*.



A majority (85%, n=1548) of respondents who indicated that they had experienced sexual harassment by a student indicated that the perpetrator was a *man*. Eighty percent (n=1466) of respondents indicated that the perpetrator was an *undergraduate student*, and eight percent (n=135) indicated that the perpetrator was a *graduate student*. Sixty percent (n=1093) of respondents indicated that the incident happened *on campus* while the remaining 40% (n=738) occurred *off campus*.

### Description of the Incident

(Respondents who indicated they experienced sexual harassment by a student)



## Stalking

Respondents were asked a series of questions related to their experiences with stalking since enrolling at Baylor. Seven percent (n=249) of respondents indicated that someone had *approached them or showed up in places when they didn't want them to be there* one or two times, and another one percent (n=47) indicated that this had occurred three to five times since enrolling at Baylor.

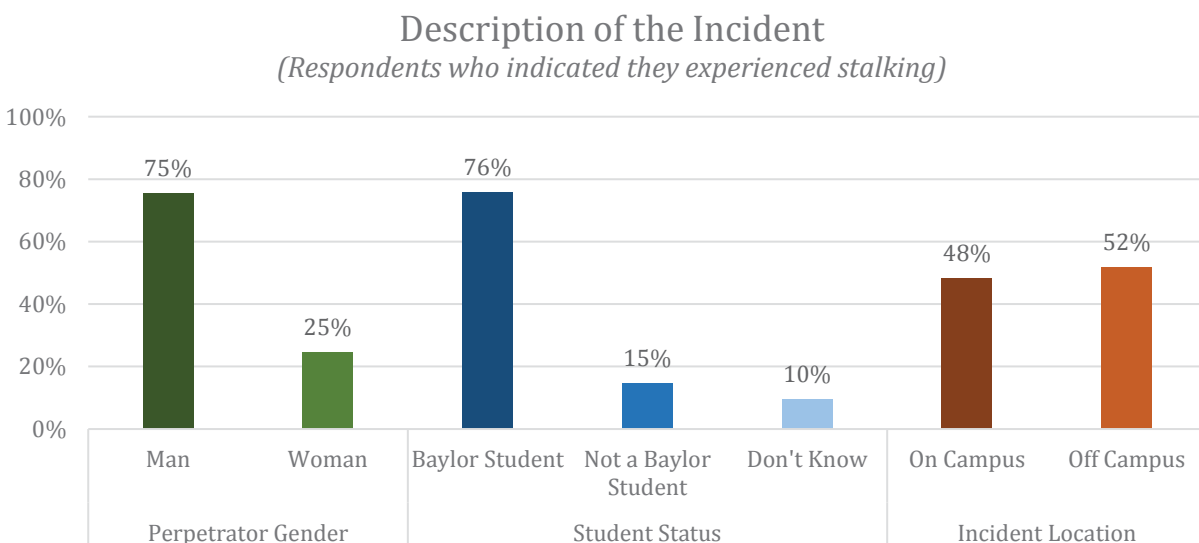
How many times have one or more people done the following things to you since you enrolled at Baylor University?	None		1-2		3-5		5-8		More than 8	
	N	%	N	%	N	%	N	%	N	%
Watched or followed you from a distance, or spied on you with a listening device, camera, or GPS?	3210	93.3%	168	4.9%	37	1.1%	11	0.3%	15	0.4%
Approached you or showed up in places, such as your home, workplace, or school when you didn't want them to be there?	3105	90.4%	249	7.3%	47	1.4%	13	0.4%	19	0.5%
Left strange or potentially threatening items for you to find?	3384	98.4%	40	1.2%	9	0.3%	4	0.1%	2	0.0%
Sneaked into your home or car and did things to you to scare you by letting you know they had been there?	3383	98.5%	38	1.1%	7	0.2%	2	0.1%	4	0.1%
Left you unwanted messages (including text or voice messages)?	2976	86.9%	290	8.5%	88	2.6%	21	0.6%	51	1.5%
Made unwanted phone calls to you (including hang up calls)?	3157	92.0%	185	5.4%	51	1.5%	10	0.3%	30	0.9%
Sent you unwanted emails, instant messages, or sent messages through social media apps?	2999	87.3%	269	7.8%	96	2.8%	25	0.7%	46	1.4%
Left you cards, letters, flowers, or presents when they knew you didn't want them to?	3368	98.0%	49	1.4%	12	0.3%	4	0.1%	3	0.1%
Made rude or mean comments to you online?	3098	90.4%	207	6.0%	68	2.0%	18	0.5%	35	1.0%
Spread rumors about you online, whether they were true or not?	3223	94.1%	139	4.1%	33	1.0%	15	0.4%	15	0.4%

## Stalking: Description of the Incident

Respondents who indicated that any of these behaviors had occurred one or more times answered additional questions related to one particular incident that had the greatest effect on them. Behaviors constituting stalking were classified by the following situations in which a person:

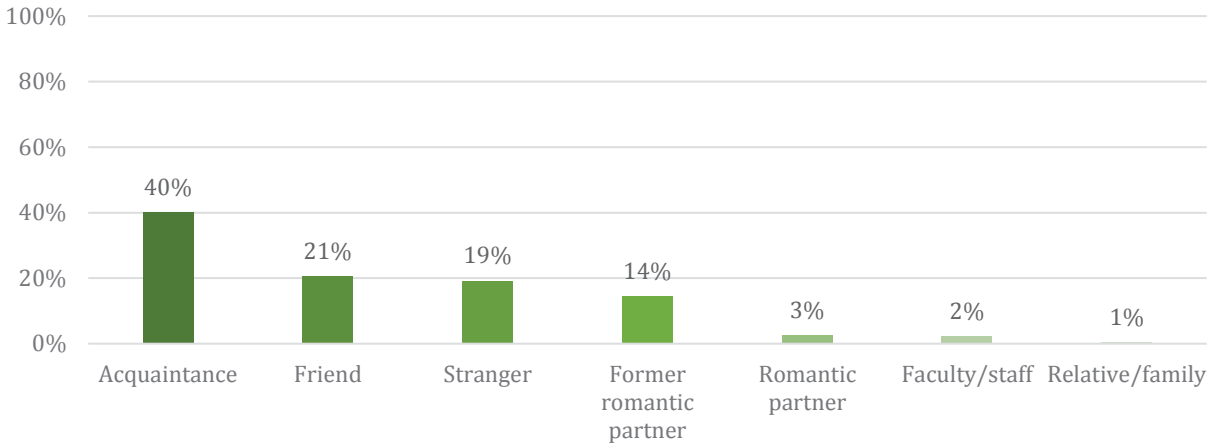
- Watched or followed you from a distance, or spied on you with a listening device, camera, or GPS;
- Approached you or showed up in places, such as your home, workplace, or school when you didn't want them to be there;
- Left strange or potentially threatening items for you to find;
- Sneaked into your home or car and did things to scare you by letting you know they had been there;
- Left you unwanted messages (including text or voice messages);
- Made unwanted phone calls to you (including hang up calls);
- Sent you unwanted emails, instant messages, or sent messages through social media apps;
- Left you cards, letters, flowers, or presents when they knew you didn't want them to;
- Made rude or mean comments to you online; or
- Spread rumors about you online, whether they were true or not.

A majority (75%, n=685) of respondents who indicated they had experienced stalking stated that the perpetrator of the incident that had the greatest effect on them was a *man*, and 76% (n=698) indicated that the perpetrator was a *Baylor student*. Approximately half (48%, n=445) of respondents indicated that the stalking incident occurred *on campus* and the remaining 52% (n=476) indicated that the incident occurred *off campus*.



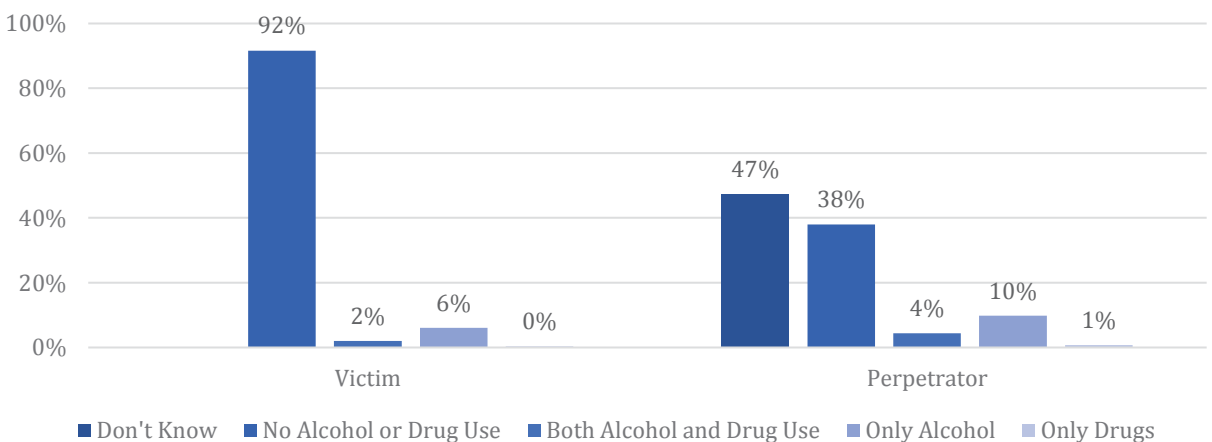
Forty percent (n=370) of respondents who indicated they had experienced stalking said that the incident that had the greatest effect on them was committed by an *acquaintance*, while another 21% (n=190) indicated that the perpetrator was a *friend*. Nineteen percent (n=177) indicated that the perpetrator was a *stranger*, and 14% (n=133) indicated that the perpetrator was a *former romantic partner*.

**Relationship to Perpetrator**  
(Respondents who indicated they experienced stalking)



Respondents who indicated they had experienced stalking were asked about their and the perpetrator's alcohol and drug use at the time of the incident. Most (92%, n=840) respondents reported that they *had not been using alcohol or drugs* at the time of the stalking incident, while six percent (n=56) indicated that they *had been using alcohol*. Thirty-eight percent (n=348) of respondents said the perpetrator *had not been using alcohol or drugs*, while ten percent (n=89) said the perpetrator *had been using alcohol*.

**Alcohol/Drug Use at Time of Incident**  
(Respondents who indicated they experienced stalking)



## Dating Violence

Respondents were asked to consider situations with any hook-up, boyfriend, girlfriend, husband, or wife they have had, including exes, regardless of the length of the relationship since they had enrolled at Baylor University. Not including horseplay or joking around, five percent (n=177) of respondents indicated that someone *pushed, grabbed, or shook them* once or twice, and one percent (n=28) indicated that this occurred sometimes.

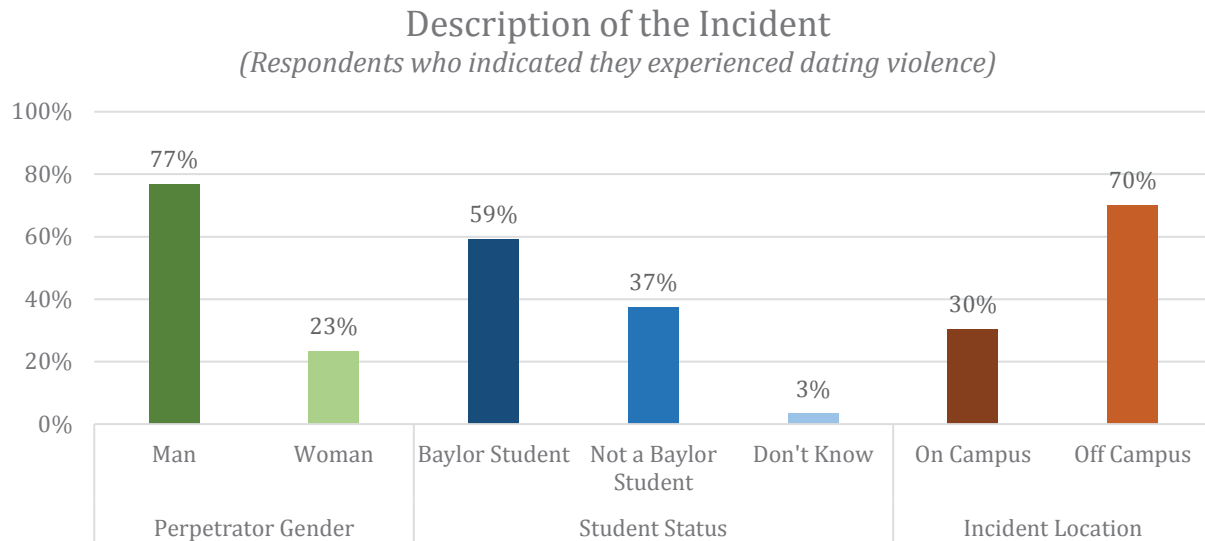
Not including horseplay or joking around, the person:	Never		Once or Twice		Sometimes		Often		Many Times	
	N	%	N	%	N	%	N	%	N	%
Threatened to hurt me and I thought I might really get hurt.	3178	95.9%	100	3.0%	21	0.6%	6	0.2%	9	0.3%
Pushed, grabbed, or shook me.	3091	93.3%	177	5.3%	28	0.9%	6	0.2%	10	0.3%
Hit me.	3184	96.4%	89	2.7%	20	0.6%	6	0.2%	5	0.1%
Beat me up.	3293	99.4%	11	0.3%	3	0.1%	3	0.1%	2	0.1%
Stole or destroyed my property.	3218	97.2%	67	2.0%	14	0.4%	7	0.2%	5	0.2%
Can scare me without laying a hand on me.	3055	92.3%	145	4.4%	55	1.7%	26	0.8%	30	0.9%

### Dating Violence: Description of the Incident

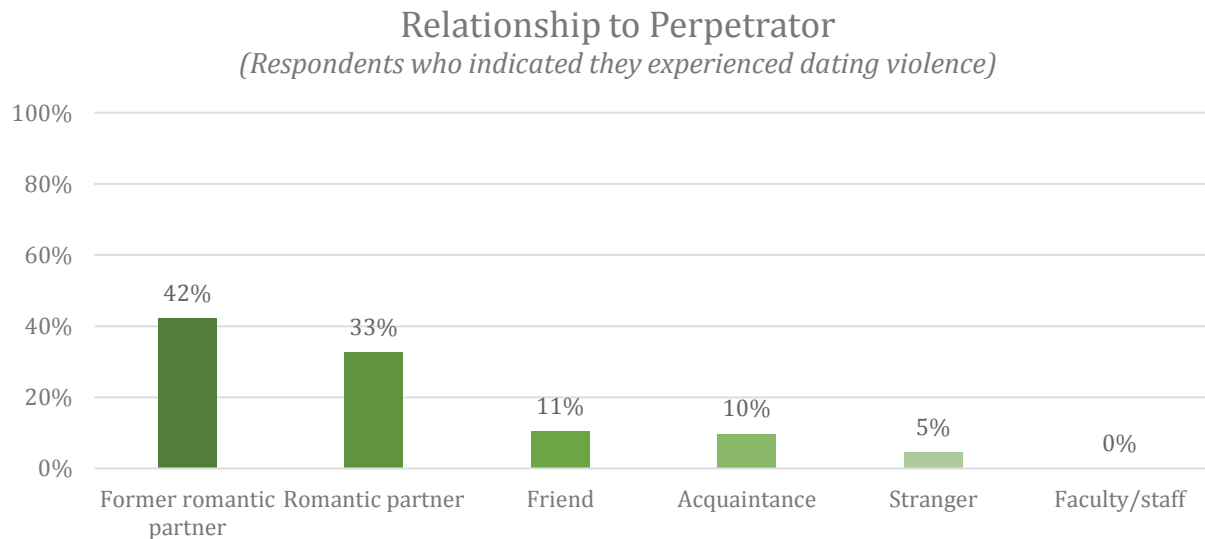
Respondents who indicated that any of these behaviors had occurred one or more times answered additional questions related to one particular incident that had the greatest effect on them. Behaviors constituting dating violence include situations in which a boyfriend/girlfriend, husband, wife, or hookup:

- Threatened to hurt you and you thought you might really get hurt;
- Pushed, grabbed, or shook you;
- Hit you;
- Beat you up;
- Stole or destroyed your property; or
- Scared you without laying a hand on you.

Most (77%, n=298) respondents who indicated they had experienced dating violence stated that the perpetrator of the incident that had the greatest effect on them was a *man*, and over half (59%, n=230) indicated that the perpetrator was a *Baylor student*. A majority (70%, n=270) of respondents also indicated that the dating violence incident occurred *off campus*.

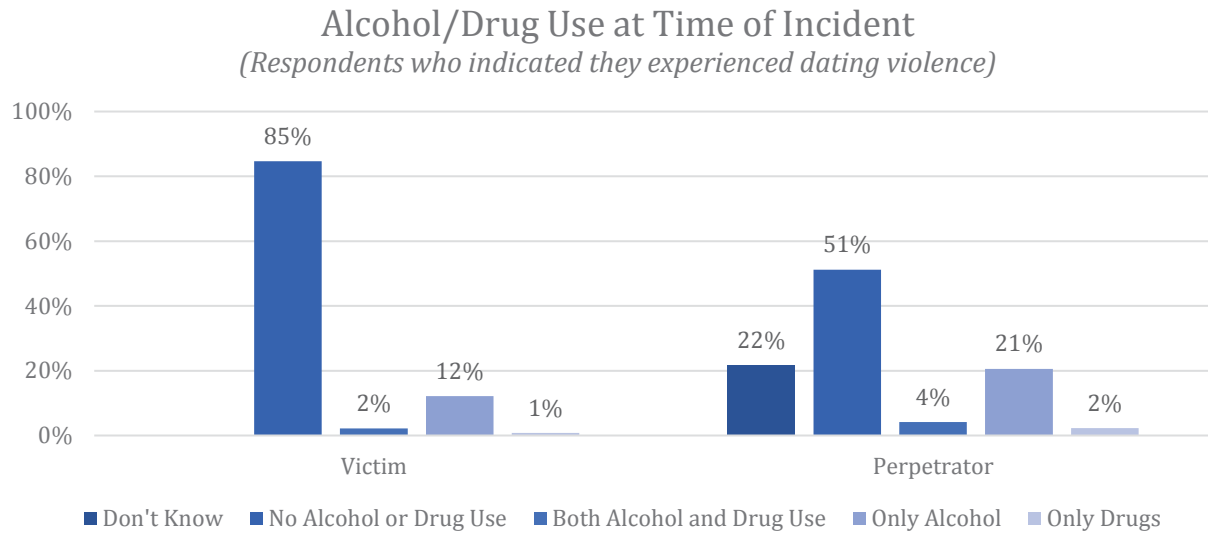


Forty-two percent (n=164) of respondents indicated that the perpetrator was a *former romantic partner*, while another 33% (n=127) indicated that the perpetrator was a *romantic partner*.





A majority (85%, n=329) of respondents who indicated they experienced dating violence stated that they *had not been using alcohol or drugs* at the time of the incident, while 12% (n=47) indicated that they *had been using alcohol*. Approximately half (51%, n=198) of respondents said the perpetrator *had not been using alcohol or drugs*, while 21% (n=79) of respondents said the perpetrator *had been using alcohol* at the time of the dating violence incident.



## Sexual Violence

Respondents were asked a series of questions related to sexual violence victimization since enrolling at Baylor University.

Someone fondled, kissed, or rubbed up against the private areas of my body (lips, breast/chest, crotch, or butt) or removed some of my clothes without my consent (but did not attempt sexual penetration) by:	0 times		1 time		2 times		3+ times	
	N	%	N	%	N	%	N	%
Telling lies, threatening to end the relationship, threatening to spread rumors about me, making promises I knew were untrue, or continually verbally pressuring me after I said I didn't want to.	3150	94.0%	90	2.7%	45	1.3%	66	2.0%
Showing displeasure, criticizing my sexuality or attractiveness, or getting angry but not using physical force, after I said I didn't want to.	3092	92.3%	142	4.2%	60	1.8%	55	1.6%
Taking advantage of me when I was too drunk or out of it to stop what was happening.	3066	91.7%	181	5.4%	68	2.0%	29	0.9%
Threatening to physically harm me or someone close to me.	3290	98.5%	30	0.9%	11	0.3%	10	0.3%
Using force, for example holding me down with their body weight, pinning my arms, or having a weapon.	3197	95.7%	105	3.1%	16	0.5%	22	0.7%

Even though it didn't happen, someone TRIED to have oral, anal, or vaginal sex with me without my consent by:	0 times		1 time		2 times		3+ times	
	N	%	N	%	N	%	N	%
Telling lies, threatening to end the relationship, threatening to spread rumors about me, making promises I knew were untrue, or continually verbally pressuring me after I said I didn't want to.	3141	95.4%	84	2.6%	32	1.0%	36	1.1%
Showing displeasure, criticizing my sexuality or attractiveness, or getting angry but not using physical force, after I said I didn't want to.	3131	94.9%	87	2.6%	41	1.3%	39	1.2%
Taking advantage of me when I was too drunk or out of it to stop what was happening.	3110	94.5%	116	3.5%	32	1.0%	33	1.0%
Threatening to physically harm me or someone close to me.	3259	99.3%	16	0.5%	3	0.1%	4	0.1%
Using force, for example holding me down with their body weight, pinning my arms, or having a weapon.	3202	97.7%	54	1.7%	7	0.2%	15	0.5%

Someone had oral sex with me or made me perform oral sex on them without my consent by:	0 times		1 time		2 times		3+ times	
	N	%	N	%	N	%	N	%
Telling lies, threatening to end the relationship, threatening to spread rumors about me, making promises I knew were untrue, or continually verbally pressuring me after I said I didn't want to.	3205	96.8%	53	1.6%	27	0.8%	26	0.8%
Showing displeasure, criticizing my sexuality or attractiveness, or getting angry but not using physical force, after I said I didn't want to.	3191	96.5%	61	1.8%	23	0.7%	30	0.9%
Taking advantage of me when I was too drunk or out of it to stop what was happening.	3175	96.2%	85	2.6%	20	0.6%	21	0.6%
Threatening to physically harm me or someone close to me.	3266	99.3%	14	0.4%	2	0.1%	7	0.2%
Using force, for example holding me down with their body weight, pinning my arms, or having a weapon.	3224	98.4%	34	1.0%	9	0.3%	9	0.3%

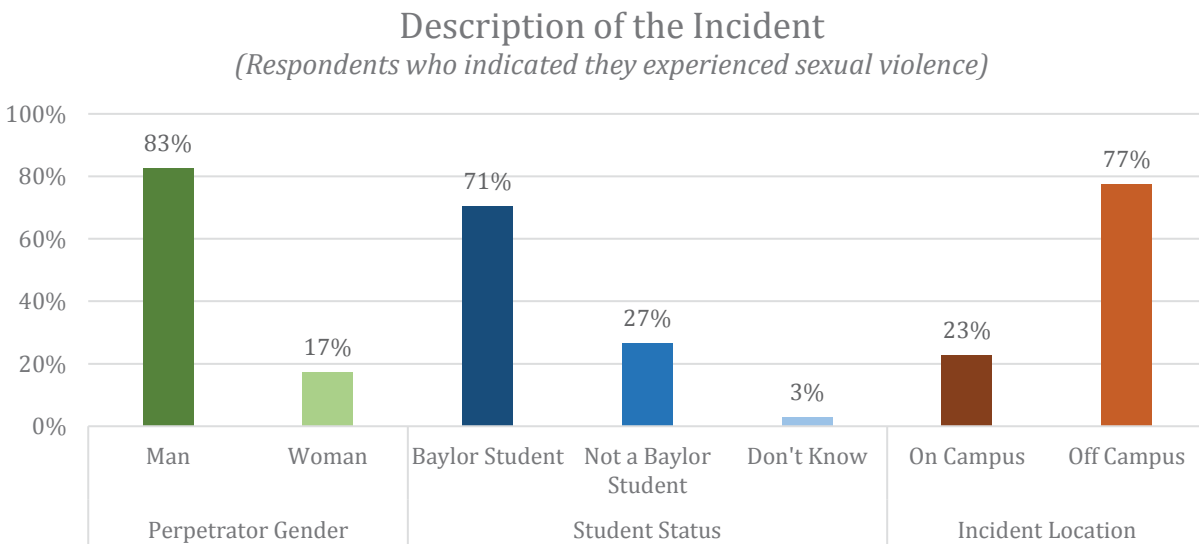
Someone put their penis, fingers, or other objects into my vagina/butt without my consent by:	0 times		1 time		2 times		3+ times	
	N	%	N	%	N	%	N	%
Telling lies, threatening to end the relationship, threatening to spread rumors about me, making promises I knew were untrue, or continually verbally pressuring me after I said I didn't want to.	3198	97.2%	44	1.3%	16	0.5%	31	0.9%
Showing displeasure, criticizing my sexuality or attractiveness, or getting angry but not using physical force, after I said I didn't want to.	3197	97.4%	43	1.3%	17	0.5%	26	0.8%
Taking advantage of me when I was too drunk or out of it to stop what was happening.	3158	96.3%	81	2.5%	26	0.8%	13	0.4%
Threatening to physically harm me or someone close to me.	3252	99.2%	16	0.5%	3	0.1%	6	0.2%
Using force, for example holding me down with their body weight, pinning my arms, or having a weapon.	3191	97.8%	52	1.6%	8	0.2%	13	0.4%

## Sexual Violence Victimization: Description of the Incident

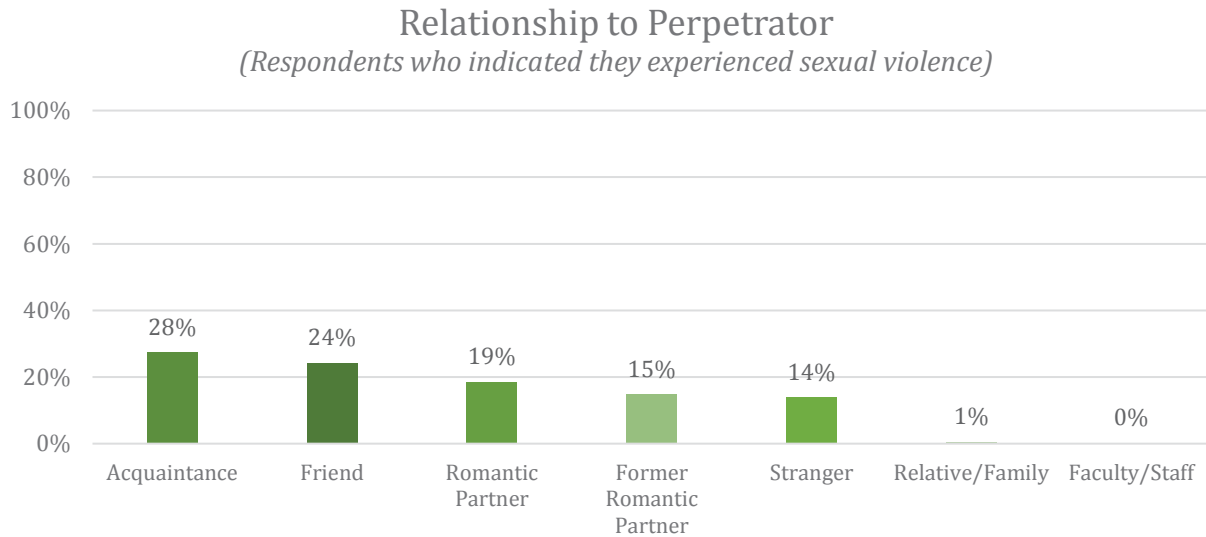
Behaviors constituting sexual violence include situations in which a person fondled, kissed, or rubbed up against the private areas of your body (lips, breast/chest, crotch, or butt) or removed some of your clothes without your consent (but did not attempt sexual penetration); TRIED to have oral, anal, or vaginal sex with you without your consent; had oral sex with you or made you perform oral sex on them without your consent; or put their penis, fingers, or other objects into your vagina/butt without your consent by:

- Telling lies, threatening to end the relationship, threatening to spread rumors about you, making promises you knew were untrue, or continually verbally pressuring you after you said you didn't want to;
- Showing displeasure, criticizing your sexuality or attractiveness, or getting angry but not using physical force, after you said you didn't want to;
- Taking advantage of you when you were too drunk or out of it to stop what was happening;
- Threatening to physically harm you or someone close to you; or
- Using force, for example holding you down with their body weight, pinning your arms, or having a weapon.

Respondents who indicated that they experienced sexual violence answered additional questions related to one particular incident that had the greatest effect on them. A majority (83%, n=472) of respondents who indicated they had experienced sexual violence said that the perpetrator of the incident that had the greatest effect on them was a *man*. Seventy-one percent (n=403) of respondents indicated that the perpetrator was a *Baylor student*, and 77% (n=440) of respondents indicated that the incident occurred *off campus*.

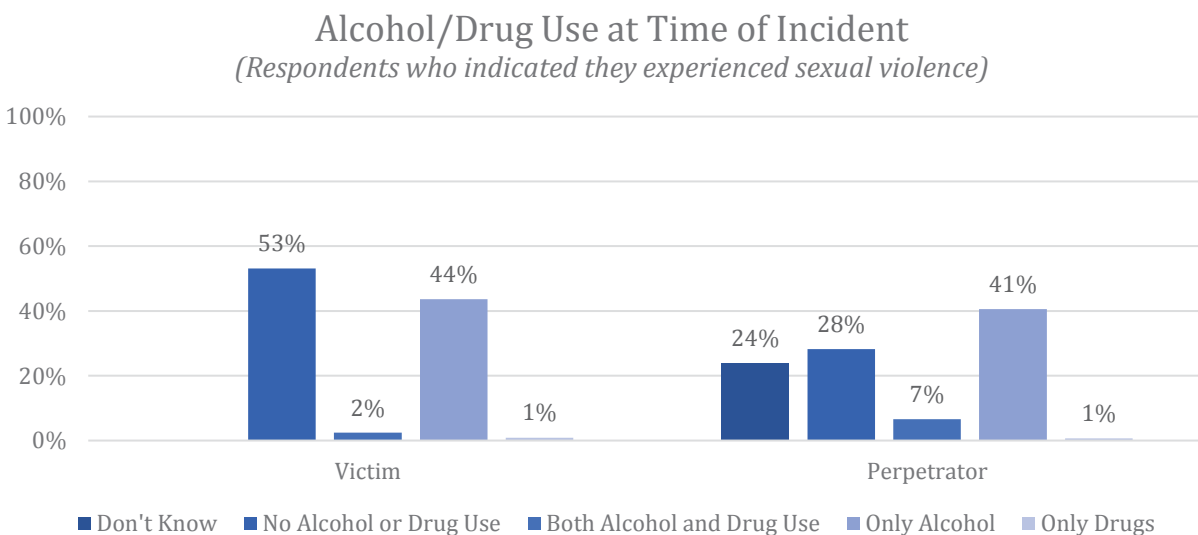


Twenty-eight percent (n=157) of respondents who indicated they had experienced sexual violence said that the perpetrator was an *acquaintance*, and 24% (n=138) said that the perpetrator was a *friend*. Another 19% (n=106) indicated that the perpetrator was a *romantic partner*.



Respondents who indicated they had experienced sexual violence were asked about their and the perpetrator’s alcohol and drug use at the time of the incident. Fifty-three percent (n=302) of respondents reported they *had not been using alcohol or drugs* at the time of the incident, while 44% (n=247) indicated that they *had been using alcohol*.

Twenty-four percent (n=136) of respondents *did not know if the perpetrator was using alcohol or drugs* at the time of the sexual violence incident. Twenty-eight percent (n=160) of respondents said the perpetrator *had not been using alcohol or drugs*, while 41% (n=230) of respondents said the perpetrator *had been using alcohol*.



Respondents who indicated they had experienced sexual violence were also asked to consider one specific incident that had the greatest effect on them. Eighty percent (n=457) of respondents indicated that they did not feel *like their life was in danger* during the incident.

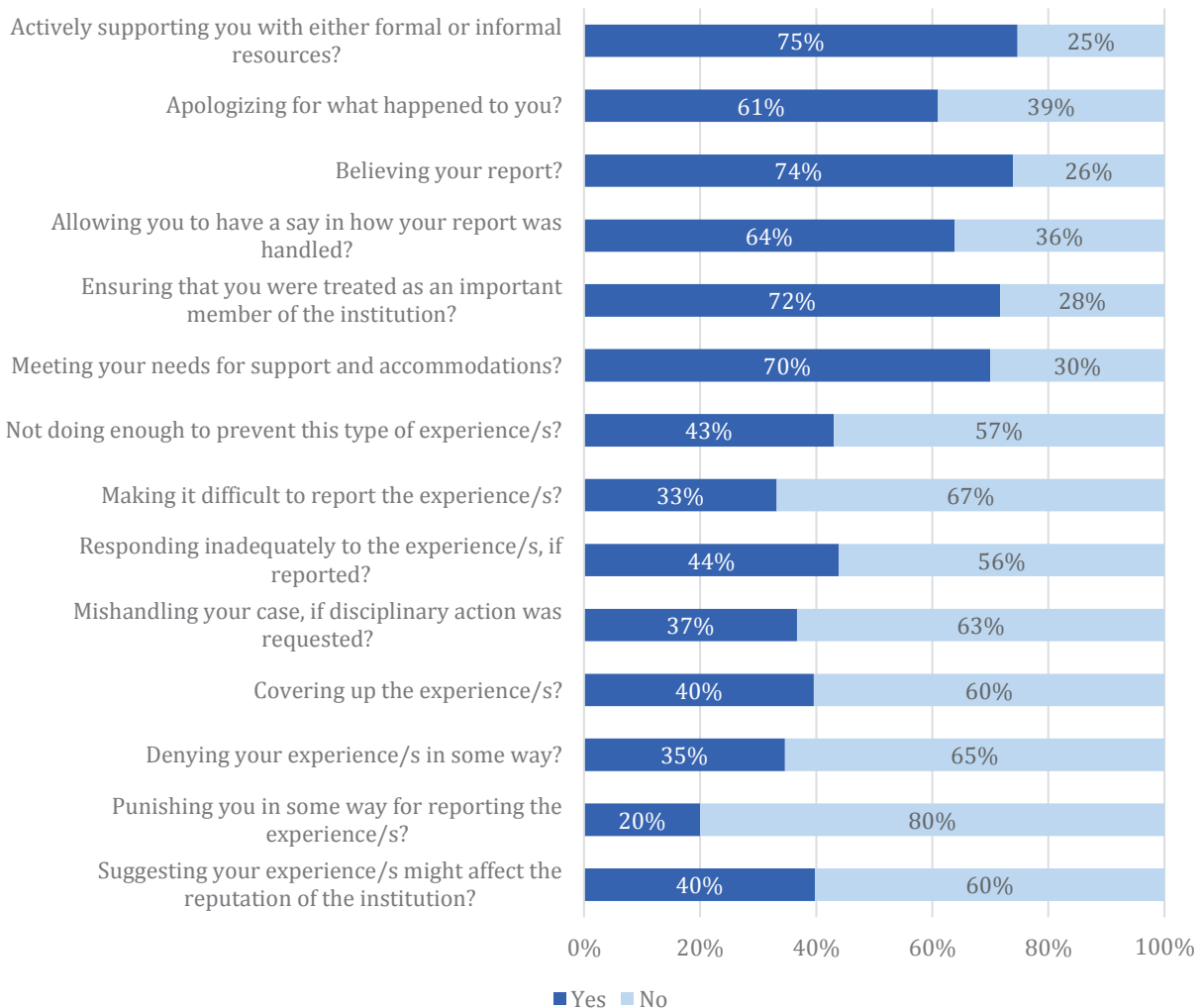
During the incident, to what extent did you feel:	Not at all		Slightly		Somewhat		Very		Extremely	
	N	%	N	%	N	%	N	%	N	%
Scared?	154	27.4%	154	27.4%	123	21.9%	68	12.1%	63	11.2%
Like your life was in danger?	457	79.7%	50	8.7%	32	5.6%	21	3.7%	13	2.3%
Like the other person would hurt you if you didn't go along?	333	58.1%	110	19.2%	49	8.5%	47	8.3%	34	5.9%

## Institutional Responses

Respondents who had indicated that they had experienced sexual harassment, stalking, domestic violence, or sexual violence were asked about Baylor’s role in their experiences. Because all situations did not apply to each respondent, responses of “Not Applicable” were removed from the overall item totals. A majority (75%, n=781) of respondents agreed that Baylor University did/would *actively support them with either formal or informal resources*, and 70% (n=651) of respondents agreed that the University did/would *meet their needs for support and accommodations*.

### Did (would) Baylor University play a role in your experiences by...

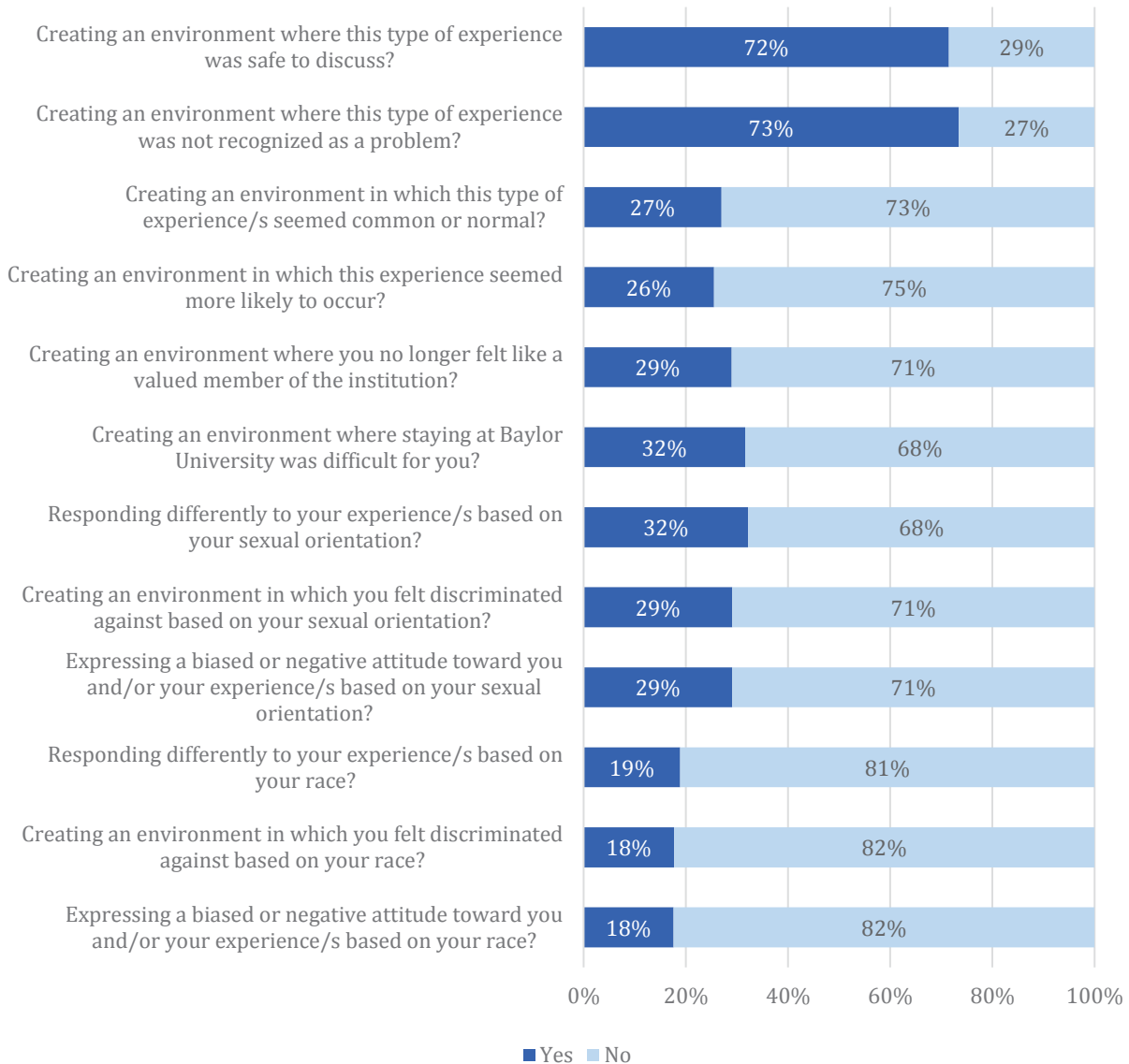
*(Respondents who indicated they experienced sexual harassment, stalking, domestic violence, or sexual violence)*



When asked how Baylor University did/would play a role in their experiences, 72% (n=768) of respondents who indicated they experienced sexual harassment, stalking, domestic violence, or sexual violence agreed that the University did/would *create an environment where this type of experience was safe to discuss*.

### Did (would) Baylor University play a role in your experiences by...

*(Respondents who indicated they experienced sexual harassment, stalking, domestic violence, or sexual violence)*





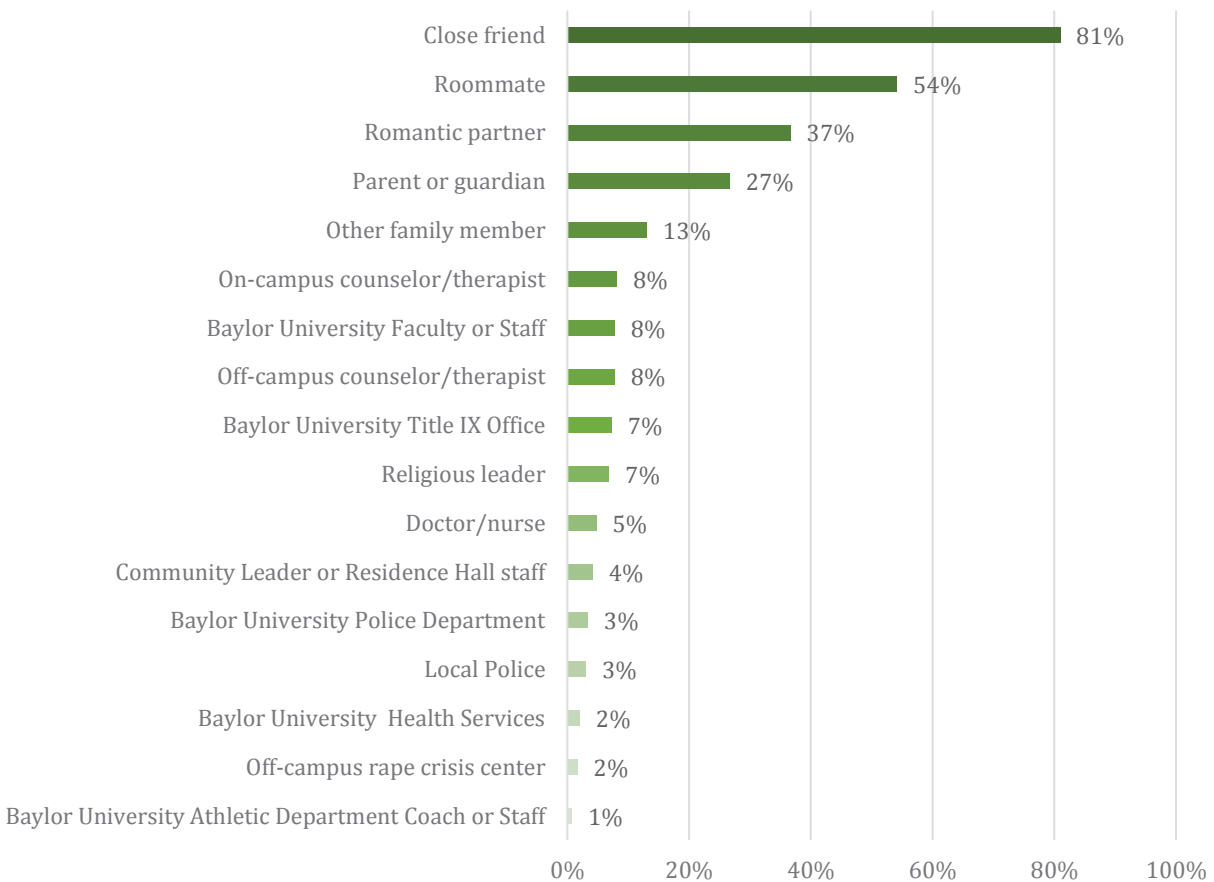
## Formal Reporting of Victimization

Twenty-eight percent (n=630) of respondents who indicated that they had experienced sexual harassment, stalking, domestic violence, or sexual violence reported having told someone about the incident prior to taking the Baylor University Social Climate Survey.

Respondents who indicated that they disclosed the incident to someone prior to taking the Social Climate Survey were asked to indicate anyone who they told. A majority (81%, n=510) of respondents indicated they told a *close friend other than a roommate*, and 54% (n=341) of respondents told a *roommate*. Seven percent (n=46) of respondents told the *Baylor University Title IX Office*, and eight percent (n=49) told *Baylor University faculty or staff*.

### Who did you tell?

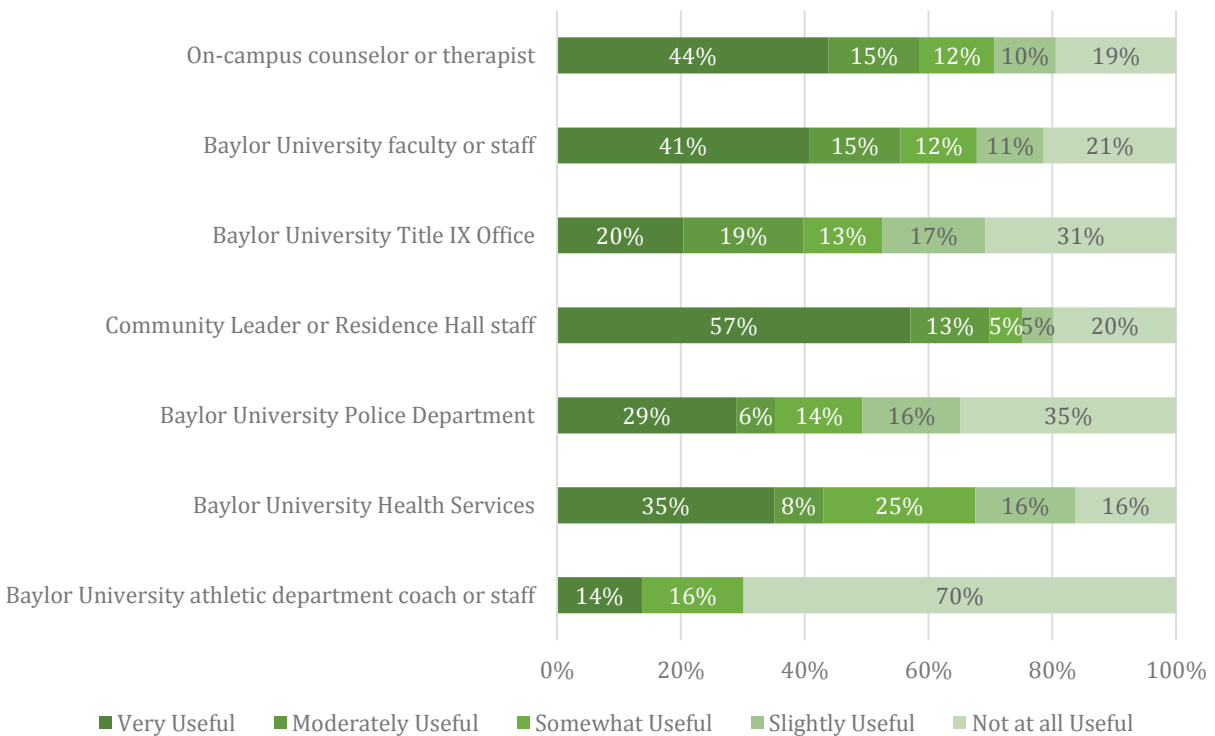
(Respondents who indicated they experienced sexual harassment, stalking, domestic violence, or sexual violence)



Respondents who indicated that they disclosed the incident to someone prior to taking the Social Climate Survey were also asked about the usefulness of various campus resources they had utilized in helping them to deal with the particular incident. Fifty-seven percent (n=15) of respondents who indicated that they told a *Community Leader (CL) or Residence Hall Staff* also indicated that they were *very useful*, and 41% (n=20) of respondents who indicated that they told a *Baylor University faculty or staff* member said that they were *very useful* in helping them to deal with the incident.

### How useful were the following in helping you deal with the incident?

*(Respondents who indicated they experienced sexual harassment, stalking, domestic violence, or sexual violence)*

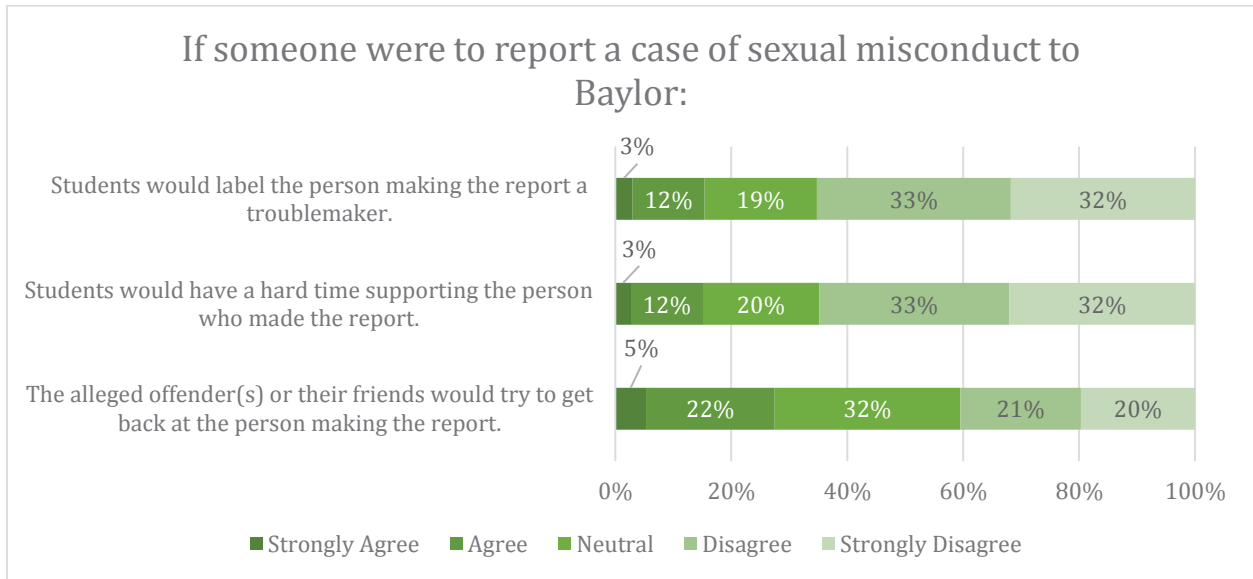


## Peer Responses

Respondents were asked how their friends would respond if they were told about experiences of sexual misconduct. Seventy-four percent (n=2331) of respondents strongly agreed or agreed that their friends would *provide information and discuss options*, and 75% (n=2363) strongly agreed or agreed that their friends would *help them get information of any kind about coping with the experience*.

If you experienced sexual misconduct and you told your friends, how would they respond?	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
Tell you that you were irresponsible or not cautious enough.	42	1.3%	294	9.3%	393	12.5%	879	28.0%	1538	48.9%
Reassure you that you are a good person.	1233	39.2%	1469	46.7%	320	10.2%	56	1.8%	68	2.2%
Treat you differently in some way than before you told them that made you uncomfortable.	52	1.7%	355	11.3%	657	20.9%	1008	32.1%	1066	34.0%
Comfort you by telling you that it would be alright or by holding you.	1060	33.7%	1386	44.1%	442	14.1%	138	4.4%	117	3.7%
Tell you that you could have done more to prevent this experience from occurring.	69	2.2%	431	13.7%	581	18.5%	972	31.0%	1087	34.6%
Provide information and discuss options.	858	27.4%	1473	47.0%	531	16.9%	167	5.3%	108	3.4%
Avoid talking to you or spending time with you.	17	0.5%	100	3.2%	366	11.7%	1002	31.9%	1653	52.7%
Treat you as if you were a child or somehow incompetent.	21	0.7%	136	4.3%	363	11.6%	931	29.7%	1689	53.8%
Help you get information of any kind about coping with the experience.	1020	32.5%	1343	42.7%	510	16.2%	150	4.8%	118	3.7%
Make you feel like you didn't know how to take care of yourself.	30	1.0%	136	4.3%	398	12.7%	997	31.8%	1575	50.2%

Respondents were asked how their peers would respond if they were to report a case of sexual misconduct to Baylor. Sixty-five percent (n=2054) of respondents strongly disagreed or disagreed that *students would label the person a troublemaker*, and 41% (n=1274) strongly disagreed or disagreed that *the alleged offender(s) or their friends would try to get back at the person making the report*.



## Consent

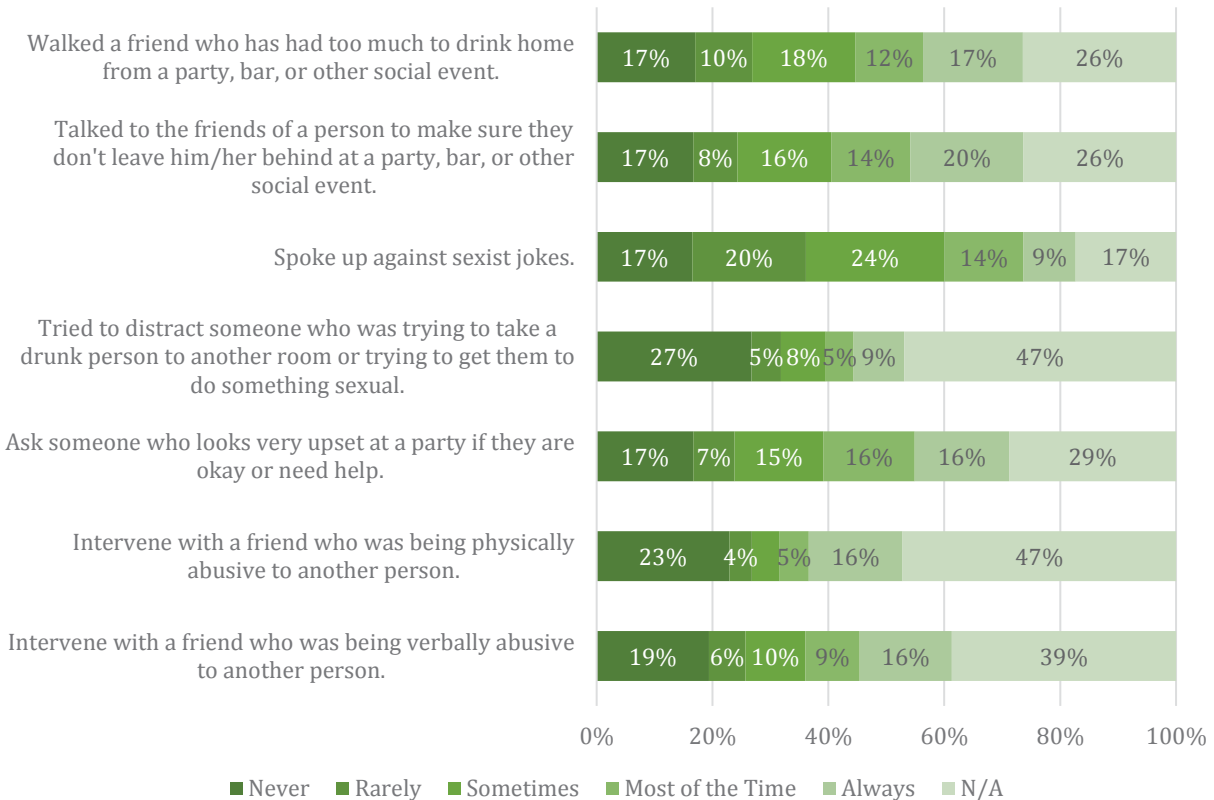
Respondents were asked about their agreement with a series of statements regarding consent. Ninety-three percent (n=2909) of respondents strongly agreed or agreed that *consent must be given at each step in a sexual encounter*. Additionally, 89% (n=2792) of respondents strongly disagreed or disagreed with the statement *If a person doesn't physically resist sex, they have given consent*.

	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
Consent must be given at each step in a sexual encounter.	2276	72.7%	633	20.2%	136	4.4%	44	1.4%	42	1.3%
If a person initiates sex, but during foreplay says they no longer want to, the person has not given consent to continue.	2502	79.9%	460	14.7%	76	2.4%	16	0.5%	78	2.5%
If a person doesn't physically resist sex, they have given consent.	44	1.4%	89	2.9%	207	6.6%	706	22.5%	2086	66.6%
Consent for sex one time is consent for future sex.	35	1.1%	18	0.6%	85	2.7%	444	14.2%	2547	81.4%
If you and your sexual partner are both drunk, you don't have to worry about consent.	31	1.0%	31	1.0%	223	7.1%	540	17.2%	2309	73.7%
Mixed signals can sometimes mean consent.	14	0.5%	99	3.2%	258	8.2%	606	19.3%	2156	68.8%
If someone invites you to their place, they are giving consent for sex.	18	0.6%	23	0.7%	105	3.3%	412	13.1%	2577	82.2%

## Bystander Intervention

Respondents were asked about their reactions to specific situations that they had encountered at Baylor University. Twenty-nine percent (n=898) of respondents indicated that they *walked a friend who has had too much to drink home from a party bar, or other social event* always or most of the time.

When the following situations arose at Baylor University, how often did you do any of the following?



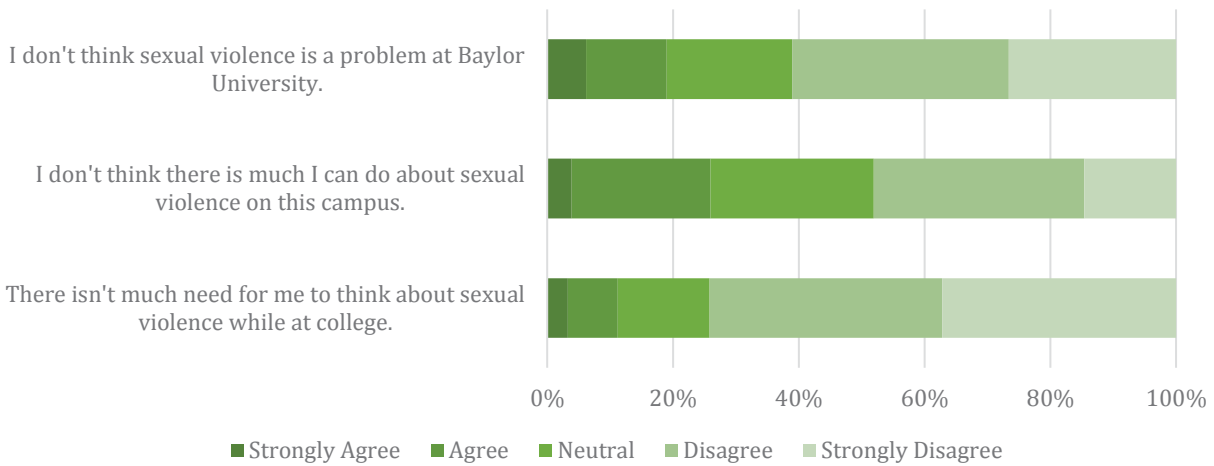
## Safety

### Sexual Violence Safety

When asked about their perceptions of sexual violence at Baylor University, 61% (n=1900) of respondents strongly disagreed or disagreed with the statement *I don't think sexual violence is a problem at Baylor University*.

	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
I don't think sexual violence is a problem at Baylor University.	194	6.2%	397	12.8%	621	20.0%	1073	34.5%	827	26.6%
I don't think there is much I can do about sexual violence on this campus.	120	3.9%	686	22.1%	809	26.0%	1040	33.5%	455	14.6%
There isn't much need for me to think about sexual violence while at college.	102	3.3%	246	7.9%	453	14.6%	1151	37.0%	1157	37.2%

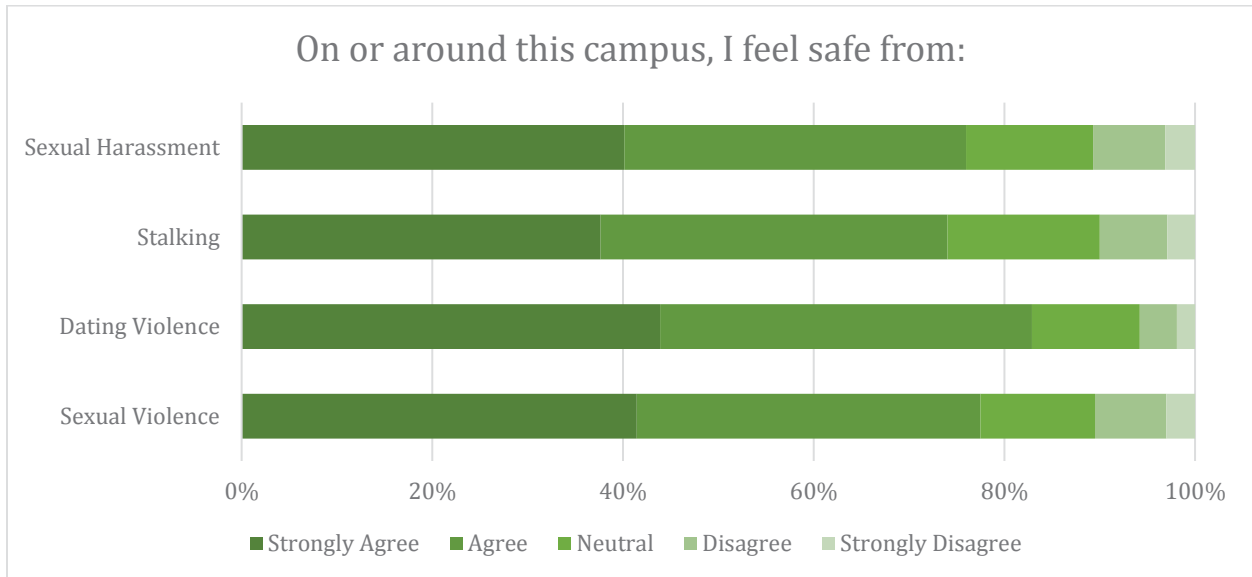
### Sexual Violence Safety



## Campus Safety

When asked about feelings of safety on or around campus, 76% (n=2362) of respondents strongly agreed or agreed that they *feel safe from sexual harassment*, and 77% (n=2401) strongly agreed or agreed that they *feel safe from sexual violence*.

On or around this campus....	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
I feel safe from sexual harassment.	1249	40.1%	1113	35.8%	415	13.3%	237	7.6%	98	3.1%
I feel safe from stalking.	1170	37.7%	1128	36.4%	496	16.0%	219	7.1%	89	2.9%
I feel safe from dating violence.	1366	43.9%	1213	39.0%	351	11.3%	122	3.9%	58	1.9%
I feel safe from sexual violence.	1285	41.4%	1116	36.0%	373	12.0%	234	7.5%	94	3.0%





**EXHIBIT 11**

## **Sexual and Gender-Based Harassment and Interpersonal Violence Policy**

*Applies to sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation*

Baylor University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community.

Baylor University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities, and it does not tolerate discrimination or harassment on the basis of sex or gender. This policy prohibits sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation (collectively referred to in this policy as prohibited conduct). These forms of prohibited conduct 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, including potential separation from the University. Some forms of prohibited conduct may also violate state and federal laws, and criminal prosecution may occur independently of any disciplinary action imposed by the University.

The University will comply with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in the University's programs and activities; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA); Title VII of the Civil Rights Act of 1964; Chapter 21 of the Texas Labor Code; Chapter 40, Section 819 of the Texas Administrative Code; and other applicable law.

This policy sets forth the procedures that will be used to investigate and respond to reports of prohibited conduct. The University will respond to reports about prohibited conduct with measures designed to eliminate the conduct, prevent its recurrence, and remedy any adverse effects of the conduct on individuals, members of the campus community, or University-related programs or activities. In addition, the University may impose interim restriction(s) prior to the conclusion of the investigation to provide a complainant with continued access to University programs and activities and protect individual and campus safety.

The University will make reasonable efforts to investigate and address reports of prohibited conduct, regardless of how the information was brought to the University's attention or the extent to which the complainant wishes to participate or be involved. See [Balancing Complainant Autonomy with University Responsibility to Investigate](#) (9. B. below).

While Baylor encourages students to abide by the University's [Sexual Conduct Policy](#), the University recognizes that each student will make independent decisions about their own conduct. The University prioritizes the reporting of

sexual assault, and under no circumstances will a complainant or witness who makes a report of sexual assault or other prohibited conduct be charged with student conduct violations related to the [Sexual Conduct Policy](#), regardless of the outcome.

All Baylor students and employees have access to Confidential Resources that they may use for support and guidance regardless of whether they make a report to the University or participate in a University investigation.

Retaliation against anyone who makes a good faith report under this policy, who opposes in a reasonable manner an act believed to constitute a violation of this policy, or because they have participated in a Title IX investigation, is prohibited.

## **1. The University's Title IX Coordinator**

The Title IX Coordinator coordinates the University's compliance with Title IX and related provisions of the Clery Act (as amended by VAWA). The Title IX Coordinator oversees the University's centralized response to all reports of prohibited conduct to assure consistent implementation of this policy and ensure compliance with federal and state law. The Title IX Coordinator and designated staff will, among other steps:

- Communicate with all members of the University community regarding applicable law and policy and provide information about how individuals may access reporting and support options.
- Review applicable University policies to ensure institutional compliance with applicable federal and state law.
- Monitor the University's administration of its own applicable policies, including record keeping, adherence to timeframes, and other procedural requirements.
- Conduct training regarding Title IX, related provisions of the Clery Act (as amended by VAWA), and prohibited conduct defined in this policy.
- Respond to any 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 and protective measures, and monitor the administration of any request for review of the finding.

The Title IX Coordinator may delegate responsibilities under this policy to designated administrators or external professionals, who will have appropriate training and/or experience. When used in this policy, the term Title IX Coordinator may include a Deputy Title IX Coordinator or appropriate designee.

The Title IX Coordinator's contact information is:

Kristan Tucker  
Title IX Coordinator  
Baylor University  
One Bear Place #97011  
Clifton Robinson Tower, Suite 285  
Waco, Texas 76798  
254-710-8454  
[Kristan\\_Tucker@baylor.edu](mailto:Kristan_Tucker@baylor.edu)  
[www.Baylor.edu/TitleIX](http://www.Baylor.edu/TitleIX)

Concerns about the University's application of Title IX and the Clery Act may be addressed to the University's Title IX Office; the United States Department of Education, Clery Act Compliance Division (at [clery@ed.gov](mailto:clery@ed.gov)); the United States Department of Education, Office for Civil Rights (at [OCR@ed.gov](mailto:OCR@ed.gov) or 800-421-3481); and/or the Equal Employment Opportunity Commission (at [info@eeoc.gov](mailto:info@eeoc.gov) or 800-669-4000). Concerns related to employment or housing discrimination may also be addressed to the Texas Workforce Commission (at [www.twc.state.tx.us/programs/civil-rights-program-overview](http://www.twc.state.tx.us/programs/civil-rights-program-overview) or 888-452-2642).

## 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, and visitors).

Third parties are both protected by and subject to this policy. A third party may report potential policy violations committed by a member of the University community, and the University will take appropriate steps to investigate and respond. A third party who is accused of violating University policy 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 campus or University property;
  - in the context of any University-related or sponsored education program or activity, regardless of the location (including travel, research, or internship programs);
  - by a Baylor student, regardless of location, under the [Student Conduct Code](#) statement of [General Expectations of Baylor Students](#);
  - through the use of University-owned or provided technology resources;
- or

- when the conduct has a nexus to the University, such as continuing adverse effects or the creation or continuation of a hostile environment on campus.

For every report, the Title IX Coordinator will review the circumstances of the reported conduct to determine whether the University has jurisdiction. The University will, however, take reasonable action to support a complainant through interim remedial measures and will assist a complainant in identifying external reporting mechanisms.

This policy uses the terms complainant, respondent, third party, and witness as follows:

The term **complainant** refers to an individual who is reported to have experienced prohibited conduct, regardless of whether the individual makes a report or seeks disciplinary action.

The term **respondent** refers to an individual who has been accused of prohibited conduct.

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

The term **witness** refers to an individual who may have information relevant to a report of prohibited conduct. A witness may be a student, an employee, or a third party.

### 3. Coordination with Other Policies

This policy addresses discrimination on the basis of sex or gender as it relates to sexual and gender-based harassment and sexual assault, and other forms of interpersonal violence defined in more detail below. Other forms of sex discrimination (not based on harassment or violence), and discrimination and harassment based on race, color, nationality or ethnic origin, sex, age, or disability are governed by the University's [Civil Rights Policy](#).

In addition, the conduct of students, employees, and faculty are governed by the following:

- [Student Conduct Code](#)
  - Applies to all other forms of student misconduct (e.g., alcohol or other drug use, threats or physical abuse, possession of firearms, etc.)
  - Overseen by Student Conduct Administration

- [Policy on Sexual Conduct](#)
  - Sets general expectation for Baylor students, faculty, and staff that sexual intimacy will be expressed consistently with the biblical understanding of human sexuality
  - Overseen by Student Conduct Administration
- [Baylor Personnel Policies](#)
  - Sets the standards of personal conduct for employees
  - Includes the staff disciplinary and grievances policies
- [Faculty Handbook](#)
  - Sets the standards of personal conduct for faculty members
  - Includes the statement of academic freedom (See Also Section 4 of this Policy, [Academic Freedom and Freedom of Speech](#), below)
  - Includes the University's grievance policy
- [Faculty Dismissal Policy](#)
  - Outlines the grounds and procedures for dismissal of tenured and non-tenured faculty
- [University Policy on Romantic and/or Sexual Conduct with Students and Supervisees](#)
  - Prohibits romantic and/or sexual relationships between employees and undergraduate students, and employees and any individual whom that person supervises or evaluates in anyway
- [Policy to Protect Children and Prevent Abuse](#)
  - Provides for the screening, selection, and assessment of personnel
  - Includes information about recognizing, responding, and reporting inappropriate or suspicious behavior, suspected abuse, and minor-to-minor sexual abuse

Where conduct involves the potential violation of both this policy and another University policy, the University may choose to investigate other potential misconduct under the procedures set forth in this policy, provided that it does not unduly delay a prompt or equitable resolution of the report.

#### 4. Academic Freedom and Freedom of Speech

The University is committed to the principles of free inquiry and expression. Vigorous discussion and debate are fundamental to this commitment, and this policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. The University is operated within the Christian-oriented aims and ideals of Baptists and the University will therefore be protective of academic freedom in instruction, discussion, and expression among the members of its community, including speech pertaining to religious issues. This policy shall be interpreted and enforced in a manner consistent with the University's Duties—Academic Freedom Policy (BUPP 701). Offensiveness of conduct, standing alone, is not sufficient for the conduct to constitute prohibited conduct. The conduct must be sufficiently severe and/or pervasive to interfere with an individual's ability to participate in employment or educational program and activities from both a subjective and objective perspective.

#### 5. Prohibited Conduct

In determining whether reported conduct violates this 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 this 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 familial relationships.

##### A. Sexual Assault

The following behaviors constitute 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.

##### B. 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.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.



- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, or in any other context.
- May be a one-time event or may be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the complainant and/or third parties who witness or observe harassment.

### C. Sexual Exploitation

**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. Sexual exploitation may include:

- surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all parties involved;  
or
- exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances.

### D. Intimate Partner Violence

**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 below).

Physical abuse consists of threatening or causing physical harm to another, or engaging in other conduct that threatens or endangers the health or safety of any person. Physical abuse will be addressed under this policy if it involves sexual or gender-based harassment, intimate partner violence, or is part of a course of conduct under the stalking definition.

As used in this policy, the definition of intimate partner violence is consistent with the definitions of dating violence and domestic violence set forth in the Clery Act (as amended by VAWA). When determining whether the reported conduct meets the Clery definition, whether there has been a domestic or dating relationship will be determined by a review of its length, type, and frequency of interaction.

## E. Stalking

**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. 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. Stalking also includes cyber-stalking through electronic media, like the internet, social networks, blogs, cell phones, or text messages.

## F. Retaliation

**Retaliation:** This 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 this policy; filing an external complaint; opposing in a reasonable manner and consistent with University policy an action reasonably believed to constitute a violation of this policy. Retaliation may also include acts or words taken against an individual or group of individuals because they have participated in proceedings under this 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 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 their University responsibilities. All individuals and groups of individuals are prohibited from engaging in retaliation and will be held accountable under this policy.

## G. Complicity

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

## H. Additional Guidance Regarding Consent and Incapacitation

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

**Consent:** Consent is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

In evaluating whether consent has been freely sought and given, the University will consider the presence of any force, threat of force, or coercion; whether the complainant had the capacity to give consent; and, whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

Consent cannot be obtained through physical force or where there is a reasonable belief of the threat of physical force, when one person overcomes the physical limitations of another person, or by taking advantage of another person's 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.
- Consent to an act with one person does not constitute consent to an act with any other person.
- The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.
- Consent can be withdrawn or modified at any time, and sexual contact must cease immediately once consent is withdrawn.
- Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on nonverbal communication alone may result in a violation of this policy.

Under Texas law, individuals younger than 17 years of age are legally incapable of giving consent to sexual penetration or contact by an adult (someone 18 years of age or older) who is three or more years older.

**Incapacitation:** 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 at the time of the incident 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 or impaired by use of the drug. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination.

The University does not expect community members to be medical experts

in assessing incapacitation. Individuals should look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. A person's level of intoxication is not always demonstrated by objective signs; however, some signs of intoxication may include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know whom you are with?"

An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. It is especially important, therefore, that anyone engaging in sexual activity is aware of both their own and the other person's level of intoxication and capacity to give consent. The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or incapacitation, the safest course of action is to forgo or cease any sexual contact.

In evaluating consent in cases of reported incapacitation, the University asks two questions: (1) Did the respondent know that the complainant was incapacitated? and if not, (2) Should a sober, reasonable person in a similar set of circumstances as the respondent have known that the complainant was incapacitated? If the answer to either of these questions is "yes," there was no consent; and the conduct is likely a violation of this policy.

A respondent's voluntary intoxication is never an excuse for or a defense to prohibited conduct, and it does not diminish the responsibility to determine that the other person has given consent.

## **6. Relationships with Individuals in Authority**

Under the Baylor University [Policy on Romantic and/or Sexual Conduct with Students and Supervisors \(BU-PP 036\)](#), sexual or romantic relationships are prohibited between:

- Faculty members and undergraduate students
- University employees and undergraduate students
- Graduate students and undergraduate students where the graduate student educates, advises, coaches, supervises, or evaluates the undergraduate in any way
- Employees and any individual whom that person supervises or evaluates in anyway

The Office of Human Resources and Office of the Executive Vice President and Provost are tasked with enforcing violations of [BU-PP 036](#). Because prohibited relationships often involve a power differential, the conduct may also constitute sexual harassment or other forms of prohibited conduct under this policy. Where the conduct involves both a violation of [BU-PP 036](#) and this policy, the procedures under this policy will apply.

## 7. Confidentiality, Privacy, and Related Reporting 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.

### A. Confidentiality

**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. For example, information may be disclosed when the individual gives written consent for its disclosure, there is an imminent concern that the individual will likely cause serious physical harm to self or others, or the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18. A person's medical and counseling records are privileged and confidential documents.

Confidential resources submit non-personally-identifying information about Clery-reportable crimes to the Baylor University Police Department for purposes of the anonymous statistical reporting under the Clery Act.

### B. Privacy

**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.

The University will make reasonable efforts to investigate and address reports of prohibited conduct under this policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the University will take into consideration the privacy of the parties to the extent reasonably possible.

The privacy of student education records will be protected in accordance with the [Family Educational Rights and Privacy Act](#) (FERPA). The privacy of an individual's medical and related records generally is protected by the [Health Insurance Portability and Accountability Act](#) (HIPAA) and Title 2, Chapter 81 and Title 4, Chapter 241, Subchapter G, of the Texas Health & Safety Code, and Chapter 144 of the Texas Civil Practice and Remedies Code, excepting health records protected by FERPA. Access to an employee's personnel records in Texas is governed by Chapter 103 of the Texas Labor Code.

### **C. Responsibility to Report**

It is important to understand the different responsibilities of Baylor employees. Every employee is designated as either a Confidential Resource or a Responsible Employee.

**Confidential Resource:** A Confidential Resource is any employee who is a licensed medical, clinical, or mental-health professional (e.g., physicians, nurses, physician's assistants, psychologists, psychiatrists, professional counselors, and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient; and any employee providing administrative, operational, and/or related support for such health care providers in their performance of such services. The Baylor University Chaplain is also a Confidential Resource when acting within a ministerial or pastoral role in the provision of services to a student, faculty, or staff member. Resident Chaplains and Athletic Chaplains are not Confidential Resources. Confidential Resources **will not disclose information** about prohibited conduct without the individual's permission or as set forth in [Confidentiality](#) (7. A., above). When individuals who otherwise may be Confidential Resources receive information outside of the provision of services to a patient or Baylor University Chaplain ministerial relationship, the Confidential Resource is required to share that information with the Title IX Office.

**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 this policy. These individuals are referred to as Responsible Employees.



Student workers who have supervisory responsibility or responsibility for the welfare of other students are also considered Responsible Employees when they learn of potential violations of this policy in the scope of their employment. Student workers who are Responsible Employees include but are not limited to Campus Living & Learning Community Leaders, Resident Chaplains, Athletics Team Managers, Peer Educators, and Line Camp Leaders.

Responsible Employees must report all known information, including the identities of the parties, the date, time and location, and any details about the reported incident to the Title IX Office. The Title IX Office will share all reports with the Baylor University Police Department to ensure a coordinated institutional response. Responsible Employees may provide support and assistance to a complainant, witness, or respondent; but they cannot promise confidentiality or withhold information about prohibited conduct. Failure by a Responsible Employee to report suspected prohibited conduct in a timely manner may subject them to appropriate discipline, including removal from a position or termination of employment.

Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs,” or other public forums in which students may disclose prohibited conduct (collectively, public awareness events); or (2) during an individual’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (IRB Research). The University may provide information about Title IX rights and about available University and community resources and support at public awareness events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all subjects of IRB Research.

**Students:** With the exception of student workers who are designated as Responsible Employees, all other students **are encouraged to report** any suspected violation of this policy.

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

#### **D. 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.

## 8. Resources and Reporting Options

A complainant or witness has many options, including seeking counseling or assistance from a Confidential Resource, making a report under this 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.

### 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 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](#) at 254-710-2222 or, if off campus, **Waco Police Department** at 254-750-7500. In an emergency, call 911.

To access on campus medical treatment, contact:

**[Baylor Health Center](#)**

McLane Student Life Center, 2<sup>nd</sup> Floor  
209 Speight Avenue  
254-710-1010

Local hospitals can be contacted at:

**Baylor Scott & White Hillcrest Medical Center**

Hillcrest Baptist Medical Center  
100 Hillcrest Medical Boulevard  
Waco, Texas 76712  
254-202-2000 (main number)  
254-202-8611 (emergency room)

**Providence Health Center**

6901 Medical Parkway  
Waco, Texas 76712  
254-751-4000 (main number)  
254-751-4180 (emergency room)



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

Advocacy Center for Crime Victims and Children

2323 Columbus Avenue

Waco, Texas 76701

<http://www.advocacyctr.org>

Crisis Hotline 254-752-7233

Toll free 888-867-7233

254-752-9330 (office)

254-752-9655 (fax)

To access crisis counseling and other community resources:

**Family Abuse Center, Waco, Texas**

Legal assistance, housing, and confidential counseling

<http://www.familyabusecenter.org>

800-283-8401 (24-Hour Hotline)

**B. Campus Confidential Resources**

Students can access confidential resources on campus through:

**1. Baylor University Counseling Center**

[http://www.baylor.edu/counseling\\_center](http://www.baylor.edu/counseling_center)

254-710-2467 (to schedule an appointment or speak with a staff member)

254-710-2460 (fax)

McLane Student Life Center, 2<sup>nd</sup> Floor

209 Speight Avenue

**Hours of Operation:** 8 a.m. until 5 p.m. Monday through Friday (extended hours until 7 p.m. on Wednesdays and Thursdays) by appointment only. The Counseling Center is closed during academic breaks.

**Walk-in Clinic:** 9 a.m. to 4 p.m. (must arrive no later than 3:30 p.m.) Monday through Friday, including the noon lunch hour)

A valid Baylor ID is needed for entry into the McLane Student Life Center (SLC).

In case of a crisis, an individual may come by the Counseling Center during regular office hours. A psychologist or counselor is on call after regular office hours and during weekends and can be reached by calling 254-710-2467. 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  
911 or a local hospital

## **2. Baylor University Health Services**

[http://www.baylor.edu/health\\_center/index.php?id=85947](http://www.baylor.edu/health_center/index.php?id=85947)

254-710-1010 (to schedule an appointment or speak with a staff member)

254-710-2499 (fax)

McLane Student Life Center, 2<sup>nd</sup> Floor

209 Speight Avenue

**Hours of Operation:** 8 a.m. until 6 p.m. Monday through Friday  
and 9 a.m. to 1 p.m. Saturday

Call 254-710-1010 after hours for professional advice from a registered nurse at Sironia Health.

Baylor University Health Services provide 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.

A Baylor ID is needed for entry into the SLC.

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

<http://www.baylor.edu/spirituallife/index.php?id=870480>

[spiritual\\_life@baylor.edu](mailto:spiritual_life@baylor.edu)

254-710-3517 (office)

Bobo Spiritual Life Center

Corner of 5th Street and Speight Street

## **C. Reporting Options**

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 posing a threat to 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 [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 at 254-710-2222.
- If off campus, contact local law enforcement to file a criminal complaint at 911.

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: [www.baylor.edu/titleix/report](http://www.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. See [Balancing Complainant Autonomy with University Responsibility to Investigate](#) (9. B. below).

### 3. Amnesty

In order to encourage complainants and witnesses to make reports of conduct prohibited under this 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.

Similarly, the University will not pursue disciplinary action against students (complainants or witnesses) for conduct in violation of the [Sexual Conduct Policy](#). Under no circumstances will a complainant or witness who makes a report of sexual assault or other prohibited conduct be charged with violating the [Sexual Conduct Policy](#), regardless of the outcome.

### 4. Timeframe for Reporting

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. There is no time limit for reporting. Reports under this policy 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. The University may assist the complainant in identifying and contacting law enforcement and other external enforcement agencies.

## D. Other Community 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/doc.php/243749.pdf>

## 8. Interim Measures

Upon receipt of a report of prohibited conduct, the University will provide reasonable and appropriate interim measures designed to preserve the complainant's educational experience; protect the complainant during an investigation; address safety concerns for 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 continued access to educational opportunities) or **protective** (involving a restrictive action against a respondent).

Interim remedial measures may include:

- Access to counseling and medical services
- Assistance in obtaining a sexual assault forensic examination
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines
- Academic supports
- Assistance in requesting long-term academic accommodations through the Office of Access and Learning Accommodation, if the complainant qualifies as an individual with a disability
- Change in the complainant's class schedule, including the ability to transfer course sections or withdraw from a course
- Change in the complainant's University work schedule or job assignment
- Change in the complainant's campus housing
- 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
- Any other remedial measure that can be used to achieve the goals of this policy.

Interim remedial measures are available to the complainant regardless of whether the complainant pursues an investigation or seeks formal disciplinary action.

Interim protective measures may include:

- Change in the respondent's class schedule
- Change in the respondent's University work schedule or job assignment
- Change in the respondent's campus housing
- Exclusion from all or part of University housing
- Exclusion from specified activities or areas of campus
- Prohibition from participating in student activities or representing the University in any capacity such as playing on an official team; serving in student government; performing in an official band, ensemble, or production; or participating in a recognized student organization
- Interim suspension
- Any other protective measure that can be used to achieve the goals of this policy.

The availability of remedial and protective measures will be determined by the specific circumstances of each report. The University will consider a number of factors in determining which measures to take, including the needs of the student or employee seeking remedial and/or protective measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the complainant; whether the complainant and the respondent share the same residence hall, academic course(s), or job location(s); and whether judicial measures have been taken to protect the complainant (e.g., protective orders). The University will work in good faith to implement the requirements of judicially-issued protective orders and similar orders, to the extent that doing so is within its authority.

The determination of whether to impose the interim protective measure of interim suspension will be made by the Title IX Coordinator in consultation with the Vice President for Student Life and members of the University's threat assessment team. A respondent may be suspended on an interim basis when the University has received information which indicates that the continued presence on campus of the respondent will likely have a serious 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 operation is threatened or impaired. The decision to impose interim suspension may be made at any point in the process.

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. Requests for interim measures may be made by the complainant to the Title IX Office. The Title IX Office is responsible for ensuring the implementation of interim measures and coordinating the University's response with the appropriate offices on campus. The Title IX Office has the discretion to impose and/or modify any interim measure based on all available information and is available to meet with a complainant or respondent to address any concerns about the provision of interim measures. 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.

All individuals are encouraged to report to the Title IX Office any concerns about the failure of another to abide by any restrictions imposed through interim measure. In the event of an immediate health or safety concern, individuals should contact 911 or x2222 (on campus) immediately. 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.

## **9. Overview of Resolution Options**

The University is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this policy. The University uses two processes to resolve reports of prohibited conduct under this policy: Disciplinary Resolution, which involves an investigation, adjudication, and, if appropriate, the imposition of sanctions, and Alternative Resolution, which includes informal or restorative options for resolving reports that does not involve disciplinary action against a respondent. 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.

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.

### **A. Initial Assessment**

After receiving a report of prohibited conduct, the Title IX Office will gather information about the reported conduct and respond to any immediate health or safety concerns raised by the report. The Title IX Office will assess the complainant's safety and well-being, offer the University's immediate support and assistance, and assess the nature and circumstances of the report to



determine whether the reported conduct raises a potential policy violation, whether the reported conduct is within the scope of this policy, and the appropriate manner of resolution under this policy. The Title IX Coordinator may consult with the University's threat assessment team or other University administrators as part of the initial assessment.

As part of the initial assessment, the Title IX Office will:

- assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness, and/or any other individual with knowledge of the reported incident;
- address immediate physical safety and emotional well-being;
- notify the complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- notify the complainant of the right to seek medical treatment;
- notify the complainant of the importance of preservation of evidence;
- refer the report to the Baylor University Police Department to enter the report into the University's daily crime log if required by the Clery Act;
- with the Baylor University Police Department, assess the reported conduct and discern the need for a timely warning under the Clery Act;
- provide the complainant with written information about on and off campus resources;
- notify the complainant of the range of interim measures available, including the right to reasonable interim remedial measures regardless of whether they choose to participate in a University or law enforcement investigation;
- notify the complainant of the range of interim protective measures available if the University pursues an investigation;
- provide the complainant with an explanation of the procedural options, including Disciplinary Resolution and Alternative Resolution;
- notify the complainant of the right to be accompanied at any meeting by an advisor of choice;
- assess for any pattern of conduct by respondent;
- discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);
- explain the University's policy prohibiting retaliation, that the University will take prompt action when retaliation is reported, and how to report acts of retaliation; and



- determine age of the complainant; and if the complainant is a minor, make the appropriate notifications under the [Policy to Protect Children and Prevent Abuse](#).

When the Title IX Coordinator decides to initiate an investigation, impose interim protective measures, or take any other action that impacts a respondent, the Title IX Coordinator will also ensure that respondent is notified and receives written information on available resources and options, consistent with the list outlined above.

At the conclusion of the initial assessment, the University will proceed with one of the following options:

- (1) Proceed with an investigation under the Disciplinary Resolution process. This will occur when a complainant requests an investigation, where the Title IX Coordinator determines that an investigation must be pursued even when a complainant requests that no investigation be pursued, or where Alternative Resolution is not appropriate or available.
- (2) Proceed with Alternative Resolution. This will always require the consent of the complainant. The consent of the respondent is also required when the form of resolution involves the respondent.
- (3) If outside the scope of this policy, refer the matter to another appropriate office or department for resolution under the relevant policy.

## **B. Balancing Complainant Autonomy with University Responsibility to Investigate**

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

A complainant may request that their name or other personally-identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps, a member of the Title IX Office will discuss any concerns with the complainant and seek to address and remedy barriers to reporting based upon concerns about retaliation or

other lack of clarity in understanding procedural options and potential outcomes.

The Title IX Coordinator will balance the complainant's request against the following factors in reaching a determination on whether the request can be honored:

- the totality of the known circumstances;
- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the complainant and respondent;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of other prohibited conduct or other misconduct by the respondent;
- whether the report reveals a pattern of misconduct related to prohibited conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- the complainant's interest in the University's not pursuing an investigation or disciplinary action and the impact of such actions on the complainant;
- whether the University possesses other means to obtain relevant evidence;
- fairness considerations for both the complainant and the respondent;
- the University's obligation to provide a safe and non-discriminatory environment; and
- any other available and relevant information.

The Title IX Coordinator 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 Title IX Coordinator 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 possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the complainant and the University community.

Where the Title IX Coordinator determines that a complainant's request(s) can be honored, the University may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the complainant and the University community.

Those steps may include offering appropriate remedial measures to the complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Title IX Coordinator may also request that a report be re-opened and pursued under this policy if any new or additional information becomes available, and/or if the complainant decides that they would like a Disciplinary Resolution to occur.

In those instances when the Title IX Coordinator determines that the University must proceed with an investigation despite the complainant's request that it not occur, the Title IX Coordinator will notify the complainant that the University intends to initiate an investigation. The complainant is not required to participate in the investigation or in any of the actions taken by the University.

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. The University will, however, pursue other steps to limit the effects of the potential prohibited conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent the University will conduct an investigation and whether other interim remedial or protective measures will be taken in connection with a report of prohibited conduct will be made in a manner consistent with this policy.

### **C. Timeframe for Investigation and Resolution**

The University will seek to complete the investigation and resolution process in approximately 60 calendar days following the notice of the investigation. In some instances, that may be the same date as the date of the report; in other instances, based on information gathered in the initial assessment, that may be at a later date. This policy designates reasonably prompt timeframes for the major stages of the investigation and resolution process (typically set forth in business days), but the University may extend any timeframe in this policy for good cause, including extension beyond 60 calendar days. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the University calendar, University finals periods, the complexity of the investigation, and/or the severity and extent of the alleged misconduct. While requests for delays by the parties may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a report under this policy. 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 remedial measures for the complainant.

Investigations will proceed according to the timeframes in this policy to the extent possible during the summer and at other times when classes at the University are not in session. The Title IX Office 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 review of the finding, apply equally to both complainant and respondent.

#### **D. Expectations for the Parties; Cooperation with Investigation and Disciplinary Procedures**

During the investigation and adjudicatory process, both parties (complainant and respondent) have equal rights, including the opportunity to receive a written notice of investigation; to participate in the investigation; to review and present information and evidence; to be accompanied by an advisor of their choice to any meeting; to timely and equal access to information that will be used in disciplinary proceedings; to timely notice of meetings at which their presence will be requested or required; to simultaneous written notice of the outcome, sanction, and rationale; and to seek review of the finding.

All University community members are expected to provide truthful information in any report or proceeding under this policy. Consistent with the University's [Student Conduct Code, Section III](#), submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of prohibited conduct is prohibited and subject to disciplinary sanctions. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated or no policy violation is found to have occurred.

Baylor University expects all members of the University community to cooperate fully with the investigation and disciplinary procedures. It is understood that there may be circumstances in which a complainant or respondent wish to limit their participation, and the University will respect the choice of the complainant or respondent as to how to engage in proceedings under this policy. The University may, however, move forward with an investigation and disciplinary action without the participation of a party or parties.

The University also recognizes that witnesses 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 sanction. 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.

If a complainant or respondent chooses not to answer any or all questions in an investigation for any reason, the University will continue its process; and the University will issue any discipline or sanctions, as appropriate. The University will not draw any adverse inference from a complainant's or respondent's decision not to participate in the investigation or any form of resolution under this policy; however, the complainant or respondent should be aware that declining to participate in the investigation may impact the timing and outcome of the case.

At any time, the University may place an administrative hold on the respondent's University transcript, make a transcript notification, or defer or withhold the award of the respondent's degree. Although a respondent may withdraw from the University while the investigation is pending, this withdrawal may be considered permanent and the respondent's transcript will be noted withdrawal pending investigation. Even if a respondent withdraws from the University, the Title IX Coordinator may decide to proceed with the investigation and resolution process.

#### **E. Consolidation of Investigation**

The Title IX Office has the discretion to consolidate multiple reports into a single investigation if evidence relevant to one incident might be relevant to the others. Consolidation might involve multiple complainants and a single respondent, multiple respondents, and conduct that is temporally or logically connected.

As noted in [Coordination with Other Policies](#) (3, above), the investigator may also investigate other forms of conduct that would be a potential violation of other University policies, and those forms of conduct may be resolved under this policy, as determined at the discretion of the Title IX Office.

#### **F. Safeguarding the Privacy 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 during the process. All parties, however, are encouraged to maintain the privacy of FERPA-protected and/or sensitive information

gathered or learned in the process.

## **10. Alternative Resolution**

Alternative Resolution is a voluntary and remedies-based resolution that does not involve taking disciplinary action against a respondent. Where an initial assessment concludes that Alternative Resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maintain the complainant's access to the educational, extracurricular, and employment activities at the University and to eliminate a potential hostile environment. Examples of interim [remedial measures](#) are included in Section 8 of this policy.

Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the respondent, and/or indirect action by the Title IX Office. 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. The decision to pursue Alternative Resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time.

Participation in Alternative Resolution is voluntary, and either party can request to end Alternative Resolution at any time.

The Title IX Office will maintain records of all reports and conduct referred for Alternative Resolution, which will typically be complete within 60 calendar days of the initial report.

## **11. Disciplinary Resolution When the Respondent is a Student**

### **A. Investigation**

When the University receives a report alleging that a student violated this policy, the Title IX Coordinator will appoint one or more investigators to conduct a prompt, thorough, fair, and impartial investigation. The investigator may be a University employee and/or an experienced external investigator. Any investigator used by the University will receive annual training on the issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of complainants while promoting accountability. The investigator will be impartial and free from conflict of interest or bias.



**Notice of Investigation:** The Title IX Coordinator will notify the complainant and the respondent, in writing, of the following information: (1) the names of the complainant and the respondent; (2) the date, time (if known), location, and nature of the reported conduct; (3) the reported policy violation(s); (4) the name of the investigator; (5) information about the parties' respective rights and responsibilities; (6) the prohibition against retaliation; (7) the importance of preserving any potentially relevant evidence in any format; (8) how to challenge participation by the investigator on the basis of a conflict of interest or bias; and (9) a copy of this policy. If the investigation reveals the existence of additional or different potential policy violations, the Title IX Office will issue a supplemental notice of investigation.

**Overview:** During an investigation, the investigator will seek to meet separately with the complainant, respondent, and relevant witnesses. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, or related matters. Witnesses may not participate solely to speak about an individual's character. Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be shared with the parties at the conclusion of the investigation. The investigator will also gather other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person), and other electronic records as appropriate.

The investigator, not the parties, is responsible for gathering relevant evidence to the extent reasonably possible. The complainant and respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications, photographs, and other evidence. Both persons are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution. In the event that a party declines voluntarily to provide material information, the University's ability to conduct a prompt, thorough, and equitable investigation may be impacted.

The investigator may also consider information publicly available from social media or other online sources that comes to the attention of investigator. The Title IX Office does not actively monitor social media or online sources, however, and as with all potentially relevant information, the complainant, respondent, or witness should bring online information to the attention of the investigator.

The investigator may visit relevant sites or locations and record observations through written, photographic, or other means. In some cases, the investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller

understanding of the issues under investigation. The University will not consider polygraph results. In general, a person's medical and counseling records are confidential and not accessible to the investigator unless the person voluntarily chooses to share those records with the investigator. In those instances, the relevant information from the records must be shared with the other party.

The investigator will review all information identified or provided by the parties and will determine the appropriateness, relevance, and probative value of the information developed or received during the investigation. In general, the investigator will not consider statements of personal opinion or statements as to any party's general reputation for any character trait. All information considered relevant by the investigator will be provided to the parties for their review and comment, as described in this policy.

The investigator will provide periodic updates to the parties about the status of the investigation, with a goal to complete the fact-gathering portion of the investigation within approximately 30 calendar days.

**Advisor:** Throughout the investigation and resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the investigation and resolution of a report under this policy. 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. An advisor should plan to make themselves reasonably available, and the University will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability. An advisor may be asked to meet with a University administrator in advance of any proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum.

**Prior or Subsequent Conduct of the Respondent:** Prior or subsequent conduct of the respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of prohibited conduct by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of responsibility for the prohibited conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

**Prior Sexual History:** The sexual history of the complainant or respondent



will never be used to prove character or reputation. Evidence related to the prior sexual history of the parties is generally not used in determining whether a violation of this policy has occurred and will only be considered under limited circumstances. For example, if consent is at issue, the sexual history between the parties may be relevant to determine the nature and manner of communications between the parties, which may inform the determination whether consent was sought and reasonably appeared to have been given during the incident in question. As set forth in the consent definition, 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, prior sexual history may be relevant to explain injury, to provide proof of a pattern, or to address another specific issue raised in the investigation. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

**Coordination with Law Enforcement:** If there is a concurrent criminal investigation, the University will contact the law enforcement agency that is conducting any investigation to inform that agency that a University investigation is also in progress, to attempt to ascertain the status of the criminal investigation, and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation.

**Review of Preliminary Investigative Report:** 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 five business days to (1) meet again with the investigator, (2) provide written comment or feedback, (3) submit additional information, and/or (4) identify additional witnesses or request the collection of other information by the investigator. If either party provides a written response or makes a request for additional information, the content will be shared with the other party and incorporated as appropriate in the final investigative report. Any information gathered through additional investigation steps will be shared with both parties, and, as appropriate, each will have the opportunity for further response. Typically, each party will have three business days to review any additional information. As necessary, 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. In the absence of good cause,

information discoverable through the exercise of due diligence that is not provided to the investigator upon review of the preliminary investigative report will not be considered in the determination of responsibility for a violation of the policy.

**Standard of Proof:** The investigator will make a finding, by a preponderance of the evidence, whether there is sufficient evidence to support a finding of policy violation. A finding of responsibility based on a preponderance of evidence means that based on all relevant evidence and reasonable inferences from the evidence, the greater weight of information indicates that it was more likely than not the policy violation occurred.

**Final Investigative Report:** Unless there are significant additional investigative steps requested by the parties or identified by the investigator, within five business days after receipt and consideration of additional comments, questions, and/or information from the parties, 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, to support a finding of responsibility for a violation of the policy. Both parties will receive simultaneous written notification of the investigative finding, the rationale, and the ability to contest the investigative finding.

## **B. Review of Finding**

Either party may accept or contest the investigative finding. A party may contest the investigative finding by asserting that (1) there was a material procedural error that significantly impacted the outcome or (2) there was no rational basis, applying a preponderance of the evidence standard, for the investigative finding. To contest the finding, the complainant or respondent must submit a written statement within five business days explaining why the party contests the finding(s). Each party will have the opportunity to review and respond in writing to the other party's request for review of the finding; any response must be submitted within three business days. The Title IX Office will provide the final investigative report, together with any statements by the parties, to the Review Panel for further proceedings as outlined below:

- If either party contests the investigative finding, 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.

- If neither party contests a finding that there was insufficient evidence to support a finding that the respondent violated this policy, the investigative finding becomes final.

The hearing will typically be scheduled within ten business days of the receipt of any request for review (and response) by the parties.

### C. Impact and Mitigation Statements

**Impact and Mitigation Statements:** Where there is an investigative finding of responsibility on one or more of the policy violations, either or both parties may submit a statement to the Title IX Coordinator for consideration by the Review Panel in determining an appropriate sanction. The complainant may submit a written statement describing the impact of the prohibited conduct on the complainant and expressing a preference about the sanction(s) to be imposed. The respondent may submit a written statement explaining any factors that the respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed. Any impact or mitigation statement must be submitted no later than two business days before the hearing. The Title IX Coordinator will ensure that each of the parties has an opportunity to review any statement submitted by the other party. The Title IX Coordinator will provide any statement(s) with the final investigative report and the parties' other written submissions to the Review Panel.

### D. Review Panel

**Composition:** The Review Panel will consist of three individual members drawn from a standing pool of panelists. The Review Panel may consist of faculty, staff, or external professionals. Students may not serve as a member of the Review Panel. All members of the Review Panel will receive annual training on the issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking and on how to conduct a hearing that is fair and impartial and provides parties with notice and a meaningful opportunity to be heard. Members of the Review Panel will be impartial and free from conflict of interest or actual bias.

**Standard of Review:** The Review Panel will 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. The review is narrowly tailored to these stated bases. In evaluating sufficiency of the rational basis for the investigative finding, the Review Panel will not reweigh the facts gathered or substitute its opinion on credibility for the

judgment of the investigator who saw and heard the witnesses and parties.

**Hearing:** The hearing is an opportunity for the parties to address the Review Panel in person. The parties may address any information in the final investigative report, supplemental statements submitted in response to the final investigative report, or impact and mitigation statements. Each party has the opportunity to be heard and to respond to any questions of the Review Panel. The parties may not directly question one another, although they may proffer questions for the Review Panel, who may choose, in their discretion, to pose appropriate and relevant questions.

The Review Panel has the discretion to determine the specific hearing format. Both the complainant and the respondent have a right to be present at the hearing, but neither party is required to participate in the hearing in order for the hearing to proceed. Either party may request alternative methods for participating in the hearing that do not require physical proximity to the other party, including participating through electronic means.

**Determination by the Review Panel:** Where either of the parties has contested the recommended finding(s) of responsibility, the Review Panel will, at the conclusion of the hearing, determine, by majority vote, (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 either ground is substantiated, the Review Panel may remand the matter to the Title IX Coordinator with instructions for further investigation or other action. The instructions may include guidance regarding the scope of information to be further investigated and any appropriate stipulations, including the appointment of a new investigator.

If the Review Panel affirms the investigative finding of a policy violation, the Review Panel will then determine, by majority vote, the appropriate sanction(s) for the prohibited conduct.

If the Review Panel affirms a finding that there was insufficient evidence to support a finding that the respondent violated this policy, the matter will be considered resolved; and the investigation will be closed. Appropriate remedial measures (including but not limited to no contact directives issued to both parties) may, however, remain in effect to support a complainant.

## **E. Imposition of Sanction**

Where there is a finding of responsibility, the Review Panel may impose one or more sanctions. Sanctions may include any of the sanctions that are listed below or set forth for violations of the University's [Student Conduct](#)

[Code](#) (see below).

The policy prohibits a broad range of conduct, all of which is serious in nature. In keeping with the University's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Review Panel has great latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the complainant and surrounding community, and accountability for the respondent. The imposition of sanctions is designed to eliminate prohibited conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion.

The Review Panel may solicit information from the complainant, the respondent, and any other Baylor administrator who can provide information relevant to a determination regarding potential sanctions. The Review Panel may also review any written impact or mitigation statement submitted by the complainant or respondent.

In determining the appropriate sanction, the Review Panel shall consider the following factors:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the complainant;
- the impact or implications of the conduct on the community or the University;
- prior misconduct by the respondent, including the respondent's relevant prior discipline history, both at the University or elsewhere (if available), including criminal convictions;
- whether the respondent has accepted responsibility for the conduct;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the University community; and
- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

Sanctions may be imposed individually or in combination. For violations of this policy, the following sanctions, listed in ascending order of severity, may be imposed:

**Warning:** A formal admonition, which appears in an individual's 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 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 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 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 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. Relevant information remains in the student's 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 outcomes may accompany the preceding sanctions, 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 sanctions listed above, a student may be required to participate in educational programs.

Sanctions will be imposed immediately. 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), the granting of credit for the semester and/or the awarding of a degree will be at the discretion of the University. The imposition of sanction by the Review Panel is final and is not subject to further review.

#### **F. Additional Remedies**

Regardless of the outcome, the Review Panel may recommend additional remedies for the complainant to address the effects of the conduct on the complainant, restore the complainant's access to University programs and activities, and restore to the complainant, to the extent possible, benefits and opportunities lost as a result of the prohibited conduct. The Review Panel may also identify remedies to address the effects of the conduct on the University community.

The Title IX Coordinator will review the remedies recommended by the Review Panel and will consider the appropriateness of continuing interim remedial or protective measures on an ongoing basis. Extended protective measures may be included in the sanctions.

#### **G. Notice of Outcome**

Both the complainant and respondent will receive a written notice of outcome that documents the Review Panel's finding, the sanction and the rationale for each. The University will seek to issue a final notice of outcome no later than 60 calendar days from the date of the notice of investigation. The determination of the Review Panel is final.

The Title IX Office will also notify relevant administrative and academic units, including the Financial Aid Office, the Registrar, Human Resources, the Baylor University Police Department, and Student Conduct Administration as appropriate and necessary to ensure that sanctions and remedies are put into effect immediately.

The Title IX Coordinator will maintain records of all reports, Disciplinary Resolution, Alternative Resolution, and steps taken to eliminate prohibited conduct, prevent its recurrence, and address its effects. Findings of responsibility may also be included in a student's disciplinary record maintained by Student Conduct Administration.

#### **H. Extraordinary Relief**

The University recognizes that under extraordinary circumstances, a complainant or respondent may identify newly discovered and dispositive information that was not previously available during the investigation through the exercise of due diligence. The Title IX Coordinator or designee has the discretion to review this information. If it is determined that the information could not reasonably have been discovered prior to the resolution of the report, the information would substantially affect the finding or sanction, and compelling justification exists for its consideration, the Title IX Coordinator may review the investigative finding or outcome and refer the matter for additional action in furtherance of this policy.

### **12. Disciplinary Resolution When the Respondent is an Employee**

#### **A. Investigation and Adjudication**

When the Title IX Coordinator receives a report 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, which 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.

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 Vice President and Chief Human Resources Officer 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.



### **13. Violations of Law**

Conduct that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a respondent to criminal prosecution by the presiding authority. More information about violations of Texas criminal law can be found in the [University's Annual Fire Safety and Security Report](#). Conduct that violates this policy also may subject a respondent to civil liability.

Students and employees studying, working, or engaging in other activities at locations outside of Texas are governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy.

### **14. Prevention and Awareness Programs**

The University is committed to the prevention of prohibited conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming, and returning students and current employees receive ongoing training and related programs. The University provides coordinated programming and training through multiple areas, including the Title IX Office, Student Life, Baylor University Police Department, Human Resources, the Provost's Office, Wellness, Health Services, Counseling Center, and other University departments.

### **15. Annual Review**

This policy is maintained by the Title IX Office. The University will review this policy on at least an annual basis. The review will capture evolving legal requirements, evaluate the supports and resources available to the parties, and assess the effectiveness of the resolution process (including as to the fairness of the process, the time needed to complete the process, and the sanctions and remedies imposed). The review will include the opportunity for individuals affected by the policy to provide feedback and will incorporate an aggregate view of reports, resolution, and climate.

**EXHIBIT 12**



# BAYLOR

UNIVERSITY

TO: Wesley Null, Vice Provost  
Undergraduate Education and Institutional Effectiveness

FROM: Rob Carter, Director *RC*  
Internal Audit & Management Analysis

DATE: August 2, 2017

RE: Review of Adherence to Title IX Policy

## **Background and Scope:**

To validate evidence of effectiveness of desired outcome #4 within the SACSCOC Monitoring Report 2.10, Internal Audit (IA) performed a review of Title IX case files to determine adherence to the Title IX Policy (in effect as of January 9, 2017). Specific focus of the review was placed on two areas, the intake process and the investigation and adjudication process.

## **Intake Process Review:**

To review for adherence to the Title IX policy for the intake process, IA randomly selected a sample of 10 Title IX cases reported between January 9, 2017 and June 14, 2017. IA compared supporting evidence in the case files to the Title IX policy to validate adherence to the policy. The following are report intake steps that IA determined were appropriate to validate the selected case files against:

1. "Offer to Meet" communication to Complainant.
2. Copy of the Title IX brochure provided to the student.
3. Copy of the Title IX policy provided to the Complainant.
4. Intake Checklist has been completed, or items typically covered by the Intake Checklist were addressed (assuming that the Complainant elects to meet with a representative from the Title IX Office).
5. Interim measures were offered to the Complainant.
6. Report was referred to the Clery Compliance Manager for daily crime log, if required by Clery.
7. In conjunction with BUPD, assessed reported conduct and discerned the need for timely warning under Clery.
8. Assessed for any pattern of conduct by the Respondent.
9. Determined the age of the Complainant. If a minor, made the appropriate notifications under the Policy to Protect Children and Prevent Abuse.

## **Investigation and Adjudication Process Review:**

To review for adherence to the Title IX policy for the investigation and adjudication process, IA reviewed all three Title IX cases reported between January 9, 2017 and June 14, 2017 that had gone through these stages of the Title IX policy. IA compared supporting evidence in the case files to the Title IX policy to validate adherence to the policy. The following are report intake, as well as investigation and adjudication steps that IA determined were appropriate to validate the selected case files against:

1. "Offer to Meet" communication to Complainant.
2. Copy of the Title IX brochure provided to the student.
3. Copy of the Title IX policy provided to the Complainant.
4. Intake Checklist has been completed, or items typically covered by the Intake Checklist were addressed (assuming that the Complainant elects to meet with a representative from the Title IX Office).
5. Interim measures were offered to the Complainant.
6. Report was referred to the Clery Compliance Manager for daily crime log, if required by Clery.
7. In conjunction with BUPD, assessed reported conduct and discerned the need for timely warning under Clery.
8. Assessed for any pattern of conduct by the Respondent.
9. Determined the age of the Complainant. If a minor, made the appropriate notifications under the Policy to Protect Children and Prevent Abuse.
10. Simultaneous notification of investigation to both parties.
11. Initial assessment conducted for the Respondent.
12. Investigator met with witnesses and/or collected information from all parties.
13. Preliminary investigative report drafted and parties provided with opportunities to review.
14. Final investigative report drafted and parties notified of determination.
15. Review panel hearing occurred, if requested by either party, or necessary due to sanction.
16. Complainant and Respondent notified of Review Panel's finding, sanction, and rationale for each.
17. Relevant administrative and academic units notified of remedies and/or sanctions imposed.

### **Conclusion:**

Based on the procedures performed on the case files selected for review, IA noted no deviations from Title IX policy for the intake process or the investigation and adjudication process.

We are appreciative of the cooperation and assistance offered during this review. If you have any questions, please call me at extension 3867.

Xc: Chris Holmes, General Counsel, Chief Legal Officer, and Corporate Secretary  
Kristan Tucker, Title IX Coordinator

**EXHIBIT 13**

## **Sexual and Gender-Based Harassment and Interpersonal Violence Policy**

*Applies to sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation*

Baylor University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community.

Baylor University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities, and it does not tolerate discrimination or harassment on the basis of sex or gender. This policy prohibits sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation (collectively referred to in this policy as prohibited conduct). These forms of prohibited conduct 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, including potential separation from the University. Some forms of prohibited conduct may also violate state and federal laws, and criminal prosecution may occur independently of any disciplinary action imposed by the University.

The University will comply with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in the University's programs and activities; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA); Title VII of the Civil Rights Act of 1964; Chapter 21 of the Texas Labor Code; Chapter 40, Section 819 of the Texas Administrative Code; and other applicable law.

This policy sets forth the procedures that will be used to investigate and respond to reports of prohibited conduct. The University will respond to reports about prohibited conduct with measures designed to eliminate the conduct, prevent its recurrence, and remedy any adverse effects of the conduct on individuals, members of the campus community, or University-related programs or activities. In addition, the University may impose interim restriction(s) prior to the conclusion of the investigation to provide a complainant with continued access to University programs and activities and protect individual and campus safety.

The University will make reasonable efforts to investigate and address reports of prohibited conduct, regardless of how the information was brought to the University's attention or the extent to which the complainant wishes to participate or be involved. See [Balancing Complainant Autonomy with University Responsibility to Investigate](#) (9. B. below).

While Baylor encourages students to abide by the University's [Sexual Conduct Policy](#), the University recognizes that each student will make independent decisions about their own conduct. The University prioritizes the reporting of

sexual assault, and under no circumstances will a complainant or witness who makes a report of sexual assault or other prohibited conduct be charged with student conduct violations related to the [Sexual Conduct Policy](#), regardless of the outcome. Similarly, the University will not pursue disciplinary action against a complainant or witness 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.

All Baylor students and employees have access to Confidential Resources that they may use for support and guidance regardless of whether they make a report to the University or participate in a University investigation.

Retaliation against anyone who makes a good faith report under this policy, who opposes in a reasonable manner an act believed to constitute a violation of this policy, or because they have participated in a Title IX investigation, is prohibited. Concerns or questions about retaliation should be immediately reported to the University's Title IX Coordinator.

## **1. The University's Title IX Coordinator**

The Title IX Coordinator coordinates the University's compliance with Title IX and related provisions of the Clery Act (as amended by VAWA). The Title IX Coordinator oversees the University's centralized response to all reports of prohibited conduct to assure consistent implementation of this policy and ensure compliance with federal and state law. The Title IX Coordinator and designated staff will, among other steps:

- Communicate with all members of the University community regarding applicable law and policy and provide information about how individuals may access reporting and support options.
- Review applicable University policies to ensure institutional compliance with applicable federal and state law.
- Monitor the University's administration of its own applicable policies, including record keeping, adherence to timeframes, and other procedural requirements.
- Conduct training regarding Title IX, related provisions of the Clery Act (as amended by VAWA), and prohibited conduct defined in this policy.
- Respond to any 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 and protective measures (including oversight of the failure to abide by an interim protective measure), and monitor the administration of any request for review of the finding.

The Title IX Coordinator may delegate responsibilities under this policy to designated administrators or external professionals, who will have appropriate training and/or experience. When used in this policy, the term Title IX Coordinator may include a Deputy Title IX Coordinator or appropriate designee.



The Title IX Coordinator's contact information is:

Kristan Tucker  
Title IX Coordinator  
Baylor University  
One Bear Place #97011  
Clifton Robinson Tower, Suite 285  
Waco, Texas 76798  
254-710-8454  
[Kristan\\_Tucker@baylor.edu](mailto:Kristan_Tucker@baylor.edu)  
[www.Baylor.edu/TitleIX](http://www.Baylor.edu/TitleIX)

Concerns about the University's application of Title IX and the Clery Act may be addressed to the University's Title IX Office; the United States Department of Education, Clery Act Compliance Division (at [clery@ed.gov](mailto:clery@ed.gov)); the United States Department of Education, Office for Civil Rights (at [OCR@ed.gov](mailto:OCR@ed.gov) or 800-421-3481); and/or the Equal Employment Opportunity Commission (at [info@eeoc.gov](mailto:info@eeoc.gov) or 800-669-4000). Concerns related to employment or housing discrimination may also be addressed to the Texas Workforce Commission (at [www.twc.state.tx.us/programs/civil-rights-program-overview](http://www.twc.state.tx.us/programs/civil-rights-program-overview) or 888-452-2642).

## 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, and visitors).

Third parties are both protected by and subject to this policy. A third party may report potential policy violations committed by a member of the University community, and the University will take appropriate steps to investigate and respond to the conduct consistent with the authority granted by the University's jurisdiction over the respondent. A third party who is accused of violating University policy 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 campus or University property;
- in the context of any University-related or sponsored education program or activity, regardless of the location (including travel, research, or internship programs);
- by a Baylor student, regardless of location, under the [Student Conduct Code](#) statement of [General Expectations of Baylor Students](#);
- through the use of University-owned or provided technology resources; or
- when the conduct has a nexus to the University, such as continuing adverse effects or the creation or continuation of a hostile environment on campus.



For every report, the Title IX Coordinator will review the circumstances of the reported conduct to determine whether the University has jurisdiction or disciplinary authority over the respondent or the conduct. In exercising jurisdiction over a Baylor student that for reported conduct that occurs off campus, with no nexus to the University or a University-related or sponsored education program or activity, the University's ability to investigate and impose disciplinary action may be limited by the amount of information available to the University through the exercise of reasonable diligence.

In instances where the University no longer has disciplinary authority over the respondent, the University will still take reasonably available steps to support a complainant through interim remedial measures and will assist a complainant in identifying external reporting mechanisms.

This policy uses the terms complainant, respondent, third party, and witness as follows:

The term **complainant** refers to an individual who is reported to have experienced prohibited conduct, regardless of whether the individual makes a report or seeks disciplinary action.

The term **respondent** refers to an individual who has been accused of prohibited conduct.

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

The term **witness** refers to an individual who may have information relevant to a report of prohibited conduct. A witness may be a student, an employee, or a third party.

### 3. Coordination with Other Policies

This policy addresses discrimination on the basis of sex or gender as it relates to sexual and gender-based harassment and sexual assault, and other forms of interpersonal violence defined in more detail below. Other forms of sex discrimination (not based on harassment or violence), and discrimination and harassment based on race, color, nationality or ethnic origin, sex, age, or disability are governed by the University's [Civil Rights Policy](#).

In addition, the conduct of students, employees, and faculty are governed by the following:

- [Student Conduct Code](#)
  - Applies to all other forms of student misconduct (e.g., alcohol or other drug use, threats or physical abuse, possession of firearms, etc.)
  - Overseen by Student Conduct Administration

- [Policy on Sexual Conduct](#)
  - Sets general expectation for Baylor students, faculty, and staff that sexual intimacy will be expressed consistently with the biblical understanding of human sexuality
  - Overseen by Student Conduct Administration
- [Baylor Personnel Policies](#)
  - Sets the standards of personal conduct for employees
  - Includes the staff disciplinary and grievances policies
- [Faculty Handbook](#)
  - Sets the standards of personal conduct for faculty members
  - Includes the statement of academic freedom (See Also Section 4 of this Policy, [Academic Freedom and Freedom of Speech](#), below)
  - Includes the University's grievance policy
- [Faculty Dismissal Policy](#)
  - Outlines the grounds and procedures for dismissal of tenured and non-tenured faculty
- [University Policy on Romantic and/or Sexual Conduct with Students and Supervisees](#)
  - Prohibits romantic and/or sexual relationships between employees and undergraduate students, and employees and any individual whom that person supervises or evaluates in anyway
- [Policy to Protect Children and Prevent Abuse](#)
  - Provides for the screening, selection, and assessment of personnel
  - Includes information about recognizing, responding, and reporting inappropriate or suspicious behavior, suspected abuse, and minor-to-minor sexual abuse

Where conduct involves the potential violation of both this policy and another University policy, the University may choose to investigate other potential misconduct under the procedures set forth in this policy, provided that it does not unduly delay a prompt or equitable resolution of the report.

#### 4. Academic Freedom and Freedom of Speech

The University is committed to the principles of free inquiry and expression. Vigorous discussion and debate are fundamental to this commitment, and this policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. The University is operated within the Christian-oriented aims and ideals of Baptists and the University will therefore be protective of academic freedom in instruction, discussion, and expression among the members of its community, including speech pertaining to religious issues. This policy shall be interpreted and enforced in a manner consistent with the University's Duties—Academic Freedom Policy (BUPP 701). Offensiveness of conduct, standing alone, is not sufficient for the conduct to constitute prohibited conduct. The conduct must be sufficiently severe and/or pervasive to interfere with an individual's ability to participate in employment or educational program and activities from both a subjective and objective perspective.

#### 5. Prohibited Conduct

In determining whether reported conduct violates this 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 this 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 familial relationships. This policy prohibits the following forms of conduct, including attempts to commit the prohibited conduct listed below:

##### A. Sexual Assault

The following behaviors constitute 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, regardless of whether penetration occurs, any 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.

##### B. Sexual and Gender-Based Harassment

**Sexual Harassment:** Sexual harassment is any unwelcome sexual advance, request for sexual favors, 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.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, or in any other context.

- May be a one-time event or may be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the complainant and/or third parties who witness or observe harassment.

### C. Sexual Exploitation

**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. Sexual exploitation may include:

- surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all parties involved; or
- exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances.

### D. Intimate Partner Violence

**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 below).

Physical abuse consists of threatening or causing physical harm to another, or engaging in other conduct that threatens or endangers the health or safety of any person. Physical abuse will be addressed under this policy if it involves sexual or gender-based harassment, intimate partner violence, or is part of a course of conduct under the stalking definition.

As used in this policy, the definition of intimate partner violence is consistent with the definitions of dating violence and domestic violence set forth in the Clery Act (as amended by VAWA). When determining whether the reported conduct meets the Clery definition, whether there has been a domestic or dating relationship will be determined by a review of its length, type, and frequency of interaction.

### E. Stalking

**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. 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. Stalking also includes cyber-stalking through electronic media, like the internet, social networks, blogs, cell phones, or text messages.

## **F. Retaliation**

**Retaliation:** This 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 this policy; filing an external complaint; opposing in a reasonable manner and consistent with University policy an action reasonably believed to constitute a violation of this policy. Retaliation may also include acts or words taken against an individual or group of individuals because they have participated in proceedings under this 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 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 their University responsibilities. All individuals and groups of individuals are prohibited from engaging in retaliation and will be held accountable under this policy. Concerns or questions about retaliation should be immediately reported to the University's Title IX Coordinator.

## **G. Complicity**

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

## **H. Additional Guidance Regarding Consent and Incapacitation**

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

**Consent:** Consent is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

In evaluating whether consent has been freely sought and given, the University will consider the presence of any force, threat of force, or coercion; whether the complainant had the capacity to give consent; and, whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

Consent cannot be obtained through physical force or where there is a reasonable belief of the threat of physical force, when one person

overcomes the physical limitations of another person, or by taking advantage of another person's 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.
- Consent to an act with one person does not constitute consent to an act with any other person.
- The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.
- Consent can be withdrawn or modified at any time, and sexual contact must cease immediately once consent is withdrawn.
- Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on nonverbal communication alone may result in a violation of this policy.

Under Texas law, individuals younger than 17 years of age are legally incapable of giving consent to sexual penetration or contact by an adult (someone 18 years of age or older) who is three or more years older.

**Incapacitation:** 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 at the time of the incident 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 or impaired by use of the drug. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination.

The University does not expect community members to be medical experts in assessing incapacitation. Individuals should look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. A person's level of intoxication is not always demonstrated by objective signs; however, some signs of intoxication may include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know whom you are with?"

An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake,



speed of intake, body mass, and metabolism. It is especially important, therefore, that anyone engaging in sexual activity is aware of both their own and the other person's level of intoxication and capacity to give consent. The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or incapacitation, the safest course of action is to forgo or cease any sexual contact.

In evaluating consent in cases of reported incapacitation, the University asks two questions: (1) Did the respondent know that the complainant was incapacitated? and if not, (2) Should a sober, reasonable person in a similar set of circumstances as the respondent have known that the complainant was incapacitated? If the answer to either of these questions is "yes," there was no consent; and the conduct is likely a violation of this policy.

A respondent's voluntary intoxication is never an excuse for or a defense to prohibited conduct, and it does not diminish the responsibility to determine that the other person has given consent.

## **6. Relationships with Individuals in Authority**

Under the Baylor University [Policy on Romantic and/or Sexual Conduct with Students and Supervisors \(BU-PP 036\)](#), sexual or romantic relationships are prohibited between:

- Faculty members and undergraduate students
- University employees and undergraduate students
- Graduate students and undergraduate students where the graduate student educates, advises, coaches, supervises, or evaluates the undergraduate in any way
- Employees and any individual whom that person supervises or evaluates in anyway

The Office of Human Resources and Office of the Executive Vice President and Provost are tasked with enforcing violations of [BU-PP 036](#). Because prohibited relationships often involve a power differential, the conduct may also constitute sexual harassment or other forms of prohibited conduct under this policy. Where the conduct involves both a violation of [BU-PP 036](#) and this policy, the procedures under this policy will apply.

## **7. Confidentiality, Privacy, and Related Reporting 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.



## A. Confidentiality

**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. For example, information may be disclosed when the individual gives written consent for its disclosure, there is an imminent concern that the individual will likely cause serious physical harm to self or others, or the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18. A person's medical and counseling records are privileged and confidential documents.

Confidential resources submit non-personally-identifying information about Clery-reportable crimes to the Baylor University Police Department for purposes of the anonymous statistical reporting under the Clery Act.

## B. Privacy

**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. The University will make reasonable efforts to investigate and address reports of prohibited conduct under this policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the University will take into consideration the privacy of the parties to the extent reasonably possible.

The privacy of student education records will be protected in accordance with the [Family Educational Rights and Privacy Act](#) (FERPA). The privacy of an individual's medical and related records generally is protected by the [Health Insurance Portability and Accountability Act](#) (HIPAA) and Title 2, Chapter 81 and Title 4, Chapter 241, Subchapter G, of the Texas Health & Safety Code, and Chapter 144 of the Texas Civil Practice and Remedies Code, excepting health records protected by FERPA. Access to an employee's personnel records in Texas is governed by Chapter 103 of the Texas Labor Code.

### C. Responsibility to Report

It is important to understand the different responsibilities of Baylor employees. Every employee is designated as either a Confidential Resource or a Responsible Employee.

**Confidential Resource:** A Confidential Resource is any employee who is a licensed medical, clinical, or mental-health professional (e.g., physicians, nurses, physician’s assistants, psychologists, psychiatrists, professional counselors, and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient; and any employee providing administrative, operational, and/or related support for such health care providers in their performance of such services. The Baylor University Chaplain is also a Confidential Resource when acting within a ministerial or pastoral role in the provision of services to a student, faculty, or staff member. Resident Chaplains and Athletic Chaplains are not Confidential Resources. Confidential Resources **will not disclose information** about prohibited conduct without the individual’s permission or as set forth in [Confidentiality](#) (7. A., above). When individuals who otherwise may be Confidential Resources receive information outside of the provision of services to a patient or Baylor University Chaplain ministerial relationship, the Confidential Resource is required to share that information with the Title IX Office.

**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 this policy. These individuals are referred to as Responsible Employees. Student workers who have supervisory responsibility or responsibility for the welfare of other students are also considered Responsible Employees when they learn of potential violations of this policy in the scope of their employment. Student workers who are Responsible Employees include but are not limited to Campus Living & Learning Community Leaders, Resident Chaplains, Athletics Team Managers, Peer Educators, and Line Camp Leaders.

Responsible Employees must report all known information, including the identities of the parties, the date, time and location, and any details about the reported incident to the Title IX Office. The Title IX Office will share all reports with the Baylor University Police Department to ensure a coordinated institutional response. Responsible Employees may provide support and assistance to a complainant, witness, or respondent; but they cannot promise confidentiality or withhold information about prohibited conduct. Failure by a Responsible Employee to report suspected prohibited conduct in a timely manner may subject them to appropriate discipline, including removal from a position or termination of employment.

Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs,” or other public forums in which students may disclose prohibited conduct (collectively, public awareness events); or (2) during an individual’s participation as a subject in an

Institutional Review Board-approved human subjects research protocol (IRB Research). The University may provide information about Title IX rights and about available University and community resources and support at public awareness events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all subjects of IRB Research.

**Students:** With the exception of student workers who are designated as Responsible Employees, all other students **are encouraged to report** any suspected violation of this policy.

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

#### **D. 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.

### **8. Resources and Reporting Options**

A complainant or witness has many options, including seeking counseling or assistance from a Confidential Resource, making a report under this 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.

#### **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 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](#) at 254-710-2222 or, if off campus, **Waco Police Department** at 254-750- 7500. In an emergency, call 911.

To access on campus medical treatment, contact:

**Baylor Health Center**

McLane Student Life Center, 2<sup>nd</sup> Floor 209  
Speight Avenue  
254-710-1010

Local hospitals can be contacted at:

**Baylor Scott & White Hillcrest Medical Center**

Hillcrest Baptist Medical Center  
100 Hillcrest Medical Boulevard  
Waco, Texas 76712  
254-202-2000 (main number)  
254-202-8611 (emergency room)

**Providence Health Center**

6901 Medical Parkway  
Waco, Texas 76712  
254-751-4000 (main number)  
254-751-4180 (emergency room)

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

Advocacy Center for Crime Victims and Children  
2323 Columbus Avenue  
Waco, Texas 76701  
<http://www.advocacycntr.org>  
Crisis Hotline 254-752-7233  
Toll free 888-867-7233  
254-752-9330 (office)  
254-752-9655 (fax)

To access crisis counseling and other community resources:

**Family Abuse Center, Waco, Texas**

Legal assistance, housing, and confidential counseling  
<http://www.familyabusecenter.org>  
800-283-8401 (24-Hour Hotline)

**B. Campus Confidential Resources**

Students can access confidential resources on campus through:

**1. Baylor University Counseling Center**

[http://www.baylor.edu/counseling\\_center](http://www.baylor.edu/counseling_center)  
254-710-2467 (to schedule an appointment or speak with a staff member)  
254-710-2460 (fax)  
McLane Student Life Center, 2<sup>nd</sup> Floor  
209 Speight Avenue

**Hours of Operation:** 8 a.m. until 5 p.m. Monday through Friday (extended hours until 7 p.m. on Wednesdays and Thursdays) by appointment only. The Counseling Center is closed during academic breaks.

**Walk-in Clinic:** 9 a.m. to 4 p.m. (must arrive no later than 3:30 p.m.) Monday through Friday, including the noon lunch hour)

A valid Baylor ID is needed for entry into the McLane Student Life Center (SLC).

In case of a crisis, an individual may come by the Counseling Center during regular office hours. A psychologist or counselor is on call after regular office hours and during weekends and can be reached by calling 254-710-2467. 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  
911 or a local hospital

## **2. Baylor University Health Services**

[http://www.baylor.edu/health\\_center/index.php?id=85947](http://www.baylor.edu/health_center/index.php?id=85947)

254-710-1010 (to schedule an appointment or speak with a staff member)

254-710-2499 (fax)

McLane Student Life Center, 2<sup>nd</sup> Floor 209  
Speight Avenue

**Hours of Operation:** 8 a.m. until 6 p.m. Monday through Friday and 9 a.m. to 1 p.m. Saturday  
Call 254-710-1010 after hours for professional advice from a registered nurse at Sironia Health.

Baylor University Health Services provide 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.

A Baylor ID is needed for entry into the SLC.

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

<http://www.baylor.edu/spirituallife/index.php?id=870480>

[spiritual\\_life@baylor.edu](mailto:spiritual_life@baylor.edu)

254-710-3517 (office) Bobo

Spiritual Life Center

Corner of 5th Street and Speight Street

## **C. Reporting Options**

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 posing a threat to 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 [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 at 254-710-2222.
- If off campus, contact local law enforcement to file a criminal complaint at 911.

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: [www.baylor.edu/titleix/report](http://www.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 preliminary 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. See [Balancing Complainant Autonomy with University Responsibility to Investigate](#) (9. B. below).

## 3. Amnesty

In order to encourage complainants and witnesses to make reports of conduct prohibited under this policy, the University will not pursue disciplinary action against a student enrolled at the University who makes a good faith report to the University as a complainant or a witness to an incident of prohibited conduct (including sexual and gender-based harassment, sexual assault, intimate partner violence or stalking) for a violation by the student of the University's Student Conduct Code for conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the investigation. This includes amnesty for disclosure of personal consumption of alcohol or other drugs (underage or illegal) which would otherwise be a violation of the Code of Student Conduct

The University may investigate to determine whether a report of prohibited conduct was made in good faith. A student may not receive amnesty for reporting an incident involving their own commission or assistance in the commission of prohibited conduct. A student who makes a report, but is later found responsible for prohibited conduct at or near the time of the incident, is not entitled to a determination that the report was made in good faith. Granting of amnesty is final and may not be revoked.

Even when amnesty is extended, the University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

Similarly, the University will not pursue disciplinary action against students (complainants, respondents or witnesses) for conduct in violation of the [Sexual Conduct Policy](#). Under no circumstances will a complainant or witness who makes a report of sexual assault or other prohibited conduct, or a respondent who participates in an investigation, be charged with violating the [Sexual Conduct Policy](#), regardless of the outcome.

#### 4. Timeframe for Reporting

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. There is no time limit for reporting. Reports under this policy 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. The University may assist the complainant in identifying and contacting law enforcement and other external enforcement agencies.

#### D. Other Community 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/doc.php/243749.pdf>

#### 8. Interim Measures

Upon receipt of a report of prohibited conduct, the University will provide reasonable and appropriate interim measures designed to preserve the complainant's educational experience; protect the complainant during an investigation; address safety concerns for 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 continued access to educational opportunities) or **protective** (involving a restrictive action against a respondent).

Interim remedial measures may include:

- Access to counseling and medical services
- Assistance in obtaining a sexual assault forensic examination
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines
- Academic supports
- Assistance in requesting long-term academic accommodations through the Office of Access and Learning Accommodation, if the complainant qualifies as an individual with a disability



- Change in the complainant's class schedule, including the ability to transfer course sections or withdraw from a course
- In a matter in which sexual assault has been alleged, allow either a complainant or a respondent to drop a class in which both parties are enrolled in the same section
- Change in the complainant's University work schedule or job assignment
- Change in the complainant's campus housing
- 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
- Any other remedial measure that can be used to achieve the goals of this policy.

Interim remedial measures are available to the complainant regardless of whether the complainant pursues an investigation or seeks formal disciplinary action.

Interim protective measures may include:

- Change in the respondent's class schedule
- Change in the respondent's University work schedule or job assignment
- Change in the respondent's campus housing
- Exclusion from all or part of University housing
- Exclusion from specified activities or areas of campus
- Prohibition from participating in student activities or representing the University in any capacity such as playing on an official team; serving in student government; performing in an official band, ensemble, or production; or participating in a recognized student organization
- Interim suspension
- Any other protective measure that can be used to achieve the goals of this policy.

The availability of remedial and protective measures will be determined by the specific circumstances of each report. Making every effort to avoid depriving all parties of their education, the University will consider a number of factors in determining which measures to take, including the needs of the student or employee seeking remedial and/or protective measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the complainant;

whether the complainant and the respondent share the same residence hall, academic course(s), or job location(s); and whether judicial measures have been taken to protect the complainant (e.g., protective orders). The University will work in good faith to implement the requirements of judicially-issued protective orders and similar orders, to the extent that doing so is within its authority.

The determination of whether to impose the interim protective measure of interim suspension will be made by the Title IX Coordinator in consultation with the Vice President for Student Life and members of the University's threat assessment team. A respondent may be suspended on an interim basis when the University has received information which indicates that the continued presence on campus of the respondent will likely have a serious 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 operation is threatened or impaired. The decision to impose interim suspension may be made at any point in the process.

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. Requests for interim measures may be made by the complainant to the Title IX Office. The Title IX Office is responsible for ensuring the implementation of interim measures and coordinating the University's response with the appropriate offices on campus. The Title IX Office has the discretion to impose and/or modify any interim measure based on all available information and is available to meet with a complainant or respondent to address any concerns about the provision of interim measures. 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.

All individuals are encouraged to report to the Title IX Office any concerns about the failure of another to abide by any restrictions imposed through an interim protective measure. In the event of an immediate health or safety concern, individuals should contact 911 or x2222 (on campus) immediately. The University will take immediate action to enforce a previously implemented measure, which may include additional interim restrictions and/or disciplinary penalties for failing to abide by a University-imposed interim protective measure. In evaluating whether a respondent has violated the conditions of an interim protective measure, the Title IX Office has the authority to conduct expedited fact-gathering (with appropriate notice and the opportunity to be heard), to impose separate disciplinary action for the violation based on the facts as gathered, or to incorporate the failure to comply with the interim protective measure into the underlying investigation and charges of prohibited conduct. Even if not charged separately, information about failure to abide by an interim protective measure may also be considered by the Review Panel in determining an appropriate sanction.

## **9. Overview of Resolution Options**

The University is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this policy. The University uses two processes to resolve reports of prohibited conduct under this policy:

Disciplinary Resolution, which involves an investigation, adjudication, and, if appropriate, the imposition of sanctions, and Alternative Resolution, which includes informal or restorative options for resolving reports that does not involve disciplinary action against a respondent. 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.

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.

### **A. Initial Assessment**

After receiving a report of prohibited conduct, the Title IX Office will gather information about the reported conduct and respond to any immediate health or safety concerns raised by the report. The Title IX Office will assess the complainant's safety and well-being, offer the University's immediate support and assistance, and assess the nature and circumstances of the report to determine whether the reported conduct raises a potential policy violation, whether the reported conduct is within the scope of this policy, and the appropriate manner of resolution under this policy. The Title IX Coordinator may consult with the University's threat assessment team or other University administrators as part of the initial assessment.

As part of the initial assessment, the Title IX Office will:

- assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness, and/or any other individual with knowledge of the reported incident;
- address immediate physical safety and emotional well-being;
- notify the complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- notify the complainant of the right to seek medical treatment;
- notify the complainant of the importance of preservation of evidence;
- refer the report to the Baylor University Police Department to enter the report into the University's daily crime log if required by the Clery Act;
- with the Baylor University Police Department, assess the reported conduct and discern the need for a timely warning under the Clery Act;
- provide the complainant with written information about on and off campus resources;
- notify the complainant of the range of interim measures available, including the right to reasonable interim remedial measures regardless

of whether they choose to participate in a University or law enforcement investigation;

- notify the complainant of the range of interim protective measures available if the University pursues an investigation;
- provide the complainant with an explanation of the procedural options, including Disciplinary Resolution and Alternative Resolution;
- notify the complainant of the right to be accompanied at any meeting by an advisor of choice;
- assess for any pattern of conduct by respondent;
- discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);
- explain the University's policy prohibiting retaliation, that the University will take prompt action when retaliation is reported, and how to report acts of retaliation; and
- determine age of the complainant; and if the complainant is a minor, make the appropriate notifications under the [Policy to Protect Children and Prevent Abuse](#).

When the Title IX Coordinator decides to initiate an investigation, impose interim protective measures, or take any other action that impacts a respondent, the Title IX Coordinator will also ensure that respondent is notified and receives written information on available resources and options, consistent with the list outlined above.

At the conclusion of the initial assessment, the University will proceed with one of the following options:

- (1) Proceed with an investigation under the Disciplinary Resolution process. This will occur when a complainant requests an investigation, where the Title IX Coordinator determines that an investigation must be pursued even when a complainant requests that no investigation be pursued, or where Alternative Resolution is not appropriate or available.
- (2) Proceed with Alternative Resolution. This will always require the consent of the complainant. The consent of the respondent is also required when the form of resolution involves the respondent.
- (3) If outside the scope of this policy, refer the matter to another appropriate office or department for resolution under the relevant policy.

## **B. Balancing Complainant Autonomy with University Responsibility to Investigate**

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

A complainant may request that their name or other personally-identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps, a member of the Title IX Office will discuss any concerns with the complainant and seek to address and remedy barriers to reporting based upon concerns about retaliation or other lack of clarity in understanding procedural options and potential outcomes.

The Title IX Coordinator will balance the complainant's request against the following factors in reaching a determination on whether the request can be honored:

- the totality of the known circumstances;
- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the complainant and respondent;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of other prohibited conduct or other misconduct by the respondent;
- whether the report reveals a pattern of misconduct related to prohibited conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- the complainant's interest in the University's not pursuing an investigation or disciplinary action and the impact of such actions on the complainant;
- whether the University possesses other means to obtain relevant evidence;
- fairness considerations for both the complainant and the respondent;
- the University's obligation to provide a safe and non-discriminatory environment; and
- any other available and relevant information.

The Title IX Coordinator 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 Title IX Coordinator 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 possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the complainant and the University community.

Where the Title IX Coordinator determines that a complainant's request(s) can be honored, the University may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the complainant and the University community. Those steps may include offering appropriate remedial measures to the complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Title IX Coordinator may also request that a report be re-opened and pursued under this policy if any new or additional information becomes available, and/or if the complainant decides that they would like a Disciplinary Resolution to occur.

In those instances when the Title IX Coordinator determines that the University must proceed with an investigation despite the complainant's request that it not occur, the Title IX Coordinator will notify the complainant that the University intends to initiate an investigation. The complainant is not required to participate in the investigation or in any of the actions taken by the University.

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. The University will, however, pursue other steps to limit the effects of the potential prohibited conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent the University will conduct an investigation and whether other interim remedial or protective measures will be taken in connection with a report of prohibited conduct will be made in a manner consistent with this policy.

### **C. Timeframe for Investigation and Resolution**

The University will seek to complete the investigation and resolution process in approximately 60 calendar days following the issuance of the notice of the investigation. In some instances, the notice of investigation may be issued the same date as the date of the report; in other instances, based on information gathered in the initial assessment, the notice of investigation may be issued at a later date. This policy designates reasonably prompt timeframes for the major stages of the investigation and resolution process (typically set forth in business days), but the University may extend any timeframe in this policy for good cause, including extension beyond 60 calendar days. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the University calendar, University finals periods, the complexity of the



investigation, the volume of information or length of the written record, and/or the severity and extent of the alleged misconduct. While requests for delays by the parties may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a report under this policy. Reasonable requests for delays by the parties will serve to extend the 60 calendar day time period for resolution of the report. The Title IX Coordinator, in consultation with the investigator, has the authority to determine whether an extension is required or warranted by the circumstances. 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 remedial measures for the complainant.

Investigations will proceed according to the timeframes in this policy to the extent possible during the summer and at other times when classes at the University are not in session. The Title IX Office 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 review of the finding, apply equally to both complainant and respondent.

#### **D. Expectations for the Parties; Cooperation with Investigation and Disciplinary Procedures**

During the investigation and adjudicatory process, both parties (complainant and respondent) have equal rights, including the opportunity to receive a written notice of investigation; to participate in the investigation; to review and present information and evidence; to be accompanied by an advisor of their choice to any meeting; to timely and equal access to information that will be used in disciplinary proceedings; to timely notice of meetings at which their presence will be requested or required; to simultaneous written notice of the outcome, sanction, and rationale; and to seek review of the finding.

All University community members are expected to provide truthful information in any report or proceeding under this policy. Consistent with the University's [Student Conduct Code, Section III](#), submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of prohibited conduct is prohibited and subject to disciplinary sanctions. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated or no policy

violation is found to have occurred.

Baylor University expects all members of the University community to cooperate fully with the investigation and disciplinary procedures. It is understood that there may be circumstances in which a complainant or respondent wish to limit their participation, and the University will respect the choice of the complainant or respondent as to how to engage in proceedings under this policy. The University may, however, move forward with an investigation and disciplinary action without the participation of a party or parties.

The University also recognizes that witnesses 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 sanction. 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.

If a complainant or respondent chooses not to answer any or all questions in an investigation for any reason, the University will continue its process; and the University will issue any discipline or sanctions, as appropriate. The University will not draw any adverse inference from a complainant's or respondent's decision not to participate in the investigation or any form of resolution under this policy; however, the complainant or respondent should be aware that declining to participate in the investigation may impact the timing and outcome of the case.

At any time, the University may place an administrative hold on the respondent's University transcript, make a transcript notification, or defer or withhold the award of the respondent's degree. Although a respondent may withdraw from the University while the investigation is pending, this withdrawal may be considered permanent and the respondent's transcript will be noted withdrawal pending investigation. Even if a respondent withdraws from the University, the Title IX Coordinator may decide to proceed with the investigation and resolution process.

#### **E. Consolidation of Investigation**

The Title IX Office has the discretion to consolidate multiple reports into a single investigation if evidence relevant to one incident might be relevant to the others. Consolidation might involve multiple complainants and a single respondent, multiple respondents, and conduct that is temporally or logically connected.

As noted in [Coordination with Other Policies](#) (3, above), the investigator may also investigate other forms of conduct that would be a potential violation of other University policies, and those forms of conduct may be resolved under this policy, as determined at the discretion of the Title IX Office.



## **F. Safeguarding the Privacy 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 during the process. All parties, however, are encouraged to maintain the privacy of FERPA-protected and/or sensitive information gathered or learned in the process.

### **10. Alternative Resolution**

Alternative Resolution is a voluntary and remedies-based resolution that does not involve taking disciplinary action against a respondent. Where an initial assessment concludes that Alternative Resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maintain the complainant's access to the educational, extracurricular, and employment activities at the University and to eliminate a potential hostile environment. Examples of interim [remedial measures](#) are included in Section 8 of this policy.

Other potential remedies include targeted or broad-based educational programming or training, supported direct conversation or interaction with the respondent, and/or indirect action by the Title IX Office. 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. The decision to pursue Alternative Resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time.

Participation in Alternative Resolution is voluntary, and either party can request to end Alternative Resolution at any time.

The Title IX Office will maintain records of all reports and conduct referred for Alternative Resolution, which will typically be complete within 60 calendar days of the initial report.

### **11. Disciplinary Resolution When the Respondent is a Student**

#### **A. Investigation**

When the University receives a report alleging that a student violated this policy, the Title IX Coordinator will appoint one or more investigators to conduct a prompt, thorough, fair, and impartial investigation. The investigator may be a University employee and/or an experienced external investigator. Any investigator used by the University will receive annual

training on the issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of complainants while promoting accountability. The investigator will be impartial and free from conflict of interest or bias.

**Notice of Investigation:** The Title IX Coordinator will notify the complainant and the respondent, in writing, of the following information: (1) the names of the complainant and the respondent; (2) the date, time (if known), location, and nature of the reported conduct; (3) the reported policy violation(s); (4) the name of the investigator; (5) information about the parties' respective rights and responsibilities; (6) the prohibition against retaliation; (7) the importance of preserving any potentially relevant evidence in any format; (8) how to challenge participation by the investigator on the basis of a conflict of interest or bias; and (9) a copy of this policy. If the investigation reveals the existence of additional or different potential policy violations, including a violation of an interim protective measure, the Title IX Office will issue a supplemental notice of investigation.

**Overview:** During an investigation, the investigator will seek to meet separately with the complainant, respondent, and relevant witnesses. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, or related matters. Witnesses may not participate solely to speak about an individual's character. Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be shared with the parties at the conclusion of the investigation. The investigator will also gather other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person), and other electronic records as appropriate.

The investigator, not the parties, is responsible for gathering relevant evidence to the extent reasonably possible. Both Complainant and Respondent are encouraged, however, to submit any information they believe may be relevant, and both the complainant and respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications, photographs, and other evidence. Both parties are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution. In the event that a party declines voluntarily to provide material information, the University's ability to conduct a prompt, thorough, and equitable investigation may be impacted.

The investigator may also consider information publicly available from social media or other online sources that comes to the attention of investigator. The Title IX Office does not actively monitor social media or online sources, however, and as with all potentially relevant information, the complainant,

respondent, or witness should bring online information to the attention of the investigator.

Similarly, the parties should bring any new or evolving evidence, such as harassing or retaliatory conduct, to the attention of the investigator. The investigator may consider such information in the investigation, and will also share any information about retaliation or violation of the terms of an interim protective measure with the Title IX Coordinator for further action.

The investigator may visit relevant sites or locations and record observations through written, photographic, or other means. In some cases, the investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. The University will not consider polygraph results. In general, a person's medical and counseling records are confidential and not accessible to the investigator unless the person voluntarily chooses to share those records with the investigator. In those instances, the relevant information from the records must be shared with the other party.

The investigator will review all information identified or provided by the parties and will determine the appropriateness, relevance, and probative value of the information developed or received during the investigation. In general, the investigator will not consider statements of personal opinion or statements as to any party's general reputation for any character trait. All information considered relevant by the investigator will be provided to the parties for their review and comment, as described in this policy. Information received by the investigator that is not determined to be relevant will be excluded.

The investigator will provide periodic updates to the parties about the status of the investigation, with a goal to complete the fact-gathering portion of the investigation within approximately 30 calendar days.

**Advisor:** Throughout the investigation and resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the investigation and resolution of a report under this policy. 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. Generally, the Title IX Office and investigator will communicate directly with the complainant or respondent, and any communications with an advisor may only occur after a FERPA waiver has been executed. An advisor should plan to make themselves reasonably available, and the University will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability. An advisor may be asked to meet with a University administrator in advance of any proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum.

**Prior or Subsequent Conduct of the Respondent:** Prior or subsequent conduct of the respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of prohibited conduct by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of responsibility for the prohibited conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

**Prior Sexual History:** The sexual history of the complainant or respondent will never be used to prove character or reputation. Evidence related to the prior sexual history of the parties is generally not used in determining whether a violation of this policy has occurred and will only be considered under limited circumstances. For example, if consent is at issue, the sexual history between the parties may be relevant to determine the nature and manner of communications between the parties, which may inform the determination whether consent was sought and reasonably appeared to have been given during the incident in question. As set forth in the consent definition, 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, prior sexual history may be relevant to explain injury, to provide proof of a pattern, or to address another specific issue raised in the investigation. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

**Coordination with Law Enforcement:** If there is a concurrent criminal investigation, the University will contact the law enforcement agency that is conducting any investigation to inform that agency that a University investigation is also in progress, to attempt to ascertain the status of the criminal investigation, and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation.

**Review of Preliminary Investigative Report:** 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. Upon notice of the availability of the preliminary investigative report, each party will have five business days to (1) meet again with the investigator, (2) provide written comment or feedback on the facts as gathered, (3) submit additional information, and/or (4) identify additional witnesses or request the collection of other information by the investigator. If either party provides

a written response or makes a request for additional information, the content will be shared with the other party and incorporated as appropriate in the final investigative report. The parties are expected to submit all information relevant to the investigation prior to the preparation of the preliminary investigative report. However, each party shall have one opportunity to submit additional information after reviewing the preliminary report. Any information gathered through additional investigation steps will be shared with both parties, and, as appropriate, the parties may have the opportunity for further response if sufficient new information has been gathered. If additional review is granted, each party will have three business days to review any additional information and any further comment by the parties will be limited to responding to the new information only. As necessary, 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. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator prior to review of the preliminary investigative report or in the one opportunity to submit additional information after the preliminary report was reviewed will not be considered in the determination of responsibility for a violation of the policy.

**Standard of Proof:** The investigator will make a finding, by a preponderance of the evidence, whether there is sufficient evidence to support a finding of policy violation. A finding of responsibility based on a preponderance of evidence means that based on all relevant evidence and reasonable inferences from the evidence, the greater weight of information indicates that it was more likely than not the policy violation occurred.

**Final Investigative Report:** Unless there are significant additional investigative steps requested by the parties or identified by the investigator, within five business days after receipt and consideration of additional comments, questions, and/or information from the parties, 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, to support a finding of responsibility for a violation of the policy. Both parties will receive simultaneous written notification of the investigative finding, the rationale, and the ability to contest the investigative finding.

## **B. Review of Finding**

Either party may accept or contest the investigative finding. A party may contest the investigative finding by asserting that (1) there was a material procedural error that substantially impacted the outcome or (2) there was no rational basis, applying a preponderance of the evidence standard, for the investigative finding. To contest the finding, the complainant or respondent must submit a written statement within five business days explaining why the party contests the finding(s). Each party will have the opportunity to review and respond in writing to the other party's request for review of the finding; any response must be submitted within three business days. The Title IX Office will provide the final investigative report, together with any statements by the parties, to the Review Panel for further proceedings as



outlined below:

- If either party contests the investigative finding, 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.
- If neither party contests a finding that there was insufficient evidence to support a finding that the respondent violated this policy, the investigative finding becomes final.

The hearing will typically be scheduled within ten business days of the receipt of any request for review (and response) by the parties, although this time frame may be adjusted for good cause or as necessary for the orderly scheduling of the hearing.

### **C. Impact and Mitigation Statements**

**Impact and Mitigation Statements:** Where there is an investigative finding of responsibility on one or more of the policy violations, either or both parties may submit a statement to the Title IX Coordinator for consideration by the Review Panel in determining an appropriate sanction. The complainant may submit a written statement describing the impact of the prohibited conduct on the complainant and expressing a preference about the sanction(s) to be imposed. The respondent may submit a written statement explaining any factors that the respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed. Any impact or mitigation statement should be submitted no later than two business days before the hearing. The Title IX Coordinator will ensure that each of the parties has an opportunity to review any statement submitted by the other party. The Title IX Coordinator will provide any statement(s) with the final investigative report and the parties' other written submissions to the Review Panel.

### **D. Review Panel**

**Composition:** The Review Panel will consist of three individual members drawn from a standing pool of panelists. The Review Panel may consist of faculty, staff, or external professionals. Students may not serve as a member of the Review Panel. All members of the Review Panel will receive annual training on the issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking and on how to conduct a hearing that is fair and impartial and provides parties with notice and a meaningful opportunity to be heard.

Members of the Review Panel will be impartial and free from conflict of interest or actual bias.

**Standard of Review:** The Review Panel will determine: (1) whether there was a material procedural error that substantially impacted the outcome and (2) whether there was a lack of rational basis, applying a preponderance of the evidence standard, for the investigative finding. The review is narrowly tailored to these stated bases. In evaluating sufficiency of the rational basis for the investigative finding, the Review Panel will not reweigh the facts gathered or substitute its opinion on credibility for the judgment of the investigator who saw and heard the witnesses and parties.

**Hearing:** The hearing is an opportunity for the parties to address the Review Panel in person. The parties may address any information in the final investigative report, supplemental statements submitted in response to the final investigative report, or impact and mitigation statements. Each party has the opportunity to be heard and to respond to any questions of the Review Panel. The parties may not directly question one another, although they may proffer questions for the Review Panel, who may choose, in their discretion, to pose appropriate and relevant questions.

Although as a general rule the University will expect that the complainant will be present and attend the hearing, the Review Panel may proceed without the complainant after considering the seriousness of the alleged harassment, the age of the complainant, whether there have been multiple complaints or reports of harassment against the respondent and the sufficiency of the information the respondent has received about the complainant.

The Review Panel has the discretion to determine the specific hearing format. Both the complainant and the respondent have a right to be present at the hearing, but neither party is required to participate in the hearing in order for the hearing to proceed. Either party may request alternative methods for participating in the hearing that do not require physical proximity to the other party, including participating through electronic means.

**Determination by the Review Panel:** Where either of the parties has contested the recommended finding(s) of responsibility, the Review Panel will, at the conclusion of the hearing, determine, by majority vote, (1) whether there was a material procedural error that substantially impacted the outcome and/or (2) whether there was a rational basis, applying a preponderance of the evidence standard, for the investigative finding. If either ground is substantiated, the Review Panel may remand the matter to the Title IX Coordinator with instructions for further investigation or other action. The instructions may include guidance regarding the scope of information to be further investigated and any appropriate stipulations, including the appointment of a new investigator.

If the Review Panel affirms the investigative finding of a policy violation, the Review Panel will then determine, by majority vote, the appropriate

sanction(s) for the prohibited conduct.

If the Review Panel affirms a finding that there was insufficient evidence to support a finding that the respondent violated this policy, the matter will be considered resolved; and the investigation will be closed. Appropriate remedial measures (including but not limited to no contact directives issued to both parties) may, however, remain in effect to support a complainant.

Where possible, the parties will receive immediate notification of the Review Panel's determination, although written notice of the outcome, sanction or rationale for each will typically be provided within ten days of the hearing.

#### **E. Imposition of Sanction**

Where there is a finding of responsibility, the Review Panel may impose one or more sanctions. Sanctions may include any of the sanctions that are listed below or set forth for violations of the University's [Student Conduct Code](#) (see below).

The policy prohibits a broad range of conduct, all of which is serious in nature. In keeping with the University's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Review Panel has great latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the complainant and surrounding community, and accountability for the respondent. The imposition of sanctions is designed to eliminate prohibited conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion.

The Review Panel may solicit information from the complainant, the respondent, and any other Baylor administrator who can provide information relevant to a determination regarding potential sanctions. The Review Panel may also review any written impact or mitigation statement submitted by the complainant or respondent.

In determining the appropriate sanction, the Review Panel shall consider the following factors:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the complainant;
- the impact or implications of the conduct on the community or the University;
- prior misconduct by the respondent, including the respondent's relevant prior discipline history, both at the University or elsewhere (if available), including criminal convictions;
- whether the respondent has accepted responsibility for the conduct;
- maintenance of a safe and respectful environment conducive to



- learning;
- protection of the University community; and
- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

Sanctions may be imposed individually or in combination. For violations of this policy, the following sanctions, listed in ascending order of severity, may be imposed:

**Warning:** A formal admonition, which appears in an individual's 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 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 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 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 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. Relevant information remains in the student's 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 outcomes may accompany the preceding sanctions, 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 sanctions listed above, a student may be required to participate in educational programs.

Sanctions will be imposed immediately. 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), the granting of credit for the semester and/or the awarding of a degree will be at the discretion of the University. The imposition of sanction by the Review Panel is final and is not subject to further review.

#### **F. Additional Remedies**

Regardless of the outcome, the Review Panel may recommend additional remedies for the complainant to address the effects of the conduct on the complainant, restore the complainant's access to University programs and activities, and restore to the complainant, to the extent possible, benefits and opportunities lost as a result of the prohibited conduct. The Review Panel may also identify remedies to address the effects of the conduct on the University community.

The Title IX Coordinator will review the remedies recommended by the Review Panel and will consider the appropriateness of continuing interim remedial or protective measures on an ongoing basis. Extended protective measures may be included in the sanctions.

#### **G. Notice of Outcome**

Both the complainant and respondent will receive a written notice of outcome that documents the Review Panel's finding, the sanction and the rationale for each. The University will seek to issue a final notice of outcome no later than 60 calendar days from the date of the notice of investigation. The determination of the Review Panel is final.

The Title IX Office will also notify relevant administrative and academic units, including the Financial Aid Office, the Registrar, Human Resources, the Baylor University Police Department, and Student Conduct Administration as appropriate and necessary to ensure that sanctions and

remedies are put into effect immediately.

The Title IX Coordinator will maintain records of all reports, Disciplinary Resolution, Alternative Resolution, and steps taken to eliminate prohibited conduct, prevent its recurrence, and address its effects. Findings of responsibility may also be included in a student's disciplinary record maintained by Student Conduct Administration.

#### **H. Extraordinary Relief**

The University recognizes that under extraordinary circumstances, a complainant or respondent may identify newly discovered and dispositive information that was not previously available during the investigation through the exercise of due diligence. The Title IX Coordinator or designee has the discretion to review this information. If it is determined that the information could not reasonably have been discovered prior to the resolution of the report, the information would substantially affect the finding or sanction, and compelling justification exists for its consideration, the Title IX Coordinator may review the investigative finding or outcome and refer the matter for additional action in furtherance of this policy.

### **12. Disciplinary Resolution When the Respondent is an Employee**

#### **A. Investigation and Adjudication**

When the Title IX Coordinator receives a report 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. The Title IX Coordinator will have the authority to exercise oversight of the investigation and resolution and will ensure that the procedures followed are consistent with the requirements of Title IX and VAWA and the principles set forth in this policy. The Title IX Coordinator will ensure that any procedures used to investigate and resolve reports against faculty or staff will include, at a minimum, written notice of the report, the opportunity to present information, the opportunity to respond to the report, timely and equal access to information and an equitable opportunity to participate in the investigation and resolution process, and written notice of the outcome, the sanction and the rationale.

#### **B. Sanctions**

The appropriate disciplinary authority will determine the sanction, which 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.

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 Vice President and Chief Human Resources Officer 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.

#### **13. Violations of Law**

Conduct that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a respondent to criminal prosecution by the presiding authority. More information about violations of Texas criminal law can be found in the [University's Annual Fire Safety and Security Report](#). Conduct that violates this policy also may subject a respondent to civil liability.

Students and employees studying, working, or engaging in other activities at locations outside of Texas are governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy.

#### **14. Prevention and Awareness Programs**

The University is committed to the prevention of prohibited conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming, and returning students and current employees receive ongoing training and related programs. The University provides coordinated programming and training through multiple areas, including the Title IX Office, Student Life, Baylor University Police Department, Human Resources, the Provost's Office, Wellness, Health Services, Counseling Center, and other University departments.

#### **15. Annual Review**

This policy is maintained by the Title IX Office. The University will review this policy on at least an annual basis. The review will capture evolving legal requirements, evaluate the supports and resources available to the parties, and assess the effectiveness of the resolution process (including as to the fairness of the process, the time needed to complete the process, and the sanctions and remedies imposed). The review will include the opportunity for individuals affected by the policy to provide feedback and will incorporate an aggregate view of reports, resolution, and climate.

**EXHIBIT 14**



**BAYLOR**  
UNIVERSITY

*Policy to Protect Children  
and Prevent Abuse*

## Table of Contents

Introduction.....	3
Definitions.....	3
Screening and Selection for Work with Minors .....	5
Education, Training and Assessment.....	6
Recognizing, Responding and Reporting .....	7
A. Reporting Suspicious or Inappropriate Behaviors Involving Adults and Minors (That Do Not Rise to the Level of Suspected Abuse).....	7
B. Reporting Suspected Abuse of a Minor .....	9
C. Reporting Minor-to-Minor Sexual Abuse and Sexualized Behaviors .....	12
Contractors, Facilities Use Agreements and Non-Baylor Events.....	14
Enforcement.....	15
Appendix A. Baylor-Recommended Training Content and Delivery Methods .....	17
Appendix B. Sample Code of Conduct.....	19
Appendix C. Policy Acknowledgement.....	20

## Introduction

Baylor University believes that all members of our community have a moral as well as legal duty to safeguard the welfare of non-enrolled minors who are using Baylor facilities or involved with Baylor programs and activities. This policy sets forth the efforts our faculty, staff, students, volunteers, contractors, and consultants are required to take to minimize the threat of child abuse and to respond promptly and effectively should abuse be observed, suspected, or disclosed.

The policy identifies the Baylor University Police Department or the Texas Department of Family and Protective Services as the designated agents to receive all reports of child abuse and neglect.

This policy includes a university-wide screening and background check process for faculty, staff, and student volunteers frequently working with children. This policy also mandates instruction and/or training for those conducting or participating in programs with minors in the following elements:

1. **Recognizing, responding and reporting** allegations/suspicions of child abuse and neglect.
2. **Screening and selecting** staff, faculty, and volunteers.
3. **Training and education** of those students and employees who frequently work with minors about child sexual abuse prevention.
4. A **Code of Conduct** (Exhibit “A”) that guides interactions between adults and children.
5. **Establishing safe environments and practices.**

## Definitions

For the purpose of these policies, the following terms are defined as follows:

**A. Access.** Baylor University faculty, staff members, student employees, unpaid student interns and volunteers who interact with and have access to minors (those under 18 years of age, excluding enrolled Baylor University students) are classified in these policies as having high or low access:

### **1. Individuals with high access to minors.**

Faculty, staff members, student employees, unpaid student interns and volunteers with high access to minors include any full or part-time individual who:

- works with or around minors on more than one program;
- employed to work with or around minors on a program that meets regularly or involves multiple interactions;
- has the potential for unsupervised access with one minor;
- is responsible for supervising minors; or
- is a consistent and regular volunteer for programs involving minors.



Examples of individuals with high access to minors include:

- instructors, mentors, tutors, and coaches, plus their assistants;
- individuals who provide community services to minors in a home setting;
- regularly volunteering parents;
- individuals who transport minors (on campus or on field trips);
- camp counselors; and
- individuals supervising overnight programs (on or off campus).

## **2. Individuals with low access to minors.**

Faculty, staff members, student employees, unpaid student interns and volunteers with low access to minors include any full or part-time individual who:

- works with or around minors for a one-time program (but not programs that meet regularly or involve multiple interactions);
- is always supervised by another adult when interacting with minors; or
- is not responsible for supervising minors.

Examples of individuals with low access to minors include:

- one-time volunteer; and
- one-time campus tour guide, who remains with a group (i.e., more than 3 or more individuals) at all times and other similar orientation or recruitment activities.

**B. Program.** Program includes any activity, event, recital, lesson, class or other interaction with a minor.

**C. Faculty Member.** Faculty members include faculty, lectures, visiting, emeritus, etc. regardless of the number of hours worked or employment classification.

**D. Staff Member.** Staff member includes all paid employees, accompanists, coaches and other personnel at Baylor (excluding volunteers and students), regardless of the number of hours worked or employment classification.

**E. Student Employee.** Student employee includes all Baylor students who may be paid by or receive remuneration as part of a work-study or co-op arrangement with Baylor, regardless of the number of hours worked or employment classification.

**F. Types of Abuse.** Texas' definitions of "abuse" and "neglect" are defined very broadly and include most threats to a child's physical or mental health or welfare. Please refer to all applicable Texas codes and statutes for the current terms and definitions addressing abuse, neglect, exploitation, and abandonment, along with the associated mandated reporting requirements. For the purpose of these policies, abuse may include, but is not limited to, the following:

- *Physical Abuse:* hitting, spanking, shaking, slapping, unnecessary restraints
- *Verbal Abuse:* degrade, threaten, curse

- *Sexual Abuse*: inappropriate touch, exposing oneself, sexually oriented conversations
- *Mental Abuse*: shaming, humiliation, cruelty
- *Neglect*: unreasonable withholding of food, water, shelter, and reasonable medical attention.

**G. Unpaid Student Intern.** Unpaid student intern includes all unpaid Baylor students who may receive educational credit or other non-monetary benefits in exchange for work related to Baylor programs.

**H. Volunteer.** Volunteer includes all unpaid individuals who volunteer their time in connection with a Baylor program.

## **Screening and Selection for Work with Minors**

All Baylor University programs must adhere to the following required screening and selection criteria. These steps must be completed before an applicant is released to work with minors in a paid or unpaid position. Baylor University reserves the right to conduct background screening any time after employment or volunteer service has begun. All background screening accomplished by or on behalf of Baylor University will comply with the Fair Credit Reporting Act and other relevant privacy laws.

### **A. Individuals with High Access to Minors**

Screening and selection of an Individual with High Access to Minors, should include:

1. A standard application.
2. Signed Baylor Code of Conduct.
3. A county criminal background check in all counties where the applicant has lived the last 7 years; a multi-state criminal background check with Social Security Number Trace and Alias Search; and a national sex offender registry check.
4. Face-to-face interviews using behaviorally-based standardized questions designed to assess for potential risk to abuse.
5. A minimum of three reference checks that include professional and personal references using behaviorally-based questions that assess abuse risk. A family member may be included as a possible personal reference.

All of the above mentioned records must be documented in the individual's file.

Individuals classified as having high access to minors who exist as part of Baylor at the time of implementation of this policy, or are not otherwise considered *new* to Baylor, should at a minimum complete the first three items listed above and document the individual's file accordingly.

## **B. Individuals with Low Access to Minors**

Screening and selection of a new Individual with Low Access to Minors should include:

1. A standard application.
2. Signed Baylor Code of Conduct.
3. A multi-state criminal background check with Social Security Number Trace and Alias Search; and a national sex offender registry check.

Individuals with Low Access to Minors existing at the time of implementation of this policy, or not otherwise considered *new* to Baylor, should at a minimum complete the first three items listed above and document the individual's file accordingly.

## **C. Existing Employees, Volunteers, Students, and Interns—Additional Requirements**

Existing Baylor employees, volunteers, students, and interns who at the time of implementation of this policy do not have access to minors but subsequently begin working with or around minors, should at a minimum complete the first three items listed above in the high or low access category (whichever is applicable) and document the individual's file accordingly.

## **D. Transfer of Employees**

For all employees who wish to transfer from one of Baylor's divisions or departments in Waco, Texas to another campus location and work with minors, Baylor will verify that the appropriate screening procedures have been completed prior to permitting work in the new department. The supervisor for the new position will review the individual's file prior to permitting access to minors. He or she will review:

- a. Any past disciplinary problems.
- b. What new screening procedures might be necessary:
  - i. If the employee would be but was not previously in a high-access position working with or around minors, then the screening procedures in the above section *Individuals with High Access to Minors* should be followed.
  - ii. If the employee would be and was previously in a high-access position working with or around minors, then the screening procedures in the above section *Individuals with High Access to Minors* should be re-reviewed.

## **Education, Training and Assessment**

For any child abuse prevention policy to be effective, the people implementing the policy and providing services to minor children must have adequate education and training. Administrators, faculty, staff, employees, students, and volunteers who are designated as having High Access to Minors are required to participate in the child abuse prevention education and training course(s) determined appropriate by Baylor University at least once every two years. *See Appendix A for a list of Baylor-required training courses.*

The training will raise awareness of the nature of child abuse and its prevalence in all segments of society, and will include training in abuse prevention strategies; how to identify situations of abuse, neglect or similar endangerment; how to respond to a disclosure of abuse by a minor; how to report those situations to civil and school authorities; and what actions to take to prevent abuse of children (or minimize further harm) on Baylor property and at Baylor-sponsored events and activities.

Baylor Institutional Events oversees compliance for a specific set of laws and regulations governing summer camps occurring at Baylor University facilities. Generally, Texas state law requires that all employees at summer camps receive background checks and training prior to the camp at least every two years. For additional information, contact Baylor Institutional Events.

Human Resources will maintain a database of Baylor University employees and staff requiring such training, and a mechanism for capturing reports of when the training has been completed by each individual. Individuals who do not require the training but are interested in taking the course(s) will be invited to do so in the interests of building an informed, proactive, and safety-conscious community. The responsibility for ensuring the training of students will be distributed among the various departments, organizations and programs engaging student volunteers to interact with minor children. No person required to take the training will be allowed to conduct or participate in the program involving minors until the training is accomplished.

## **Recognizing, Responding and Reporting**

Because Baylor is dedicated to maintaining zero tolerance for abuse, it is imperative that Baylor employees, volunteers, students, interns, and authorized adults with access to minors actively participate in the protection of minors and shall be alert to safeguard the safety of minors on and off campus.

### **A. Reporting Suspicious or Inappropriate Behaviors Involving Adults and Minors (That Do Not Rise to the Level of Suspected Abuse)**

In the event that a Baylor employee, volunteer, student, intern, or authorized adult observes any suspicious or inappropriate behaviors by another adult, it is the individual's personal responsibility to immediately report their observations. Remember, at Baylor, the policies apply to everyone.

#### *Examples of Suspicious or Inappropriate Behaviors Involving Adults and Minors*

- Violation of Baylor's or a program's protection of minors or abuse prevention policies
- Seeking private time or one-on-one time with minors
- Buying gifts for individual minors
- Making suggestive comments to minors
- Picking favorites

All reports of suspicious or inappropriate behavior with minors will be taken seriously. Baylor's procedures will be carefully followed to ensure that the rights of all those involved are protected.

**1. Baylor Individual Response.** In the event that a Baylor employee, volunteer, student, interns, or authorized adult witnesses suspicious or inappropriate behaviors or policy violations by another adult, the observing individual is instructed to do the following:

*Guidelines for Baylor Individuals in Response to Suspicious or Inappropriate Behavior*

- Interrupt the behavior.
- Report the behavior to a supervisor or administrator and/or make an anonymous report. If the report is about a supervisor or administrator, contact the next level of management.
- Document the report but do not conduct an investigation.
- Keep reporting until the appropriate action is taken.

Reports of suspicious or inappropriate behaviors involving adults and minors (that do not rise to the level of suspected abuse) can be made directly to a supervisor or administrator or to:

**(866) 607-7233**

This hotline, managed by Praesidium, Inc., is free and confidential. Individuals can also call this hotline if they have general questions about suspicious or inappropriate behaviors or other reporting procedures in these policies.

**2. Supervisor or Administrator Response.** In the event that a supervisor or administrator receives a report of suspicious or inappropriate behaviors or policy violations involving an employee, volunteer, student, intern, or authorized adult the supervisor or administrator is instructed to do the following:

*Guidelines for Supervisors or Administrators  
in Response to Suspicious or Inappropriate Behavior*

- Supervisors report to the next level of administration and determine the appropriate administrator to respond to the concern.
- Supervisors coordinate with the appropriate administrator to complete the following:
  - Determine the appropriate response based on the report.
  - Speak with the individual who has been reported.
  - Review the file of the individual to determine if similar complaints were reported.
  - Document the report on the appropriate form(s).
  - If appropriate, notify parents and/or guardians.
  - Advise the person who reported the behavior that the report is being taken seriously.

**If at any point in gathering information about a report of suspicious or inappropriate behavior, a concern arises about possible abuse, contact the state authorities, file a report, and follow the procedures in Section 2 below.**

Based on the information gathered, the following may be required:

- Increase monitoring or supervision of the individual or program.
- If policy violations involving the individual with a minor are confirmed, the employee, volunteer, student, or intern must be subject to action outlined within their bargaining agreement (if appropriate based upon job classification) and/or disciplinary action up to and including termination and prosecution. Disciplinary action will follow a progressive disciplinary process.
- If more information is needed, interview and/or survey other witnesses, employees, volunteers, students, interns, authorized adults, or minors as appropriate.

**3. Organizational Response.** After the internal review of the suspicious or inappropriate behaviors or policy violations, determine if system changes are necessary, such as:

#### *Guidelines for Organizational Response*

- Review the need for increased supervision.
- Review the need for revised policies or procedures.
- Review the need for additional training.

### **B. Reporting Suspected Abuse of a Minor**

#### **1. Individual Response to Abuse.**

i. **Reporting to State Authorities.** Baylor University plays host to a number of events and facilities on its campus at which minors are present. Members of Baylor's community who obtain knowledge of suspected child abuse or neglect are legally required to report it immediately to the appropriate authorities. Texas' disclosure laws apply to all individuals, including health care professionals, chaplain staff, and counselors. Section 261.101 of the Texas Family Code mandates that anyone who suspects child abuse or neglect must report it immediately. The report may be made to (1) any local or state law enforcement agency; or (2) the Department of Family and Protective Services.

When making a report, a reporter should have available to provide the following information, if known:

- names child and his parents or responsible caregiver(s)
- child's age and gender
- nature and extent of injury, maltreatment or neglect
- approximate date and time the injury, maltreatment or neglect occurred
- the circumstances in which the injuries, maltreatment or neglect became known to the reporter
- previous injury, maltreatment or neglect of the child or siblings
- name of the person suspected to have caused the injury, maltreatment or neglect
- any action taken to treat or help the child any other information the reporter believes would be helpful

Texas' definitions of "abuse" and "neglect" are defined very broadly and include most threats to a child's physical or mental health or welfare. Texas law does not require reporting injuries resulting from an accident or reasonable discipline by a parent or guardian that does not expose the child to a substantial risk of harm. Texas law specifies that anyone who "suspects" child abuse or neglect report it immediately to either (1) a local or state law enforcement agency; or (2) Texas' Department of Family and Protective Services. Licensed professionals employed by the University or staff employed at Baylor's Piper Child Development Center must report the suspected child abuse or neglect within 48 hours.

**It is not sufficient to report the incident to another Baylor employee, such as a dean, a supervisor or manager. This policy requires immediate and direct notice to either:**

**Baylor University  
Police Department  
(254) 710-2222**

or

**Texas' Department of Family  
and Protective Services  
(800) 252-5400  
[www.txabusehotline.org](http://www.txabusehotline.org)**

Failure to make a report is a crime in Texas, punishable by up to one year in prison and a fine of up to \$4,000. Texas law protects a person acting in good faith who makes a report of child abuse or neglect which does not arise from their own conduct.

ii. **Internal Reporting to Baylor Administration.** In addition to reporting to state authorities, all faculty members, staff members, student employees, unpaid student interns and volunteers are required to report any suspected or known abuse, neglect or exploitation of minors perpetrated by another adult directly to their Supervisor or Dean or Baylor's Child Protection Coordinator Reggie Miller at (254) 214-0442 so that immediate and proper steps may be taken to ensure the safety of victim(s) and others who may be at risk.



Internal reports of suspected or known abuse may be made confidentially to the Praesidium, Inc. hotline:

**(866) 607-7233**

Please note that calls to this hotline do NOT relieve an individual of any state-mandated reporting requirement described above.

*Additional Guidelines for Individuals in Response to Incidents or Allegations of Abuse*

- If you witness abuse, interrupt the behavior immediately.
- If abuse is disclosed to you, assure the individual disclosing that he or she was correct to tell to you.
- Protect the alleged victim from intimidation, retribution, or further abuse.
- Be sure to document the incident, disclosure, or circumstances causing your suspicion of abuse.
- It is not your job to investigate the incident but it IS your job to immediately report the incident to your supervisor or another administrator.
- Cooperate fully and truthfully with any investigation. The investigation of a complaint of child abuse by a person currently or previously affiliated with Baylor University will be kept as confidential as the circumstances of an individual case allow, in order that the right to privacy and reputation of both the child and the accused are protected. When appropriate, Baylor University will ensure that the child's parents or guardians and the accused person receive appropriate and timely information about any relevant actions taken by Baylor University.

**2. Supervisor or Administrator Response to Abuse.** In addition to the above response procedures, supervisors and administrators should also ensure the following:

*Additional Guidelines for Supervisors and Administrators  
in Response to Incidents or Allegations of Abuse*

- Determine the immediate needs of the victim. In the case of imminent danger to a child on Baylor University property, or by Baylor University personnel responsible for a child, the Baylor University Police Department should be called immediately. Baylor Police will take the reasonable steps necessary to prevent any further harm to the child, pending notification of Texas Department of Family and Protective Services and investigation of the report. The safety and well-being of the child is the key consideration when deciding what interim safety measure(s) to initiate.
- Immediately after receiving a report of suspected abuse, supervisors, administrators and other individuals receiving reports shall inform the Baylor Child Protection Coordinator. (254) 214-0442.



- Ensure that the incident has been reported to the proper state authorities.
- Supervisors coordinate with the appropriate administrator to complete the following:
  - Suspend and remove the accused from access to minors under the guidance of Human Resources and Office of the General Counsel.
  - Review the file of the accused.
  - Gather and document information surrounding the incident.
  - To the extent possible, communicate and coordinate with the state authorities as to the timing of all internal investigations.
  - If abuse is confirmed, terminate / dismiss the employee or volunteer.
  - Coordinate with the Office of Public Relations as may be needed for the preparation of any media response.

**3. University Response.** After the immediate needs of the victim have been addressed and the authorities notified, Baylor will:

*Guidelines for Organizational Response  
to Incidents or Allegations of Abuse*

- Coordinate with Baylor Police, who will coordinate the emergency response with appropriate state officials.
- If abuse is confirmed, initiate termination or dismissal of the individual.
- Coordinate with Office of Public Relations for all external messaging and notifications to parents, other employees or volunteers, and the community. Any public comment to the media about an ongoing investigation will be made by the Baylor Office of Public Relations.

**C. Reporting Minor-to-Minor Sexual Abuse and Sexualized Behaviors.**

The thought that one minor may sexually abuse another minor does not occur to many people. Unfortunately, abuse between peers has increased significantly in the past few years. Minor-to-minor sexual activity and sexualized behaviors often remain unreported in organizations because personnel are not comfortable documenting these situations, or may not know how.

Most serious incidents of minor-to-minor abuse are preceded by more subtle incidents such as name-calling, taunting or roughhousing. Interrupting these interactions early and establishing and communicating standards of conduct can keep the university environment safe. Baylor recognizes that the following interactions are high risk and should be prohibited:

### *Prohibited Minor-to-Minor Interactions*

- Hazing
- Bullying
- Derogatory name-calling
- Games of “Truth or Dare”
- Singling out one minor for different treatment
- Ridicule or humiliation

In order to adequately respond to and track incidents at Baylor, all sexual activity between minors and sexualized behaviors of minors must be consistently documented.

**1. Individual Response.** In the event that an employee, volunteer, student, intern, or authorized adult observes a minor exhibit sexualized behaviors or suspects minor-to-minor sexual abuse, the observing individual is instructed to do the following:

### *Guidelines for Baylor Individuals in Response to Minor-to-Minor Sexual Activity*

- Interrupt the behavior and separate the minors. Do not investigate.
- Report the behavior to a supervisor or administrator.
- Document your report with factual information.

Reports of minor-to-minor sexual abuse and sexualized behaviors can be made directly to a supervisor or administrator or confidentially to the Praesidium hotline:

**(866) 607-7233**

Remember that mandatory reporters must follow all local, state, and federal regulations relating to reports of child abuse. *Refer to Texas’ specific abuse-related definitions and mandated reporting requirements for more information.* Individuals can also call the Praesidium hotline if they have general questions about minor-to-minor incidents or other reporting procedures in these policies.

**2. Supervisor or Administrator Response.** In the event that a supervisor or administrator receives a report of a minor’s sexualized behavior or minor-to-minor sexual activity, the supervisor should do the following:

*Guidelines for Supervisor or Administrator  
In Response to Minor-to-Minor Sexual Activity*

- Determine the appropriate administrator to conduct an internal review of the incident.
- Notify the parents / guardians of all minors involved.
- Notify the authorities if required by state reporting mandates.
- Document the incident and Baylor’s response.
- Develop a written corrective action or follow-up plan in response to the incident.

**3. Organizational Response.** After the internal review of the sexualized behavior or minor-to-minor sexual activity, Baylor will determine what can be done to prevent a reoccurrence, such as:

*Guidelines for Organizational Response*

- Review the need for additional supervision.
- Review the need for revised policies or procedures.
- Review the need for additional training.
- Alert others in the organization.

### **Contractors, Facilities Use Agreements and Non-Baylor Events**

Contractual agreements concerning personnel or facilities related to programs, activities and events including minors must comply with this policy. The following shall be included as a term of the contract where contractors have responsibility for or interaction with minors on Baylor’s campus locations as part of their contract. If this contract involves contact with minors, the contract must be coordinated with Baylor University’s Office of General Counsel and may need to include the following contractual provisions:

A. Contractor shall defend, indemnify and hold harmless the University, its Board of Regents, officers and employees, from and against any and all claims, causes of action, losses liabilities, damage or judgments directly or indirectly related to any mental or physical injury or death arising out of its contact or its conduct or the contact or conduct of its directors, employees, subcontractors, agents or volunteers with minors including sexual misconduct or abuse of minors as defined by Texas statute.

B. Contractor shall purchase an insurance rider that names the University as an additional insured and covers and protects the University from claims and losses for the abuse defined in A.

above and provide the University with a copy of that rider prior to the to the commencement of work under this contract

C. Contractor shall present the University with certification prior to the commencement of work under this contract that all employees, directors, subcontractors, agents or volunteers that may have Contact with minors shall:

1. Be trained and certified in the identification, prevention and reporting of the sexual abuse of minors;
2. Undergo a local, state, and nationwide criminal background check and national sex offender registry check;
3. Adhere to the contractor's written policies related to the supervision of minors. At a minimum the contractors supervision procedures should include:
  - i. Minimum adult to minor ratios;
  - ii. How to supervise minors during overnight activities;
  - iii. How to supervise minors during bathroom and showering activities;
  - iv. How to supervise minors during activities that are associated with water use, including, but not limited to, pools, showers, bathing areas, swimming, etc.;
  - v. How to supervise minors during transition times, including drop-off and pick-up.

## **Enforcement**

This policy will be strictly enforced by the Baylor University Governance Risk and Compliance Department. Failure to comply will result in corrective action, up to and including dismissal from Baylor University. Violations may also lead to civil or criminal liability.

## **APPENDICES**

**Appendix A**  
**Baylor-Required Training Content and Delivery Methods**

**Praesedium Training Video**

## **Appendix B**

### **Conduct with Minors**

*The following policies are intended to assist employees, volunteers, students, and unpaid interns, and other adults working with minors in making decisions about interactions with minors. For clarification of any guideline or to inquire about behaviors not addressed here, contact your supervisor or administrator.*

It is expected that Baylor University faculty, staff members, student employees, unpaid student interns, and volunteers will exhibit exemplary behavior at all times. This is even more important when interacting with non-enrolled minors (under 18 years of age) who are using Baylor facilities or involved with Baylor programs and activities. The conduct with minors list below denotes some specific expectations to govern behavior for faculty, staff, student employees, interns, and volunteers as we strive to accomplish our mission together.

#### **General Safety**

**Two Adults Practice:** It is highly recommended that at least two unrelated adults who have had the appropriate background and criminal record checks should be with minors at any given time. Care should be taken to avoid or minimize situations in which individual minors are alone with a single adult. This rule includes all transportation to/from activities, accompanying a child to the bathroom, and giving a minor a ride home.

**One-on-one meetings** with a child or young person are best held in a public area, or if that is not appropriate or possible, then the door to the room should be left open, and/or someone on the Baylor University program or clinic administration should be notified about the meeting before it occurs.

**Open and Well Illuminated Spaces:** Programs and activities involving children on or off campus should be held, where feasible, in open and well-illuminated areas that are easy to access and monitor. Abuse typically occurs in locations that are more private and out of sight such as locker rooms, bathrooms, shower areas, dormitory rooms and classroom spaces after hours. Consequently, the greater the visibility in a particular area, the lower the risk of abuse.

1. Minors will be treated with respect at all times.
2. Minors will be treated fairly regardless of race, sex, age, religion, sexual orientation or gender expression.
3. Faculty, staff members, student employees, unpaid student interns and volunteers will ensure that appropriate speech is used at all times when around minors.
4. Faculty, staff members, student employees, unpaid student interns and volunteers are prohibited from having outside contact with minors unless approved by Baylor University administration.
5. Faculty, staff members, student employees, unpaid student interns and volunteers will not discuss their sexual encounters with or around minors or in any way involve minors in their personal problems or issues.

6. Faculty, staff members, student employees, unpaid student interns and volunteers will not date or become romantically involved with minors.
7. Faculty, staff members, student employees, unpaid student interns and volunteers will not use or be under the influence of alcohol or illegal drugs in the presence of minors.
8. Faculty, staff members, student employees, unpaid student interns and volunteers will not have sexually oriented materials, including printed or internet pornography, in the presence of minors.
9. Faculty, staff members, student employees, unpaid student interns and volunteers will not have “secrets” with minors.
10. Faculty, staff members, student employees, unpaid student interns and volunteers will dress in appropriate attire and avoid wearing provocative and revealing attire around minor children, under 18 years of age.
11. Faculty, staff members, student employees, unpaid student interns and volunteers will refrain from staring at or commenting on a minor’s body.
12. Faculty, staff members, student employees, unpaid student interns and volunteers will adhere to uniform standards of affection, as may be outlined in your program manual.
13. Faculty, staff members, student employees, unpaid student interns and volunteers will avoid affection with minors that cannot be observed by others and as further outlined in your program manual.
14. Faculty, staff members, student employees, unpaid student interns and volunteers will not engage in inappropriate electronic communication with minors, as may be further outlined in your program manual.
15. Programs and activities involving minors on or off campus should be held, where feasible, in open and well-illuminated areas that are easy to access and monitor and as may be further outlined in your program manual.
16. Faculty, staff members, student employees, unpaid student interns and volunteers shall not abuse minors in anyway including the following:

*Physical abuse:* hitting, spanking, shaking, slapping, unnecessary restraints

*Verbal abuse:* degrade, threaten, cursing

*Sexual abuse:* inappropriate touch, exposing oneself, sexually oriented conversations

*Mental abuse:* shaming, humiliation, cruelty

*Neglect:* withholding food, water, shelter

Or any other abusive means not listed above.



17. Minor students are prohibited from engaging in the following:

*Hazing*

*Bullying*

*Derogatory name-calling*

*Games of "Truth or Dare"*

*Ridicule or humiliation*

18. Faculty and staff members, student employees, unpaid student interns and volunteers will report concerns or complaints about other staff members, volunteers, adults, and minors in accordance with Baylor University's *Policy to Protect Children and Prevent Abuse*.

## Appendix C

### Acknowledgement of Policy to Protect Children and Prevent Abuse

I have received a copy, read and voluntarily agree to comply with the Baylor University's *Policy to Protect Children and Prevent Abuse*.

*Please Print*

Name \_\_\_\_\_

Position \_\_\_\_\_

Department \_\_\_\_\_

Program \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**EXHIBIT 15**



BAYLOR UNIVERSITY

Report It

*If this is an EMERGENCY, call Baylor Police at (254) 710-2222 or dial 911.*

I want to report a/an...

**Use one of the reporting mechanisms listed below:**

Academic Integrity and Honor Code

All students, faculty members and staff members are expected to report violations of the Honor Code. In addressing an alleged

— READ MORE —

Academic Referrals

For faculty members, there are a host of systems that Baylor uses to help us identify the students that are most in need of academic

— READ MORE —

Anonymous Tips about Criminal Activity

If you believe you have seen a crime or suspicious incident occur on campus and would like to report it anonymously, you may call

— READ MORE —

BMIST (Bias Motivated Incident Support Team)

Baylor University is committed to a caring and compassionate community. No university, however, is immune to problems of bias

— READ MORE —

## Campus Security Authority (CSA) Incident Report (Clery)

CSAs are required to report Clery Act qualifying crimes and mandated policy violations of which they are aware, on a timely basis,

— READ MORE —

## Conflict of Interest

Disclosure of relationships or situations where a real or perceived conflict of interest could exist. (Office of Internal Audit and Management Analysis)

## Copyright Infringements

The Digital Millennium Copyright Act ("DMCA"), Pub. L. 105-304 requires the designation of an agent to receive claimed copyright

— READ MORE —

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## Crimes (How to Report Crimes)

The University encourages everyone on campus to immediately report crimes and other emergencies to the University Police by

— READ MORE —

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## Environmental Health and Safety

The Department of Environmental Health and Safety (EH&S) serves Baylor University by providing technical support, information

— READ MORE —

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## EthicsPoint - Anonymous Reporting

EthicsPoint is an anonymous, confidential hotline/website to report issues for investigation.

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## Facilities, Grounds, Energy & Custodial

The iService Desk provides faculty, staff, and students the ability to submit requests for operations and maintenance, grounds, and

— READ MORE —

## Faculty Ombudsperson

The Ombudsperson provides a safe, comfortable, and confidential environment for you to discuss your concerns or complaints

— READ MORE —

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## Fire Safety Concerns

Fire safety concerns may be reported to the Fire Safety Specialist, or by contacting 254-710-2222. (Department of Public Safety)

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## Human Resources

Baylor University values a workplace that is productive and enjoyable for staff and faculty as we work to achieve our strategic

— READ MORE —

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## ITS Helpdesk and Self-Service

To report issues or problems with Information Technology systems, please call the Helpdesk at 254-710-4357 or use our online self-service forms. (Information Technology Services)

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## Minors on Campus

Minors on Campus applies to camps and programs taking place on Baylor University Campus, in which Minors will be physically present and participating. (Governance, Risk & Compliance)

## Notifying Professors of a Crisis

In the event that you must miss class because of a major crisis such as hospitalization, accident, family crisis or the death of an

— READ MORE —

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## Ombuds to Students

The Ombuds to Students at Baylor University provides informal, neutral, and private dispute resolution services for students.

— READ MORE —

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## Personal Injury Report Form

If anyone is injured on campus, an accident/incident must be completed. You may be contacted by a member of Risk Management to provide additional information. (Governance, Risk & Compliance)

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## Research Compliance Reporting

The Vice Provost for Research collaborates with the Environmental Health & Safety office to ensure compliance with all safety and required regulatory protocols.

## Student Conduct Code Violations

Judicial Affairs has oversight for all records and information related to student conduct violations not related to the Honor Code.

— READ MORE —

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## Student Organization Violations

To report issues with or violations of policy by student organizations, please utilize this form. (Student Life)

---

## Students of Concern (CARE Report)

When a student exhibits behaviors of concern and could potentially be a risk to self and others, the Case Manager for Student Life

— READ MORE —

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## Title IX

Baylor University takes allegations of sexual violence, assault, dating violence, domestic violence, stalking and other sexually

— READ MORE —

If you are unable to identify the appropriate mechanism for your report, please use EthicsPoint. EthicsPoint is an anonymous, confidential hotline/website to report issues for investigation.

EthicsPoint Reporting »

## About "Report It"

**EXHIBIT 16**





<b>Policy Title:</b> Threat Assessment Group Policy	<b>Policy Number:</b> (PO will provide)
<b>Date Issued:</b> (PO will provide)	<b>Responsible Executive:</b> Chief Operating Officer
<b>Date Last Revised:</b> (PO will provide)	<b>Responsible Office:</b> Department of Public Safety

## Threat Assessment Group Policy

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### Policy Statement

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The Threat Assessment Group (TAG) was formed to identify and assess behaviors of concern proactively by intervening and mitigating major disruption to community life. The TAG is designed to assist faculty, staff, students, and the administration by providing information and assistance in dealing with behavior that may disrupt or threaten the educational mission of the University or the safety of its community.

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### Reason for the Policy

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The TAG is responsible for analyzing, evaluating, and disseminating protective intelligence information relating to both internal and external individuals who may pose a threat to students, faculty, and/or staff. This group is comprised of members from the Baylor University Police Department (BUPD), Human Resources, the Office of the Provost, Counseling Services, Student Conduct, Student Life, Title IX Office, and the Office of General Counsel. This multi-faceted group utilizes collaboration and a systematic methodology in determining risks/threats including behavior analysis, thorough investigation, and follow up of potential risks/threats to the Baylor University community.

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### Individuals/Entities Affected By This Policy

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This policy applies to Baylor students, faculty, staff, approved contractors, as well as to any non-Baylor affiliated individual(s) who may pose a threat to the Baylor University community.

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### Exclusions

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None.

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## University Policies and Documents

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University policies and documents that may be implicated by TAG operations may include, but are not limited to, the following:

Baylor Police Department's Sexual Violence Response & Investigation Policy  
Baylor Police Department's Mental Health Crisis Response  
Baylor University's Personnel Policy #705 Dismissal  
Baylor University's Personnel Policy #807 Staff Disciplinary Policy  
Baylor University's Personnel Policy #835 Work Place Violence Policy  
Baylor University's Policy on Threats or Harm to Self or Others  
General Sexual and Gender-Based Harassment and Interpersonal Violence Policy  
Student Conduct Code

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## Definitions

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Actor – an individual whose behavior indicates he/she may pose a threat to themselves or others. Also referred to as persons of concern.

Imminent Threat – A circumstance where information available to the TAG indicates that an actor poses a substantial and imminent risk of harm to self or others.

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## Contacts

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Subject	Contact	Telephone	Email/Web Address
Subject	Associate VP, Department of Public Safety	(254) 710-4619	<a href="http://www.baylor.edu/dps/index.php?id=866871">www.baylor.edu/dps/index.php?id=866871</a>
	Chief of Police, Police Department	(254) 710-2222	<a href="http://www.baylor.edu/dps/index.php?id=866871">www.baylor.edu/dps/index.php?id=866871</a>

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## Responsibilities

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Associate VP, Department of Public Safety	The staff member who manages and leads the BUDPS.
Chief of Police Police Department	The staff member who manages and leads the Baylor Police Department.

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## Assessment Process

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The TAG will use a designed proactive process to intervene in behavioral conduct that may disrupt or threaten the educational mission of Baylor University or members of its community. The TAG will use best practices in threat assessment to assess conduct that raises concerns of possible violence. This approach is the most effective process in preventing future violence on campus. The assessment process is designed to identify threatening behavior (development of an idea to commit violence and/or planning to commit violence) and attempt to intervene early enough to manage the case before the actor commits an act of violence. This model focuses first and foremost on the facts of the particular circumstances and the actor's behavior to guide conclusions and threat management plans. This method focuses on the actor's behavior by collecting information about the actor's progress from ideation, planning, and preparation to implement a plan to commit violence. In short, the process is based on preventing violence and developing effective interventions, not trying to predict it. The process is designed to:

1. Identify persons of concern;
2. Thoroughly investigate and gather information concerning the identified individual;
3. Review and evaluate the information and situation; and
4. Develop, implement, monitor, and update a threat management plan as appropriate.

The TAG's Assessment and Action Process is summarized graphically in Appendix #1.

### **Meetings:**

The TAG will meet as needed to assess and manage emergent situations. The TAG will in some situations meet to discuss individuals of concern. Students of concern will continue to be discussed on a regular basis during the *Students of Concern Committee* meetings. The TAG will meet on a regular basis to discuss best practices in intervention, trends in campus behavior, and available resources to intervene and resolve actual or perceived threats.

### **Identifying People of Concern:**

It is critical that the BUPD, the Students of Concern Committee, and the Title IX Office actively solicit and encourage members of the Baylor community to report any behavioral warning signs. Community education is critical to successful reporting. It should be stressed to the community that:

1. There will be no penalties for reporting behavior of concern in good faith.
2. It is important to report all behavior that causes concern, even if the behavior could alternatively be interpreted as somewhat harmless or innocuous.
3. TAG's efforts focus primarily on identifying and mitigating threats posed to students, faculty, and staff.

## References

Gene Deisinger, Ph.D. et al., *The Handbook for Campus Threat Assessment and Management Teams* (Applied Risk Management, LCC 2008).

John H. Dunkle, Zachary B. Silverstein and Scott L. Warner, “Managing Violent and Other Troubling Students: The Role of Threat Assessment Teams on Campus” Journal of College and University Law Vol. 34, No. 3 (2008) 585.

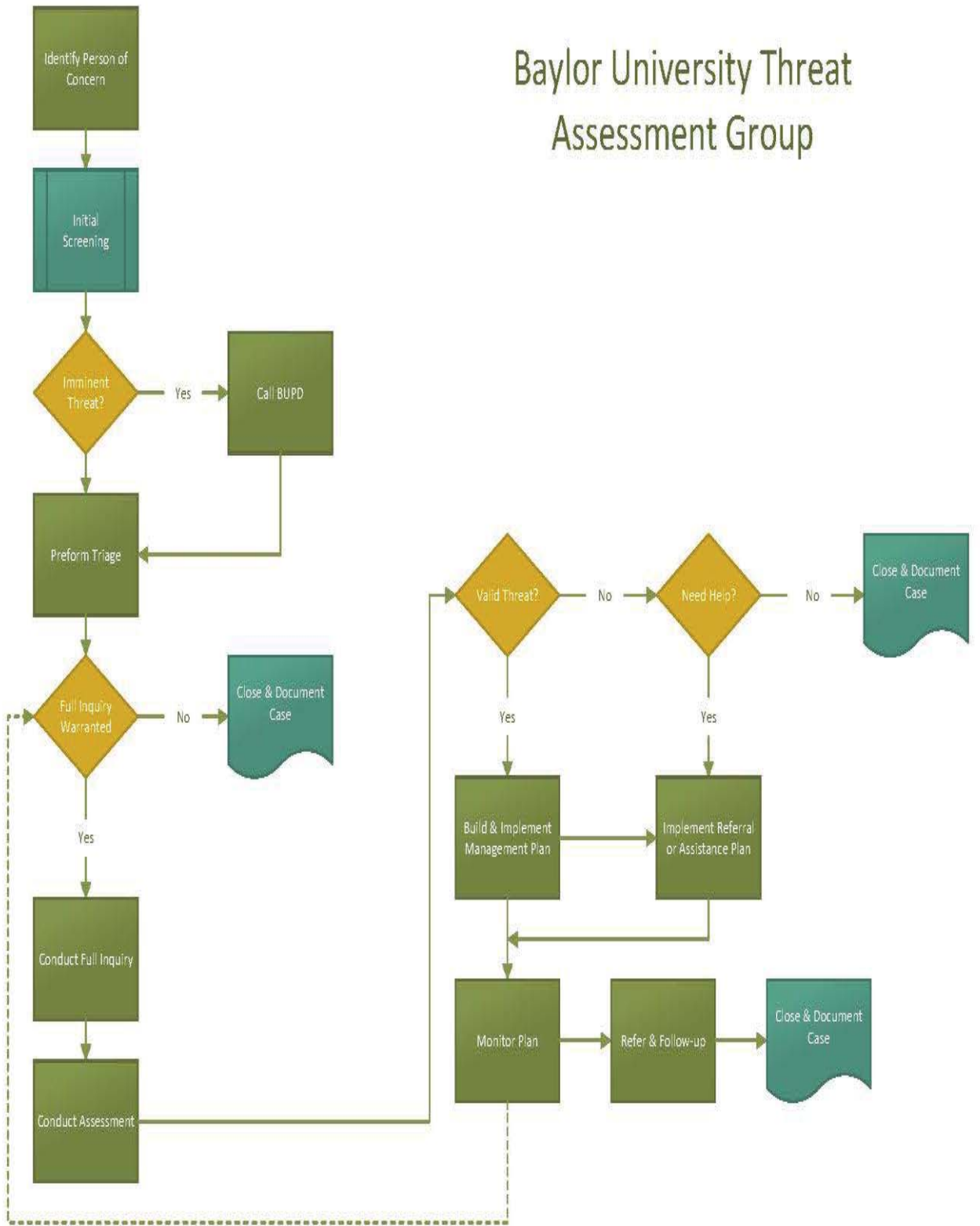
The Jed Foundation, “Student Mental Health and the Law: A Resource for Institutions of Higher Education” New York, NY: The Jed Foundation, 2008.

Nolan, Jeffrey J., “Addressing Intimate Partner Violence and Stalking on Campus: Going Beyond Legal Compliance to Enhance Campus Safety,” (chapter in *Emerging Issues in College and University Campus Security* (Thomson Reuters/Aspatore, 2015).  
<http://www.dinse.com/resource-center/news/nolan-book-chapter-available-for-download-news.html>.

## Appendix #1

### Baylor University Threat Assessment Group Assessment & Action Process

# Baylor University Threat Assessment Group



January 17, 2017

**EXHIBIT 17**





**BAYLOR**  
UNIVERSITY

**TITLE IX OFFICE**  
**INTAKE / CHECKLIST FORM**  
[FOR COMPLAINANT]

Meeting Date: \_\_\_\_\_ Meeting Time: \_\_\_\_\_ AM / PM

Location: \_\_\_\_\_

Complainant Name: \_\_\_\_\_ BUID: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Was Complainant a minor at the time of the incident? \_\_\_\_\_

Location of Incident: \_\_\_\_\_ Date of Incident: \_\_\_\_\_

Respondent's Name: \_\_\_\_\_ Respondent Phone: \_\_\_\_\_

Have you filed a police report? \_\_\_\_\_ Other info: \_\_\_\_\_

Title IX Staff Member(s) (Name/Role): \_\_\_\_\_

Basic Incident Summary:

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How did the Complainant connect with the Title IX Office?

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I acknowledge that in meeting with the Complainant, the following information was discussed, and the Complainant was given the opportunity to ask questions:

\_\_\_\_\_ **Title IX Coordinator**. Baylor University’s Title IX Coordinator is Ms. Kristan Tucker. The Complainant was given her contact information, and may contact her at any time.

\_\_\_\_\_ **Sexual and Gender-Based Harassment and Interpersonal Violence Policy (“Title IX Policy”)**. The full text can be found at:

<http://www.baylor.edu/titleIX/doc.php/249242.docx>

\_\_\_\_\_ **Right to Report Sexual and Gender-Based Harassment and Interpersonal Violence and Request Resolution**. The Complainant has the right to report any incident of sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation. The Complainant also has the right for the University to investigate what happened and to resolve the complaint promptly and equitably.

\_\_\_\_\_ **Options for Reporting**. The Complainant has the right to choose to report an incident to campus or local law enforcement. The Complainant has the right to participate in the Title IX resolution process, or file criminal charges through the appropriate police department, or both. A criminal investigation does not relieve Baylor University of its duty under Title IX to respond promptly and effectively to such complaints. If the Complainant is unsure about the nature or extent of this duty, he/she can ask the University’s Title IX Coordinator.

\_\_\_\_\_ **Interim Measures**. The University will provide reasonable and appropriate interim measures designed to preserve the Complainant’s educational experience; protect the Complainant during an investigation; address safety concerns for 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 continued access to educational opportunities) or **protective** (involving a restrictive action against a respondent). Interim remedial measures are available to the Complainant regardless of whether the Complainant pursues an investigation or seeks formal disciplinary action.

---

**Anti-Retaliation Statement.** The Complainant has the right to report any retaliation by individuals and/or groups. Baylor University may take strong responsive action if retaliation occurs and if the University has jurisdiction over the individual and/or group. The *Title IX Policy* describes retaliation as 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 *Title IX 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 *Title IX Policy*. Retaliation may also include acts or words taken against an individual or group of individuals because they have participated in proceedings under the *Title IX 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 me) from engaging in protected activity.

---

**Right to Advisor of Choice.** The Complainant has the right to an advisor of his/her choice to accompany and advise him/her throughout the Title IX process, including any meeting with the Title IX Office and the review panel. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. The Advisor may not speak on the Complainant's behalf or otherwise participate in or in any manner delay, disrupt, or interfere with meetings and/or proceedings. See *Title IX Policy* for further detail.

---

**Confidential Support & Mandatory Reporting.** The Complainant has the right to seek on-campus and/or off-campus confidential support services. These may include, but are not limited to, advocacy, counseling, medical, and/or ministerial services. I discussed with the Complainant mandatory reporting under Title IX, as well as the difference between persons who are non-confidential, mandatory reporters, and those who are confidential resources. The Complainant was made aware of the persons who are confidential resources at Baylor University.

---

**Privacy.** Baylor University will only disclose information to individuals who are responsible for handling the University's response to alleged sexual and gender-

based harassment and interpersonal violence. While the process is not confidential, the Title IX Office seeks to handle its cases as privately as possible.

---

**Title IX Investigation and Resolution Process.** The Complainant has the right to a prompt, thorough, equitable, and impartial resolution, based on the available evidence. The University will be unable to consider any evidence not in its possession. The Complainant has the right to present witnesses and evidence during the investigation. It is the Complainant’s responsibility to bring to the attention of the Title IX Office any information that he/she would like considered during the Investigation and Resolution process and/or any witnesses that he/she would like considered. The University cannot guarantee the outcome of any resolution process. The University uses two processes to resolve reports of prohibited conduct under the *Title IX Policy*: Disciplinary Resolution, which involves an investigation, adjudication, and, if appropriate, the imposition of sanctions; and Alternative Resolution, which includes informal or restorative options for resolving reports, that does not involve disciplinary action against a respondent. 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.

---

**Standard of Review.** The standard of review utilized for determining whether the *Title IX Policy* was violated will be a “preponderance of evidence” (i.e. more likely than not).

---

**Right to Notification.** The Complainant has the right to be notified regarding the timeframes for all major stages of the investigation. The Complainant has the right to request an update throughout the Title IX process. The Complainant has the right to receive a written notice of investigation; to timely notice of meetings at which his/her presence will be requested or required; to simultaneous written notice of the outcome, sanction, and rationale; and to contest the investigative finding.

---

**Resolution & Remedies.** Upon a finding that a violation of the *Title IX policy* occurred, sanctions or remedies may be necessary. The imposition of sanctions is designed to eliminate prohibited conduct, prevent its recurrence, and remedy its

effects, while supporting the University's educational mission and federal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion. The following sanctions may be imposed: warning, disciplinary probation, withholding of degree, suspension, suspension with conditions, or expulsion. The University may accompany the preceding sanctions with additional outcomes, to include the following, but not limited to: community service, removal from University housing, restriction of campus access, and/or educational programs. Remedies may also include actions to help get your education back on track (e.g. academic support, retaking a class without penalty, and counseling).

---

**Law Enforcement.** The Complainant has the option to seek assistance from law enforcement (Contact Baylor PD at 254-710-2222 or Waco PD at 911) and be assisted in filing a criminal complaint or protective order, which is an independent process from the University process. There may be a statute of limitations for any criminal prosecutions, and the Complainant should consult with an attorney regarding any legal questions.

---

**Timing.** The University will seek to complete the investigation and resolution process in approximately 60 calendar days following the Notice of Investigation. The University may extend any timeframe in the *Title IX Policy* for good cause, including extension beyond 60 calendar days. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the University calendar, University finals periods, the complexity of the investigation, and/or the severity and extent of the alleged misconduct.

---

**Amnesty.** In order to encourage complainants and witnesses to make reports of conduct prohibited under the *Title IX 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. The University prioritizes the reporting of sexual assault, and under no circumstances will a complainant or witness who makes a report of sexual assault or other prohibited conduct be charged with student conduct violations related to the Sexual Conduct Policy, regardless of the outcome.

**Baylor University's Student Conduct Code.** The full text can be found at:  
[http://www.baylor.edu/student\\_policies/index.php?id=32256](http://www.baylor.edu/student_policies/index.php?id=32256)

**Translator/Interpreter Confidentiality Form (if applicable)**

**FERPA Release (if applicable)**

Printed Name Given Access: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

If Attorney:

Bar License Number: \_\_\_\_\_ State: \_\_\_\_\_

Law Firm: \_\_\_\_\_

**Third Party Approval Form (if applicable)**

Printed Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Additional Information.** If the Complainant wants to know more about his/her rights, or if the Complainant thinks Baylor University is violating federal law, he/she may contact the U.S. Department of Education, Office for Civil Rights, at (800) 421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov). If the Complainant wants to complete a complaint form online, he/she can do so at: <http://www.ed.gov/ocr/complaintintro.html>

**The Complainant requested the following support/remedies from the Title IX Office:**

**Personal Support** (e.g. Counseling, Victim Advocacy, Housing Relocation, etc.)

Please specify:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ **Academic Support** (e.g. Tutoring, Retaking Exam/Class, Changing Section, etc.)  
Please specify:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ **Other Measures requested** (e.g. No contact directive) Please specify:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The Complainant requested no support or remedies at this time.

**The Complainant received the following documents:**

\_\_\_\_\_ *Title IX Policy*

\_\_\_\_\_ Title IX brochure with resources

**I certify that I met with the above-named student at this location, date, and time. I gave the student a copy of these documents and explained their purposes. I also explained to the student his/her rights and the information outlined herein. If the student had any questions, I answered them to the best of my knowledge. I further encouraged the student to contact me with additional questions at any time.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

[END OF DOCUMENT]

**EXHIBIT 18**





**TITLE IX OFFICE  
INTAKE / CHECKLIST FORM  
[FOR RESPONDENT]**

Meeting Date: \_\_\_\_\_ Meeting Time: \_\_\_\_\_ AM / PM

Location: \_\_\_\_\_ Student Name: \_\_\_\_\_

BUID: \_\_\_\_\_ Date of Birth \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Title IX Staff Member(s): \_\_\_\_\_

I acknowledge that in meeting with the Respondent, the following information was discussed, and the Respondent was given the opportunity to ask questions:

\_\_\_\_\_ **Title IX Coordinator.** Baylor University’s Title IX Coordinator is Ms. Kristan Tucker. The Respondent received her contact information, and may contact her at any time.

\_\_\_\_\_ **Sexual and Gender-Based Harassment and Interpersonal Violence Policy (“Title IX Policy”).** The full text can be found at:

<http://www.baylor.edu/titleIX/doc.php/249242.docx>

\_\_\_\_\_ **Right to Advisor of Choice.** The Respondent has the right to an advisor of choice to accompany and advise him/her throughout the Title IX process, including any meeting with the Title IX Office and the review panel. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. The Advisor may not speak on the Respondent’s behalf or otherwise participate in or in any manner delay, disrupt, or interfere with meetings and/or proceedings. See *Title IX Policy* for further detail.

---

**Confidential Support & Mandatory Reporting.** The Respondent has the right to seek on-campus and/or off-campus confidential support services. These may include, but are not limited to, counseling, medical, and/or ministerial services. I discussed with the Respondent mandatory reporting under Title IX, as well as the difference between persons who are non-confidential, mandatory reporters, and those who are confidential resources. The Respondent was made aware of the persons who are confidential resources at Baylor University.

---

**Privacy.** Baylor University will only disclose information to individuals who are responsible for handling the University's response to alleged sexual and gender-based harassment and interpersonal violence. While the process is not confidential, the Title IX Office seeks to handle its cases as privately as possible.

---

**Title IX Investigation and Resolution Process.** The Respondent has the right to a prompt, thorough, equitable, and impartial resolution, based on the available evidence. The University will be unable to consider any evidence not in its possession. The Respondent has the right to present witnesses and evidence during the investigation. It is the Respondent's responsibility to bring to the attention of the Title IX Office any information that he/she would like considered during the Investigation and Resolution process and/or any witnesses that he/she would like considered. The University cannot guarantee the outcome of any resolution process. The University uses two processes to resolve reports of prohibited conduct under the *Title IX Policy*: Disciplinary Resolution, which involves an investigation, adjudication, and, if appropriate, the imposition of sanctions; and Alternative Resolution, which includes informal or restorative options for resolving reports, that does not involve disciplinary action against a respondent. 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.

---

**Standard of Review.** The standard of review utilized for determining whether the *Title IX Policy* was violated will be a "preponderance of evidence" (i.e. more likely than not).

---

**Right to Notification.** The Respondent has the right to be notified regarding the timeframes for all major stages of the investigation. The Respondent has the right to request an update throughout the Title IX process. The Respondent has the right to receive a written notice of investigation; to timely notice of meetings at which his/her presence will be requested or required; to simultaneous written notice of the outcome, sanction, and rationale; and to contest the investigative finding.

---

**Resolution & Remedies.** Upon a finding that a violation of the *Title IX Policy* occurred, sanctions or remedies may be necessary. The imposition of sanctions is designed to eliminate prohibited conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion. The following sanctions may be imposed: warning, disciplinary probation, withholding of degree, suspension, suspension with conditions, or expulsion. The University may accompany the preceding sanctions with additional outcomes, to include the following, but not limited to: community service, removal from University housing, restriction of campus access, and/or educational programs.

---

**Anti-Retaliation Statement.** The Respondent is prohibited from engaging in retaliation. The *Title IX Policy* describes retaliation as 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 *Title IX 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 *Title IX Policy*. Retaliation may also include acts or words taken against an individual or group of individuals because they have participated in proceedings under the *Title IX 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.

\_\_\_\_\_ **Timing.** The University will seek to complete the investigation and resolution process in approximately 60 calendar days following the Notice of Investigation. The University may extend any timeframe in the *Title IX Policy* for good cause, including extension beyond 60 calendar days. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the University calendar, University finals periods, the complexity of the investigation, and/or the severity and extent of the alleged misconduct.

\_\_\_\_\_ **Baylor University's Student Conduct Code.** The full text can be found at: [http://www.baylor.edu/student\\_policies/index.php?id=32256](http://www.baylor.edu/student_policies/index.php?id=32256)

\_\_\_\_\_ **Translator/Interpreter Confidentiality Form (if applicable)**

\_\_\_\_\_ **FERPA Release (if applicable)**

Printed Name Given Access: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

If Attorney:

Bar License Number: \_\_\_\_\_ State: \_\_\_\_\_

Law Firm: \_\_\_\_\_

\_\_\_\_\_ **Third Party Approval Form (if applicable)**

Printed Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

\_\_\_\_\_ **Additional Information.** If the Respondent wants to know more about his/her rights, or if he/she thinks Baylor University is violating federal law, the Respondent may contact the U.S. Department of Education, Office for Civil Rights, at (800) 421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov). If the Respondent wants to complete a complaint form online, he/she can do so at: <http://www.ed.gov/ocr/complaintintro.html>

**The Respondent requested the following support from the Title IX Office:**

\_\_\_\_\_ Academic or Personal Support (e.g. Counseling, Tutoring, Changing Section, etc.)

Please specify:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The Respondent requested no support at this time.

**The Respondent received the following documents:**

\_\_\_\_\_ *Title IX Policy*

\_\_\_\_\_ Title IX brochure with resources

**I certify that I met with the above-named student at this location, date, and time. I gave the student a copy of these documents and explained their purposes. I also explained to the student his/her rights and the information outlined herein. If the student had any questions, I answered them to the best of my knowledge. I further encouraged the student to contact me with additional questions at any time.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

[END OF DOCUMENT]

**EXHIBIT 19**



**Closeout Checklist/Form**

Case #: \_\_\_\_\_ Complainant Name: \_\_\_\_\_

Date of Closeout: \_\_\_\_\_ Complainant Pseudonym: \_\_\_\_\_

Respondent Name(s): \_\_\_\_\_

Date of University Notice: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_ TIX Investigator Name: \_\_\_\_\_

Date of NOI: \_\_\_\_\_

First Reporter Name: \_\_\_\_\_ Relationship to Complainant: \_\_\_\_\_

Does the University have jurisdiction? Why or why not?  
\_\_\_\_\_  
\_\_\_\_\_

Date of Finding Notice: \_\_\_\_\_ Date of Panel Decision: \_\_\_\_\_

Was the Respondent part of any specific organization/population on campus? Yes No Unknown

If yes, what organization (example – greek, athlete, club sport, etc)?  
\_\_\_\_\_  
\_\_\_\_\_

Did Complainant want to participate in the investigation? Yes No Not applicable

Was there a full TIX investigation? Yes No Partial inquiry

Which investigative process was utilized? Alternative Resolution Disciplinary Resolution N/A

Did University move forward without Complainant’s participation? Yes No

If yes, explain.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was threat assessment conducted? Explain.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was broad campus safety considered? Explain.

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Was there a police report?                      Yes                      No                      Unknown

Was there criminal investigation?                      Yes                      No                      Unknown

What was the alleged policy violation?

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Was Respondent found responsible for a policy violation?    Yes                      No                      NA

If yes, which one? \_\_\_\_\_

If yes, what was the sanction?

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Did either party dispute the finding?                      Yes                      No                      NA

If yes, what party and what was the determination?

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Interim Measures/Assistance provided to Complainant:

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Interim Measures/Assistance provided to Respondent:

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Steps taken to eliminate, prevent, and address the effects of the prohibited conduct:

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Closing Rationale:

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Areas for Future Training based on case (ex: alcohol, drugs, groups of people, etc):

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Additional Information:

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**TIX Member's Name/Position who closed file:** \_\_\_\_\_

**If case re-opens, what is the new case number and/or next steps (only complete if case closes and then reopens):**

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**EXHIBIT 20**

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# Title IX

OFFICE

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BAYLOR UNIVERSITY

**Your Rights, Options,  
and Resources**



**BAYLOR**  
UNIVERSITY



## From Kristan Tucker, Title IX Coordinator

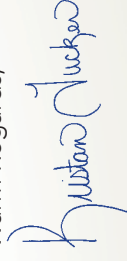
**BAYLOR UNIVERSITY IS COMMITTED TO PROVIDING** a safe and nondiscriminatory learning, living, and working environment for all members of the University community. This means that all allegations of sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation will be taken seriously when reported. It is important to the University that all students, staff, and faculty are informed of the resources available to them to help prevent, or report and request that the University respond to these forms of misconduct and/or crime, if appropriate.

The Title IX Office is here to investigate reported instances of prohibited conduct, as well as to provide interim measures, resources, and assistance when possible. We strive to maintain privacy and to treat each party fairly, respectfully, and equitably throughout the Title IX process.

In addition to these responsibilities, professionals in the Title IX Office provide prevention programming and education on Title IX topics to individuals and groups across the Baylor community. Awareness, prevention, support, and response are each critical components of a Title IX office that effectively serves the diverse needs of its campus.

If you or someone you know has questions or concerns about Title IX, do not hesitate to contact us.

Warm Regards,



## TABLE OF CONTENTS

Preface . . . . .	1
Terminology and Definitions . . . . .	3
Confidentiality, Privacy, Responsible Employees, and Clery Act Reporting	
Confidentiality . . . . .	6
Privacy . . . . .	6
Responsible Employees . . . . .	7
Clery Act Reporting . . . . .	7
First Steps and Options . . . . .	8
Interim Measures and Protective Orders	
Interim Measures . . . . .	12
Protective Orders . . . . .	13
Explanation of University Disciplinary Processes . . . . .	14
Resources and Support Services . . . . .	18

## PREFACE

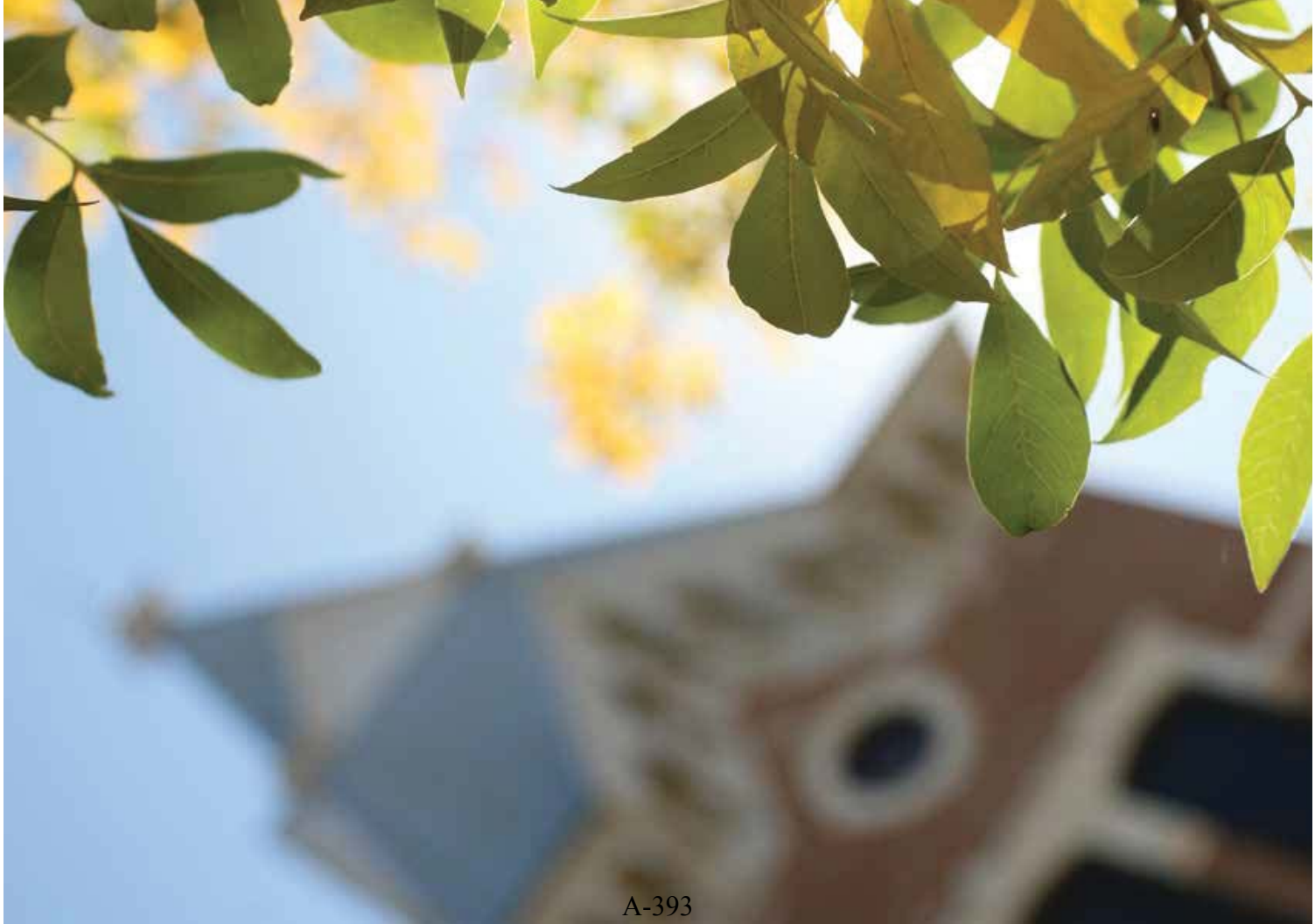
This brochure outlines key aspects of Baylor University's Sexual and Gender-Based Harassment and Interpersonal Violence Policy, in effect Jan. 9, 2017. The brochure is intended to provide a general overview of Baylor's Title IX process, which is governed by the Policy.

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](http://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](http://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, AND 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 Burleson; 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](https://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](https://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/cli

#### Office of Academic Support Programs #

Sid Richardson, West Wing  
254-710-8696  
academic\_support@baylor.edu  
baylor.edu/support\_programs

#### Baylor University Human Resources \*

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

#### Office of Access & Learning Accommodation (OALA) #

Sid Richardson, East Wing  
254-710-3605  
OALA@baylor.edu  
baylor.edu/oala

#### 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 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

#### Burt Burleson, University Chaplain #\*

The Bobo Spiritual Life Center  
254-710-3517  
Burt\_Burleson@baylor.edu  
baylor.edu/spiritualife

#### Baylor University Health Services Center #

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

#### Employee Assistance Program (EAP) \*

888-628-4844  
guidanceresources.com

### COMMUNITY RESOURCES

#### 2-1-1 Texas

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

#### Advocacy Center for Crime Victims and Children

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

#### McLennan County Courthouse

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

#### Baylor Scott & White Medical Center – Hillcrest

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

#### 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

#### Family Abuse Center

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

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



**BAYLOR**  
UNIVERSITY

**TITLE IX OFFICE – *HERE TO HELP!***

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

**EXHIBIT 21**



# Immediately After Incident



## 4. You are strongly encouraged to report to the University.

### University Report

Make a report to the Title IX Office –

- In person: Clifton Robinson Tower, Suite 285
- By telephone: (254) 710-8454
- Online: [baylor.edu/titleix/report](http://baylor.edu/titleix/report)

### Make an Anonymous Report

- You may report anonymously through Ethics Point. However, the University's ability to respond to an anonymous report may be limited.

You may 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.**



### Amnesty

In order to encourage students to make reports of Prohibited Conduct, the University will not pursue disciplinary action against students for disclosure of personal consumption of alcohol or other drugs 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.

Similarly, the University will not pursue disciplinary action against students for conduct in violation of the Sexual Conduct Policy. Under no circumstances will a complainant or witness who makes a report of sexual assault or other prohibited conduct be charged with violating the Sexual Conduct Policy, regardless of the outcome.

For more information, visit [baylor.edu/titleix](http://baylor.edu/titleix)

# Title IX

OFFICE

BAYLOR UNIVERSITY

Sexual and Gender-Based Harassment and Sexual Violence

# What You Need to Know

**Obtain assistance and support.**  
**Understand reporting options.**



BAYLOR  
UNIVERSITY

# Immediately After Incident



- 1. You are strongly encouraged to report sexual and gender-based harassment and sexual violence to the police.**

**Waco Police Department 9-1-1**

**Baylor Police Department (254) 710-2222**

It is your choice whether to contact the police. Reporting to the police will not affect your ability to pursue resolution through the University process. The University's process is independent of the criminal process.

**If you are experiencing an immediate threat or safety concern, call the police.**



- 2. If the incident pertains to sexual violence, you are strongly encouraged to seek medical attention.**

**Baylor Scott & White Medical Center – Hillcrest**  
100 Hillcrest Medical Blvd. Waco, TX 76712  
(254) 202-2000

**Baylor University Health Services Center**  
McLane Student Life Center, 2nd Floor  
(254) 710-1010

**Providence Hospital**  
6901 Medical Parkway Waco, TX 76712  
(254) 751-4180

You may obtain medical attention at any medical facility. However, **Baylor Scott & White Medical Center** and **Providence Hospital** are the only local hospitals with SANE nurses on call. A SANE can assess for physical trauma, sexually-transmitted disease, pregnancy and administer a "forensic exam" to preserve evidence of a sexual assault.



- 3. You are strongly encouraged to seek support.**

## **CONFIDENTIAL SOURCES**

**Baylor University Counseling Center**  
McLane Student Life Center, 2nd Floor  
24 Hour Hotline (254) 710-2467

**Baylor University Health Services Center**  
McLane Student Life Center, 2nd Floor  
(254) 710-1010

**Burt Burleson, University Chaplain**  
The Bobo Spiritual Life Center  
(254) 710-3517

## **MORE INFORMATION**

There are many sources of information, assistance and support at the University and in the community. Visit the Resources Page at [baylor.edu/titleix](http://baylor.edu/titleix) for detailed contact information and a list of sources of support.

**EXHIBIT 22**





# BAYLOR<sup>®</sup>

UNIVERSITY

2017 ANNUAL FIRE SAFETY AND SECURITY REPORT

Revised 10.13.17 – See notes on Table of Contents endnote





# BAYLOR UNIVERSITY

## 2017 ANNUAL FIRE SAFETY AND SECURITY REPORT

### TABLE OF CONTENTS

MESSAGE FROM THE CHIEF COMPLIANCE OFFICER .....1

ACCESSIBILITY TO INFORMATION AND  
NON-DISCRIMINATION STATEMENT .....2

ANNUAL SECURITY REPORT.....3

    PREPARING THE ANNUAL SECURITY REPORT  
    & DISCLOSURE OF CRIME STATISTICS.....3

ANNUAL DISCLOSURE OF CRIME STATISTICS .....3

    2017 BAYLOR UNIVERSITY CLERY CRIME STATISTICS .....5

    DEFINITIONS OF REPORTABLE CRIMES .....19

ABOUT THE BAYLOR UNIVERSITY DEPARTMENT  
OF PUBLIC SAFETY .....21

    MISSION STATEMENT.....21

    ROLE, AUTHORITY, AND TRAINING .....21

    CREATING A SAFE AND CARING COMMUNITY IS  
    OUR NUMBER ONE PRIORITY .....21

    WORKING RELATIONSHIP WITH LOCAL, STATE,  
    AND FEDERAL LAW ENFORCEMENT .....21

    WORKING RELATIONSHIP WITH LOCAL, STATE,  
    AND FEDERAL LAW ENFORCEMENT FOR BAYLOR’S  
    BRANCH CAMPUSES.....22

ABOUT THE HOUSTON POLICE DEPARTMENT.....22

    MISSION STATEMENT.....22

ABOUT THE DALLAS POLICE DEPARTMENT.....22

    MISSION STATEMENT.....22

ABOUT THE AUSTIN POLICE DEPARTMENT.....23

    VISION & MISSION STATEMENTS .....23

ABOUT THE BAYLOR HEALTH CARE SYSTEM DEPARTMENT  
OF PUBLIC SAFETY .....24

ABOUT THE CITY OF NEW YORK POLICE DEPARTMENT .....24

    MISSION STATEMENT.....24

CRIMES INVOLVING STUDENT ORGANIZATIONS AT  
OFF-CAMPUS LOCATIONS .....24

REPORTING CRIMES AND OTHER EMERGENCIES .....25

    REPORTING TO BAYLOR UNIVERSITY POLICE  
    DEPARTMENT .....25

REPORTING TO OTHER APPROPRIATE LOCAL LAW  
ENFORCEMENT AGENCIES.....25

    LOUISE HERRINGTON SCHOOL OF NURSING .....25

    AUSTIN EXECUTIVE MBA PROGRAM .....25

    DALLAS EXECUTIVE MBA PROGRAM .....26

    DIANA R. GARLAND HOUSTON SCHOOL OF  
    SOCIAL WORK .....26

    BAYLOR IN NEW YORK PROGRAM .....26

VOLUNTARY, CONFIDENTIAL REPORTING .....26

REPORTING TO OTHER CAMPUS SECURITY  
AUTHORITIES .....26

    PASTORAL AND PROFESSIONAL COUNSELORS .....28

DAILY CRIME AND FIRE LOG .....28

TIMELY WARNING REPORTS .....28

EMERGENCY RESPONSE AND EVACUATION PROCEDURES ....29

    EMERGENCY MANAGEMENT AT BAYLOR UNIVERSITY .....29

    DRILLS, EXERCISES AND TRAINING .....29

    EMERGENCY NOTIFICATION .....29

        NOTIFICATION PROCEDURES .....30

        MAIN CAMPUS.....30

        LOUISE HERRINGTON SCHOOL OF NURSING .....30

        AUSTIN & DALLAS EMBA CAMPUS COMMUNITIES .....30

        DIANA R. GARLAND HOUSTON SCHOOL OF  
        SOCIAL WORK .....30

        BAYLOR IN NEW YORK PROGRAM PARTICIPANTS.....30

    CONFIRMING THE EXISTENCE OF A SIGNIFICANT  
    EMERGENCY OR DANGEROUS SITUATION AND  
    INITIATING THE EMERGENCY NOTIFICATION SYSTEM .....30

    DETERMINING THE APPROPRIATE SEGMENT OR  
    SEGMENTS OF THE CAMPUS COMMUNITY TO  
    RECEIVE AN EMERGENCY NOTIFICATION .....31

    DETERMINING THE CONTENTS OF THE  
    EMERGENCY NOTIFICATION .....31

    PROCEDURES FOR DISSEMINATING EMERGENCY  
    INFORMATION TO THE GREATER COMMUNITY .....31

    ENROLLING IN THE UNIVERSITY’S EMERGENCY  
    NOTIFICATION SYSTEM .....31

SECURITY OF AND ACCESS TO MAIN CAMPUS  
UNIVERSITY FACILITIES .....31

    SPECIAL CONSIDERATIONS FOR MAIN CAMPUS  
    RESIDENCE HALL ACCESS .....32

    SECURITY CONSIDERATIONS FOR THE MAINTENANCE  
    OF BAYLOR MAIN CAMPUS FACILITIES .....32

SECURITY OF AND ACCESS TO DIANA R. GARLAND WACO  
SCHOOL OF SOCIAL WORK.....32

    SECURITY CONSIDERATIONS FOR THE MAINTENANCE  
    OF THE DIANA R. GARLAND WACO SCHOOL OF SOCIAL  
    WORK CAMPUS FACILITIES.....33



SECURITY OF AND ACCESS TO DIANA R. GARLAND HOUSTON SCHOOL OF SOCIAL WORK .....	33	PRIVACY.....	43
SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF THE DIANA R. GARLAND HOUSTON SCHOOL OF SOCIAL WORK CAMPUS FACILITIES .....	33	PROCEDURES THAT VICTIMS SHOULD FOLLOW .....	43
SECURITY OF AND ACCESS TO LOUISE HERRINGTON SCHOOL OF NURSING .....	33	PERSONAL SAFETY .....	44
SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF THE LOUISE HERRINGTON SCHOOL OF NURSING .....	33	ON AND OFF-CAMPUS RESOURCES.....	44
SECURITY OF AND ACCESS TO AUSTIN EXECUTIVE MBA PROGRAM .....	33	ACCOMMODATIONS .....	45
SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF THE AUSTIN EXECUTIVE MBA PROGRAM .....	33	VAWA SEXUAL VIOLENCE EDUCATION PROGRAMS .....	46
SECURITY OF AND ACCESS TO DALLAS EXECUTIVE MBA PROGRAM .....	33	BRIDGES: BUILDING A SUPPORTIVE COMMUNITY.....	46
SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF THE DALLAS EXECUTIVE MBA PROGRAM .....	33	IT'S ON US BAYLOR CAMPAIGN .....	46
SECURITY OF AND ACCESS TO THE BAYLOR IN NEW YORK PROGRAM .....	34	RESPONSIBLE EMPLOYEE TRAINING.....	46
SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF THE BAYLOR IN NEW YORK PROGRAM .....	34	HOW TO BE AN EFFECTIVE BYSTANDER.....	46
BAYLOR UNIVERSITY'S RESPONSE TO SEXUAL AND GENDER-BASED HARASSMENT AND INTERPERSONAL VIOLENCE .....	34	BAYLOR POLICY STATEMENT ON CAMPUS ADJUDICATION PROCESS.....	47
INTRODUCTION .....	34	INVESTIGATIONS AND DISCIPLINARY PROCEDURES IN GENERAL FOR THIS POLICY.....	47
BAYLOR'S COMMITMENT TO ADDRESS SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL ASSAULT, SEXUAL EXPLOITATION, STALKING, INTIMATE PARTNER VIOLENCE, AND RETALIATION .....	35	TIMING OF INVESTIGATIONS AND ANY RELATED DISCIPLINARY PROCEEDINGS.....	47
DEFINITIONS .....	35	INVESTIGATION, DISCIPLINARY, AND APPEAL PROCEDURES FOR CASES WHEN THE RESPONDENT IS A STUDENT .....	48
OPTIONS FOR COMPLAINANTS AND OTHER REPORTING PARTIES.....	39	INVESTIGATION, DISCIPLINARY, AND APPEAL PROCEDURES FOR CASES WHEN THE RESPONDENT IS A FACULTY OR STAFF MEMBER.....	50
REPORTING AN INCIDENT.....	41	DISCIPLINARY PROCEDURES WHERE ONE PARTY IS A MEMBER OF THE UNIVERSITY COMMUNITY AND THE OTHER PARTY IS A NON-MEMBER OF THE UNIVERSITY COMMUNITY .....	50
BAYLOR MAIN CAMPUS AND DIANA R. GARLAND WACO SCHOOL OF SOCIAL WORK.....	41	OTHER INVESTIGATION AND RESOLUTION PROCEDURES.....	51
BAYLOR DIANA R. GARLAND HOUSTON SCHOOL OF SOCIAL WORK .....	41	RANGE OF PENALTIES AND OTHER REMEDIES UNDER THIS POLICY AND DISCIPLINARY PROCEDURES.....	51
BAYLOR LOUISE HERRINGTON SCHOOL OF NURSING....	41	ADDITIONAL FORMS OF SUPPORT .....	51
AUSTIN EXECUTIVE MBA PROGRAM .....	41	PENALTIES APPLICABLE TO STUDENTS .....	52
DALLAS EXECUTIVE MBA PROGRAM .....	41	PENALTIES APPLICABLE TO FACULTY AND STAFF MEMBERS.....	53
BAYLOR IN NEW YORK PROGRAM.....	41	SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT & MEGAN'S LAW .....	53
VICTIM PRIVACY AND CONFIDENTIALITY .....	42	CAMPUS SECURITY POLICIES, CRIME PREVENTION & SAFETY AWARENESS PROGRAMS.....	53
CONFIDENTIALITY, PRIVACY, AND RELATED RESPONSIBILITIES.....	42	CAMPUS SECURITY PROCEDURES AND CRIME PREVENTION.....	54
CONFIDENTIALITY AND CONFIDENTIAL RESOURCES .....	42	CRIME FREE MULTI-HOUSING .....	54
CONFIDENTIALITY RIGHTS OF COMPLAINANTS AND RESPONDENTS .....	43	SEXUAL ASSAULT PRESENTATION .....	54
		RESIDENCE HALL FLOOR PROGRAMS .....	54
		PPCT-SHARP COURSE .....	54
		ACTIVE SHOOTER.....	55
		SOCIAL MEDIA .....	55
		DRUG RECOGNITION .....	55

ALCOHOL AWARENESS.....	55	RESOURCES FOR STUDENTS.....	62
OPERATION ID.....	55	RESOURCES FOR FACULTY AND STAFF.....	62
OTHER PROGRAMMING.....	55	ANNUAL FIRE SAFETY REPORT.....	62
CRIME PREVENTION TIPS.....	55	DEFINITIONS.....	62
BEHAVIORAL INTERVENTION TEAM.....	55	RESIDENCE HALL FIRE DRILLS.....	62
WEAPONS POLICY.....	56	FIRE SAFETY.....	62
VICTIM'S RIGHTS-STATE OF TEXAS.....	56	FIRE SAFETY EDUCATION AND TRAINING PROGRAMS FOR STUDENTS, FACULTY AND STAFF.....	63
MORE INFORMATION.....	56	FIRE INCIDENT REPORTING AT BAYLOR MAIN CAMPUS.....	63
STUDENT CONDUCT.....	57	FIRE INCIDENT REPORTING AT BAYLOR IN NEW YORK.....	63
THE OFFICE OF JUDICIAL AFFAIRS – STUDENT CONDUCT ADMINISTRATION.....	57	PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY.....	63
THE STUDENT CODE OF CONDUCT.....	57	IMPORTANT PHONE NUMBERS AND OTHER CONTACT INFORMATION.....	63
PARENTAL NOTIFICATION POLICY.....	57	FIRE EVACUATION PROCEDURES FOR BAYLOR UNIVERSITY MAIN CAMPUS.....	63
MISSING STUDENT NOTIFICATION POLICY.....	57	IN THE EVENT OF A FIRE.....	63
BAYLOR UNIVERSITY POLICIES GOVERNING ALCOHOL AND OTHER DRUGS.....	58	WHAT IT MEANS TO EVACUATE.....	64
BAYLOR UNIVERSITY ALCOHOL AND DRUG POLICY.....	58	HOW WILL I KNOW TO EVACUATE?.....	64
HEALTH RISKS ASSOCIATED WITH DRUG AND ALCOHOL USE.....	59	HOW TO EVACUATE.....	64
DRUGS.....	59	EVACUATION ASSEMBLY POINTS.....	64
ALCOHOL.....	59	RESIDENTIAL FACILITY FIRE SAFETY POLICIES.....	64
POLICIES SPECIFIC TO FACULTY AND STAFF.....	60	FIRE STATISTICS AND SAFETY SYSTEM INFORMATION FOR ON-CAMPUS STUDENT HOUSING FACILITIES.....	65
LEGAL SANCTIONS APPLICABLE TO DRUG AND ALCOHOL USE.....	60	2016 ON-CAMPUS STUDENT HOUSING FIRE SAFETY SYSTEMS.....	68
POSSESSION OF DRUG PARAPHERNALIA.....	61	FIRE STATISTICS FOR STUDENT HOUSING FOR BAYLOR IN NEW YORK.....	70
SYNTHETIC MARIJUANA.....	61	2016 STUDENT HOUSING FIRE SAFETY SYSTEMS FOR BAYLOR IN NEW YORK.....	70
DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS.....	61		
CHOICES.....	61		
ALCOHOLEDU.....	61		

**CORRECTION DETAILS:**

- P. 4: Unfounded rape in 2016, typo corrected.
- P. 37-53: Changes to “BAYLOR’S COMMITMENT TO ADDRESS SEXUAL AND GENDER-BASED HARASSMENT...” reflect policy updates.
- P. 70: Street address of Residential Facilities corrected.





## MESSAGE FROM THE CHIEF COMPLIANCE OFFICER

To the Baylor University Community:

Thank you for your interest in Baylor University and its 2017 Annual Fire Safety and Security Report. This report is provided to you in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, [20 U.S.C. §1092(f)] and, in addition to the required campus crime statistics, contains important and valuable information about Baylor's crime prevention and campus safety programs, related university policies and procedures, and instructions on how you can help further safety and security both on and off campus. The report contains information for the main Baylor campus in Waco and for all of Baylor's branch campuses in Dallas, Austin, Houston and New York. Following an extensive review of prior year statistics with the assistance of Margolis Healy & Associates, LLC, a leading consulting firm specializing in campus safety, security and regulatory compliance, this report contains revised crime statistics for 2014 and 2015. These revised statistics, previously submitted to the U.S. Department of Education, reflect Baylor's commitment to accuracy and transparency.

Campus safety at Baylor is a combined daily effort involving many university departments and community members. Included in those efforts are community members willing to report illegal or suspicious behavior, helping each other to stay safe in their daily activities,

and responding to emergency situations. We hope that this report informs you about the many ways you can participate in this shared responsibility.

The Baylor University Department of Public Safety (BUDPS) has primary responsibility for policing campus, for providing physical and technical security measures and for emergency management, should such a situation occur. BUDPS partners with other campus and community resources, such as Campus Security Authorities, Student Conduct, Title IX and Waco Police Department to provide ongoing support in these efforts. We believe the best strategy for maintaining a safe campus is a strong law enforcement presence combined with an informed and aware community who are willing to "see something and say something."

If you have any questions or suggestions regarding campus safety or security, please do not hesitate to contact BUDPS at (254) 710-2211.

**Doug Welch**  
**Chief Compliance Officer**





## ACCESSIBILITY TO INFORMATION AND NON-DISCRIMINATION STATEMENT

Baylor University complies with all applicable federal and state nondiscrimination laws. Baylor University admits students of any race, color, national and ethnic origin, sex, age, disability, or veteran status to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin, sex, age, disability, or veteran status in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

Baylor University is controlled by a predominantly Baptist Board of Regents and is operated within the Christian-oriented aims and ideals of Baptists. The University is also affiliated with the Baptist General Convention of Texas, a cooperative association of autonomous Texas Baptist churches. As a religiously-controlled institution of higher education, the University is exempt from compliance with some provisions of certain civil rights laws. As such, the University prescribes standards of personal conduct that are consistent with its mission and values. This policy statement is neither intended to discourage, nor is it in fact applicable to, any analytical discussion of law and policy issues involved, or to discussions of any recommendations for changes in existing law. Discussions of these matters are both practiced and are welcomed within our curriculum.

Further information may be obtained from the University [Student Policies and Procedures webpage](#).

Baylor University's Title IX Coordinator, Kristan Tucker, is responsible for the investigation and resolution of all sex discrimination matters, which includes sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence and retaliation. She also coordinates the University's Title IX training and outreach programs. Her office is located in the Clifton Robertson Tower, Suite 285, 700 S. University Parks Drive, Waco, Texas. She can be reached at (254) 710-8454 or e-mailed at [Kristan.Tucker@Baylor.edu](mailto:Kristan.Tucker@Baylor.edu). Additional information about rights, responsibilities, reporting and resources are located at Baylor's [Title IX Office webpage](#).

**Victims of sex offenses are not required to, but should strongly consider contacting the Baylor University Police Department at (254) 710-2222.**



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## ANNUAL SECURITY REPORT

### PREPARING THE ANNUAL SECURITY REPORT & DISCLOSURE OF CRIME STATISTICS

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, requires all colleges and universities who receive federal funding to share information about crime on campus and efforts to improve campus safety. In addition, the public must be informed of crimes that occurred on campus as well as certain off-campus buildings or property owned, leased or controlled by Baylor University.

The Clery Compliance Office prepares the Annual Fire Safety and Security Report through collaboration with several University departments such as Baylor University Department of Public Safety, Student Life, Residence Life, Title IX, Emergency Management, designated Campus Security Authorities from all Baylor campuses, and local law enforcement agencies that serve Baylor's main campus and branch campuses. This information, which is monitored and maintained by both the Clery Compliance Office and the BUPD, is designed to assist those attending or considering joining the Baylor community in making informed decisions about their personal safety. As the campus continues to develop, any updates to policy information and crime data are provided by each of these offices.

This Annual Fire Safety and Security Report provides statistics for the previous three years concerning reported crimes that occurred on the Baylor campus, and the Baylor branch campuses. It includes crimes that occurred within property owned, leased, or controlled by Baylor University. As well as, crimes that occurred on public property immediately adjacent to, or on thoroughfares running through the campuses. This report also includes University policies concerning a wide range of campus safety and security issues, sexual assault, alcohol and other drugs, and access to the campus. All policy statements contained in this report apply to all campuses unless otherwise indicated.

The Clery Compliance Manager collaborates with the local law enforcement agencies serving the main campus and other branch campuses to acquire the criminal statistics for each campus. BUPD continues to maintain close relationships with all police departments where Baylor University owns or controls property to ensure the timely distribution of criminal incidents.

Once all data has been reviewed by the Clery Compliance Manager, the Chief of Police, the Associate Vice President for Public Safety, and several other campus colleagues; the University distributes a notice of the availability of this Annual Fire Safety and Security Report by October 1st of each year to every member of the University community. This includes all constituents attending separate or branch campuses as well. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting the Baylor Department of Public Safety

at (254) 710-2222, or it can be viewed and printed by visiting the [2017 Annual Fire Safety and Security Report webpage](#).

Baylor University's Clery Compliance Manager, Shelley Deats, joined Baylor in February 2015 and is responsible for ensuring compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Below are some of the processes utilized by Baylor University to achieve compliance:

- Remaining aware of all changes in policy or law that may affect the Clery Act.
- Preparing, publishing and making the Annual Fire Safety and Security Report available to all prospective students and employees by October 1st of each year.
- Maintaining accurate records of all Clery crime statistics, crime prevention programs and Baylor owned properties.
- Coordinating with other University representatives to keep compliance policies accurate.
- Identifying and training all Campus Security Authorities.
- Assisting in managing the dissemination of Timely Warnings and Emergency Notifications to the campus communities.
- Serving as a liaison with local law enforcement agencies to comply with retrieving Clery reportable statistics and ensuring accurate information is obtained for the Daily Crime Log.

Ms. Deats' office is located in Hankamer Academic Center, 1428 S. 5th St. She can be e-mailed at [Shelley\\_Deats@baylor.edu](mailto:Shelley_Deats@baylor.edu).

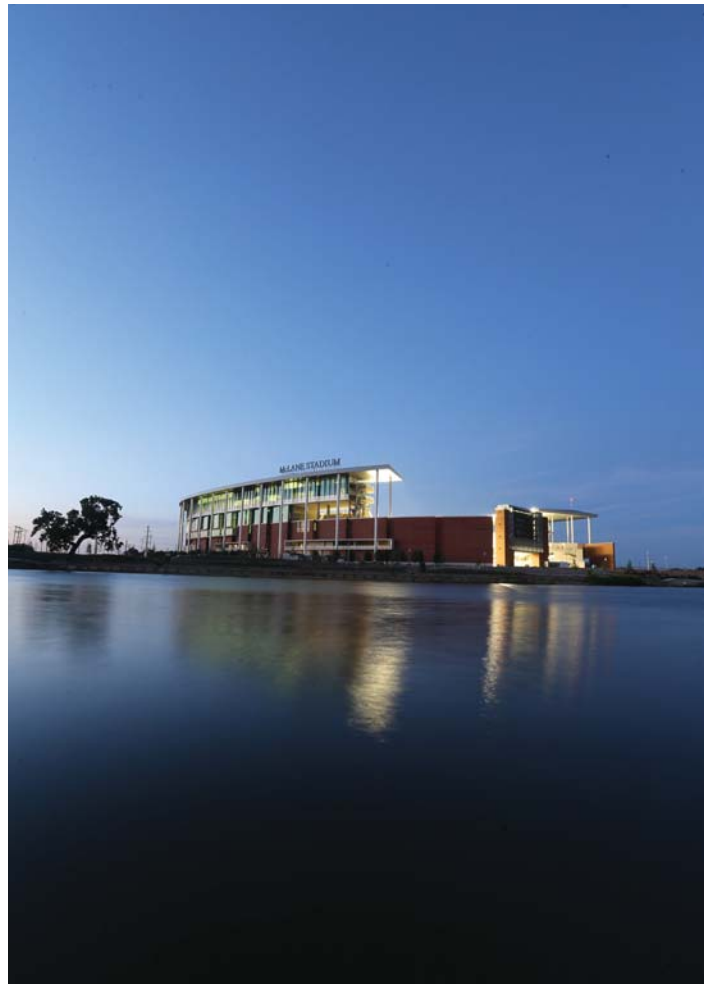
### ANNUAL DISCLOSURE OF CRIME STATISTICS

While Baylor University strives to maintain a safe campus environment, crimes do occur. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC§1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. BUPD maintains a close relationship with all police departments where Baylor University owns or controls property to ensure that crimes reported directly to these police departments that involve the University are brought to the attention of the Clery Compliance Manager.

BUDPS collects crime statistics through a number of methods. Police dispatchers and officers enter all directly received reports of alleged crimes through an integrated computer aided-dispatch system/records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. BUPD periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex



offenses only). In addition to the crime data maintained by BUPD, the statistics below also include crimes that are reported to Campus Security Authorities (CSAs), as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus student conduct authorities for respective violations, not the number of offenses documented.



## 2017 BAYLOR UNIVERSITY CLERY CRIME STATISTICS

BAYLOR UNIVERSITY MAIN CAMPUS						
PRIMARY CRIMES	YEAR	ON CAMPUS	STUDENT HOUSING (SUBSET OF ON CAMPUS)	NONCAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	UNFOUNDED
<b>CRIMINAL HOMICIDE</b>						
Murder and Nonnegligent Manslaughter	2014	0	0	0	0	0
	2015	0	0	0	0	0
	2016	0	0	0	0	0
Negligent Manslaughter	2014	0	0	0	0	0
	2015	0	0	0	0	0
	2016	0	0	0	0	0
<b>SEX OFFENSES</b>						
Rape	2014	5	4	1	0	0
Fondling		1	1	0	0	0
Incest		0	0	0	0	0
Statutory Rape		0	0	0	0	0
Rape	2015	23	21	0	0	0
Fondling		3	1	0	1	0
Incest		0	0	0	0	0
Statutory Rape		0	0	0	0	0
Rape	2016	11	10	1	0	1
Fondling		6	6	0	0	0
Incest		0	0	0	0	0
Statutory Rape		0	0	0	0	0
Robbery	2014	0	0	0	0	0
	2015	0	0	0	0	0
	2016	0	0	0	0	0
Aggravated Assault	2014	3	1	0	0	0
	2015	5	3	0	0	0
	2016	1	1	0	0	0
Burglary	2014	17	13	1	0	0
	2015	14	10	0	0	0
	2016	12	6	1	0	0
Motor Vehicle Theft	2014	2	0	0	0	0
	2015	7	0	1	0	1
	2016	7	0	0	0	0
Arson	2014	0	0	0	0	0
	2015	1	0	0	0	0
	2016	3	3	0	0	0

VAWA OFFENSES						
Dating Violence	2014	2	1	0	0	0
	2015	6	3	0	0	0
	2016	8	1	1	0	0
Domestic Violence	2014	2	0	1	0	0
	2015	3	0	0	0	0
	2016	0	0	0	0	0
Stalking	2014	3	0	0	0	0
	2015	21	10	0	0	2
	2016	13	7	0	0	0

		ARREST				JUDICIAL REFERRAL			
OTHER OFFENSES		ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
Liquor Law Violations	2014	72	64	0	16	9	7	0	0
	2015	91	88	0	6	11	10	0	0
	2016	127	99	0	1	31	27	0	0
Drug Abuse Violations	2014	12	7	0	4	4	3	0	0
	2015	15	4	0	1	5	5	0	0
	2016	10	2	0	4	5	3	0	0
Illegal Weapons Possession	2014	0	0	0	0	0	0	0	0
	2015	1	1	0	0	0	0	0	0
	2016	0	0	0	1	1	1	0	0

1 hate crime reported in 2014 Vandalism based on race  
 No hate crimes were reported in 2015  
 2 hate crimes were reported in 2016 1 Simple Assault based on race and 1 Intimidation based on race

**BAYLOR UNIVERSITY DIANA R. GARLAND WACO SCHOOL OF SOCIAL WORK**

PRIMARY CRIMES	YEAR	ON CAMPUS	STUDENT HOUSING (SUBSET OF ON CAMPUS)	NONCAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	UNFOUNDED
<b>CRIMINAL HOMICIDE</b>						
Murder and Nonnegligent Manslaughter	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Negligent Manslaughter	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
<b>SEX OFFENSES</b>						
Rape	2014	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Rape	2015	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Rape	2016	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Robbery	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Aggravated Assault	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Burglary	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Motor Vehicle Theft	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Arson	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0

VAWA OFFENSES									
Dating Violence	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
Domestic Violence	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
Stalking	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
ARREST					JUDICIAL REFERRAL				
OTHER OFFENSES		ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
Liquor Law Violations	2014	0	N/A	N/A	0	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
Drug Abuse Violations	2014	0	N/A	N/A	0	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
Illegal Weapons Possession	2014	0	N/A	N/A	0	N/A	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
No hate crimes reported in 2014 No hate crimes reported in 2015 No hate crimes reported in 2016.									

**BAYLOR UNIVERSITY DIANA R. GARLAND HOUSTON SCHOOL OF SOCIAL WORK**

PRIMARY CRIMES	YEAR	ON CAMPUS	STUDENT HOUSING (SUBSET OF ON CAMPUS)	NONCAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	UNFOUNDED
<b>CRIMINAL HOMICIDE</b>						
Murder and Nonnegligent Manslaughter	2014	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Negligent Manslaughter	2014	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
<b>SEX OFFENSES</b>						
Rape	2014	N/A	N/A	N/A	N/A	N/A
Fondling		N/A	N/A	N/A	N/A	N/A
Incest		N/A	N/A	N/A	N/A	N/A
Statutory Rape		N/A	N/A	N/A	N/A	N/A
Rape	2015	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Rape	2016	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Robbery	2014	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Aggravated Assault	2014	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Burglary	2014	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Motor Vehicle Theft	2014	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Arson	2014	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0



VAWA OFFENSES									
Dating Violence	2014	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	N/A	0	0	0	0
	2016	0	N/A	N/A	N/A	0	0	0	0
Domestic Violence	2014	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	N/A	0	0	0	0
	2016	0	N/A	N/A	N/A	0	0	0	0
Stalking	2014	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	N/A	0	0	0	0
	2016	0	N/A	N/A	N/A	0	0	0	0
ARREST					JUDICIAL REFERRAL				
OTHER OFFENSES		ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
Liquor Law Violations	2014	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
Drug Abuse Violations	2014	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	2	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
Illegal Weapons Possession	2014	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	1	0	N/A	N/A	0
N/A indicates that this facility was not opened until July of 2015 No hate crimes reported in 2015 No hate crimes reported in 2016									

**BAYLOR UNIVERSITY AUSTIN EXECUTIVE MBA PROGRAM**

PRIMARY CRIMES	YEAR	ON CAMPUS	STUDENT HOUSING (SUBSET OF ON CAMPUS)	NONCAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	UNFOUNDED
<b>CRIMINAL HOMICIDE</b>						
Murder and Nonnegligent Manslaughter	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Negligent Manslaughter	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
<b>SEX OFFENSES</b>						
Rape	2014	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Rape	2015	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Rape	2016	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Robbery	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Aggravated Assault	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Burglary	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Motor Vehicle Theft	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Arson	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0

VAWA OFFENSES									
Dating Violence	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
Domestic Violence	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
Stalking	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
ARREST					JUDICIAL REFERRAL				
OTHER OFFENSES		ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
Liquor Law Violations	2014	0	N/A	N/A	0	0	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
Drug Abuse Violations	2014	0	N/A	N/A	0	0	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
Illegal Weapons Possession	2014	0	N/A	N/A	0	0	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
No hate crimes reported in 2014 No hate crimes reported in 2015 No hate crimes reported in 2016									

**BAYLOR UNIVERSITY DALLAS EXECUTIVE MBA PROGRAM**

PRIMARY CRIMES	YEAR	ON CAMPUS	STUDENT HOUSING (SUBSET OF ON CAMPUS)	NONCAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	UNFOUNDED
<b>CRIMINAL HOMICIDE</b>						
Murder and Nonnegligent Manslaughter	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Negligent Manslaughter	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
<b>SEX OFFENSES</b>						
Rape	2014	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Rape	2015	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Rape	2016	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Robbery	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Aggravated Assault	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Burglary	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Motor Vehicle Theft	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Arson	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0

VAWA OFFENSES									
Dating Violence	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
Domestic Violence	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
Stalking	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
ARREST					JUDICIAL REFERRAL				
OTHER OFFENSES		ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
Liquor Law Violations	2014	0	N/A	N/A	0	0	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
Drug Abuse Violations	2014	0	N/A	N/A	0	0	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
Illegal Weapons Possession	2014	0	N/A	N/A	0	0	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
No hate crimes reported in 2014 No hate crimes reported in 2015 No hate crimes reported in 2016									

**BAYLOR UNIVERSITY LOUISE HERRINGTON SCHOOL OF NURSING**

PRIMARY CRIMES	YEAR	ON CAMPUS	STUDENT HOUSING (SUBSET OF ON CAMPUS)	NONCAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	UNFOUNDED
<b>CRIMINAL HOMICIDE</b>						
Murder and Nonnegligent Manslaughter	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Negligent Manslaughter	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
<b>SEX OFFENSES</b>						
Rape	2014	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Rape	2015	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Rape	2016	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Robbery	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Aggravated Assault	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Burglary	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Motor Vehicle Theft	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Arson	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0

VAWA OFFENSES									
Dating Violence	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
Domestic Violence	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
Stalking	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
ARREST					JUDICIAL REFERRAL				
OTHER OFFENSES		ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
Liquor Law Violations	2014	0	N/A	N/A	0	0	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
Drug Abuse Violations	2014	0	N/A	N/A	0	0	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
Illegal Weapons Possession	2014	0	N/A	N/A	0	0	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
No hate crimes reported in 2014 No hate crimes reported in 2015 No hate crimes reported in 2016									

**BAYLOR IN NEW YORK PROGRAM**

PRIMARY CRIMES	YEAR	ON CAMPUS	STUDENT HOUSING (SUBSET OF ON CAMPUS)	NONCAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	UNFOUNDED
<b>CRIMINAL HOMICIDE</b>						
Murder and Nonnegligent Manslaughter	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Negligent Manslaughter	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
<b>SEX OFFENSES</b>						
Rape	2014	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Rape	2015	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Rape	2016	0	N/A	N/A	0	0
Fondling		0	N/A	N/A	0	0
Incest		0	N/A	N/A	0	0
Statutory Rape		0	N/A	N/A	0	0
Robbery	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Aggravated Assault	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Burglary	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Motor Vehicle Theft	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0
Arson	2014	0	N/A	N/A	0	0
	2015	0	N/A	N/A	0	0
	2016	0	N/A	N/A	0	0



VAWA OFFENSES									
Dating Violence	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
Domestic Violence	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
Stalking	2014	0	N/A	N/A	0	0			
	2015	0	N/A	N/A	0	0			
	2016	0	N/A	N/A	0	0			
ARREST					JUDICIAL REFERRAL				
OTHER OFFENSES		ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY	ON CAMPUS	STUDENT HOUSING	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
Liquor Law Violations	2014	0	N/A	N/A	0	0	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
Drug Abuse Violations	2014	0	N/A	N/A	0	0	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
Illegal Weapons Possession	2014	0	N/A	N/A	0	0	N/A	N/A	0
	2015	0	N/A	N/A	0	0	N/A	N/A	0
	2016	0	N/A	N/A	0	0	N/A	N/A	0
No hate crimes reported in 2014 No hate crimes reported in 2015 No hate crimes reported in 2016									

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## DEFINITIONS OF REPORTABLE CRIMES

**Criminal Homicide—Murder and nonnegligent manslaughter** is the willful (nonnegligent) killing of one human being by another.

**Criminal Homicide—Negligent manslaughter** is the killing of another person through gross negligence.

**Sex offenses**—Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Rape**—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

**Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory rape**—Sexual intercourse with a person who is under the statutory age of consent.

**Robbery**—The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated assault**—An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary**—The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor vehicle theft**—The theft or attempted theft of a motor vehicle.

**Arson**—Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## HATE CRIMES

Hate Crimes include all of the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes.

**Hate crime**—A crime that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**Larceny/Theft**—The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded. Examples include, thefts of bicycles or automobile accessories, shoplifting, pocket-picking, stealing of any property or article that is not taken by force and violence or by fraud, and attempted larcenies.

**Simple Assault**—An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation**—To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property (excluding Arson)**—To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## CATEGORIES OF PREJUDICE

**Race**—A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

**Gender**—A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

**Gender Identity**—A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

**Religion**—A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

**Sexual Orientation**—A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation (i.e., a person's physical, romantic, and/or emotional attraction to members of the same or opposite sex).

**Ethnicity**—A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

**National Origin**—A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Disability**—A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

#### **ARRESTS AND DISCIPLINARY REFERRALS FOR VIOLATION OF WEAPONS, DRUG ABUSE AND LIQUOR LAWS**

**Weapons: Carrying, Possessing etc.**—The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**Drug Abuse Violations**—The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful



possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Liquor Law Violations**—The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transporting, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

#### **DEFINITIONS OF GEOGRAPHY**

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around Baylor University’s campus.

#### **ON-CAMPUS BUILDINGS OR PROPERTY**

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution’s educational purposes, including residence halls; and
2. Any building or property that is within or reasonably contiguous to the area identified in paragraph 1 above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

#### **NON-CAMPUS BUILDINGS OR PROPERTY**

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

#### **PUBLIC BUILDINGS OR PROPERTY**

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

The Baylor University crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

#### **BRANCH CAMPUS**

A branch campus is always a separate campus. Branch campus is a specific Department designation. It is defined as a location of an institution that is geographically apart and independent of the main campus of the institution. A location of an institution is considered independent of the main campus if the location is permanent in nature, offers courses in educational programs leading to a degree



or other recognized educational credential, has its own faculty and administrative or supervisory organization, and has its own budgetary and hiring authority.

## ABOUT THE BAYLOR UNIVERSITY DEPARTMENT OF PUBLIC SAFETY

### MISSION STATEMENT

To establish and implement a comprehensive, sustainable platform that will effectively serve the Baylor University community and protect its students, faculty, and stakeholders from harm and/or embarrassment.

### ROLE, AUTHORITY, AND TRAINING

Part of the Finance and Administration Division, the Baylor University Police Department (BUPD) has a staff of 62 persons, including 37 police officers, 10 dispatchers, 13 Security Officers, an Administrative Manager, and a Records Manager. Collectively, BUPD has more than 300 years of law enforcement experience. All sworn members of the Baylor University Police may make arrests and exercise all the authority of a police officer in McLennan County.

All BUPD commissioned officers and dispatchers are licensed and certified by the Texas Commission on Law Enforcement (TCOLE). All officers and dispatchers attend a rigorous field-training program with a minimum of 400 hours of training. Training for BUPD officers and dispatchers includes all state-mandated programs and additional training to exceed the required minimum. To remain certified, BUPD officers must complete 40 hours of in-service training bi-annually, including any TCOLE mandated courses.

The Baylor University Police Department office is open Monday - Friday, 8:00 a.m. to 5:00 p.m. Police dispatchers are on duty at the office (located at the Speight Avenue Parking Garage) to receive calls for service/assistance 24 hours a day, 7 days a week, including

holidays. If in need of Police assistance, call (254) 710-2222 or 2222 from any campus telephone.

The Diana R. Garland Waco School of Social Work Campus falls within the service area of the BUPD. All other branch campuses are served by the closest local law enforcement agency.

All security working on any of the branch campuses, on a permanent basis, or security hired to work special events for Baylor University do not have the authority of a Peace Officer to make arrests under the Texas Code of Criminal Procedure.

### CREATING A SAFE AND CARING COMMUNITY IS OUR NUMBER ONE PRIORITY

The University takes great pride in the community and offers students, faculty and staff many advantages. This community is a great place to live, learn, work and study, however, this does not mean the campus community is immune from unfortunate circumstances that may arise. With that in mind, Baylor University has taken progressive measures to create and maintain a reasonably safe environment on all its campuses.

Though the University is progressive with its policies, programs, and education, it is up to each one of us to live with a sense of awareness and use reasonable judgment while on campus.

### WORKING RELATIONSHIP WITH LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT

On the main campus, BUPD maintains a cooperative relationship with the City of Waco Police Department, the McLennan County Sheriff's Office, Texas Department of Public Safety, and surrounding police agencies. BUPD is the primary reporting and investigating law enforcement agency for all crimes occurring on the BU main campus and the Diana R. Garland Waco School of Social Work. The City of Waco Police Department will be the primary reporting and investigating law enforcement agency for all crimes occurring

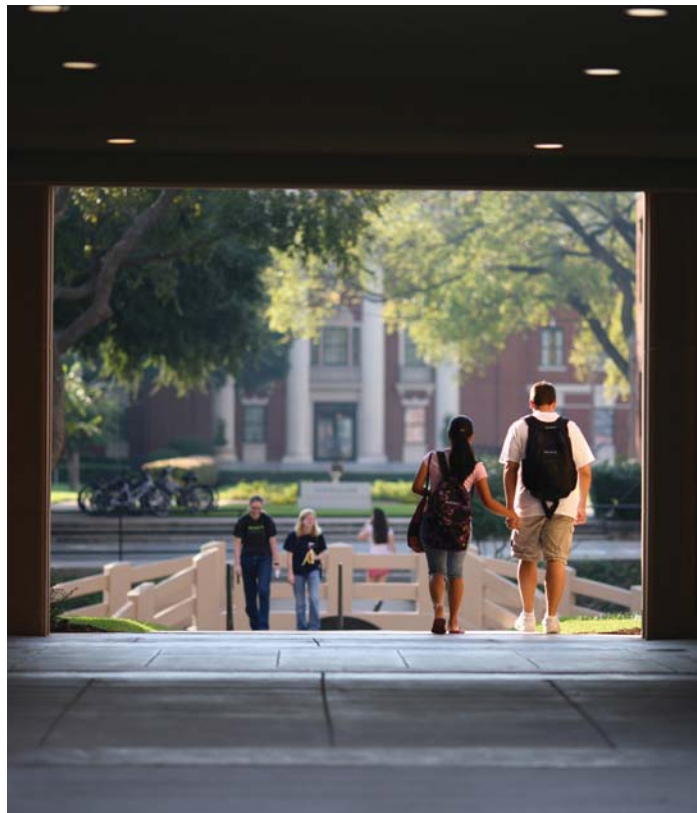


outside the boundaries of the BU campus. Both agencies will continue to provide mutual aid assistance to each other on a daily basis. The Baylor University Department of Public Safety has entered into a Memorandum of Understanding with the Waco Police Department to coordinate law enforcement activities involving the two agencies. BUPD also works with the Waco Fire Marshal's Office on fire code compliance and as necessary on arson investigations. BUPD also works in cooperation with the Texas Department of Public Safety and federal law enforcement agencies on joint investigations.

BUPD officers are also commissioned as reserve McLennan County Sheriff's Deputies and as such have co-jurisdiction with the Sheriff's office in McLennan County. Citations issued are adjudicated within the local McLennan County Justice of the Peace offices, located at the McLennan County Courthouse.

### **WORKING RELATIONSHIP WITH LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT FOR BAYLOR'S BRANCH CAMPUSES**

The Baylor branch campuses are not supported with onsite Baylor police or security. These campuses are supported by local law enforcement agencies. BUPD does not currently have a formal memorandum of understanding with any of these first responder agencies. The Dallas Executive MBA Program is also supported by Weiser Security Company. BUPD works closely with the local law enforcement agencies to address the security concerns for each of the branch campuses.



## **ABOUT THE HOUSTON POLICE DEPARTMENT**

### **MISSION STATEMENT**

The mission of the Houston Police Department is to enhance the quality of life in the city of Houston by working cooperatively with the public to prevent crime, enforce the law, preserve the peace, and provide a safe environment.

The Baylor Diana R. Garland Houston School of Social Work is located in the South Main Baptist Church located at 4100 S. Main St., Houston, TX 77002. This location is patrolled by the Houston Police Department.

For more information about the Houston Police Department, call (713) 884-3131, or visit <http://www.houstontx.gov/police>.

### **OTHER HELPFUL LINKS**

#### **LINKS:**

**Victim Services** - <http://www.houstontx.gov/police/vsu/>

**Family Violence** - <http://www.houstontx.gov/police/fvu/index.htm>

## **ABOUT THE DALLAS POLICE DEPARTMENT**

### **MISSION STATEMENT**

The Police Department, in serving the people of Dallas, strives to reduce crime and provide a safe city by:

- Recognizing that its goal is to help people and provide assistance at every opportunity;
- Providing preventive, investigative, and enforcement services;
- Increasing citizen satisfaction with public safety and obtaining community cooperation through the Department's training, skills, and efforts; and
- Realizing that the Police Department alone cannot control crime, but must act in concert with the community and the rest of the Criminal Justice System.

In achieving this mission, the men and women of the Dallas Police Department will conduct themselves in an ethical manner. They will:

- Respect and protect the rights of citizens as determined by the law;
- Treat citizens and their fellow employees courteously and with the same amount of dignity with which they expect to be treated themselves;
- Be examples of honesty and integrity in their professional and personal lives, thereby earning the public trust;
- Perform their duties with the knowledge that protection of the lives and property of all citizens is their primary duty; and

- Comply with the spirit and letter of the Code of Conduct

The Baylor Dallas Executive MBA Program is located in the Cooper Aerobics Center at 12200 Preston Rd., Dallas, TX 75230. The North Central Division within the Dallas Police Department patrols this location.

To view more information about the North Central Operations Division visit [Dallas North Central Operations Division](#), call (214) 670-7253, or visit the station located at 6969 McCallum Blvd., on the northeast corner of Hillcrest Rd. and McCallum Blvd.

The Cooper Aerobics Center is also provided additional security through Weiser Security Services.

#### OTHER DALLAS AREA NUMBERS AND HELPFUL LINKS

##### For information regarding Emergency Shelters or Social Organizations if you need protection.

- Dallas Police/Fire/Ambulance 911
- Family Place (214) 941-1991
- Protective Order Information (214) 653-3528
- Salvation Army F/V Shelter (214) 424-7208
- Genesis Women's Shelter (214) 942-2998
- New Beginning Center (972) 276-0057
- Austin Street Shelter (214) 428-4242
- Rape Crisis Center (214) 590-0430
- Suicide Crisis Center (214) 828-1000
- Alcoholic Recovery (214) 823-3200
- Information & Referral Services (214) 379-4357
- Dispute Mediation Service (214) 754-0022
- Child and Family Guidance Centers (214) 351-3490
- Dallas Police Department Domestic Violence Counselor (214) 671-4302
- City of Dallas Social Services (214) 670-4225
- Dallas Police Department Domestic Violence Squad (214) 671-4304
- City Attorney (214) 670-4439
- Lawyers Against Domestic Violence (214) 748-1234 ext.3012
- Department of Protective and Regulatory Services (800) 252-5400
- Adult Protective Services (800) 252-5400
- National Domestic Violence Hotline (800) 799-SAFE

#### LINKS:

- Dallas County and Surrounding Local Areas [www.dallasdvresources.org](http://www.dallasdvresources.org)
- Dallas County District Attorney – Family Violence Division [https://www.dallascounty.org/department/da/family\\_violence.php](https://www.dallascounty.org/department/da/family_violence.php)
- Genesis Women's Shelter [www.genesisshelter.org](http://www.genesisshelter.org)
- Family Place [www.familyplace.org](http://www.familyplace.org)

## ABOUT THE AUSTIN POLICE DEPARTMENT

### VISION & MISSION STATEMENTS

**VISION** – To be respected and trusted by all segments of Austin's diverse community.

**MISSION STATEMENT** – To keep you, your family, and our community safe.

#### Department Values – I C.A.R.E.

- **Integrity** – the cornerstone of police work-without it public trust is lost.
- **Courage** – to make the right professional decision.
- **Accountable** – to the community, the department, and coworkers.
- **Respect** – of the community, the department, and most importantly, self.
- **Ethical** – professional actions and decision making.

The Baylor Austin Executive MBA Program is located in the Oak Creek Plaza located at 3107 Oak Creek Dr., Austin, TX 78727. The Northwest/Region II Division within the Austin Police Department patrols this location.

- Austin Police Department:
  - Emergency 911/Non-Emergency 311
  - From outside the Austin area for a Non-Emergency call (512) 974-2000

#### OTHER AUSTIN AREA HELPFUL LINKS

#### LINKS:

**Austin Police Department** – <http://www.austintexas.gov/department/police>

## Victim Services –

<http://www.austintexas.gov/department/victim-services>

## Protective Orders –

<http://www.safeaustin.org/help/protectiveorder/>

**Family Violence Protection Team –** <http://www.austintexas.gov/department/family-violence-protection>

**Stalking Resource Center –** <http://victimsofcrime.org/our-programs/stalking-resource-center>

## ABOUT THE BAYLOR HEALTH CARE SYSTEM DEPARTMENT OF PUBLIC SAFETY

The Baylor University Louise Herrington School of Nursing is located in the Baylor University Medical Center at 3700 Worth St., Dallas, TX 75246. The Baylor Scott & White Health Department of Public Safety located at 4005 Crutcher St., Dallas, TX 75246 patrols this location.

### DALLAS CAMPUS PUBLIC SAFETY NUMBERS

- 24 Hour Communications Center (214) 820-4444
- Administration (214) 820-2358
- Crime Prevention/Personal Safety (214) 820-3629
- Emergencies (214) 820-4444
- Escorts (214) 820-4444
- Fire Safety (214) 820-2642
- Parking Services (214) 820-7275
- Photo ID (214) 820-7275



## ABOUT THE CITY OF NEW YORK POLICE DEPARTMENT

### MISSION STATEMENT

The mission of the New York City Police Department is to enhance the quality of life in New York City by working in partnership with the community to enforce the law, preserve peace, reduce fear, and maintain order. The Department is committed to accomplishing its mission to protect the lives and property of all citizens of New York City by treating every citizen with courtesy, professionalism, and respect, and to enforce the laws impartially, fighting crime both through deterrence and the relentless pursuit of criminals.

The Baylor in New York Program offers classes and residential space at 41-34 Crescent St., Long Island City, NY 11101. This program is located in the 114th Precinct and patrolled by the New York Police Department.

- New York Police Department Contact Information: Emergency 911/Non-Emergency 311
- Precinct: (718) 626-9311
- Community Affairs: (718) 626-9327
- Crime Prevention: (718) 626-9324
- Domestic Violence: (718) 626-9316
- Youth Officer: (718) 626-9337
- Auxiliary Coordinator: (718) 626-9352

## CRIMES INVOLVING STUDENT ORGANIZATIONS AT OFF-CAMPUS LOCATIONS

Currently, there are no Baylor University student organizations housed in off campus facilities that are officially recognized by Baylor University. Nevertheless, Baylor University relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Baylor University students and recognized student organizations on and off campus. BUPD receives daily crime logs from Waco Police Department and uses these logs to determine if Baylor student organizations or Baylor students have committed criminal activity off campus. In coordination with local law enforcement agencies, the BUPD will actively investigate certain crimes occurring on or near campus. If BUPD learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency to forward information about criminal incidents to the Division of Student Life, to adjudicate as appropriate.

The University requires all recognized student organizations to abide by federal, state, and local laws, and University regulations. The University may become involved in the off-campus conduct of recognized student organizations or individual students when such conduct is determined to affect a substantial University interest (as defined by the Student Code of Conduct).

## REPORTING CRIMES AND OTHER EMERGENCIES

The University encourages everyone on all Baylor campuses to immediately and accurately report crimes, fires or other emergencies. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire University community that you report all incidents to the appropriate police department when the victim of a crime elects to or is unable to make such a report. This will ensure an effective investigation and appropriate follow-up actions are taken. Your report could be the determining factor in establishing cause for the BUPD to issue a "Timely Warning" or "Emergency Notification," as defined in the Clery Act 20 U.S.C. §1092(f), to ensure the safety of the entire Baylor community.

For the main campus, you should contact the BUPD by calling (254) 710-2222 or dial 911. Emergency and non-emergency reports can also be made through use of the Baylor Campus Guardian mobile phone app, and non-emergency reports can also be made through [Baylor's Report It webpage](#). Baylor community members attending branch campuses should elicit the assistance of the closest law enforcement agency or other emergency responders for their area. This can easily be done by dialing 911. Some of these agencies have been listed below for your convenience:

- Baylor Scott & White Health Public Safety Department
  - Emergency (214) 820-4444
  - Non-Emergency (214) 820-7898
  - Crime Prevention/Personal Safety (214) 820-3629
- Dallas Police Department:
  - Emergency 911
  - Non-Emergency (214) 744-4444
- Austin Police Department:
  - Emergency 911
  - Non-Emergency 311
  - From outside the Austin area for a Non-Emergency call (512) 974-2000
- Houston Police Department:
  - Emergency 911
  - Non-Emergency (713) 884-3131

- Department Directory – <http://www.houstontx.gov/police/phone.htm>
- New York Police Department:
  - Emergency 911
  - Non-Emergency 311
  - Precinct (212) 239-9811

## REPORTING TO BAYLOR UNIVERSITY POLICE DEPARTMENT

A dispatch center services Baylor main campus and the Diana R. Garland Waco School of Social Work branch campus. You may reach BUPD by calling (254) 710-2222 or in person 24 hours/day at the Speight Plaza Parking Facility, 1st Floor, at S. 4th St. and Speight Ave. Though there are many resources available, BUPD should be notified of any crime, whether or not an investigation continues. This will assure all security concerns are addressed and that the community can be informed in a timely manner, if there is an ongoing threat to the University community.

## REPORTING TO OTHER APPROPRIATE LOCAL LAW ENFORCEMENT AGENCIES

### LOUISE HERRINGTON SCHOOL OF NURSING

All Baylor School of Nursing personnel are encouraged to contact the Baylor Health Care System Department of Public Safety dispatch center to report any criminal incident, fire or other emergencies.

The Baylor Health Care System Department of Public Safety (BHCS DPS) has a 24-hours/day-dispatch center. The dispatch center can be contacted by calling (214) 820-4444, or by calling 911 on a landline telephone on the School of Nursing campus.

### OTHER HELPFUL BHCS DPS CONTACT NUMBERS ARE LISTED BELOW:

- Administration (214) 820-2358
- Administration Fax (214) 820-7898
- Crime Prevention/Personal Safety (214) 820-3629
- Emergencies (214) 820-4444
- Escorts (214) 820-4444
- Fire Safety (214) 820-2642
- Parking Services (214) 820-7275
- Photo ID (214) 820-7275

### AUSTIN EXECUTIVE MBA PROGRAM

All Austin Executive MBA personnel are encouraged to contact the Austin Police Department or other emergency responders such as fire or EMS, by dialing 911 to report any criminal incident, fire or other emergencies. From outside the Austin area for a non-emergency, you may call (512) 974-2000.



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## DALLAS EXECUTIVE MBA PROGRAM

All Dallas Executive MBA personnel are encouraged to contact the Dallas Police Department or other emergency responders such as fire or EMS, by dialing 911 to report any criminal incident, fire or other emergencies. For other non-emergency assistance, you may call (214) 670-7253.

## DIANA R. GARLAND HOUSTON SCHOOL OF SOCIAL WORK

All Houston School of Social Work personnel are encouraged to contact the Houston Police Department or other emergency responders such as fire or EMS, by dialing 911 to report any criminal incident, fire or other emergencies. For other non-emergency assistance, you may call (713) 884-3131.

## BAYLOR IN NEW YORK PROGRAM

All Baylor in New York personnel are encouraged to contact the New York Police Department or other emergency responders such as fire and EMS, by dialing 911 to report any criminal incident, fire or other emergencies. For other non-emergency assistance, you may call (212) 239-9811.

## VOLUNTARY, CONFIDENTIAL REPORTING

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the University or criminal justice system, we ask that you consider filing a voluntary, confidential report. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety and the safety of others. The confidential reports allow the University to compile accurate records on the number and types of incidents occurring on all Baylor campuses. Reports filed in this manner are counted and disclosed in the Annual Fire Safety and Security Report. In limited circumstances, the department may not be able to assure confidentiality and will inform you in those cases.

In certain instances, a crime victim may be reluctant to file a report fearing the “process” and/or loss of his/her anonymity. In such circumstances, crime victims are still encouraged to make a confidential report. When a student or employee reports an incident to Baylor University their privacy will be respected to the fullest extent possible. At a minimum, crime victims will receive important counseling and referral information. Confidential reports are important because they provide valuable information that can enhance the safety of the community-at-large and such reports will provide a more accurate portrait of actual campus crime.

***(Remember, help is available, all you need to do is ask.)***

To report a crime on the main campus, contact the Baylor Department of Public Safety at (254) 710-2222, utilize the BU Campus Guardian phone app, “Report IT” web page, or one of

the emergency call box telephones, located on the main campus and in the parking garages.

## BU CAMPUS GUARDIAN

BU Campus Guardian phone app allows faculty, staff and students to call or text crime information to the main campus dispatch center. For more information about this app, please visit [BU Campus Guardian](#).

## “REPORT IT”

Baylor University has recently consolidated numerous reporting mechanisms that can be found on one convenient web page. The Baylor University [Report It](#) website directs faculty, staff, students, alumni, parents and the public to a range of reporting tools and instructions.

If there are additional forms or procedures that faculty or staff would like to suggest for inclusion on this page, please send an email to the Baylor Webmaster at [webmaster@baylor.edu](mailto:webmaster@baylor.edu).

## EMERGENCY PHONES

The University has installed more than 233 emergency phones throughout Baylor’s main campus. Phones are located in public areas of buildings including parking garages, elevators, residence hall complexes, administration buildings, and also numerous outdoor locations. Emergency phones provide direct voice communications to the Baylor Department of Public Safety Dispatch Center. To learn more about these phones, please visit [Call Boxes and Emergency Telephones](#).

## REPORTING TO OTHER CAMPUS SECURITY AUTHORITIES

The Clery Act recognizes certain University officials and offices as CSAs. The Act defines these individuals as an “official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.” An official is defined as “any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.” While the University prefers that community members promptly report all crimes and other emergencies directly to the Baylor Department of Public Safety at (254) 710-2222 or 911, or the appropriate local law enforcement agency, it also recognizes that some may prefer to report to other individuals or University offices. While the University has identified several hundred campus security authorities, we officially designate the following offices as places where campus community members should report crimes:

OFFICE	PHONE NUMBER	CAMPUS ADDRESS
1. Associate Dean for Student Conduct Administration	(254) 710-1715	Clifton Robinson Tower, Suite 270
2. Associate Vice President for Student Life	(254) 710-1314	McLane Student Life Center, Suite 114
3. Director, Campus Living and Learning	(254) 710-3642	Penland Residence Hall, Room 1201
4. Vice President and Chief Human Resources Officer	(254) 710-2000	Clifton Robinson Tower, Suite 200
5. Director, Student Activities	(254) 710-2371	Bill Daniel Student Center, Suite 100
6. Vice President and Director of Intercollegiate Athletics	(254) 710-1222	Simpson Athletics and Academic Center, Suite 250
7. Assistant Director of Greek Like	(254) 710-2371	Bill Daniel Student Center, Suite 100
8. Director of Campus Recreation	(254) 710-4102	Mc Lane Student Life Center, Suite 124
9. Assistant Director of Study Abroad	(254) 710-2657	Hankamer Academic Center, Room 160
10. Dean, Diana R. Garland School of Social Work	(254) 710-6400	811 Washington, Waco, TX
11. Dean, Louise Herrington School of Nursing	(214) 820-2792	3700 Worth St., Dallas, TX
12. Associate Dean for Academic Affairs, Louise Herrington School of Nursing	(214) 820-2776	3700 Worth St., Dallas, TX
13. Director, Austin Executive MBA Program	(512) 255-3622	3107 Oak Creek Dr., Suite 240 Austin, TX
14. Director, Dallas Executive MBA Program	(972) 458-2327	12200 Preston Rd., Dallas, TX
15. Director, Baylor in New York Program	(917) 617-8404	41-34 Crescent St., Long Island City, NY
16. Associate Director of Field Education - Houston School of Social Work	(346) 701-8047	4100 Main St., Houston, TX

Anyone may call the BUPD at (254) 710-2222 to report concerning information. Callers may remain anonymous. It is important to have a culture where people feel safe reporting wrongful conduct. For more information, or to file a complaint, you can access Baylor's Whistleblower Policy, the EthicsPoint [Webpage](#), or [Report It](#).

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## PASTORAL AND PROFESSIONAL COUNSELORS

Under the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by Baylor University to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. As a matter of policy, the University encourages pastoral and professional counselors to inform the persons they are counseling on available procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Any student or employee who reports an incident of sexual violence, domestic violence, dating violence or stalking (whether the offense occurred on or off campus) shall receive a written explanation of their rights and options from the Responsible Person to whom the incident is reported, including counselors and other confidential resources.

## DAILY CRIME AND FIRE LOG

The Clery Compliance Office maintains a combined Daily Crime and Fire Log, which contains all crime and fire incidents reported to the BUPD for the Baylor main campus and surrounding Waco areas that fall within BUPD patrol response area. The Daily Crime and Fire Log is published Monday through Friday when the University is open. The log is available 24 hours per day to members of the public [here](#). This log identifies the nature, type, location, and time of each criminal incident reported to BUPD. The most current 60 days of information is available at the Baylor University Police Department located on the first floor of the Speight Plaza Parking Facility, S. 4th St. and Speight Ave. Upon request, a copy of any maintained Daily Crime and Fire Log will be made available for viewing, within 48 hours of notice.

## TIMELY WARNING REPORTS

In an effort to provide timely notice to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community, BUPD will issue a Timely Warning. BUPD will generally issue a Timely Warning for the following crimes: arson, aggravated assault, criminal homicide, robbery, burglary, sexual assaults, motor vehicle thefts and hate crimes. BUPD will issue these warnings through a variety of methods, including but not limited to e-mails, phone call, text and other media.

All initial messages will begin with "Baylor Timely Warning" to indicate the severity of the message and will provide a brief description of the Timely Warning or emergency response notice. When additional information is available, it may be provided using one or more of the methods listed above. The information you receive may provide vital information on what actions you need to take if you are on campus during such a situation.

In the event a Timely Warning is sent, it may include the following information: type of crime, date, time and location of crime, available

suspect information, as well as safety tips to help with the risk of being involved in a similar incident.

The purpose of a Timely Warning is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. The University will issue a Timely Warning whenever the following criteria are met:

- 1) A crime is committed;
- 2) The perpetrator has not been apprehended; and
- 3) There is a substantial risk to the physical safety of other members of the campus community because of this crime.

Such crimes include, but are not limited to:

- 1) Clery Act crimes reported to any Campus Security Authority or the local police; and where
- 2) The University determines that the incident represents an on-going threat to the campus community.

Additionally, the BUPD may, in some circumstances, issue a Timely Warning when there is a pattern of crimes against persons or property.

Crimes that would not present a continuing threat, and therefore, may not merit a Timely Warning, include the following:

- An assault between two individuals who have a disagreement and know each other. This may be an isolated event and presents no ongoing threat to the community.
- Crimes in which the perpetrator has been apprehended, thereby eliminating the threat.
- Crimes in which an identified perpetrator is only targeting specific individuals to the exclusion of others, such as domestic violence.

In cases of a late report, they may be so delayed there is no possibility of issuing a Timely Warning to the community. These will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information available.

The Chief of BUPD will generally make the determination, in consultation with other University officials, that a Timely Warning is required. In emergency situations, however, any police supervisor may authorize a Timely Warning. A Baylor Safety Notification may be issued when an incident or crime has occurred and may impact members of the community, but an Emergency Notification or Timely Warning is not required. Anyone with information warranting a Timely Warning or Emergency Response Notification for Baylor University campuses may reference the list below for guidance of who to call.

- For the Baylor University Waco campus, or the Diana R. Garland Waco School of Social Work—BUPD at (254) 710-2222;
- For the Baylor University Diana R. Garland Houston School of Social Work—Houston PD at (713) 884-3131;
- For the Louis Herrington School of Nursing in Dallas—Baylor Scott & White Public Safety at (214) 820-4444;
- For the Austin Executive MBA Program—Director or Assistant Director at (512) 255-3622;
- For the Dallas Executive MBA Program—Director at (972) 458-2327;
- For the Baylor in New York Program—Director at (917) 617-8404.

If unable to reach someone at the numbers provided in the case of an emergency, please refer to the local law enforcement agencies within the area or call 911.

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

### EMERGENCY MANAGEMENT AT BAYLOR UNIVERSITY

The purpose of emergency preparedness at all Baylor University campuses is to develop, organize, coordinate and lead the campus toward effective preparation for, and efficient response to, emergencies and disasters, with the primary focus on saving lives, reducing human suffering, and the minimizing of property loss and academic services.

The Baylor University Director of Emergency Management is responsible for emergency planning and preparedness. The Emergency Operations Plan is designed to be an all-hazards disaster response and emergency management plan that complies with FEMA’s Guide for Developing High-Quality Emergency Operations Plans for Institutions of Higher Education, and other standards, all of which include planning, mitigation, response, and recovery actions.

The priorities are:

- Life safety, infrastructure integrity, and environmental protection during an emergency
- Coordination with University departments to write, maintain, test, and exercise the emergency plan
- Cooperation, integration, and mutual aid with local, state and federal agencies and their emergency plans

A summary of the University’s emergency response procedures is located at [Emergency Notification / Timely Warning - Baylor Alerts](#). Included at this web page is detailed information regarding the University’s Emergency Notification policy, including how to enroll in the Emergency Notification system to ensure you receive emergency notices on University and mobile devices?

### DRILLS, EXERCISES AND TRAINING

To ensure the effectiveness of its emergency preparedness at the Baylor University main campus and Diana R. Garland Waco School of Social Work branch campus, the BUDPS Department of Emergency Management engages operational, academic, administrative, and external entities on a regular basis, and at least annually, with an exercise that includes testing of various aspects of Baylor University’s capabilities. The exercises generally are announced (date only, not time or content) to the public, but occasionally they are unannounced. Following each exercise, Baylor University documents the date, time, and description of the exercise, relevant details, and outcomes and/or future objectives for improvements. The Department of Emergency Management will continue to release the emergency response and evacuation procedures for the Baylor community that coincides with at least one annual test.

In addition, emergency response and evacuation procedures are tested twice annually in residence halls and once per quarter at Baylor Health Services. Monthly fire drills are conducted at the Piper Child Development Center.

The Baylor Scott & White Health Care System provides emergency management support to the Baylor School of Nursing.

For the Dallas and Austin Executive MBA Programs, Diana R. Garland Houston School of Social Work and Baylor in New York Program, emergency management, including drills and exercises, are handled on a campus by campus basis by the owner of each of these facilities. In the event of an emerging incident that impacts branch campuses, program coordinators will maintain ongoing communications with Baylor University as it activates its emergency plans.

### EMERGENCY NOTIFICATION

Under appropriate circumstances, the BUPD will issue Emergency Notifications, Timely Warnings or Safety Notifications regarding criminal activity or safety issues concerning campus as required by law.

- A Baylor Alert is an Emergency Notification of an incident that is currently occurring on, or imminently threatening the campus.
- A Baylor Timely Warning is notification of Clery crime(s) that have already occurred and are considered by the institution to represent a serious or continuing threat to students and employees.
- A Baylor Safety Notification may be issued when an incident or crime has occurred and may impact members of the campus community, but an Emergency Notification or Timely Warning is not required.

BUPD is responsible for confirming facts that indicate a notification is necessary, and has primary responsibility for issuing, coordinating, and determining content and methods of delivery of Emergency

Notifications, Timely Warnings, and Safety Notifications. BUPD may delegate certain responsibilities to, or collaborate with other Baylor personnel including but not limited to: Director of Emergency Management, Office of General Counsel, Title IX Coordinator, Vice President for Student Life, Associate Vice President for Student Life, Director of Media Relations, and Assistant Director for Media Communications.

Baylor University is committed to ensuring the main campus and all branch campuses receive timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus, or in the local area, that poses an immediate threat to the health and safety of campus community members.

At the Baylor University main campus, a text, e-mail and voice calling communication system is used in concert with an indoor and outdoor notification system. The text, e-mail and voice calling communications system can be used to send emergency messages within minutes of the occurrence of an incident to alert the Diana R. Garland Waco School of Social Work and Baylor School of Nursing branch campuses.

The Baylor University main campus performs a monthly test of the outdoor and indoor mass notifications systems and a weekly test of the text, e-mail and voice calling communications system.

## NOTIFICATION PROCEDURES

The following procedures outline the process the University uses when issuing Emergency Notifications to the main campus and to the Diana R. Garland Waco School of Social Work and Baylor School of Nursing branch campuses. Information and instructions may be sent using one or more methods to all, or to a segment of the campus community for each location.

### MAIN CAMPUS

- Text message to your cell phone (automatically opted in)
- Twitter @BaylorAlert, and in some instances @BaylorUMedia
- E-mail notification to your Baylor email account
- Outdoor notification system
- Indoor notification system
- Audio message to a cell phone or other telephone
- Recorded Information on the University's Information Hotline, (254) 710-4411
- Designated websites
- Radio and TV alerts through local news media
- Facebook – Baylor Department of Public Safety

A monthly test of the outdoor and indoor notifications systems and a semiannual test of the text, e-mail and voice calling communications system is performed.

### LOUISE HERRINGTON SCHOOL OF NURSING

- Text message to your cell phone (automatically opted in)
- Twitter @BaylorNursing
- E-mail notification to your Baylor email account
- Audio message to a cell phone or other telephone
- Recorded Information on the University's Information Hotline, (254) 710-4411
- Louise Herrington School of Nursing website
- Notices may also be posted WFAA TV (CH.8)

### AUSTIN & DALLAS EMBA CAMPUS COMMUNITIES

- Text message to your cell phone (automatically opted in)
- E-mail notification to your Baylor email account
- Audio message to a cell phone or other telephone

### DIANA R. GARLAND HOUSTON SCHOOL OF SOCIAL WORK

- Text message to your cell phone (automatically opted in)
- E-mail notification to your Baylor email account
- Audio message to a cell phone or other telephone

### BAYLOR IN NEW YORK PROGRAM PARTICIPANTS

- Text message to your cell phone (automatically opted in)
- E-mail notification to your Baylor email account
- Audio message to a cell phone or other telephone

## CONFIRMING THE EXISTENCE OF A SIGNIFICANT EMERGENCY OR DANGEROUS SITUATION AND INITIATING THE EMERGENCY NOTIFICATION SYSTEM

Once it is confirmed there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, the Chief of Police, Director of Emergency Management or other designee will assess the need to issue an Emergency Notification.

BUPD will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system. The only instance in which there might be a delay is in the case that issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. As soon as the condition that may compromise efforts is no longer present, the University will issue the Emergency Notification to the campus community.



## BRANCH CAMPUS

BUPD may become aware of emergency situations or incidents through onsite program administrators or other sources. Decisions to issue a notification will be made in coordination with Baylor Scott & White Public Safety for the School of Nursing area and the Waco Police Department for the Diana R. Garland Waco School of Social Work and extended jurisdictions. Baylor also works with local law enforcement agencies in Dallas, Austin, Houston, and New York for information pertaining to Baylor's branch campuses.

## DETERMINING THE APPROPRIATE SEGMENT OR SEGMENTS OF THE CAMPUS COMMUNITY TO RECEIVE AN EMERGENCY NOTIFICATION

For the main campus and Waco School of Social Work, notifications are given to the entire community due to the size of the campus, the frequency of movement within the campus by community members, and the concept of keeping the entire community aware of significant emergencies. The University may also post applicable messages about the dangerous situation on the University homepage. This will ensure the rest of the campus is aware of the situation and notified of the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, University officials will distribute the notification to the entire Baylor campus community.

Administrators at branch campuses will notify appropriate segments of their respective campuses.

## DETERMINING THE CONTENTS OF THE EMERGENCY NOTIFICATION

The BUPD has primary responsibility for coordinating the issuance of a "Baylor Alert," determining the content of the "Baylor Alert," and determining which of the methods available for issuance of the "Baylor Alert" will be utilized. The University has a single template message to alert the community of a dangerous situation as quickly as possible. (***Baylor Alert! Dangerous Situation! Seek secure shelter immediately, away from doors and windows. More info to follow.***) Once that is sent out, there will be a follow-up with more specific details. The only exception to this is when issuing Tornado Warnings and Severe Weather Alerts. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

## PROCEDURES FOR DISSEMINATING EMERGENCY INFORMATION TO THE GREATER COMMUNITY

Depending on the situation, Baylor University may work through the office of Marketing and Communications to notify the greater Baylor and Waco community through designated websites (<http://www.baylor.edu>), a hotline, radio and TV alerts through local news media, and other emerging communications platforms (e.g., Twitter, Facebook, etc.)

However, in emergency situations, any police supervisor may authorize an Emergency Notification. For incidents involving off-campus crimes, the University may issue a Safety Notification if the crime occurred in a location used and frequented by the University population.

## ENROLLING IN THE UNIVERSITY'S EMERGENCY NOTIFICATION SYSTEM

All Baylor students, faculty and staff and are automatically enrolled into the Baylor Alert System. University community members are also encouraged to regularly update their information on [BearWeb](#). Campus community members are encouraged to enroll in the Baylor Alert system by visiting the Emergency Preparedness site where further instruction is available.

## SECURITY OF AND ACCESS TO MAIN CAMPUS UNIVERSITY FACILITIES

Baylor University is committed to campus safety and security at all campus locations.

BUPD, Technical Security and the Facilities Management Office (FMO) are vigilant for safety and security considerations in the category of campus maintenance. Inspections of campus facilities by facilities management personnel are made regularly so repairs affecting safety and security can be made. Concerns regarding potential safety or security hazards may be reported to any of these groups:

- Facilities Department (254) 710-1361
- Police Department (254) 710-2222
- Technical Security Branch (254) 710-6617

An electronic security alarm system located at the main campus police department communication center monitors a comprehensive network of intrusion detection and duress alarm systems.

At the Baylor University main campus, administrative buildings are accessible during normal business hours. Academic buildings are accessible during normal business hours. Academic buildings are scheduled to be open on weekends only as needed. Access to individual classrooms and laboratories is limited to those enrolled in the courses meeting there.

Many cultural and athletic events held in the University facilities are open to the public. Other facilities such as the bookstore, library, and performance center are likewise open to the public.

The normal access schedule for facilities that host special events varies, depending on the hours of each event.

Only individuals with demonstrated need are issued keys to a building.

## SPECIAL CONSIDERATIONS FOR MAIN CAMPUS RESIDENCE HALL ACCESS

At the University main campus, all residence halls operate with a computerized access control system. Identification cards are programmed so that only students who are residents in a particular residence hall have access to that residence hall. The system denies entry to all unauthorized persons. BUDPS Security Officers are responsible for checking and securing doors, when needed.

When a door is malfunctioning, personnel are summoned for immediate repair. All residence hall and apartment exterior doors are equipped with locks and emergency exit doors.

Only residents and their invited guests are permitted in the living areas of the residence halls. It is the resident's responsibility to ensure that his/her guest is aware of the University and residence hall policies. Guests are not provided with room keys or door access cards. Guests of the opposite sex must be escorted by a resident of the building at all times. All exterior doors are locked 24 hours a day, with the exception of the main lobby entrance that is staffed. When the main lobby is not staffed all exterior doors are secured and residents gain access to their residence hall utilizing their ID access card. It is the responsibility of residents and staff members to challenge or report individuals who cannot be identified as residents or the guests of residents. BUDPS Security Officers are assigned to patrol the residence hall areas from 11:00 p.m. until 7:00 a.m. During low-occupancy periods such as holidays and scheduled breaks, students are consolidated into designated buildings and gain access via the University's electronic access control system. During the summer, when groups who are not regularly associated with Baylor University are using the University's residence halls, exterior doors are locked 24 hours a day with the exception of the main lobby, which is staffed. Each guest is issued an identification card that allows him or her to gain access to their assigned building via the electronic access control system. BUDPS personnel (security officers and police officers) conduct regular checks of all residence hall areas.



## SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF BAYLOR MAIN CAMPUS FACILITIES

Baylor University is committed to campus safety and security. At the University, locks, landscaping and outdoor lighting are designed for safety and security. Sidewalks and building entrances are illuminated to provide well-traveled, lighted routes from parking areas to buildings and from building to building.

Baylor Facilities Management, in conjunction with representatives from BUDPS, conducts surveys of University property twice each year to evaluate campus lighting. At the University, there are over 1042 walkway, parking lot and roadway lights that provide illumination on campus.

We encourage community members to promptly report any security concern, including concerns about locking mechanisms, lighting or landscaping, to the Baylor University Department of Public Safety at (254) 710-2222.

## SECURITY OF AND ACCESS TO DIANA R. GARLAND WACO SCHOOL OF SOCIAL WORK

The Baylor University Department of Public Safety (BUDPS) Technical Security Branch and Facilities Management Office are vigilant for safety and security considerations in the category of campus maintenance. Inspections of campus facilities by Facilities Management personnel are made regularly so repairs affecting safety and security can be made. Concerns regarding potential safety or security hazards may be reported to any of these groups:

- Facilities Department (254) 710-1361
- Police Department (254) 710-2222
- Technical Security Branch (254) 710-6617

An electronic security alarm system located at the main campus Police Department Communication Center monitors a comprehensive network of intrusion detection and duress alarm systems.

The Baylor University Diana R. Garland Waco School of Social Work is secured on a 24 hour basis but may be accessed Monday through Friday 7:30 a.m. to 5:15 p.m. by students and staff via ID card access. Visitors needing access to the area utilize an intercom system located at the front door of the building. There is a list of contact numbers that will connect them to those that have authority to open the area. Access is limited to those enrolled in the program or otherwise authorized access.

There is no residential housing at the Diana R. Garland Waco School of Social Work.

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## SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF THE DIANA R. GARLAND WACO SCHOOL OF SOCIAL WORK CAMPUS FACILITIES

At the Baylor Diana R. Garland Waco School of Social Work, doorways are kept locked and monitored with camera surveillance. The parking area also offers quick and immediate access to the interior of the building.

Baylor's Diana R. Garland Waco School of Social Work is in a leased facility and the property owner is responsible for maintaining locks, landscaping and outdoor lighting and all security related systems for this branch campus.

## SECURITY OF AND ACCESS TO DIANA R. GARLAND HOUSTON SCHOOL OF SOCIAL WORK

The Diana R. Garland Houston School of Social Work at Baylor University offers its Master of Social Work program on the third floor of the South Main Baptist Church in downtown Houston.

Security officers are present and must be on-site to gain access to this building. They open and close the exterior of the building each day. The Baylor Social Work area is restricted to Baylor affiliates, which access the area by a card access security system. In addition, this location is equipped with a camera doorbell that allows personnel to view persons requesting entrance to the Baylor area without a security card.

There is no residential housing at the Diana R. Garland Houston School of Social Work.

## SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF THE DIANA R. GARLAND HOUSTON SCHOOL OF SOCIAL WORK CAMPUS FACILITIES

Baylor's Diana R. Garland Houston School of Social Work is in a leased facility and the property owner is responsible for maintaining locks, landscaping and outdoor lighting and all security related systems for this branch campus.

## SECURITY OF AND ACCESS TO LOUISE HERRINGTON SCHOOL OF NURSING

Currently, the School of Nursing location is a four-story complex with a student computer lab open 24 hours per day, classrooms, study lounges and the Don A. and Ruth Buchholz Patient Simulation Lab.

The Mabel Peters Caruth Learning Resource Center (LRC), located on the fourth floor, is staffed by two librarians, a library associate, and student workers. The LRC is open seven days a week for a total of 87 hours, with extended hours during finals. The computer lab and study room are open for around the clock use by a secure ID badge controlled entrance.

There is no residential housing at the Louis Herrington School of Nursing.

## SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF THE LOUISE HERRINGTON SCHOOL OF NURSING

Baylor's School of Nursing is in a leased facility and the property owner is responsible for maintaining locks, landscaping and outdoor lighting and all security related systems for this branch campus.

## SECURITY OF AND ACCESS TO AUSTIN EXECUTIVE MBA PROGRAM

At the Austin Executive MBA Program location all outside doors lock automatically at 7:00 p.m. However, students and staff have 24/7 access to the building via keycard. Administrators have keys to the offices, all students and faculty have access to classrooms and lounge area.

There is no residential housing at the Austin Executive MBA Program.

## SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF THE AUSTIN EXECUTIVE MBA PROGRAM

Baylor's Austin Executive MBA Program is in a leased facility and building manager, Amy Oclon ([Amy.Oclon@cis.cushwake.com](mailto:Amy.Oclon@cis.cushwake.com)), is responsible for maintaining locks, landscaping and outdoor lighting and all security related systems for this branch campus.

## SECURITY OF AND ACCESS TO DALLAS EXECUTIVE MBA PROGRAM

The Dallas Executive MBA Program is located in the Cooper Aerobics Center, which is a gated hotel-type facility. There are three entrances with the main gate staying open on a 24-hour basis. The side gates are open from 5:00 a.m. to 7:00 p.m. daily. The facility holds a contract with Weiser Security, which maintains 24-hour security team surveillance. In addition, the building has cameras and a staff member monitoring the front entrance from 5:30 a.m. to 9:00 p.m. This facility is open Monday through Friday from 8:30 a.m. to 5:30 p.m. and opened as needed on Saturdays. Administrators have keys to the offices.

There is no residential housing at the Dallas Executive MBA Program.

## SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF THE DALLAS EXECUTIVE MBA PROGRAM

Baylor University is committed to campus safety and security at all campus locations. Baylor's Dallas Executive MBA Program is in a leased facility and the building manager, TJ Estes ([tjestes@cooper-clinic.com](mailto:tjestes@cooper-clinic.com)), is responsible for maintaining locks, landscaping and outdoor lighting and all security related systems for this branch campus.



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## SECURITY OF AND ACCESS TO THE BAYLOR IN NEW YORK PROGRAM

The Baylor in New York Program located at 41-34 Crescent St., Long Island City, NY 11101 consists of 6 individual apartments and a classroom that is also used as a library and storage. Students and staff have 24/7 key access to their individual apartments. There is one common lobby area that is accessible 24/7. The classroom is only accessible via key to the administrators of the program.

### SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF THE BAYLOR IN NEW YORK PROGRAM

This facility has an attendant on the ground floor at the only entrance. There are also cameras focused on the elevator area of each floor and in different locations on the ground/lobby level. The Baylor in New York Program is in a leased facility and the building superintendent and maintenance team are responsible for maintaining locks, landscaping, outdoor lighting and all security related systems for this branch campus.

Baylor Resident Director Meaghan Ritchey is responsible for ensuring safety and functionality for all residences at this branch campus.

## BAYLOR UNIVERSITY'S RESPONSE TO SEXUAL AND GENDER-BASED HARASSMENT AND INTERPERSONAL VIOLENCE

### INTRODUCTION

Baylor University is committed to providing a safe learning and working environment, and in compliance with federal and state laws, has adopted policies and procedures to prevent and respond to incidents of sexual and gender-based harassment and interpersonal violence, which includes sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation. The Sexual and Gender-Based Harassment and Interpersonal Violence Policy ("Title IX 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 potential policy violations committed by a member of the University community, and the University will take appropriate steps to investigate and respond. A third party who is accused of violating University policy may also be permanently barred from the University or subject to other restrictions for failing to comply with this policy.

The Title IX 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 cause 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.

For every report, the Title IX Coordinator will review the circumstances of the reported conduct to determine whether the University has jurisdiction or disciplinary authority over the respondent or the conduct. The University will, however, take reasonable action to support a complainant through interim remedial measures and will assist a complainant in identifying external reporting mechanisms.

In instances where the University no longer has disciplinary authority over the respondent, the University will still take reasonably available steps to support a complainant through interim remedial measures and will assist a complainant in identifying external reporting mechanisms.

The University encourages all individuals to report prohibited conduct or a potential violation of this policy to the Title IX Office, BUPD, and/or to local law enforcement. A complainant has the right to report or to 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 posing a threat to 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. A report can be made as follows:

- Make a report to the Title IX Office in person, by telephone, by email, or online at [www.baylor.edu/reportit](http://www.baylor.edu/reportit).
- If on campus, contact the Baylor University Police Department for assistance in filing a criminal complaint and preserving physical evidence at (254) 710-2222.
- If off campus, contact local law enforcement to file a criminal complaint at 911.

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. An individual may choose to make a report and remain anonymous.

The entire Title IX Policy may be viewed at <http://www.baylor.edu/titleIX/doc.php/249242.pdf>

## **BAYLOR'S COMMITMENT TO ADDRESS SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL ASSAULT, SEXUAL EXPLOITATION, STALKING, INTIMATE PARTNER VIOLENCE, AND RETALIATION**

Baylor University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. Baylor does not discriminate on the basis of sex or gender in any of its education or employment programs and activities, and it does not tolerate discrimination or harassment on the basis of sex or gender. Such conduct in any form violates the Student Code of Conduct, University policies and may violate Federal and State Laws. Violations of the Title IX Policy are subject to disciplinary sanctions through:

- The Title IX Office (Students)
- Human Resources Office (Staff and students who are employed by Baylor University)
- Provost (Faculty and Adjunct Faculty)

The University provides the following services and assistance to all sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation victims:

- Baylor University will facilitate the process of the McLennan County District Attorney's Office payment of the sexual assault forensic exam. The Texas Crime Victim Compensation Act may allow for payment of any related medical expenses.
- BUPD employs a crime victim liaison that is available to all victims of violent crimes. This liaison provides support and guidance to victims and enables them to receive advocacy, information, and assistance both judicially and academically.
- BUDPS actively participates in the McLennan County Sexual Assault Response Team (SART). This is to ensure victims are provided the appropriate care in a timely fashion and with only well-trained professionals.
- On campus counseling services are available to students through Counseling Services.
- A procedure is in place that may allow the victims of violence to retroactively withdraw from a semester or individual courses.

## **DEFINITIONS**

Texas Penal Code §22.011 defines **Sexual Assault** as follows:

- (a). A person commits an offense if the person:
  - (1). intentionally or knowingly:
    - (A). causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
    - (B). causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
    - (C). causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
  - (2). intentionally or knowingly:
    - (A). causes the penetration of the anus or sexual organ of a child by any means;
    - (B). causes the penetration of the mouth of a child by the sexual organ of the actor;
    - (C). causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
    - (D). causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
    - (E). causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b). A sexual assault under Subsection (a)(1) is without the consent of the other person if:
  - (1). the actor compels the other person to submit or participate by the use of physical force or violence;
  - (2). the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
  - (3). the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  - (4). the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;

- (5). the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- (6). the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
- (7). the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
- (8). the actor is a public servant who coerces the other person to submit or participate;
- (9). the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
- (10). the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
- (11). the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.

**Dating violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- (i). The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (ii). For the purposes of this definition—
  - (A). Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - (B). Dating violence does not include acts covered under the definition of domestic violence.
- (iii). For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Domestic violence.**

- (i). A felony or misdemeanor crime of violence committed—
  - (A). By a current or former spouse or intimate partner of the victim;
  - (B). By a person with whom the victim shares a child in common;
  - (C). By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - (D). By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
  - (E). By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking.**

- (i). Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - (A). Fear for the person's safety or the safety of others; or
  - (B). Suffer substantial emotional distress.
- (ii). For the purposes of this definition—
  - (A). **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - (B). **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
  - (C). **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- (iii). For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**NEW YORK STATE PENAL LAW ARTICLE 130 DEFINES SEX OFFENSES. SECTION 130.05 DEFINES LACK OF CONSENT AS FOLLOWS:**

Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim where lack of consent results from:

- Forcible compulsion; or
- Incapacity to consent; or
- Where the offense charged is sexual abuse or forcible touching, any circumstances in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or
- Where the offense charged is rape in the third degree, as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed the victim clearly expressed to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all circumstances.
- A person is deemed incapable of consent when he or she is:
  - Less than seventeen years old; or
  - Mentally disabled; or
  - Mentally incapacitated; or
  - Physically helpless; or
  - Committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital.

**BAYLOR'S SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL ASSAULT, SEXUAL EXPLOITATION, STALKING, INTIMATE PARTNER VIOLENCE, AND RETALIATION POLICY DEFINITIONS**

**A. Sexual Assault**

The following behaviors constitute 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.

**B. 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.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

**Sexual harassment:**

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.

- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, or in any other context.
- May be a one-time event or may be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the complainant and/or third parties who witness or observe harassment.

### C. Sexual Exploitation

**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. Sexual exploitation may include:

- surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all parties involved; or
- exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances

### D. Intimate Partner Violence

**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 below).

Physical abuse consists of threatening or causing physical harm to another, or engaging in other conduct that threatens or endangers the health or safety of any person. Physical abuse will be addressed under this policy if it involves sexual or gender-based harassment, intimate partner violence, or is part of a course of conduct under the stalking definition.

As used in this policy, the definition of intimate partner violence is consistent with the definitions of dating violence and domestic violence set forth in the Clery Act (as amended by VAWA).

When determining whether the reported conduct meets the Clery definition, whether there has been a domestic or dating relationship will be determined by a review of its length, type, and frequency of interaction.

### E. Stalking

**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. 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. Stalking also includes cyber-stalking through electronic media, like the internet, social networks, blogs, cell phones, or text messages.

### F. Retaliation

**Retaliation:** This 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 this policy; filing an external complaint; opposing in a reasonable manner and consistent with University policy an action reasonably believed to constitute a violation of this policy. Retaliation may also include acts or words taken against an individual or group of individuals because they have participated in proceedings under this 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 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 their University responsibilities. All individuals and groups of individuals are prohibited from engaging in retaliation and will be held accountable under this policy.

### G. Complicity

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

### H. Additional Guidance Regarding Consent and Incapacitation

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



**Consent:** Consent is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

In evaluating whether consent has been freely sought and given, the University will consider the presence of any force, threat of force, or coercion; whether the complainant had the capacity to give consent; and, whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act. Consent cannot be obtained through physical force or where there is a reasonable belief of the threat of physical force, when one person overcomes the physical limitations of another person, or by taking advantage of another person's 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.
- Consent to an act with one person does not constitute consent to an act with any other person.
- The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.
- Consent can be withdrawn or modified at any time, and sexual contact must cease immediately once consent is withdrawn.
- Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on nonverbal communication alone may result in a violation of this policy.

Under Texas law, individuals younger than 17 years of age are legally incapable of giving consent to sexual penetration or contact by an adult (someone 18 years of age or older) who is three or more years older.

**Incapacitation:** 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 at the time of the incident 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 or impaired by use of the drug. Alcohol and other drugs impact

each individual differently, and determining whether an individual is incapacitated requires an individualized determination.

The University does not expect community members to be medical experts in assessing incapacitation. Individuals should look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. A person's level of intoxication is not always demonstrated by objective signs; however, some signs of intoxication may include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know whom you are with?"

An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. It is especially important, therefore, that anyone engaging in sexual activity is aware of both their own and the other person's level of intoxication and capacity to give consent. The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or incapacitation, the safest course of action is to forgo or cease any sexual contact.

In evaluating consent in cases of reported incapacitation, the University asks two questions: (1) Did the respondent know that the complainant was incapacitated? and if not, (2) Should a sober, reasonable person in a similar set of circumstances as the respondent have known that the complainant was incapacitated? If the answer to either of these questions is "yes," there was no consent; and the conduct is likely a violation of this policy.

A respondent's voluntary intoxication is never an excuse for or a defense to prohibited conduct, and it does not diminish the responsibility to determine that the other person has given consent.

## OPTIONS FOR COMPLAINANTS AND OTHER REPORTING PARTIES

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 posing a threat to 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:

- 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).
- Request interim measures from the Title IX Coordinator [www.Baylor.edu/titleix/report](http://www.Baylor.edu/titleix/report).
- If on campus, contact the Baylor University Department of Public Safety 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.
- If at a branch campus, contact the appropriate local law enforcement agency to file a criminal complaint. Information regarding the appropriate local law enforcement agency is listed for each branch campus within this document.

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: [www.baylor.edu/titleix/report](http://www.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.



### 3. Amnesty

In order to encourage complainants and witnesses to make reports of conduct prohibited under this 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.

Similarly, the University will not pursue disciplinary action against students (complainants or witnesses) for conduct in violation of the Sexual Conduct Policy. Under no circumstances will a complainant or witness who makes a report of sexual assault or other prohibited conduct be charged with violating the Sexual Conduct Policy, regardless of the outcome.

### 4. Timeframe for Reporting

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. There is no time limit for reporting. Reports under this policy 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. The University may assist the complainant in identifying and contacting law enforcement and other external enforcement agencies.

Students and employees also have a right to decline to report to law enforcement, and will still be entitled to any and all available resources provided by Baylor University.

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## REPORTING AN INCIDENT

Students, faculty, staff or visitors to all Baylor campus locations that have been the victim of an incident of sexual or gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, or retaliation should immediately report these incidents to the Title IX Office located at Clifton Robinson Tower, 700 S. University Parks Dr., Suite 285, Waco, TX, phone (254) 710-8454, and the Office of Judicial Affairs located at Clifton Robinson Tower, 700 S. University Parks Dr., Suite 270, Waco, TX, phone (254) 710-1715. Employees may also report to the Baylor University Office of Human Resources located at the Clifton Robinson Tower, 700 S. University Parks Dr., Suite 200, Waco, TX, phone (254) 710-2000 or e-mail at [askHR@baylor.edu](mailto:askHR@baylor.edu). Baylor University officials will assist any victim in notifying law enforcement, including local police, if they elect to do so. Victims are also entitled not to report to law enforcement. Any student or employee, who reports an incident of sexual violence, domestic violence, dating violence or stalking, (whether the offense occurred on or off campus), shall receive a written explanation of their rights and options from the Responsible Person who the incident is reported.

These incidents may also be reported to the on-site program administrators at any of the branch campus locations.

*Any person designated as a Responsible Person under Title IX must immediately report incidents of sexual or gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, or retaliation to the Title IX Office.*

### **BAYLOR MAIN CAMPUS AND DIANA R. GARLAND WACO SCHOOL OF SOCIAL WORK**

The Baylor main campus and the Diana R. Garland Waco School of Social Work are served by BUPD located at the Speight Plaza Parking Facility, 1521 S. 4th St., Waco, TX, phone (254) 710-2222. In the case of an emergency or ongoing threat, if possible, get to a safe location and please report the incident by calling 911. If off campus, the incident can be reported to the Waco Police Department at 3115 Pine Ave., Waco, TX, by calling 911, or (254) 750-7500.

### **BAYLOR DIANA R. GARLAND HOUSTON SCHOOL OF SOCIAL WORK**

The Baylor Diana R. Garland Houston School of Social Work is located in the South Main Baptist Church at 4100 S. Main St., Houston, TX 77002. This location is patrolled by the Houston Police Department. In the case of an emergency or ongoing threat, if possible, get to a safe location and please report the incident by calling 911. If off campus, the incident can be reported to the Houston Police Department by calling (713) 884-3131.

For more information about the Houston Police Department, visit <http://www.houstontx.gov/police/>.

Incidents may also be reported to the on-site branch campus program administrators.

### **BAYLOR LOUISE HERRINGTON SCHOOL OF NURSING**

The School of Nursing is served by the Baylor Scott & White Health Department of Public Safety located at 4005 Crutcher St., Dallas, TX 75246. In the case of an emergency or ongoing threat, if possible get to a safe location and please report the incident by calling (214) 820-4444. If off campus, the incident needs to be reported to the Dallas Police Department by calling 911.

Incidents may also be reported to the on-site branch campus program administrators.

### **AUSTIN EXECUTIVE MBA PROGRAM**

The Austin Executive MBA Program is served by the Austin Police Department located at 715 E. 8th St., Austin, TX 78701. In the case of an emergency or ongoing threat, if possible get to a safe location and please report the incident by calling (512) 974-5000 or by calling 911.

Incidents may also be reported to the on-site campuses program administrators.

### **DALLAS EXECUTIVE MBA PROGRAM**

The Dallas Executive MBA Program is served by the Dallas Police Department substation located at 6969 McCallum Blvd., on the northeast corner of Hillcrest Rd. and McCallum Blvd. In the case of an emergency or ongoing threat, if possible get to a safe location and please report the incident by calling (214) 744-4444 or by calling 911.

Incidents may also be reported to the on-site campuses program administrators.

### **BAYLOR IN NEW YORK PROGRAM**

The Baylor in New York Program is served by the New York Police Department in the Midtown Precinct South located at 357 W. 35th St. In the case of an emergency or ongoing threat, if possible get to a safe location and please report the incident by calling (212) 239-9811 or by calling 911.

Incidents may also be reported to the on-site campuses program administrators.



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## VICTIM PRIVACY AND CONFIDENTIALITY

Baylor University recognizes the sensitive nature of sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation issues and is committed to protecting the privacy of any individual who reports these incidents. Different officials on campus are, however, able to offer varying levels of privacy to victims. Reports made to law enforcement, (including cases where criminal prosecution is pursued), may be made public through Public Information Act requests and shared with the accused, although personally identifiable information may be redacted.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log. Pursuant to the Clery Act, the University includes statistics about certain offenses in this 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.

## CONFIDENTIALITY, PRIVACY, AND RELATED RESPONSIBILITIES

Issues of privacy and confidentiality play important roles in Baylor's Title IX 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.

## CONFIDENTIALITY AND CONFIDENTIAL RESOURCES

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. For example, information may be disclosed when the individual gives written consent for its disclosure, there is an imminent concern that the individual will likely cause serious physical harm to self or others, or the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18. A person's medical and counseling records are privileged and confidential documents.

Confidential resources submit non-personally-identifying information about Clery-reportable crimes to the Baylor University Police Department for purposes of the anonymous statistical reporting under the Clery Act.

**Confidential Resource:** A Confidential Resource is any employee who is a licensed medical, clinical, or mental-health professional (e.g., physicians, nurses, physician's assistants, psychologists, psychiatrists, professional counselors, and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient; and any employee providing administrative, operational, and/or related support for such health care providers in their performance of such services. The Baylor University Chaplain is also a Confidential Resource when acting within a ministerial or pastoral role in the provision of services to a student, faculty, or staff member. Resident Chaplains and Athletic Chaplains are not Confidential Resources. Confidential Resources will not disclose information about prohibited conduct without the individual's permission or as set forth in the policy. When individuals who otherwise may be Confidential Resources receive information outside of the provision of services to a patient or Baylor University Chaplain ministerial relationship, the Confidential Resource is required to share that information with the Title IX Office.

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 Department of Public Safety 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 Department of Public Safety.

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## CONFIDENTIALITY RIGHTS OF COMPLAINANTS AND RESPONDENTS

Individuals involved in investigations or disciplinary proceedings under Baylor's Title IX 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 during the process. All parties, however, are encouraged to maintain the privacy of FERPA-protected and/or sensitive information gathered or learned in the process. Medical and counseling records are privileged and confidential documents that are protected from disclosure under the Title IX policy.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log, in the annual crime statistics or in a Timely Warning Notices. The name of the victim and other personally identifiable information about the victim will be withheld.

## PRIVACY

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. The University will make reasonable efforts to investigate and address reports of prohibited conduct under this policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the University will take into consideration the privacy of the parties to the extent reasonably possible.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act (HIPAA) and Title 2, Chapter 81 and Title 4, Chapter 241, Subchapter G, of the Texas Health & Safety Code, and Chapter 144 of the Texas Civil Practice and Remedies Code, excepting health records protected by FERPA. Access to an employee's personnel records in Texas is governed by Chapter 103 of the Texas Labor Code.

In accordance with Chapter 57 of the Texas Code of Criminal Procedures, victims may use a pseudonym to protect their identity when reporting sexual violence offenses or family violence offenses to Texas law enforcement agencies. A pseudonym is a set of initials, or a fictitious name, chosen by the victim to be used in all public files and records concerning the sexual assault.

## PROCEDURES THAT VICTIMS SHOULD FOLLOW

If an incident of sexual or gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence or retaliation occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution. Victims are strongly encouraged to take the following steps:

- Get to a safe place as soon as possible!
- Try to preserve all physical evidence. This evidence is critical for both criminal prosecutions, pertaining to a protective order, or for the University adjudication process. The victim of sexual assault should not bathe, douche, use the toilet, shower, brush teeth, or change clothing until s(he) has a medical exam. Any clothing removed should be placed in a paper bag. Contact a close friend or relative, if available, who can provide support and accompany the victim to the medical exam and/or police department. Advocates are available to the victim to provide support.
- Get medical attention as soon as possible – An exam may reveal the presence of physical injury of which the victim is unaware. Following a sexual assault, antibiotics are typically given at the time of the exam to help prevent the victim from acquiring certain sexually transmitted diseases. Emergency contraceptive pills are offered to all victims at the time of the exam (if the victim presents within 120 hours) to help prevent pregnancy from occurring as a result of the rape. If the victim reports memory loss, loss of consciousness or other circumstances suspicious for a drug-facilitated assault, a urine test may be done if the victim presents within 96 hours. Some of the commonly used "date rape" drugs, however, are only detectable in the urine for 6-8 hours after ingestion.
- Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented, including through the preservation of photographic evidence.
- Evidence of stalking including any communication, such as written notes, voice mail or other electronic communications should be saved and not altered in any way.
- Contact the police. It is vital to report these crimes in a timely manner. It is important to remember reporting a crime does not require that criminal charges must be filed with the District Attorney's Office. The decision to prosecute may be made at another time. If the complainant decides to pursue charges, the District Attorney's Office will review the case and determine if they are able to move forward with the prosecution of the case.
- Consider talking to a counselor – Seeing a counselor may be important in helping the victim understand his/her feelings and begin the process of recovery.

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## PERSONAL SAFETY

Despite the best efforts of law enforcement, serious crimes do occur on campuses. It is important to report any suspicious incidents to police and always remain alert and vigilant.

Some of the more serious crimes that too often are unreported are sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation. It is important to know what these crimes are, because in many cases, victims do not realize that have been victimized. Additionally, crimes of this nature are very difficult for victims to report for a number of very complex reasons. We provide the following information to assist those who may have been victims of sexual offenses or who have a friend who has been a victim of a sex offense.

There are many guidelines to help you be more alert and aware of the situation to prevent such serious crimes. Such as:

- Know your surroundings
- Be alert
- Call for help
- Report any suspicious people and/or activity, immediately

## ON AND OFF-CAMPUS RESOURCES

Both Baylor University and the City of Waco offer other important resources to the victims of sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation, including medical treatment, counseling and advocacy they may wish to utilize. The Baylor Title IX Office is available to assist any student or employee and will help them consider their options and navigate through any resources or recourse they elect to pursue. The Baylor Human Resources Department is also available to assist any employee. Employees may also seek assistance from the Employee Assistance Program. BUPD will assist employees or students in initially contacting a local law enforcement agency for off campus incidents. BUPD will also continue to assist the complainant throughout the criminal justice process. The Counseling Center provides services to enrolled students by appointments. Appointments may be scheduled Monday through Friday between 8:00 a.m. and 5:00 p.m. Records are confidential.

Appointments are not required for the Health Center. The Health Center and Counseling Center personnel are available for emergencies after regular office hours. No fee is required at the time of service. Health services are closed during academic breaks, and students are advised to contact mental health resources in their hometowns.

A victim need not make a formal report to law enforcement or Baylor University to access these resources that include the following:

To access on campus medical treatment, contact:

### **Baylor Health Center**

McLane Student Life Center, 2nd Floor  
209 Speight Ave.  
(254) 710-1010

Local hospitals can be contacted at:

### **Baylor Scott & White Hillcrest Medical Center**

Hillcrest Baptist Medical Center  
100 Hillcrest Medical Blvd.  
Waco, Texas 76712  
(254) 202-2000 (main number)  
(254) 202-8611 (emergency room)

### **Providence Health Center**

6901 Medical Pkwy.  
Waco, Texas 76712  
(254) 751-4000 (main number)  
(254) 751-4180 (emergency room)

### **County Sexual Assault Response Team (SART) Location:**

Advocacy Center for Crime Victims and Children  
2323 Columbus Ave.  
Waco, Texas 76701  
<http://www.advocacycntr.org>  
Crisis Hotline (254) 752-7233  
Toll free (888) 867-7233  
(254) 752-9330 (office)  
(254) 752-9655 (fax)

To access crisis counseling and other community resources:

### **Family Abuse Center, Waco, Texas**

Legal assistance, housing, and confidential counseling  
<http://www.familyabusecenter.org>  
(800) 283-8401 (24-Hour Hotline)

Students can access confidential resources on campus through:

### **Baylor University Counseling Center**

[http://www.baylor.edu/counseling\\_center](http://www.baylor.edu/counseling_center)  
(254) 710-2467 (to schedule an appointment or speak with a staff member)  
McLane Student Life Center, 2nd Floor  
209 Speight Ave.

Hours of Operation: 8 a.m. until 5 p.m. Monday through Friday (extended hours until 7 p.m. on Wednesdays and Thursdays) by appointment only. The Counseling Center is closed during academic breaks.  
Walk-in Clinic: 9 a.m. to 4 p.m. (must arrive no later than 3:30 p.m.) Monday through Friday, including the noon lunch hour.

A valid Baylor ID is needed for entry into the McLane Student Life Center (SLC).

In case of a crisis, an individual may come by the Counseling Center during regular office hours. A psychologist or counselor is on call after regular office hours and during weekends and can be reached by calling (254) 710-2467. 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:

**Mental Health Mental Retardation** (254) 752-3451 and select Crisis Option  
**DePaul Center** (254) 776-5970  
**911** or a local hospital

Other Resources:

**Family Counseling and Children's Services**, 5020A Lakeland Circle, Waco, TX, (254) 751-1777

**Rape, Abuse and Incest National Network (RAINN):** <http://www.rainn.org/>

**National Sexual Assault Hotline, operated by RAINN;** (800) 656-4673

**Texas Association Against Sexual Assault:** <http://www.taasa.org/>

**The United States Department of Justice, Office on Violence Against Women;** <http://www.justice.gov/ovw/sexual-assault>

#### **Baylor University Health Services**

[http://www.baylor.edu/health\\_center/](http://www.baylor.edu/health_center/)

(254) 710-1010 (to schedule an appointment or speak with a staff member)

McLane Student Life Center, 2nd Floor  
209 Speight Ave.

Hours of Operation: 8 a.m. to 6 p.m. Monday through Friday and 9 a.m. to 1 p.m. Saturday

Call (254) 710-1010 after hours for professional advice from a registered nurse at Sironia Health.

#### **Office of Spiritual Life, University Chaplain Burt Burleson**

<http://www.baylor.edu/spirituallife/index.php?id=870480>

[spiritual\\_life@baylor.edu](mailto:spiritual_life@baylor.edu)

(254) 710-3517 (office)

Bobo Spiritual Life Center

Corner of 5th St. and Speight Ave.

**Employee Assistance Program** - is a confidential employee benefit which provides assessment and short-term counseling to employees, their spouses, and their dependents. An employee or an employee's family member can access the program by calling the ComPsych @GuidanceResources@ toll-free number: (888) 628-4844; TDD: (800) 697-0353; Go online: [www.guidanceresources.com](http://www.guidanceresources.com) (company Web ID: PGFEAP). To learn more please visit: [Baylor Employee Assistance Program](#)

Although it is unlikely due to the geographic restraints, students at branch campuses are welcome to utilize the resources at the Baylor main campus. For more information about local resources, please contact your campus administrator. Some of the above listed resources are available on a statewide or national basis.

### **ACCOMMODATIONS**

If requested, the University will make changes in academic and living situations reasonably available in assisting victims of sexual assault, sexual harassment, dating violence, domestic violence, and stalking. Options may include but are not limited changes to a victim's academic, living, transportation, and or working situation.

Baylor University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

Whether a student or employee reports to law enforcement and/or pursues any formal action, if they report an incident of sexual assault, sexual harassment, domestic violence, dating violence or stalking, Baylor University is committed to providing them as safe a learning or working environment as possible. Upon request, Baylor University will make any reasonably available change to a victim's academic, living, transportation, and or working situation. Students may contact the Title IX Coordinator at Clifton Robinson Tower, 700 S. University Parks Dr., Suite 285, (254) 710-8454. The Title IX Coordinator or their designee will provide the student with their notice of rights and options. Additional information about interim measures may be found in Section 8 of Baylor's Title IX Policy.

Employees may contact the Baylor University Office of Human Resources located at the Clifton Robinson Tower, 700 S. University Parks Dr., Suite 200, (254) 710-2000 or e-mail at [askHR@baylor.edu](mailto:askHR@baylor.edu) for assistance. A Human Resources representative will provide the employee with their notice of rights and options.

If a victim reports an incident to law enforcement, they may assist them in obtaining a protective order from a criminal court. Baylor University is committed to ensuring that any such order is fully upheld on all institutionally owned and controlled property. A protective order can contain several provisions to protect victims from any further harm, including no-contact provisions. In Texas, a violation of a protective order is a criminal offense and the violator



may be immediately arrested without having to procure an arrest warrant.

The Baylor University Department of Public Safety in conjunction with the appropriate Baylor University offices assists in obtaining no-contact orders.

## **VAWA SEXUAL VIOLENCE EDUCATION PROGRAMS**

Baylor University is committed to increasing the awareness of and prevention of sexual assault, sexual harassment, domestic violence, dating violence and stalking; and by policy prohibits these crimes. All incoming students and new employees are provided with programming and strategies intended to prevent these types of incidents before they occur through the changing of social norms and other approaches that includes a clear statement that Baylor University prohibits such acts. These programs include:

### **BRIDGES: BUILDING A SUPPORTIVE COMMUNITY**

The Title IX Training Course for Faculty and Staff is a federally mandated overview course about Title IX and the Violence Against Women Act. This mandatory course helps each faculty and staff member be more aware of situations in which interpersonal and sexual violence may occur and understand their responsibilities in reporting and aiding students and colleagues who have experienced interpersonal or sexual violence.

Specific Baylor policies and resources may be found at [www.baylor.edu/titleix](http://www.baylor.edu/titleix). It is important for faculty and staff to understand their roles in working with those who have been affected by interpersonal or sexual violence.

This program is also presented in the new hire orientation program (Bear Essentials).

### **IT'S ON US BAYLOR CAMPAIGN**

All first year and new transfer students are required to attend this course developed by the Title IX Office. This event is for students to learn about interpersonal and sexual violence prevention as well as bystander intervention. The program includes:

- Awareness of interpersonal violence (sexual assault, sexual harassment, stalking, dating/domestic violence, sexual exploitation)
- University policies
- How to report incidents
- Title IX Office information
- How to get help (confidential resources, University disciplinary process, criminal prosecution options)
- Prevention (combination of risk reduction and bystander intervention).

The Title IX Office continues to work with several different departments on campus including, the Counseling Center to increase risk reduction programs designed to decrease perpetration and bystander inaction, to increase empowerment of victims in order to promote safety, and to help individuals and communities address conditions that facilitate violence.

### **RESPONSIBLE EMPLOYEE TRAINING**

Faculty or staff who have been designated as a Responsible Employee are required to participate in the Responsible Employee Training. This training includes:

- Review of the University's Title IX Policy
- Title IX law
- Violence Against Women Act and Campus SaVE law
- Reporting incidents to the Title IX Office
- Rights, options and resources available
- Definition of confidential employees
- Confidential resources
- Interim and permanent sanctions
- Employee roles in supporting student success under the Title IX policy.

Please note: All employees who have NOT been identified as a Confidential Resource ARE designated as a Responsible Employee.

### **HOW TO BE AN EFFECTIVE BYSTANDER**

Bystanders play a critical role in the prevention of sexual, gender-based and intimate partner violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have to choose to intervene, speak up, or do something about it. We want to promote a culture of community accountability, a caring community where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. If you or someone else is in immediate danger, dial 911. Trust and follow your instincts when considering direct intervention or calling the police. Below is a list of some ways to be an effective bystander.

- Be a Good Samaritan. If you observe someone who seems to be in distress, see if they need help. Ask them if they are ok. If they are incapacitated or ask for help, get them the aid they need.
- Be courageous, work past your fear and get involved. Even a quick phone call to the authorities can bring a positive resolution to an incident.
- Confront individuals or call the authorities when you observe them trying to take advantage of an incapacitated individual.

- If you become aware of someone making plans to incapacitate an individual or group of individuals, confront them or call the authorities.
- If someone confides in you that they were the victim of sexual or gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, or retaliation, encourage them to report the incident and refer them to the Baylor University resources and assistance listed above.

The Baylor University Title IX Office uses the nationally recognized GreenDot Bystander Training Program. The three most effective intervention strategies are listed below:

- **Direct** – The bystander interacts directly with the people involved in the situation to assist an individual who may be in danger. The *Direct* approach can be as simple as asking if someone is ok or removing them from the situation.
- **Delegate** – Finding someone else to interdict. Individuals may not be comfortable intervening or maybe getting involved doesn't feel safe. You can always *Delegate* to someone with authority. Call the BUDPS or the appropriate law enforcement agency.
- **Distract** – Sometimes a simple distraction can deflect the intensity of a situation. For example, you can *Distract* them by asking someone to go to the restroom or invite them to go for a meal. Distraction is intended to diffuse a possibly dangerous situation.

The Counseling Center sponsors an on-line course entitled “Every Choice.” This program also provides students and employees recognition and interventions strategies if they find themselves as bystanders to preparatory acts of sexual assault, sexual harassment, domestic violence, dating violence or stalking.

The [Baylor University Counseling Center](#) has helpful information on its website to assist those who may be in an abusive domestic or dating relationship or the victim of stalking.

## **BAYLOR POLICY STATEMENT ON CAMPUS ADJUDICATION PROCESS**

Baylor University strictly prohibits all acts of sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation. In addition to facing criminal charges, students, employees and other affiliates may also face disciplinary action by Baylor University. The Title IX Office will handle incidents involving accused students, and Baylor University Human Resources will handle incidents involving accused employees/affiliates.

## **INVESTIGATIONS AND DISCIPLINARY PROCEDURES IN GENERAL FOR THIS POLICY**

The University is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this policy. The University uses two processes to resolve reports

of prohibited conduct under this policy: Disciplinary Resolution, which involves an investigation, adjudication, and, if appropriate, the imposition of sanctions, and Alternative Resolution, which includes informal or restorative options for resolving reports that does not involve disciplinary action against a respondent. 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.

Baylor University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **TIMING OF INVESTIGATIONS AND ANY RELATED DISCIPLINARY PROCEEDINGS**

The University will seek to complete the investigation and resolution process in approximately 60 calendar days following the notice of the investigation. In some instances, that may be the same date as the date of the report; in other instances, based on information gathered in the initial assessment, that may be at a later date. This policy designates reasonably prompt timeframes for the major stages of the investigation and resolution process (typically set forth in business days), but the University may extend any timeframe in this policy for good cause, including extension beyond 60 calendar days. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the University calendar, University finals periods, the complexity of the investigation, and/or the severity and extent of the alleged misconduct. While requests for delays by the parties may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a report under this policy. 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 remedial measures for the complainant.

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Investigations will proceed according to the timeframes in this policy to the extent possible during the summer and at other times when classes at the University are not in session. The Title IX Office 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 review of the finding, apply equally to both complainant and respondent.

## **INVESTIGATION, DISCIPLINARY, AND APPEAL PROCEDURES FOR CASES WHEN THE RESPONDENT IS A STUDENT**

When the University receives a report alleging that a student violated this policy, the Title IX Coordinator will appoint one or more investigators to conduct a prompt, thorough, fair, and impartial investigation. The investigator may be a University employee and/or an experienced external investigator. Any investigator used by the University will receive annual training on the issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of complainants while promoting accountability. The investigator will be impartial and free from conflict of interest or bias.

The Title IX Coordinator will notify the complainant and the respondent, in writing, of the following information:

(1) the names of the complainant and the respondent; (2) the date, time (if known), location, and nature of the reported conduct; (3) the reported policy violation(s); (4) the name of the investigator; (5) information about the parties' respective rights and responsibilities; (6) the prohibition against retaliation; (7) the importance of preserving any potentially relevant evidence in any format; (8) how to challenge participation by the investigator on the basis of a conflict of interest or bias; and (9) a copy of this policy. If the investigation reveals the existence of additional or different potential policy violations, the Title IX Office will issue a supplemental notice of investigation.

During an investigation, the investigator will seek to meet separately with the complainant, respondent, and relevant witnesses. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, or related matters. Witnesses may not participate solely to speak about an individual's character. Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be shared with the parties at the conclusion of the investigation. The investigator will also gather other relevant information or evidence, including documents, photographs, communications between the parties, medical

records (subject to the consent of the applicable person), and other electronic records as appropriate.

The investigator, not the parties, is responsible for gathering relevant evidence to the extent reasonably possible. The complainant and respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications, photographs, and other evidence. Both persons are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution. In the event that a party declines voluntarily to provide material information, the University's ability to conduct a prompt, thorough, and equitable investigation may be impacted.

The investigator may also consider information publicly available from social media or other online sources that comes to the attention of investigator.

The Title IX Office does not actively monitor social media or online sources, however, and as with all potentially relevant information, the complainant, respondent, or witness should bring online information to the attention of the investigator.

The investigator may visit relevant sites or locations and record observations through written, photographic, or other means. In some cases, the investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. The University will not consider polygraph results. In general, a person's medical and counseling records are confidential and not accessible to the investigator unless the person voluntarily chooses to share those records with the investigator. In those instances, the relevant information from the records must be shared with the other party.

The investigator will review all information identified or provided by the parties and will determine the appropriateness, relevance, and probative value of the information developed or received during the investigation. In general, the investigator will not consider statements of personal opinion or statements as to any party's general reputation for any character trait. All information considered relevant by the investigator will be provided to the parties for their review and comment, as described in this policy.

The investigator will provide periodic updates to the parties about the status of the investigation, with a goal to complete the fact-gathering portion of the investigation within approximately 30 calendar days.

Throughout the investigation and resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the investigation and resolution of a report under this policy. 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. Generally, the Title IX Office and investigator will communicate directly with the complainant or respondent, and any communications with an advisor may only occur after a FERPA waiver has been executed. An advisor should plan to make themselves reasonably available, and the University will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability. An advisor may be asked to meet with a University administrator in advance of any proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum.

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 five business days to (1) meet again with the investigator, (2) provide written comment or feedback, (3) submit additional information, and/or (4) identify additional witnesses or request the collection of other information by the investigator. If either party provides a written response or makes a request for additional information, the content will be shared with the other party and incorporated as appropriate in the final investigative report. Any information gathered through additional investigation steps will be shared with both parties, and, as appropriate, each will have the opportunity for further response. Typically, each party will have three business days to review any additional information. As necessary, 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. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator upon review of the preliminary investigative report will not be considered in the determination of responsibility for a violation of the policy.

The investigator will make a finding, by a preponderance of the evidence, whether there is sufficient evidence to support a finding of policy violation. A finding of responsibility based on a preponderance of evidence means that based on all relevant evidence and reasonable inferences from the evidence, the greater weight of information indicates that it was more likely than not the policy violation occurred. Unless there are significant additional investigative steps requested by the parties or identified by the investigator, within five business days after receipt and consideration of additional comments, questions, and/ or information from the parties, 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, to support a finding of responsibility for a violation of the policy. Both parties will receive simultaneous written notification of the investigative finding, the rationale, and the ability to contest the investigative finding.

## **RIGHTS OF APPEAL**

Either party may accept or contest the investigative finding. A party may contest the investigative finding by asserting that (1) there was a material procedural error that significantly impacted the outcome or (2) there was no rational basis, applying a preponderance of the evidence standard, for the investigative finding. To contest the finding, the complainant or respondent must submit a written statement within five business days explaining why the party contests the finding(s). Each party will have the opportunity to review and respond in writing to the other party's request for review of the finding; any response must be submitted within three business days. The Title IX Office will provide the final investigative report, together with any statements by the parties, to the Review Panel for further proceedings as outlined below:

- If either party contests the investigative finding, 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.
- If neither party contests a finding that there was insufficient evidence to support a finding that the respondent violated this policy, the investigative finding becomes final.

The hearing will typically be scheduled within ten business days of the receipt of any request for review (and response) by the parties.

Where there is an investigative finding of responsibility on one or more of the policy violations, either or both parties may submit a statement to the Title IX Coordinator for consideration by the Review Panel in determining an appropriate sanction. The complainant may submit a written statement describing the impact of the prohibited conduct on the complainant and expressing a preference about the sanction(s) to be imposed. The respondent may submit a written statement explaining any factors that the respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed. Any impact or mitigation statement must be submitted no later than two business days before the hearing. The Title IX Coordinator will ensure that each of the parties has an opportunity to review any statement submitted by the other party. The Title IX Coordinator will provide any statement(s) with the final investigative report and the parties' other written submissions to the Review Panel.



The Review Panel will consist of three individual members drawn from a standing pool of panelists. The Review Panel may consist of faculty, staff, or external professionals. Students may not serve as a member of the Review Panel. All members of the Review Panel will receive annual training on the issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking and on how to conduct a hearing that is fair and impartial and provides parties with notice and a meaningful opportunity to be heard. Members of the Review Panel will be impartial and free from conflict of interest or actual bias. The Review Panel will 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. The review is narrowly tailored to these stated bases. In evaluating sufficiency of the rational basis for the investigative finding, the Review Panel will not reweigh the facts gathered or substitute its opinion on credibility for the judgment of the investigator who saw and heard the witnesses and parties.

The hearing is an opportunity for the parties to address the Review Panel in person. The parties may address any information in the final investigative report, supplemental statements submitted in response to the final investigative report, or impact and mitigation statements. Each party has the opportunity to be heard and to respond to any questions of the Review Panel. The parties may not directly question one another, although they may proffer questions for the Review Panel, who may choose, in their discretion, to pose appropriate and relevant questions.

The Review Panel has the discretion to determine the specific hearing format. Both the complainant and the respondent have a right to be present at the hearing, but neither party is required to participate in the hearing in order for the hearing to proceed. Either party may request alternative methods for participating in the hearing that do not require physical proximity to the other party, including participating through electronic means.

Where either of the parties has contested the recommended finding(s) of responsibility, the Review Panel will, at the conclusion of the hearing, determine, by majority vote, (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 either ground is substantiated, the Review Panel may remand the matter to the Title IX Coordinator with instructions for further investigation or other action. The instructions may include guidance regarding the scope of information to be further investigated and any appropriate stipulations, including the appointment of a new investigator.

If the Review Panel affirms the investigative finding of a policy violation, the Review Panel will then determine, by majority vote, the appropriate sanction(s) for the prohibited conduct.

If the Review Panel affirms a finding that there was insufficient evidence to support a finding that the respondent violated this policy, the matter will be considered resolved; and the investigation will be closed. Appropriate remedial measures (including but not limited to no contact directives issued to both parties) may, however, remain in effect to support a complainant.

### **STUDENT ENROLLMENT AND RESIDENCE STATUS**

The determination of whether to impose the interim protective measure of interim suspension will be made by the Title IX Coordinator in consultation with the Vice President for Student Life and members of the University's threat assessment team. A respondent may be suspended on an interim basis when the University has received information which indicates that the continued presence on campus of the respondent will likely have a serious 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 operation is threatened or impaired. The decision to impose interim suspension may be made at any point in the process.

### **INVESTIGATION, DISCIPLINARY, AND APPEAL PROCEDURES FOR CASES WHEN THE RESPONDENT IS A FACULTY OR STAFF MEMBER**

When the Title IX Coordinator receives a report 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.

### **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.

### **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 above, 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. (To view the entire policy please visit: [Title IX Policy](#))

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## 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.

The policy also provides for Alternative Resolution. Alternative Resolution is a voluntary and remedies-based resolution that does not involve taking disciplinary action against a respondent. Where an initial assessment concludes that Alternative Resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maintain the complainant's access to the educational, extracurricular, and employment activities at the University and to eliminate a potential hostile environment. Examples of interim remedial measures are included in the policy.

Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the respondent, and/or indirect action by the Title IX Office. 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. The decision to pursue Alternative Resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time.

Participation in Alternative Resolution is voluntary, and either party can request to end Alternative Resolution at any time.

The Title IX Office will maintain records of all reports and conduct referred for Alternative Resolution, which will typically be complete within 60 calendar days of the initial report.

## 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.

## 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.

## SANCTIONS

Where there is a finding of responsibility, the Review Panel may impose one or more sanctions. Sanctions may include any of the sanctions that are listed below or set forth for violations of the University's Student Conduct Code (see below).

The policy prohibits a broad range of conduct, all of which is serious in nature. In keeping with the University's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Review Panel has great latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the complainant and surrounding community, and accountability for the respondent. The imposition of sanctions is designed to eliminate prohibited conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion.

The Review Panel may solicit information from the complainant, the respondent, and any other Baylor administrator who can provide information relevant to a determination regarding potential sanctions. The Review Panel may also review any written impact or mitigation statement submitted by the complainant or respondent.

In determining the appropriate sanction, the Review Panel shall consider the following factors:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the complainant;
- the impact or implications of the conduct on the community or the University;
- prior misconduct by the respondent, including the respondent's relevant prior discipline history, both at the University or elsewhere (if available), including criminal convictions;
- whether the respondent has accepted responsibility for the conduct;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the University community; and
- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

Sanctions may be imposed individually or in combination.

## 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 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 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 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 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.





## **PENALTIES APPLICABLE TO FACULTY AND STAFF MEMBERS**

The appropriate disciplinary authority will determine the sanction, which 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. 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 Vice President and Chief Human Resources Officer 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.

## **SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT & MEGAN'S LAW**

Members of the public may request community notification flyers for information concerning sexually-violent predators in a particular community by visiting the chief law enforcement officer in that community. This information can be obtained from the Texas Public Sex Offender Registry at <https://records.txdps.state.tx.us/SexOffender/PublicSite/Index.aspx>

The New York State sex offender registry is available at <http://www.criminaljustice.ny.gov/nsor/>

## **CAMPUS SECURITY POLICIES, CRIME PREVENTION & SAFETY AWARENESS PROGRAMS**

In an effort to promote safety awareness, the BUDPS maintains a strong working relationship with the community. This relationship includes offering a variety of safety and security programs and services and crime prevention programming. If you or your organization would like to request a specific program, please contact the Crime Prevention Unit, (254) 710-2222. Branch campuses may also take advantage of these programs.

The Baylor University Department of Public Safety places a high priority on crime prevention. While it is impossible to prevent all crimes, the department believes that people can be aware of ways to reduce their chances of becoming victims. The department provides a wide range of services and educational programs designed to promote campus security and that aid in anticipating and minimizing potential dangers to the population and property of the University. Crime prevention and awareness at Baylor require the involvement of all members of the University community. The Baylor University Department of Public Safety strives to provide leadership and direction for this effort through programs ranging from crime prevention seminars to onsite inspections.

For the purpose of discouraging thefts on campus, the Baylor University Department of Public Safety sponsors Operation Identification. Through this program, bicycles and other items of personal property are engraved with the owner's personal identification number. The Baylor Department of Residence Life provides assistance with this program by encouraging students residing in campus housing to mark their valuable personal property.

In addition, crime prevention posters and handouts are utilized in an effort to make all members of the campus community aware of the potential for crime. The Lariat, the campus newspaper, is used as a means for presenting crime prevention and awareness information to the University community, including timely reports to members of the campus community regarding the occurrence of serious crimes on the campus (e.g., murder, rape, robbery, aggravated assault, burglary, and motor-vehicle theft).

While all police personnel are oriented to the concept of crime prevention, the two Crime Prevention Officers attend many advanced training schools to keep their level of expertise current at all times. These officers also act as the department's liaisons to the campus community.

These and other programs are available upon request and are presented throughout the year to groups on campus. Additionally, the Crime Prevention Officers participate in the annual National Night Out, during which members of the local law enforcement agencies visit area communities.

Anyone, including branch campus constituents, desiring information on crime prevention programs or related literature may contact the Crime Prevention Officers at (254) 710-2222.

## **CAMPUS SECURITY PROCEDURES AND CRIME PREVENTION**

Throughout the year, the Baylor University Department of Public Safety conducts a variety of crime prevention programs. Programs are held for students, parents of students, and employees.

BUDPS supports the following crime prevention programs:

### **CRIME FREE MULTI-HOUSING**

The Crime Free Multi-Housing program is designed to build a partnership between police and managers of rental properties that will enhance the ability to reduce crime, drugs, and other criminal activity on the property.

The Crime Free Multi-Housing program approaches crime on many fronts. The police cannot solve crime problems alone. Neither can the management or residents of rental properties. But by working together, the end result has been the most successful approach to crimes in rental communities.

There are three ways criminal activity comes into a rental community. The criminal lives there, they visit friends there, or they come to the property to commit crimes. The Crime Free Multi-Housing program addresses all three of these possibilities. By not renting to people with criminal intent, they not only reduce the likelihood of crime in the community, they also reduce the number of visitors who come to the property with criminal intent, i.e., to purchase drugs.

If the police, property managers and residents will make a dedicated effort to crime prevention and the Crime Free Multi-Housing program, the outlook for success is extremely high. This program has consistently delivered a reduction in call volume when applied.

### **SEXUAL ASSAULT PRESENTATION**

Bystander Intervention Training was presented in the Fall 2016 to all incoming Freshman and transfer students to increase their awareness concerning all aspects of sexual assault including prevention, during incident deterrence, and after incident recovery. This annual program is required of all Residential Life staff prior to the arrival of the incoming residential students for the Fall semester.

### **RESIDENCE HALL FLOOR PROGRAMS**

Every fall semester, police department personnel meet with the students in every main campus residence hall to discuss safety issues. Specific topics include:

- Personal safety
- Prevention of sexual violence
- Security and access to the residence hall
- Drug and alcohol prevention
- Safeguarding of personal property
- How to contact police
- Other available resources

### **PPCT-SHARP COURSE**

PPCT-SHARP or Pressure Point Control Tactics – Sexual Harassment and Rape Prevention classes are offered at no charge to university students, faculty and staff.

The program consists of realistic, self-defense tactics and techniques. It is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training.

PPCT-SHARP is not a martial arts program. Our courses are taught by certified instructors and provide you with a workbook/reference manual. This manual outlines the entire physical defense program for reference and continuous personal growth. The growing, widespread acceptance of this system is primarily due to the ease, simplicity and effectiveness of our tactics, solid research, and unique teaching methodology.

The program is dedicated to teaching women defensive concepts and techniques against various types of assault, by utilizing easy, effective and proven self-defense tactics. Our system of realistic defense will provide a woman with the knowledge to make an educated decision about resistance. This course is offered upon request and is conducted multiple times a semester.

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## ACTIVE SHOOTER

The active shooter course is designed to teach participants to take direct responsibility for their personal safety and security. They will learn how, with the proper mindset and the necessary tools, to be better equipped to react with purpose and to maximize their chance of survival if involved in an active shooter situation. This course is offered upon request and is conducted multiple times a semester.

## SOCIAL MEDIA

Social media can be used as a tool for stalking individuals as well as identity theft. Practical tips are covered that an individual can put in place to safeguard the user against these crimes. This course is offered only upon request.

## DRUG RECOGNITION

This presentation uses actual recovered drug paraphernalia to educate personnel on how to detect warning signs of narcotics on property, to include the scent of marijuana, and possible deceptive storage receptacles. This annual program is offered to the Residential Life Student's staff prior to the arrival of the incoming residential students for the Fall semester.

## ALCOHOL AWARENESS

Incoming freshmen are required to take alcohol and drug education through AlcoholEdu. More information about AlcoholEdu can be found [here](#).

Other programs include the "Fatal Vision" course. Participants drive golf carts and attempt to navigate a course lined with traffic cones while wearing fatal vision goggles or "drunk goggles" to demonstrate the dangerous effects of drinking and driving. At the end of the course, participants will take two standardized field sobriety tests. Through this program, students experience the dangers of impairment from drugs and alcohol without suffering the all-to-real consequences. They get firsthand experience of impairment of driving skills, coordination, and personal judgment. This program is offered annually and upon request.

## OPERATION ID

The property-marking program is offered between the hours of 8:00 a.m. and 5:00 p.m. Monday – Friday. The etching of the identification number of the owner on the property (e.g. bicycle) is intended to aid in the recovery of the property in the event of a theft. Once the property is engraved with the owner's identification number, the property and owner information will be recorded into our system. This aids in identifying the property in the event of a theft, or if the property is found.

## OTHER PROGRAMMING

BUDPS continues to develop new programming to address specific requests or concerns within the Baylor community.

## CRIME PREVENTION TIPS

While the Baylor University campus is a reasonably safe environment, crimes do occur. The Baylor University Police Department seeks your cooperation in keeping the Baylor University Campus safe and crime free. Please remember, you are responsible for your own personal safety. You can stay safe and help us keep the Baylor community safe by applying some of the safety guidelines listed below:

- Keep doors to residence halls, labs, and classrooms locked when occupied. Never prop open residence hall exterior doors.
- Don't provide access to unauthorized persons in the buildings or classrooms.
- Don't keep large amounts of money with you. Lock all valuables, money, jewelry, checkbooks in a lock box or locked drawer.
- Keep a list of valuable possessions with information such as make, model, and serial numbers.
- Take advantage of the Engraving Programs and have valuables engraved with specific identifying marks.
- Don't leave laptops or textbooks unattended in labs or libraries, even if it is for a short period of time.
- Don't lend credit cards or identification cards to anyone.
- Report loitering or suspicious persons to police immediately; don't take any chances.
- Be aware of your surroundings at all times.
- If you are the victim of a crime or an injury, report it immediately to the BUPD at 2222.
- Watch out for your neighbor and their property.
- Always know who is on the other side of your door before opening it.
- There is safety in numbers, never walk alone at night.
- Park your vehicle in well lit areas.
- Always park your bike at a bike rack and secure it with a U-Lock.
- Do not leave valuable items in your vehicle, secure them in your trunk or take them with you.
- Check the back seat of your car before getting inside.
- **SLOW DOWN** on campus. The campus streets are small and narrow.

## BEHAVIORAL INTERVENTION TEAM

In order to extend our efforts on emergency preparedness and prevention, Baylor University has established a [Student of Concern Committee](#). The objective of the Committee is to put in place a structured process for evaluating potentially threatening situations



that occur at the University. The multi-disciplinary team is comprised of members from around the University community.

## WEAPONS POLICY

The use or possession of firearms, explosives, fireworks, missiles, or weapons on University owned or controlled property is prohibited without the approval of the Vice President for Student Life. Baylor acknowledges that under Texas law, a student who holds a valid concealed handgun license may store a concealed firearm in a locked, privately owned or leased motor vehicle parked on a street or driveway or in a Baylor parking lot or parking garage.

The only exception to this policy is for authorized law enforcement officers or others, specifically authorized by the University. On a case-by-case basis, the BUDPS provides storage facilities for the personal weapons of members of the University community. Failure to comply with the University weapons policy will result in disciplinary action against violators.

## VICTIM'S RIGHTS-STATE OF TEXAS

A "victim" is defined by Chapter 56 of the Code of Criminal Procedure, as "a person who is the victim of sexual assault, kidnapping, aggravated robbery, trafficking of persons, or injury to a child, elderly individual, or disabled individual or who has suffered bodily injury or death because of the criminal conduct of another." Victims, close relatives (spouse, parent, adult brother or sister, or child) of a deceased victim and legal guardians of a victim are entitled to the following rights:

- to receive adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
- to have their safety considered by the magistrate when setting bail;
- to receive information, on request, of relevant court proceedings, including appellate proceedings, of cancellations and rescheduling prior to the event, and appellate court decisions after the decisions are entered but before they are made public;
- to be informed, when requested, by a peace officer about the defendant's right to bail and criminal investigation procedures, and from the prosecutor's office about general procedures in the criminal justice system, including plea agreements, restitution, appeals and parole;
- to receive pertinent information concerning the impact of the crime to the probation department prior to sentencing;
- to receive information about the Texas Crime Victims' Compensation Fund and payment for a medical examination for a victim of sexual assault, and, on request, referral to social service agencies that provide additional assistance;
- to receive information, on request, about parole procedures; notification of parole proceedings and of the inmate's release; and the opportunity to participate in the parole process by

submitting written information to the Board of Pardons and Paroles for inclusion in the defendant's file for consideration by the Board prior to parole;

- to a separate or secure waiting area at all public court proceedings;
- to prompt return of any property that is no longer needed as evidence;
- to have the prosecutor notify, upon request, an employer that the need for the victim's testimony may involve the victim's absence from work;
- to request counseling and testing regarding AIDS and HIV infection and testing for victims of sexual assault;
- to request victim-offender mediation coordinated by the Victim Services Division of the Texas Department of Criminal Justice;
- to be informed of the use and purpose of a victim impact statement, to complete a victim impact statement and to have the statement considered before sentencing, acceptance of a plea bargain, or before an inmate is released on parole;
- to be present at all public court proceedings, with the consent of the presiding judge;
- to have a victim advocate accompany them during the sexual assault exam if an advocate is available at the time of the examination.

Victims, close relatives and guardians may contact the Baylor University Police Department's Crime Victim Compensation Liaison at (254) 710-2211. The Liaison will be able to assist with access to rights and benefits through the Texas Crime Victimization Act. They can also assist with referrals to other assistance agencies. Faculty, students and staff victimized at branch campuses will need to contact the Crime Victim Compensation Liaison by contacting the local law enforcement agency investigating the case. The Baylor main campus Crime Victim Compensation Liaison can assist victims in contacting the other agencies liaison.

## MORE INFORMATION

Victim Information and Notification Everyday 24-hour-information on jail status and court events: (877) 894-8463

[Code of Criminal Procedure, Chapter 56](#)

[Texas Constitution, Article I Section 30](#)

Source: Texas Crime Victims (2010). "Your Rights as a Crime Victim" Retrieved from [https://www.texasattorneygeneral.gov/victims/victim\\_rights.shtml](https://www.texasattorneygeneral.gov/victims/victim_rights.shtml).

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## STUDENT CONDUCT

### THE OFFICE OF JUDICIAL AFFAIRS – STUDENT CONDUCT ADMINISTRATION

The mission of the Office of Judicial Affairs is to promote a safe, orderly, and civil University community and to encourage and inspire students to become good citizens by engaging in personal responsibility, ethical decision making, and demonstrating respect for the rights and safety of others.

### THE STUDENT CODE OF CONDUCT

The Office of Judicial Affairs is responsible for administering the Student Code of Conduct, which articulates the behavioral standards and the equitable procedures employed by the University to respond to allegations of student misconduct.

The Student Code of Conduct is administered at all University campuses on University property and may also address off campus student misconduct when a student's behavior affects a substantial University interest.

Students who are found responsible for violations may be subject to sanctions ranging from Disciplinary Warning, Disciplinary Probation, up to Suspension or Expulsion from the University. Students residing in University housing may also lose the privilege of living on campus for violating University rules and regulations or conditions of the housing contract.

In most cases, the Office of Judicial Affairs will also assign developmental and educational interventions designed to promote greater awareness and improved decision-making for students and to further deter future misconduct.

The University will, upon written request, disclose to an alleged victim of a crime of violence or non-forcible sexual assault the report of the results of any disciplinary proceeding conducted by the University.

In instances where there is reasonable cause to believe a student is an immediate threat to the safety of himself/herself or other persons or property or is an immediate threat to disrupt essential campus operations, the Office of Judicial Affairs may assign an Interim Suspension and/or other actions, designed to protect the health and safety of the community and members therein.

The Office of Judicial Affairs is also responsible for conducting pre-admission, pre-enrollment, and re-enrollment reviews for prospective students with known behavioral problems.

Any individual or entity may submit reports alleging student misconduct to the Office of Judicial Affairs or designee at the campus where the incident occurred.

The Office of Judicial Affairs also provides outreach programming designed to inform and educate students and to promote Baylor University principles. Baylor University is obligated to provide all students with the University's regulations, policies, and procedures governing student conduct. Baylor University policies and procedures, including the Code of Conduct for Students and the Off-Campus Misconduct Policy and Parental Notification Policy, are published on the [Judicial Affairs website](#).

If you have additional questions, special needs, or wish to request a hard copy of this information, please contact the Office of Student Conduct at (254) 710-1715 or [judicial\\_affairs@baylor.edu](mailto:judicial_affairs@baylor.edu).

### PARENTAL NOTIFICATION POLICY

The University reserves the right to report student discipline information to the parents or legal guardians of students.

Federal legislation authorizes Baylor University to disclose disciplinary records concerning violations of the University's rules and regulations governing the use or possession of alcohol or controlled substances that involve students who are under the age of 21 regardless of whether the student is a dependent.

The University may also report non-alcohol or drug related incidents to parents or legal guardians of dependent students under circumstances described in the Student Guide to General University Policy and Rules. See the following website for the University Code of Conduct and additional information concerning Parental Notification: [University Code of Conduct](#)

### MISSING STUDENT NOTIFICATION POLICY

The Clery Act requires institutions that maintain on campus housing facilities to establish a missing student notification policy and related procedures (20 USC 1092 (j) Section 488 of the Higher Education Opportunity Act of 2008).

When it is determined that a residential student is missing from the main campus or the Baylor in New York campus, staff at these campuses, in collaboration with the appropriate local law enforcement agency, will be guided by this Missing Student Notification Policy and related procedures.

### PROVISIONS

In accordance with general institutional Emergency Notification procedures, when a University student is thought to be missing from the campus, staff in the University administration should be immediately notified. Specifically, staff in the Office of Residence Life, Associate Vice President for Student Life, BUPD, and the senior Student Life professional at a campus should be contacted so they can coordinate efforts to locate the student. The designated Assistant Vice President for Student Life at Baylor University, or the Director of Student Life at other locations, is to be notified immediately of all students thought to be missing. He/she has the



authority and the responsibility for coordinating the efforts made by the University to assist the student and the student's family.

The appropriate Student Life representative, or other individual (including the branch campus administrators), upon learning that a student is missing, will file a formal missing student report. At the main campus, BUDPS must be notified immediately. For the Baylor in New York Program, campus administrators will notify BUDPS and the New York City Police Department.

It will be made clear to all students annually, that each residential student of the University has the option to designate an individual to be contacted by Baylor University administration within 24 hours from the time that Baylor University determines the student is missing. Baylor University provides each student with the means and opportunity to register their confidential Missing Student contact information by logging into the Bear web link at <http://www.baylor.edu/bearweb> and filling out the Address and Contact Information form. This information is only accessible to University employees who are authorized campus officials and this information will not be disclosed to others with the exception of law enforcement personnel. This information shall not be used except in the furtherance of a missing student investigation.

In accordance with the Baylor University's Missing Student Policy, it should be noted that Baylor University notifies each student who is under 18 years of age (and not an emancipated individual), that Baylor University is required to contact the student's parents or guardian in addition to the person identified as the missing student's contact person.

This contact will be made within 24 hours from the time that the student is determined to be missing.

In accordance with Baylor University procedures, it should be noted that Baylor University will inform each residential student that Baylor University will notify the appropriate local law enforcement agency or campus security department when a student has gone missing, unless the local law enforcement agency was the entity that made the determination that the student was missing. This notification will be made within 24 hours from the time that the student is determined missing.

If the campus law enforcement personnel or campus security department has been notified that a student has gone missing, and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours, Baylor University staff will initiate emergency contact procedures as outlined in Baylor University's policy and protocol. Law enforcement will activate the appropriate procedures immediately if, during the missing student investigation, it is substantiated the student is missing under suspicious circumstances.

Baylor University's missing student investigative procedures include the following:

- Communication procedures for official notification of appropriate individuals at the University that a student has been missing for more than 24 hours.
- Require an official Missing Person Report relating to a University residential student to be referred immediately to the BUDPS.
- If through investigation of an official report, the University police or campus security department determines a student has been missing for more than 24 hours, or if during the missing student investigation, it is substantiated the student is missing under suspicious circumstances, they will immediately:
  - Notify the local police.
  - Contact those individuals provided by the student, as their missing student contact person.
  - If a student is under 18 years of age, and not an emancipated individual, immediately contact the custodial parent(s) or legal guardian(s) of the student, in addition to the student's missing student contact person.

Reports regarding any student living in on-campus housing (including all housing managed by Baylor University's Campus Living & Learning Department) that may be missing must be referred immediately to the Baylor University Department of Public Safety at phone number (254) 710-2222. Students living in on-campus housing are encouraged to identify a contact person or persons whom the University will attempt to notify within 24 hours if the student is determined by the Baylor University Department of Public Safety to be missing for the prior 24-hour period.

Students may list these individuals as an emergency contact on BearWeb at this secured link: <http://www.baylor.edu/bearweb>. The student registers this contact information confidentially. In addition to any additional contact person designated by the student, if the student is under 18 years of age and not emancipated, the University will attempt to notify a custodial parent or guardian within 24 hours of when the student is determined to be missing.

## **BAYLOR UNIVERSITY POLICIES GOVERNING ALCOHOL AND OTHER DRUGS**

### **BAYLOR UNIVERSITY ALCOHOL AND DRUG POLICY**

Baylor University policy prohibits the unlawful manufacture, possession, use, sale, transfer, or purchase of a controlled substance or another dangerous drug such as a controlled substance analogue (designer drug) on or off the campus. It is also a violation of University policy for anyone to possess, use, or be under the influence of an alcoholic beverage on the campus or at a University-related activity off campus. An off-campus University-related activity is defined in the "Process for Student Organization Violations." Anyone violating these policies is subject to disciplinary action ranging from warning to expulsion.

The University believes that spiritual, intellectual, emotional, physical, and social development has their greatest growth free from mind-altering chemicals. Its goal is to provide an environment where the entire campus community is challenged and motivated to live a chemical-free lifestyle.

As a first step toward reaching that goal, the University makes every effort to seek full compliance with University policy and federal, state, and local laws and ordinances; to discourage by every means possible the use of alcohol; to promote sobriety; to provide social and recreational alternatives to the use of alcohol and other drugs; and to offer confidential, effective, and redemptive assistance to employees and students who seek help for substance abuse problems, while focusing on the development of a comprehensive program of nonresidential services.

Because the University is committed to a caring relationship among its students, staff, faculty, administrators, and regents—a caring that is characterized by understanding, forgiveness, and respect for individuality—its disciplinary procedures are intended to be constructive and redemptive. For students who seek help for substance abuse problems, complete confidentiality will be strictly observed to the limit of the law. Insofar as federal and state statutes and professional ethical standards permit, no professional on the Baylor counseling or medical staff will in any way notify the administration of the name of a specific student who comes for assistance for substance abuse or any other type problem, and no records will be forwarded to the administration regarding the services or the problem.

Students can obtain more information concerning alcohol and drug awareness programming by contacting the Department of Wellness by calling (254) 710-1726 or by visiting their website at <http://www.baylor.edu/wellness/>.

The Drug-Free Schools and Communities Act requires that Baylor notify each student and employee annually of its programs to prevent the illicit use of drugs and the abuse of alcohol by students and employees. Baylor University has a number of programs to combat the misuse and abuse of alcohol and other chemical substances. Information relating to these programs is available at [http://www.baylor.edu/student\\_policies/index.php?id=32251](http://www.baylor.edu/student_policies/index.php?id=32251).

Federal law requires Baylor University to notify annually all faculty, staff, and students of the following:

The University prohibits the unlawful possession, use, manufacture or distribution of alcohol or controlled substances by students, faculty, staff, and guests in buildings, facilities, grounds or property controlled by the University or used as part of University activities. For students, this includes prohibiting the possession and consumption of any beverage containing alcohol in a residence hall room except by individuals who are twenty-one years or older at campuses where alcoholic beverages are permitted. This also includes prohibiting the presence of students under the age of

twenty-one in residence hall rooms where alcohol is present. In addition, the smoking of any material is prohibited in all facilities of Baylor University at all locations.

## HEALTH RISKS ASSOCIATED WITH DRUG AND ALCOHOL USE

### DRUGS

Narcotics such as opium, morphine, and heroin can cause euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. The symptoms of an overdose of narcotics are slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Persons experiencing withdrawal from addiction to narcotics can experience watery eyes, runny nose, yawning, and loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.

Depressants such as barbiturates and Quaaludes can cause slurred speech, disorientation, and drunken behavior. An overdose of a depressant results in shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death. Withdrawal symptoms include anxiety, insomnia, tremors, delirium, convulsions, and possible death.

Stimulants such as cocaine and crack can cause increased alertness or euphoria, an increased pulse rate and blood pressure, insomnia, and loss of appetite. An overdose of stimulants results in agitation, increase in body temperature, hallucinations, convulsions, and possible death. Withdrawal symptoms include apathy, long periods of sleep, irritability, depression, and/or disorientation.

Hallucinogens such as LSD and amphetamines cause illusions and hallucinations and poor perception of time and distance. The effects of an overdose include psychosis and possible death.

Marijuana and hashish can cause euphoria, increased appetite, relaxed inhibitions, and disoriented behavior. The effects of an overdose include fatigue, paranoia, and possible psychosis. Withdrawal symptoms include insomnia, hyperactivity, and decreased appetite.

### ALCOHOL

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

For more information visit: [www.drugabuse.gov](http://www.drugabuse.gov) and <http://www.samhsa.gov/>

## **POLICIES SPECIFIC TO FACULTY AND STAFF**

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or other mind-altering substance is prohibited at Baylor University. A Baylor employee who violates this prohibition is subject to discipline by the University. Such discipline may include required participation in a drug rehabilitation program or termination from employment.

## **LEGAL SANCTIONS APPLICABLE TO DRUG AND ALCOHOL USE**

### **A. Federal Penalties and Sanctions**

#### **21 UNITED STATES CODE 844(A):**

1st conviction: Up to one-year imprisonment and fined a minimum of \$1,000, or both.

After 1 prior drug conviction: A term of imprisonment for not less than 15 days but not more than 2 years and fined a minimum of \$2,500.

After 2 or more prior drug convictions: A term of imprisonment for not less than 90 days but not more than 3 years and fined a minimum of \$5,000.

Special sentencing provisions for possession of flunitrazepam: Imprisoned for not more than 3 years and/or fined.

[21 USC 844](#)

#### **21 UNITED STATES CODE 853(A)(2) AND 881(A)(7):**

Forfeiture of personal and real property derived from, used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment.

[21 USC 853](#)

[21 USC 881](#)

#### **21 UNITED STATES CODE 881(A)(4):**

Forfeiture of all conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of a controlled substance.

[21 USC 881](#)

#### **18 UNITED STATES CODE 922(G):**

Ineligible to receive or purchase a firearm.

[18 USC 922](#)

### **B. State Penalties and Sanctions**

#### **TEXAS PENAL CODE SEC. 49.02:**

Being intoxicated in public such that one is a danger to oneself or others is a Class C misdemeanor, punishable by a fine not to exceed \$500.

[Texas Penal Code Chapter 49](#)

#### **TEXAS ALCOHOLIC BEVERAGE CODE SEC. 101.31:**

It is illegal to possess or distribute alcoholic beverages in a dry area. Violation of this law is a Class B misdemeanor and carries a penalty of a fine not to exceed \$2,000 and/or confinement in jail not to exceed 180 days.

[Texas Alcoholic Beverage Code Chapter 101](#)

#### **TEXAS ALCOHOLIC BEVERAGE CODE SEC. 106.02, 106.04-106.05, 106.071:**

The purchase, possession, or consumption of alcoholic beverages by a person under 21 years of age is a Class C misdemeanor and punishable by a fine not to exceed \$500, or, if previously convicted at least twice, a fine of not less than \$250 or more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

[Texas Alcoholic Beverage Code Chapter 106](#)

#### **TEXAS ALCOHOLIC BEVERAGE CODE SEC. 106.06:**

Furnishing alcoholic beverages to a minor is a Class A misdemeanor and punishable by a fine not to exceed \$4,000 and/or confinement in jail not to exceed one year.

[Texas Alcoholic Beverage Code Chapter 106](#)

#### **TEXAS EDUCATION CODE SEC. 37:122:**

The possession of an intoxicating beverage while on the grounds of any public school or while entering or inside any enclosure, field, or stadium where an athletic event sponsored or participated in by a public school is a Class C misdemeanor and carries a penalty of a fine not to exceed \$500.

**TEXAS PENAL CODE SEC. 49.04:**

Driving under the influence of alcohol is a Class B misdemeanor and punishable by a fine of up to \$2,000 and a minimum confinement of 72 hours and/or up to 180 days in jail.

If found with an open container in the person's immediate possession, the minimum confinement period extends to six days. If it is shown at trial the alcohol concentration level was 0.15 or higher the offense is a Class A misdemeanor punishable by a fine not to exceed \$4,000 and/confinement in jail not to exceed one year.

[Texas Penal Code Chapter 49](#)

**TEXAS ALCOHOLIC BEVERAGE CODE SEC. 106.07:**

A person under 21 years of age who misrepresents his or her age for the purpose of purchasing alcohol beverages commits a Class C misdemeanor punishable by a fine not to exceed \$500, or, if previously convicted at least twice, a fine of not less than \$250 or more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

[Texas Alcoholic Beverage Code Chapter 106](#)

**TEXAS HEALTH AND SAFETY CODE SEC. 481.102-106, 481.112-119:**

The illegal distribution, possession, or use of controlled substances may be punished by 5 years to life in prison and up to a \$250,000 fine.

[Texas Health and Safety Code Chapter 481](#)

**TEXAS HEALTH AND SAFETY CODE SEC. 481.112-120:**

The delivery or possession of controlled substances with the intent to manufacture controlled substances is punishable by a jail term of 10 years to life and up to a \$250,000 fine.

[Texas Health and Safety Code Chapter 481](#)

**TEXAS HEALTH AND SAFETY CODE SEC. 481.120, 481.121**

The delivery or possession of Marijuana can be punished by a term of up to life in prison and/or a fine up to \$100,000 depending on the amount of Marijuana.

[Texas Health and Safety Code Chapter 481](#)

**TEXAS HEALTH AND SAFETY CODE SEC. 481.122:**

The distribution of marijuana or controlled substance to a minor is punishable by 5 to 99 years in prison and/or up to a \$10,000 fine.

[Texas Health and Safety Code Chapter 481](#)

## **POSSESSION OF DRUG PARAPHERNALIA**

A person is unlawful when he possesses, with the intent to use, drug paraphernalia which is used for packaging, manufacturing, injecting, and ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Controlled Substances, Drugs, Device and Cosmetic Act of 1972.

## **SYNTHETIC MARIJUANA**

Effective March 1, 2011 the U.S. Drug Enforcement Agency classified synthetic marijuana as an illegal substance. This drug may also be known as Spice, K2, Demon, Wicked, Black Magic, Voodoo Spice, and Ninja Aroma. Individuals found responsible for manufacturing, possessing, importing/exporting or distributing these substances will face criminal and civil penalties. University students engaging in these activities will also be held responsible under the University's illegal substances policy.

In 2011, the Texas Legislature passed laws making it illegal to possess and sell synthetic forms of marijuana. In Texas, this is considered a penalty group 2-A drug. The penalties for possessing this type of drug range from a class B misdemeanor to a third-degree felony, depending on the aggregated weight.

## **DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS**

### **CHOICES**

The Baylor University Counseling Center offers the research-based prevention program called CHOICES. The program aims to help students appreciate the risks associated with alcohol use and equip them with skills and knowledge to make better decisions. Baylor students, like all college students, face choices regarding alcohol consumption. Risky decisions about drinking can have detrimental, sometimes tragic effects. CHOICES alcohol education programs are available through the Baylor Counseling Center; for more information call (254) 753-7332.

### **ALCOHOLEDU**

Alcohol consumption goes hand in hand with any number of undesirable situations. Naturally, part of helping keep students from these situations is to educate them about alcohol, a resource that can benefit them in many ways. Each year, first time freshmen and transfer students are required to complete an online resource offered by Baylor, [AlcoholEdu](#), a personalized online survey and course designed to help students consider their current behavior and attitudes toward alcohol, both in consumption and in being around others who may be drinking. AlcoholEdu was launched for incoming freshmen and transfer students to complete before arrival to campus.

There is also bystander information that goes hand-in-hand with the fight against sexual violence, as well as other situations that

can arise with alcohol consumption. Students are taught through this program, and those regarding sexual violence, to watch out for friends and classmates and to help them avoid unsavory situations.

A research-based company produces AlcoholEdu, so they change their programs regularly with new research. The program quells myths about drinking and explains reality. The program equips students to recognize situations and intervene. This course helps them recognize how they can intervene.

After taking the initial course, students take a second part to see if intentions about alcohol have changed. Additionally, in January, they will take another online program called “Every Choice,” designed to reinforce the messages they’ve already received.

These programs (CHOICES and AlcoholEdu) are designed to work in concert to help students make wise decisions.

## RESOURCES FOR STUDENTS

The following services are available through Baylor University Counseling Services for those students who believe they have substance abuse problems.

1. Assessment
2. Referral
3. Individual therapy
4. Group therapy
5. Support groups
6. Psycho educational group

Students may obtain the above services on a confidential basis by either calling Counseling Services at (254) 710-2467 or arranging for an appointment.

## RESOURCES FOR FACULTY AND STAFF

Similar services are available to Baylor employees through the Employee Assistance Program, (EAP). Information on the EAP can be obtained by visiting the [Employee Assistance Program webpage](#).

## ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this act for Baylor University.

## DEFINITIONS

THE FOLLOWING TERMS ARE USED WITHIN THIS REPORT. DEFINITIONS HAVE BEEN OBTAINED FROM THE HIGHER EDUCATION OPPORTUNITY ACT:

**On-Campus Student Housing** – A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

**Fire** – Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

## RESIDENCE HALL FIRE DRILLS

Fire drills are conducted in all on-campus residence halls during the beginning of each semester to allow occupants to become familiar with and practice their evacuation skills. The Assistant Director conducts the drills for Facilities and Operations, Hall Directors, Assistant Hall Directors, Community Leaders (Student Advisers) and Baylor University Department of Public Safety’s Director of Emergency Management and Fire Safety Specialist.

## FIRE SAFETY

Baylor University takes fire safety very seriously and continues to enhance its programs to the University community through education, engineering and enforcement. Educational programs are presented throughout the year to faculty, staff and students so they are aware of the rules and safe practices. These programs, which are available at all campus locations, include identification and prevention of fire hazards, actual building evacuation procedures and drills, specific occupant response to fire emergencies and hands-on use of fire extinguishers.

All University residence halls have emergency evacuation plans and conduct fire drills at the beginning of each semester during the school year to allow occupants to become familiar with and practice their evacuation skills.

Baylor University has been a leader in ensuring the safety of students, faculty, staff and visitors who live and work in University operated residences. Automatic sprinkler systems and fire alarm systems are recognized engineered building features that help to provide for a fire safe living environment. All University operated residence halls and apartments are provided with automatic sprinkler systems, smoke detectors and building fire alarm systems to provide early detection and warning of a possible fire emergency.

The University maintains and tests all fire alarms and automatic fire suppression systems in accordance with the appropriate National Fire Protection Association Standard to insure system readiness and proper operation in the event of a fire emergency.

The University has adopted and developed numerous Safety Policies and Guidelines to help promote a safe living and work



environment at all University locations. These policies, guidelines and other fire safety information can be accessed on the Internet at [Fire Safety](#).

BUPD officers who are trained for initial response to fire incidents occurring at University facilities provide additional protection. Officers provide assistance in building evacuation and extinguishment/confinement of small fires.

In addition, laboratory safety and evacuation plans are also part of the Environmental Health and Safety (EHS) mission. EHS is dedicated to maintaining the safety of our community by conducting annual inspections, plan reviews, and evacuation drills in all laboratories on main campus.

### **FIRE SAFETY EDUCATION AND TRAINING PROGRAMS FOR STUDENTS, FACULTY AND STAFF**

Environmental Health and Safety and the Baylor University Department of Public Safety, in coordination with Residence Life and Housing and Food Service, provides annual training to Community Leaders (CLs), Community Assistants (CAs) and Residence Life Coordinators.

*Topics addressed during this training include:*

- Fire prevention in the residence hall
- What to do in the event of a fire
- How to report a fire or other emergency
- How residence hall fire safety systems operate

CLs and CAs coordinate additional fire safety training and education programs for residence hall students. Additionally, food service staff members at the University are trained annually on hands-on use of fire extinguishers and emergency procedures in the event of a fire.

Other general safety and fire safety information is available to students, faculty and staff on the [Environmental Health and Safety website](#) or at the [Baylor University Department of Public Safety Website](#).

### **FIRE INCIDENT REPORTING AT BAYLOR MAIN CAMPUS**

Students, faculty and staff are instructed to call 911 to report a fire emergency.

Non-emergency reports (e.g. evidence that something burned) are made to:

Baylor University Department of Public Safety – (254) 710-2222 (2222 if using a campus phone)

### **FIRE INCIDENT REPORTING AT BAYLOR IN NEW YORK**

Students, faculty, and staff are instructed to call 911 to report a fire emergency.

Non-emergency reports (e.g. evidence that something burned) are made to:

Baylor University Department of Public Safety – (254) 710-2211.

### **PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY**

A strategic plan has been developed and is being administered to have all the buildings on campus retrofitted with the most technologically advanced fire safety systems. The plan also includes a phase to have those facilities with the newest fire safety equipment placed on a network IP address. This will allow all the buildings with the new systems to communicate with Baylor University Department of Public Safety without relying on fiber optics.

### **IMPORTANT PHONE NUMBERS AND OTHER CONTACT INFORMATION**

Baylor University Police Department, 1521 S. 4th St, Waco, TX 76706, (254) 710-2222 <http://www.baylor.edu/dps/index.php?id=866871>

Baylor University Department of Risk Management, 1320 S. 7th St., Waco, TX 76706, (254) 710-3867 <http://www.baylor.edu/riskmanagement/>.

City of Waco Fire Department, Central Fire Station 1016 Columbus Ave., Waco, TX 76701, (254) 750-1740 <http://www.waco-texas.com/fire/>.

City of Waco Police Department, 3115 Pine Ave., Waco, TX 76708, (254) 750-7500 <http://www.waco-texas.com/police/>.

McLennan County Sheriff's Office, 901 Washington Ave., Waco, TX 76701, (254) 757-5000, <http://www.co.mclennan.tx.us/185/Sheriffs-Office>.

### **FIRE EVACUATION PROCEDURES FOR BAYLOR UNIVERSITY MAIN CAMPUS**

#### **IN THE EVENT OF A FIRE**

1. Pull the nearest fire alarm to evacuate the building. Leave the building immediately.
2. If you hear the fire alarm, leave the building immediately. A fire nearby may not be noticeable by sight or smell. Everyone is expected to exit a building immediately upon hearing the fire alarm.
3. If possible, shut down any equipment or processes that could cause a secondary fire if left unattended.
4. Know your emergency exit routes and be prepared to use an alternate route if necessary. Do not use elevators. If you are trapped in the building, try to reach a point of refuge, such

as a stairwell, or stay by a window and wave a white flag to attract the attention of emergency responders.

5. If possible, close doors and windows behind you on the way out to confine the fire.
6. Keep low if there is smoke.
7. On your way out, assist any mobility-impaired persons to a stairwell or other point of refuge if possible. Report their location to the emergency response personnel.
8. If you work in an area frequented by the public, announce that an evacuation has been ordered and ask people to exit the building. Healthy adults and young adults are expected to evacuate themselves upon hearing the fire alarm.
9. Once out of the building, assemble at the pre-designated assembly location(s). Do not block driveways or areas that may be used by emergency response personnel. An attempt should be made to account for any faculty, staff, and students known to have been in the building.
10. Notify emergency responders of any injuries and/or location of mobility-impaired or other persons trapped in the building.
11. Do not re-enter the building until the Waco Fire Department, Baylor Police, or other representative of the Department of Public Safety has declared the building safe.

## WHAT IT MEANS TO EVACUATE

Evacuation means the movement of persons from a dangerous or potentially dangerous place to a safe place. Examples include the evacuation of a building due to a bomb threat or fire. In an extreme situation (e.g. a flood), large portions of, or the entire campus may be required to evacuate.

## HOW WILL I KNOW TO EVACUATE?

An evacuation notification may come from several sources, including the fire alarm system, BUPD, Campus Living & Learning Staff, other University employees, or other authorities utilizing the University's emergency communications tools.

## HOW TO EVACUATE

Evacuate the facility upon hearing the alarm or other official announcement. Close office/classroom doors and turn off lights and computers. Use designated corridors and fire exit stairs that lead to ground level. Leave the building in an orderly manner. Do not use elevators. Assemble at the Evacuation Assembly Point(s). Follow instruction of emergency personnel. Report any individuals left in the building to personnel. Do not re-enter the building until emergency personnel give an "All Clear" announcement.

## EVACUATION ASSEMBLY POINTS

The point(s) (EAPs) to which all building occupants should report following a building evacuation. Most Evacuation Assembly Points are pre-identified locations, although specific incidents may require the EAP to relocate.

If knowledge of fire or cause of fire alarm is known, immediately locate BUDPS personnel and provide them with information regarding the fire/fire alarm. No one at Baylor University is required to fight a fire as a part of their responsibility. However, voluntary use of a fire extinguisher by personnel who are properly trained can save both lives and reduce property loss.

## RESIDENTIAL FACILITY FIRE SAFETY POLICIES

The following are prohibited in residential communities because of their serious potential as fire hazards:

- Candles (unless wicks are completely removed)
- Halogen Lamps
- Open flames such as matches, lighters, etc.
- Use or possession of incense, fireworks or firecrackers
- Use or possession of combustible paints or liquids, including lighter fluid
- All types of grills. Students are only permitted to use community charcoal grills
- Doors that are over 50% covered with paper, posters, etc.
- Walls that are more than 30% covered with paper, posters, etc.
- Mopeds, motorcycles, motorscooters, or other gas combustible engines within the hall or apartment community
- Appliances with exposed heating elements, including space heaters, toasters, griddles, and George Foreman Grills
- Smoking anywhere on campus



**FIRE STATISTICS AND SAFETY SYSTEM INFORMATION FOR ON-CAMPUS STUDENT HOUSING FACILITIES**

STATISTICS AND RELATED INFORMATION REGARDING FIRES IN RESIDENTIAL FACILITIES							
RESIDENTIAL FACILITIES	YEAR	TOTAL FIRES IN EACH BUILDING	FIRE NUMBER	CAUSE OF FIRE	NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO A FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
Allen Hall 723 Speight Ave.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Alexander Hall 1413 S. 7th St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Arbors Apts 1825 S. 3rd St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	1	1	Unintentional-Cooking	0	0	0
	2016	0	0	N/A	N/A	N/A	N/A
Brooks College 600 Dutton Ave.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Brooks Flats 1212 S. 7th St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	3	3	Unintentional-Cooking Coffee maker on cooktop Kitchen towel on cooktop	N/A	N/A	N/A
	2016	3	3	Oven mit on cooktop Plastic bag on cooktop Starbucks Sleeve set on fire	0	0	0
Collins Hall 1310 S. 8th St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Dawson Hall 722 Baylor Ave.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Gables Apts 1621 S. 9th St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
N. Village Heritage 1201 S. University Parks D	2014	0	0	N/A	N/A	N/A	N/A
	2015	1	1	Unintentional-Cooking	0	0	0
	2016	0	0	N/A	N/A	N/A	N/A



**STATISTICS AND RELATED INFORMATION REGARDING FIRES IN RESIDENTIAL FACILITIES**

RESIDENTIAL FACILITIES	YEAR	TOTAL FIRES IN EACH BUILDING	FIRE NUMBER	CAUSE OF FIRE	NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO A FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
N. Village Texana 1201 S. University Parks B	2014	0	0	N/A	N/A	N/A	N/A
	2015	1	1	Plastic bowl on cooktop	2	0	\$14952
	2016	0	0	N/A	N/A	N/A	N/A
N. Village University 1201 S. University Parks A	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Kokernot Hall 1110 S. 7th St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Martin Hall 1101 S. 5th St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Memorial Hall 1425 S. 7th St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
North Russell 316 Dutton Ave. & South Russell 1200 S. 4th St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	1	1	Napkin set on fire	0	0	0
Penland Hall 1110 S. 5th St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Fairmont Apts 1600 S. 5th St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Baylor Plaza I 1818 S. 2nd St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Baylor Plaza II 1920 S. 3rd St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Baylor Plaza III 2014 S. 2nd St.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A

**STATISTICS AND RELATED INFORMATION REGARDING FIRES IN RESIDENTIAL FACILITIES**

RESIDENTIAL FACILITIES	YEAR	TOTAL FIRES IN EACH BUILDING	FIRE NUMBER	CAUSE OF FIRE	NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO A FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
Cottonwood Apts 100 Cottonwood	2014	0	0	N/A	N/A	N/A	N/A
	2015	1	1	Candle in closet	0	0	\$1950
	2016	0	0	N/A	N/A	N/A	N/A
University Parks Apts 2201 S. University Parks	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
Browning Place Apts 805 James Ave.	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A
East Village Earle 306 Bagby	2014	0	0	N/A	N/A	N/A	N/A
	2015	1	1	Unintentional-cooking	0	0	0
	2016	0	0	N/A	N/A	N/A	N/A
East Village-Teal 206 Bagby	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	1	1	Ping Pong ball set on fire	0	0	\$100

**2016 ON-CAMPUS STUDENT HOUSING FIRE SAFETY SYSTEMS**

FIRE SAFETY SYSTEM INFORMATION FOR RESIDENTIAL FACILITIES							
Facility	Monitoring By BUPD 24/7	Sprinkler System	Smoke Detection	Public Access	Fire Extinguishers	Evacuation Placards	Fire Drills Per Year
ALLEN HALL 723 SPEIGHT AVE.	Yes	Yes	Yes	Yes	Yes	Yes	2
ALEXANDER HALL 1413 S. 7TH ST.	Yes	Yes	Yes	Yes	Yes	Yes	2
ARBORS APTS 1825 S. 3RD ST.	Yes	No	Yes	No	Yes	Yes	0 <sup>1</sup>
BROOKS COLLEGE 600 DUTTON AVE.	Yes	Yes <sup>2</sup>	Yes	Yes	Yes	Yes	2
BROOKS FLATS 1212 S. 7TH ST.	Yes	Yes	Yes	Yes	Yes	Yes	2
COLLINS HALL 1310 S. 8TH ST.	Yes	Yes <sup>2</sup>	Yes	Yes	Yes	Yes	2
DAWSON HALL 722 BAYLOR AVE.	Yes	Yes	Yes	Yes	Yes	Yes	2
N. VILLAGE HERITAGE 1201 S. UNIVERSITY PARKS D	Yes	Yes	Yes	Yes	Yes	Yes	2
N. VILLAGE TEXANA 1201 S. UNIVERSITY PARKS B	Yes	Yes	Yes	Yes	Yes	Yes	2
N VILLAGE UNIVERSITY HOUSE 1201 S. UNIVERSITY PARKS A	Yes	Yes	Yes	Yes	Yes	Yes	2
UNIVERSITY PARKS APTS 2201 UNIVERSITY PARKS	Yes <sup>3</sup>	No	Yes	No	Yes	Yes	0 <sup>1</sup>
KOKERNOT HALL 1110 S. 7TH ST.	Yes	Yes	Yes	Yes	Yes	Yes	2
MARTIN HALL 1101 S. 5TH ST.	Yes	Yes	Yes	Yes	Yes	Yes	2
MEMORIAL HALL 1425 S. 7TH ST.	Yes	Yes <sup>2</sup>	Yes	Yes	Yes	Yes	2

**FIRE SAFETY SYSTEM INFORMATION FOR RESIDENTIAL FACILITIES**

Facility	Monitoring By BUPD 24/7	Sprinkler System	Smoke Detection	Public Access	Fire Extinguishers	Evacuation Placards	Fire Drills Per Year
NORTH RUSSELL 316 DUTTON AVE. & SOUTH RUSSELL 1200 S. 4TH ST.	Yes	Yes	Yes	Yes	Yes	Yes	2
PENLAND HALL 1110 S. 5TH ST.	Yes	Yes <sup>2</sup>	Yes	Yes	Yes	Yes	2
GABLES APTS 1621 S. 9TH ST.	Yes	No	Yes	No	Yes	Yes	0 <sup>1</sup>
FAIRMONT APTS 1600 S. 5TH ST.	Yes	No	Yes	No	Yes	Yes	0 <sup>1</sup>
BAYLOR PLAZA I 1818 S. 2ND ST.	Yes <sup>3</sup>	No	Yes	No	Yes	No	0 <sup>1</sup>
BAYLOR PLAZA II 1920 S. 3RD ST.	Yes <sup>3</sup>	No	Yes	No	Yes	No	0 <sup>1</sup>
BAYLOR PLAZA III 2014 S. 2ND ST.	No	No	Yes	No	Yes	No	0 <sup>1</sup>
PINETREE APTS 824 SPEIGHT AVE.	No	No	Yes	No	Yes	No	0 <sup>1</sup>
COTTONWOOD APTS 100 COTTONWOOD	No	No	Yes	No	Yes	No	0 <sup>1</sup>
SPEIGHT JENKINS APTS 1501 S. 9TH ST.	Yes <sup>3</sup>	No	Yes	No	Yes	No	0 <sup>1</sup>
BROWNING PLACE APTS 805 JAMES AVE.	No	No	Yes	No	Yes	No	0 <sup>1</sup>
BROWNING SQUARE APTS 1721 S. 9TH ST.	No	No	Yes	No	Yes	No	0 <sup>1</sup>
QUADRANGLE APTS 1825 S. 5TH ST.	No	No	Yes	No	Yes	No	0 <sup>1</sup>
EAST VILLAGE- EARLE 306 BAGBY	Yes	Yes	Yes	Yes	Yes	Yes	2
EAST VILLAGE- TEAL 206 BAGBY	Yes	Yes	Yes	Yes	Yes	Yes	2

1. Apartment style buildings with direct exterior access  
 2. Dining hall kitchen supported by Ansul R102 UL300 fire suppression system  
 3. Monitored by off-site vendor

## FIRE STATISTICS FOR STUDENT HOUSING FOR BAYLOR IN NEW YORK

STATISTICS AND RELATED INFORMATION REGARDING FIRES FOR BAYLOR NEW YORK							
RESIDENTIAL FACILITIES	YEAR	TOTAL FIRES IN EACH BUILDING	FIRE NUMBER	CAUSE OF FIRE	NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO A FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
BAYLOR IN NEW YORK PROGRAM 41-34 CRESCENT ST., LONG ISLAND CITY, NY 11101	2014	0	0	N/A	N/A	N/A	N/A
	2015	0	0	N/A	N/A	N/A	N/A
	2016	0	0	N/A	N/A	N/A	N/A

## 2016 STUDENT HOUSING FIRE SAFETY SYSTEMS FOR BAYLOR IN NEW YORK

FIRE SAFETY SYSTEM INFORMATION FOR RESIDENTIAL FACILITIES FOR BAYLOR NEW YORK							
FACILITY	MONITORING BY BUPD 24/7	SPRINKLER SYSTEM	SMOKE DETECTION	PUBLIC ACCESS	FIRE EXTINGUISHERS	EVACUATION PLACARDS	FIRE DRILLS PER YEAR
BAYLOR IN NEW YORK PROGRAM 41-34 CRESCENT ST., LONG ISLAND CITY, NY 11101	No	Yes	Yes	Yes	No	Yes	0



BAYLOR<sup>®</sup>  
UNIVERSITY

2017 ANNUAL FIRE SAFETY AND SECURITY REPORT

**EXHIBIT 23**



# Memorandum

Date: November 12, 2016

This memo addresses web resources that include the university’s Title IX Coordinator and contact information.

In addition to the information in the tables below, the university’s Title IX Office can be found in the Online Directory. A screen capture is provided below.

The screenshot shows the Baylor University Online Directory interface. At the top, there is a navigation bar with links for 'NEW SEARCH', 'ADVANCED SEARCH', 'RELEASE SETTINGS', 'MY LISTING', 'MY DEPARTMENT', 'FAQ', and 'LOGOUT'. Below this is the 'Faculty, Staff & Student Directory' section. On the left, there are search filters for 'Last Name', 'First Name', and 'Department Name'. The 'Department Name' dropdown is set to 'Title IX >', and the selected department is 'Title IX Office - Fin&Adm'. Below the filters is a 'Search People' button and checkboxes for 'Faculty/Staff' and 'Students'. A 'Search Departments' button is also visible. On the right, there is a 'Title IX Office - Fin&Adm' profile card showing contact information: Department: Title IX Office - Fin&Adm, Phone: 254-710-8454, Fax: Not Available, Address: One Bear Place #97011, Location: Robinson Tower, Suite 285. Below the profile card is a 'Search Results' section with a table of results. The table has columns for 'Name', 'Job Title', and 'Work Phone'. The results list several individuals, including Kristan Tucker (Title IX Coordinator), Catherine Berryman (Auxiliary - Title IX Investigator), Hattie F. Black (Temp Admin Support), Trena Cooper (Case Manager - Title IX), Brianna N. Gilbreath (Administrative Manager), and Maureen P. Holland (Auxiliary - Title IX Investigator). There are also options to 'Download PDF' and 'Export records to an address book or file...'. A legend indicates that a person icon represents a 'Student' and a crown icon represents 'Faculty/Staff'.

The first table contains a list of the pages with this information. The second table expands on this, providing information about web pages that link to the non-discrimination statement.

Notes:

- 1) The lists below were compiled by searching the university website and may not have found every instance where the notice was listed.
- 2) The university’s websites are updated and revised regularly. So, the lists below represent a best effort and reflect the material that could be found as of this date.

Table 1: List of web pages (and online resources) that include the university’s Title IX Coordinator and contact information.

TABLE 1: URLS	TABLE 1: Title or Description of Webpage or Resource
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/grc/index.php?id=871759">http://www.baylor.edu/grc/index.php?id=871759</a>	Baylor University    Governance, Risk and Compliance    Compliance
<a href="http://www.baylor.edu/atl/doc.php/250287.docx">http://www.baylor.edu/atl/doc.php/250287.docx</a>	Sample Syllabus for Lecturers
<a href="http://www.baylor.edu/content/services/document.php/252904.pdf">http://www.baylor.edu/content/services/document.php/252904.pdf</a>	New Student Experience Course FAS 1305 (Fall 2015) Syllabus
<a href="http://www.baylor.edu/content/services/document.php/270811.docx">http://www.baylor.edu/content/services/document.php/270811.docx</a>	U1000 New Student Experience Sample Syllabus
<a href="http://www.baylor.edu/nse/index.php?id=872689">http://www.baylor.edu/nse/index.php?id=872689</a>	Baylor University    New Student Experience    NSE in Your Syllabus
<a href="http://www.baylor.edu/rtsv/index.php?id=931988">http://www.baylor.edu/rtsv/index.php?id=931988</a>	Baylor University    Response to Sexual Violence    Implementation Teams
<a href="http://www.baylor.edu/rtsv/index.php?id=933350">http://www.baylor.edu/rtsv/index.php?id=933350</a>	Baylor University    Response to Sexual Violence    Action Team
<a href="http://www.baylor.edu/rtsv/index.php?id=935686">http://www.baylor.edu/rtsv/index.php?id=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts
<a href="http://www.baylor.edu/student_life/index.php?id=89371">http://www.baylor.edu/student_life/index.php?id=89371</a>	Baylor University    Student Life    Title IX
<a href="http://www.baylor.edu/studentactivities/organizations/doc.php/273271.ppt">http://www.baylor.edu/studentactivities/organizations/doc.php/273271.ppt</a>	Powerpoint Presentation: Risk Management & Legal Issues for Student Organizations, Student Organization Summit, Fall 2016
<a href="http://www.baylor.edu/titleix/doc.php/246460.pdf">http://www.baylor.edu/titleix/doc.php/246460.pdf</a>	Title IX Know Your Rights Document
<a href="http://www.baylor.edu/titleix/doc.php/249242.docx">http://www.baylor.edu/titleix/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy
<a href="http://www.baylor.edu/titleIX/index.php?id=868952">http://www.baylor.edu/titleIX/index.php?id=868952</a>	Baylor University    Title IX    Resources
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU

Table 2: Web pages (and online resources) that include the university's Title IX Coordinator and contact information and the pages that link to those pages.

TABLE 2: Pages that include Title IX Coordinator Info		TABLE 2: Pages that link to pages with Title IX Coordinator	
Link	Title of Page	Link	Title of Page
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<b>Virtually every page on the Baylor website via the footer.</b>	
<a href="http://www.baylor.edu/titleix/index.php?id=868077">http://www.baylor.edu/titleix/index.php?id=868077</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/reportit/">http://www.baylor.edu/reportit/</a>	Baylor University   Report It
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/students/">http://www.baylor.edu/students/</a>	Baylor University   Students
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/facultystaff/">http://www.baylor.edu/facultystaff/</a>	Baylor University   Faculty & Staff
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/alumni/">http://www.baylor.edu/alumni/</a>	Baylor University   Alumni, Parents & Friends
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/">http://www.baylor.edu/</a>	Baylor University   A Nationally Ranked Christian University, Undergraduate & Graduate Research Colleges Universities Schools in Texas
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/thefacts">http://www.baylor.edu/thefacts</a>	Baylor University    The Facts
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/alumni/magazine/1401/index.php?id=927516">http://www.baylor.edu/alumni/magazine/1401/index.php?id=927516</a>	Baylor University    Baylor Magazine, Fall 2015    Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/alumni/parentsnetwork/index.php?id=934562">http://www.baylor.edu/alumni/parentsnetwork/index.php?id=934562</a>	Baylor University    Parents Network    Student Safety Contact Information
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/alumni/parentsnetwork/index.php?id=936677">http://www.baylor.edu/alumni/parentsnetwork/index.php?id=936677</a>	Baylor University    Parents Network    Campus Safety and Well-Being
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/bupp/index.php?id=31647">http://www.baylor.edu/bupp/index.php?id=31647</a>	Baylor University    BUPP Forms
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/counseling_center/index.php?id=49810">http://www.baylor.edu/counseling_center/index.php?id=49810</a>	Baylor University    Counseling Center    Mental Health Summit
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/facultyhandbook/index.php?id=74130">http://www.baylor.edu/facultyhandbook/index.php?id=74130</a>	Baylor University    Faculty Handbook    Policies and Procedures
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/grc/index.php?id=871759">http://www.baylor.edu/grc/index.php?id=871759</a>	Baylor University    Governance, Risk and Compliance    Compliance
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/grc/index.php?id=924648">http://www.baylor.edu/grc/index.php?id=924648</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/heoa/index.php?id=5110">http://www.baylor.edu/heoa/index.php?id=5110</a>	Baylor University    Federal Compliance & Student Consumer Information
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/hr/index.php?id=936873">http://www.baylor.edu/hr/index.php?id=936873</a>	Baylor University    Human Resources    Preventing Harassment, Discrimination, & Sexual Assault

TABLE 2: Pages that include Title IX Coordinator Info		TABLE 2: Pages that link to pages with Title IX Coordinator	
Link	Title of Page	Link	Title of Page
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/Judicial_Affairs/index.php?id=6959">http://www.baylor.edu/Judicial_Affairs/index.php?id=6959</a>	Baylor University    Judicial Affairs
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/Judicial_Affairs/index.php?id=930944">http://www.baylor.edu/Judicial_Affairs/index.php?id=930944</a>	Baylor University    Judicial Affairs    Sex Discrimination, Sexual Violence, and Sexual Harassment Policy
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/mediacommunications/news.php?action=story&amp;story=167494">http://www.baylor.edu/mediacommunications/news.php?action=story&amp;story=167494</a>	Baylor University Joins National Campaign on Awareness, Prevention Efforts During National Sexual Assault Awareness Month
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/mediacommunications/news.php?action=story&amp;story=173161">http://www.baylor.edu/mediacommunications/news.php?action=story&amp;story=173161</a>	It's On Us Initiative to Be Featured During Baylor-Oklahoma State Football Game
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/mediacommunications/news.php?action=story&amp;story=174043">http://www.baylor.edu/mediacommunications/news.php?action=story&amp;story=174043</a>	Baylor Pledges Cooperation with OCR Review
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/nse/index.php?id=872689">http://www.baylor.edu/nse/index.php?id=872689</a>	Baylor University    New Student Experience    NSE in Your Syllabus
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/president/news.php?action=story&amp;story=159494">http://www.baylor.edu/president/news.php?action=story&amp;story=159494</a>	Baylor University    Office of the President    News    Understanding Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/president/news.php?action=story&amp;story=165491">http://www.baylor.edu/president/news.php?action=story&amp;story=165491</a>	Baylor University    Office of the President    News    Updating Students on Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/research/index.php?id=873778">http://www.baylor.edu/research/index.php?id=873778</a>	Baylor University    Research @ Baylor    Doing Research
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/research/index.php?id=928339">http://www.baylor.edu/research/index.php?id=928339</a>	Baylor University    Research @ Baylor    Doing Research Tabs
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/responsive/news.php?action=story&amp;story=154608">http://www.baylor.edu/responsive/news.php?action=story&amp;story=154608</a>	Baylor University    Responsive Toolbox    News    Title IX Website Launch
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/rtsv/index.php?id=933427">http://www.baylor.edu/rtsv/index.php?id=933427</a>	Baylor University    Response to Sexual Violence    Provide Input
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/rtsv/index.php?id=935661">http://www.baylor.edu/rtsv/index.php?id=935661</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/rtsv/index.php?id=935686">http://www.baylor.edu/rtsv/index.php?id=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts

TABLE 2: Pages that include Title IX Coordinator Info		TABLE 2: Pages that link to pages with Title IX Coordinator	
Link	Title of Page	Link	Title of Page
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/soe/index.php?id=935722">http://www.baylor.edu/soe/index.php?id=935722</a>	Baylor University    School of Education    Student Wellness Services
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/statistics/index.php?id=935146">http://www.baylor.edu/statistics/index.php?id=935146</a>	Baylor University    Department of Statistical Science    Title IX Statement
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/student_life/index.php?id=81443">http://www.baylor.edu/student_life/index.php?id=81443</a>	Baylor University    Student Life
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/student_life/index.php?id=84166">http://www.baylor.edu/student_life/index.php?id=84166</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/student_life/index.php?id=84185">http://www.baylor.edu/student_life/index.php?id=84185</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/student_life/index.php?id=84186">http://www.baylor.edu/student_life/index.php?id=84186</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/student_life/index.php?id=89371">http://www.baylor.edu/student_life/index.php?id=89371</a>	Baylor University    Student Life    Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/student_life/index.php?id=925413">http://www.baylor.edu/student_life/index.php?id=925413</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/student_policies/index.php?id=930940">http://www.baylor.edu/student_policies/index.php?id=930940</a>	Baylor University    Student Policies and Procedures    Sex Discrimination, Sexual Violence, and Sexual Harassment Policy
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/studentconduct/index.php?id=90109">http://www.baylor.edu/studentconduct/index.php?id=90109</a>	Baylor University    Student Conduct Administration
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/studentconduct/index.php?id=90424">http://www.baylor.edu/studentconduct/index.php?id=90424</a>	Baylor University    Student Conduct Administration    Title IX and Violence Against Women Act
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/theatre/index.php?id=43384">http://www.baylor.edu/theatre/index.php?id=43384</a>	Baylor University    Theatre Arts    Me and My Girl
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/thefacts/index.php?id=936837">http://www.baylor.edu/thefacts/index.php?id=936837</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/thefacts/index.php?id=937036">http://www.baylor.edu/thefacts/index.php?id=937036</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/titleix/index.php?id=867139">http://www.baylor.edu/titleix/index.php?id=867139</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/titleix/index.php">http://www.baylor.edu/titleix/index.php</a>	Baylor University    Title IX    Reporting

TABLE 2: Pages that include Title IX Coordinator Info		TABLE 2: Pages that link to pages with Title IX Coordinator	
Link	Title of Page	Link	Title of Page
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/titleix/index.php?id=868077">http://www.baylor.edu/titleix/index.php?id=868077</a>	Baylor University    Title IX    Baylor's Title IX Process
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/titleix/index.php?id=868951">http://www.baylor.edu/titleix/index.php?id=868951</a>	Baylor University    Title IX    Federal Guidelines
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/titleix/index.php?id=870110">http://www.baylor.edu/titleix/index.php?id=870110</a>	Baylor University    Title IX    About Us
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    Faculty & Staff Training
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/titleix/index.php?id=925730">http://www.baylor.edu/titleix/index.php?id=925730</a>	Baylor University    Title IX    Disciplinary Procedures Q&A
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/titleix/index.php?id=925735">http://www.baylor.edu/titleix/index.php?id=925735</a>	Baylor University    Title IX    Baylor's Title IX Process
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/titleix/index.php?id=934578">http://www.baylor.edu/titleix/index.php?id=934578</a>	Baylor University    Title IX    it's On Us BU
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/titleix/index.php?id=934579">http://www.baylor.edu/titleix/index.php?id=934579</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX	<a href="http://www.baylor.edu/titleix/index.php?id=934581">http://www.baylor.edu/titleix/index.php?id=934581</a>	Baylor University    Transfer Student Success    Campus Support & Resources
<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/transfersuccess/index.php?id=933844">http://www.baylor.edu/transfersuccess/index.php?id=933844</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/doc.php/249242.docx">http://www.baylor.edu/titleix/doc.php/249242.docx</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php">http://www.baylor.edu/titleix/index.php</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=867139">http://www.baylor.edu/titleix/index.php?id=867139</a>	Baylor University    Title IX    Reporting
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=868077">http://www.baylor.edu/titleix/index.php?id=868077</a>	Baylor University    Title IX    Prevention & Training
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=868949">http://www.baylor.edu/titleix/index.php?id=868949</a>	Baylor University    Title IX    Statement on Non-Retaliation
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=868950">http://www.baylor.edu/titleix/index.php?id=868950</a>	Baylor University    Title IX    Statement on Non-Retaliation
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=868951">http://www.baylor.edu/titleix/index.php?id=868951</a>	Baylor University    Title IX    Baylor's Title IX Process
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php">http://www.baylor.edu/titleix/index.php</a>	Baylor University    Title IX    Federal

TABLE 2: Pages that include Title IX Coordinator Info		TABLE 2: Pages that link to pages with Title IX Coordinator	
Link	Title of Page	Link	Title of Page
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=870110">http://www.baylor.edu/titleix/index.php?id=870110</a>	Guidelines
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=873095">http://www.baylor.edu/titleix/index.php?id=873095</a>	Baylor University    Title IX    Title IX Case Management Team Members
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=873097">http://www.baylor.edu/titleix/index.php?id=873097</a>	Baylor University    Title IX    Title IX Support Team Members
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=873164">http://www.baylor.edu/titleix/index.php?id=873164</a>	Baylor University    Title IX    Policy & Process
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=873168">http://www.baylor.edu/titleix/index.php?id=873168</a>	Baylor University    Title IX    Definitions
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=925730">http://www.baylor.edu/titleix/index.php?id=925730</a>	Baylor University    Title IX    Faculty & Staff Training
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=925735">http://www.baylor.edu/titleix/index.php?id=925735</a>	Baylor University    Title IX    Disciplinary Procedures Q&A
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=925966">http://www.baylor.edu/titleix/index.php?id=925966</a>	Baylor University    Title IX    Student Training
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=929806">http://www.baylor.edu/titleix/index.php?id=929806</a>	Baylor University    Title IX    Kristan Tucker
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=933767">http://www.baylor.edu/titleix/index.php?id=933767</a>	Baylor University    Title IX    Sarah McPherson
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=934090">http://www.baylor.edu/titleix/index.php?id=934090</a>	Baylor University    Title IX    External Investigators and Adjudicators
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=934580">http://www.baylor.edu/titleix/index.php?id=934580</a>	Baylor University    Title IX    Amnesty
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=934983">http://www.baylor.edu/titleix/index.php?id=934983</a>	Baylor University    Title IX    Upcoming Events
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=934983&amp;day=2016-08-17&amp;type=month">http://www.baylor.edu/titleix/index.php?id=934983&amp;day=2016-08-17&amp;type=month</a>	Baylor University    Title IX    Upcoming Events
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/titleix/index.php?id=934983&amp;day=2017-03-01&amp;type=month">http://www.baylor.edu/titleix/index.php?id=934983&amp;day=2017-03-01&amp;type=month</a>	Baylor University    Title IX    Upcoming Events

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Link	Title of Page	Link	Title of Page
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.ecs.baylor.edu/index.php?id=867234">http://www.ecs.baylor.edu/index.php?id=867234</a>	Baylor University    School of Engineering and Computer Science    Dr. Mike Thompson
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/counseling_center/index.php?id=49810">http://www.baylor.edu/counseling_center/index.php?id=49810</a>	Baylor University    Counseling Center    Mental Health Summit
<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources	<a href="http://www.baylor.edu/mediacommunications/news.php?action=story&amp;story=174043">http://www.baylor.edu/mediacommunications/news.php?action=story&amp;story=174043</a>	Baylor Pledges Cooperation with OCR Review
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php">http://www.baylor.edu/titleix/index.php</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=867139">http://www.baylor.edu/titleix/index.php?id=867139</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=868077">http://www.baylor.edu/titleix/index.php?id=868077</a>	Baylor University    Title IX    Reporting
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=868949">http://www.baylor.edu/titleix/index.php?id=868949</a>	Baylor University    Title IX    Prevention & Training
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=868950">http://www.baylor.edu/titleix/index.php?id=868950</a>	Baylor University    Title IX    Statement on Non-Retaliation
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=868951">http://www.baylor.edu/titleix/index.php?id=868951</a>	Baylor University    Title IX    Baylor's Title IX Process
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=873097">http://www.baylor.edu/titleix/index.php?id=873097</a>	Baylor University    Title IX    Title IX Support Team Members
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=873108">http://www.baylor.edu/titleix/index.php?id=873108</a>	Baylor University    Title IX    Trena Cooper
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=873164">http://www.baylor.edu/titleix/index.php?id=873164</a>	Baylor University    Title IX    Policy & Process
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=925966">http://www.baylor.edu/titleix/index.php?id=925966</a>	Baylor University    Title IX    Student Training
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=929806">http://www.baylor.edu/titleix/index.php?id=929806</a>	Baylor University    Title IX    Kristan Tucker
<a href="http://www.baylor.edu/titleix/index.php">http://www.baylor.edu/titleix/index.php</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php">http://www.baylor.edu/titleix/index.php</a>	Baylor University    Title IX    Sarah



TABLE 2: Pages that include Title IX Coordinator Info		TABLE 2: Pages that link to pages with Title IX Coordinator	
Link	Title of Page	Link	Title of Page
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=933767">http://www.baylor.edu/titleix/index.php?id=933767</a>	McPherson
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=934090">http://www.baylor.edu/titleix/index.php?id=934090</a>	Baylor University    Title IX    External Investigators and Adjudicators
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=935021">http://www.baylor.edu/titleix/index.php?id=935021</a>	Baylor University    Title IX    Michael Noble
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=935022">http://www.baylor.edu/titleix/index.php?id=935022</a>	Baylor University    Title IX    Brianna Gilbreath
<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us	<a href="http://www.baylor.edu/titleix/index.php?id=936449">http://www.baylor.edu/titleix/index.php?id=936449</a>	Baylor University    Title IX    Carolyn Hughes
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/">http://www.baylor.edu/</a>	Baylor University   A Nationally Ranked Christian University, Undergraduate & Graduate Research Colleges Universities Schools in Texas
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/itsonus">http://www.baylor.edu/itsonus</a>	Baylor University    Title IX    It's On Us BU
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/nursing/">http://www.baylor.edu/nursing/</a>	Baylor University    Louise Herrington School of Nursing
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/students/">http://www.baylor.edu/students/</a>	Baylor University    Students
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=867139">http://www.baylor.edu/titleix/index.php?id=867139</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=867139">http://www.baylor.edu/titleix/index.php?id=867139</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=868077">http://www.baylor.edu/titleix/index.php?id=868077</a>	Baylor University    Title IX    Reporting
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=868949">http://www.baylor.edu/titleix/index.php?id=868949</a>	Baylor University    Title IX    Prevention & Training
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=868950">http://www.baylor.edu/titleix/index.php?id=868950</a>	Baylor University    Title IX    Statement on Non-Retaliation
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=868951">http://www.baylor.edu/titleix/index.php?id=868951</a>	Baylor University    Title IX    Baylor's Title IX Process
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=868952">http://www.baylor.edu/titleix/index.php?id=868952</a>	Baylor University    Title IX    Resources
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=870110">http://www.baylor.edu/titleix/index.php?id=870110</a>	Baylor University    Title IX    Federal Guidelines

TABLE 2: Pages that include Title IX Coordinator Info		TABLE 2: Pages that link to pages with Title IX Coordinator	
Link	Title of Page	Link	Title of Page
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=871741">http://www.baylor.edu/titleix/index.php?id=871741</a>	Baylor University    Title IX    About Us
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=873095">http://www.baylor.edu/titleix/index.php?id=873095</a>	Baylor University    Title IX    Title IX Case Management Team Members
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=873097">http://www.baylor.edu/titleix/index.php?id=873097</a>	Baylor University    Title IX    Title IX Support Team Members
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=873164">http://www.baylor.edu/titleix/index.php?id=873164</a>	Baylor University    Title IX    Policy & Process
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=873168">http://www.baylor.edu/titleix/index.php?id=873168</a>	Baylor University    Title IX    Definitions
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=925730">http://www.baylor.edu/titleix/index.php?id=925730</a>	Baylor University    Title IX    Faculty & Staff Training
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=925735">http://www.baylor.edu/titleix/index.php?id=925735</a>	Baylor University    Title IX    Disciplinary Procedures Q&A
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=925966">http://www.baylor.edu/titleix/index.php?id=925966</a>	Baylor University    Title IX    Student Training
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=929806">http://www.baylor.edu/titleix/index.php?id=929806</a>	Baylor University    Title IX    Kristan Tucker
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=933767">http://www.baylor.edu/titleix/index.php?id=933767</a>	Baylor University    Title IX    Sarah McPherson
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=934983">http://www.baylor.edu/titleix/index.php?id=934983</a>	Baylor University    Title IX    Upcoming Events
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=934983&amp;day=2016-09-01&amp;type=month">http://www.baylor.edu/titleix/index.php?id=934983&amp;day=2016-09-01&amp;type=month</a>	Baylor University    Title IX    Upcoming Events
<a href="http://www.baylor.edu/titleix/index.php?id=873163">http://www.baylor.edu/titleix/index.php?id=873163</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=934983&amp;day=2016-10-27&amp;type=month&amp;type=month">http://www.baylor.edu/titleix/index.php?id=934983&amp;day=2016-10-27&amp;type=month&amp;type=month</a>	Baylor University    Title IX    Upcoming Events
<a href="http://www.baylor.edu/at/doc.php/2502">http://www.baylor.edu/at/doc.php/2502</a>	Baylor University    Title IX    It's On Us BU	<a href="http://www.baylor.edu/titleix/index.php?id=934579">http://www.baylor.edu/titleix/index.php?id=934579</a>	Baylor University    Title IX    It's On Us BU
<a href="http://www.baylor.edu/at/doc.php/2502">http://www.baylor.edu/at/doc.php/2502</a>	Sample Syllabus for Lecturers	<a href="http://www.baylor.edu/at/index.php?id=871336">http://www.baylor.edu/at/index.php?id=871336</a>	Baylor University    Academy for Teaching and Learning    Resources
<a href="http://www.baylor.edu/at/doc.php/2502">http://www.baylor.edu/at/doc.php/2502</a>	Sample Syllabus for Lecturers	<a href="http://www.baylor.edu/at/index.php?id=924532">http://www.baylor.edu/at/index.php?id=924532</a>	Baylor University    Academy for Teaching and Learning    Syllabi - Samples

TABLE 2: Pages that include Title IX Coordinator Info		TABLE 2: Pages that link to pages with Title IX Coordinator	
Link	Title of Page	Link	Title of Page
<a href="http://www.baylor.edu/atl/doc.php/250287.docx">http://www.baylor.edu/atl/doc.php/250287.docx</a>	Sample Syllabus for Lecturers	<a href="http://www.baylor.edu/atl/index.php?id=925953">http://www.baylor.edu/atl/index.php?id=925953</a>	Baylor University    Academy for Teaching and Learning    Adjunct Teaching Workshop
<a href="http://www.baylor.edu/content/services/document.php/252904.pdf">http://www.baylor.edu/content/services/document.php/252904.pdf</a>	New Student Experience Course FAS 1305 (Fall 2015) Syllabus	<a href="http://www.baylor.edu/nse/index.php?id=869195">http://www.baylor.edu/nse/index.php?id=869195</a>	Baylor University    New Student Experience    NSE Sample Syllabi
<a href="http://www.baylor.edu/content/services/document.php/270811.docx">http://www.baylor.edu/content/services/document.php/270811.docx</a>	U1000 New Student Experience Sample Syllabus	<a href="http://www.baylor.edu/nse/index.php?id=869195">http://www.baylor.edu/nse/index.php?id=869195</a>	Baylor University    New Student Experience    NSE Sample Syllabi
<a href="http://www.baylor.edu/grc/index.php?id=871759">http://www.baylor.edu/grc/index.php?id=871759</a>	Baylor University    Governance, Risk and Compliance    Compliance	<a href="http://www.baylor.edu/grc/">http://www.baylor.edu/grc/</a>	Baylor University    Governance, Risk and Compliance
<a href="http://www.baylor.edu/grc/index.php?id=871759">http://www.baylor.edu/grc/index.php?id=871759</a>	Baylor University    Governance, Risk and Compliance    Compliance	<a href="http://www.baylor.edu/grc/index.php?id=871763">http://www.baylor.edu/grc/index.php?id=871763</a>	Baylor University    Governance, Risk and Compliance    MINORS ON CAMPUS
<a href="http://www.baylor.edu/rtsv/index.php?id=931988">http://www.baylor.edu/rtsv/index.php?id=931988</a>	Baylor University    Response to Sexual Violence    Implementation Teams	<a href="http://www.baylor.edu/rtsv/index.php?id=931987">http://www.baylor.edu/rtsv/index.php?id=931987</a>	Baylor University    Response to Sexual Violence    Sexual Assault Task Force
<a href="http://www.baylor.edu/rtsv/index.php?id=933350">http://www.baylor.edu/rtsv/index.php?id=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="http://www.baylor.edu/">http://www.baylor.edu/</a>	Baylor University   A Nationally Ranked Christian University, Undergraduate & Graduate Research Colleges Universities Schools in Texas
<a href="http://www.baylor.edu/rtsv/index.php?id=933350">http://www.baylor.edu/rtsv/index.php?id=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="http://www.baylor.edu/rtsv/">http://www.baylor.edu/rtsv/</a>	Baylor University    Response to Sexual Violence
<a href="http://www.baylor.edu/rtsv/index.php?id=933350">http://www.baylor.edu/rtsv/index.php?id=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="http://www.baylor.edu/rtsv/index.php?id=439">http://www.baylor.edu/rtsv/index.php?id=439</a>	Baylor University    Response to Sexual Violence
<a href="http://www.baylor.edu/rtsv/index.php?id=933350">http://www.baylor.edu/rtsv/index.php?id=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="http://www.baylor.edu/rtsv/index.php?id=931981">http://www.baylor.edu/rtsv/index.php?id=931981</a>	Baylor University    Response to Sexual Violence    Background
<a href="http://www.baylor.edu/rtsv/index.php?id=933350">http://www.baylor.edu/rtsv/index.php?id=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="http://www.baylor.edu/rtsv/index.php?id=931987">http://www.baylor.edu/rtsv/index.php?id=931987</a>	Baylor University    Response to Sexual Violence    Sexual Assault Task Force
<a href="http://www.baylor.edu/rtsv/index.php?id=933350">http://www.baylor.edu/rtsv/index.php?id=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="http://www.baylor.edu/rtsv/index.php?id=931988">http://www.baylor.edu/rtsv/index.php?id=931988</a>	Baylor University    Response to Sexual Violence    Implementation Teams
<a href="http://www.baylor.edu/rtsv/index.php?id=933350">http://www.baylor.edu/rtsv/index.php?id=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="http://www.baylor.edu/rtsv/index.php?id=935268">http://www.baylor.edu/rtsv/index.php?id=935268</a>	Baylor University    Response to Sexual Violence    Progress Report
<a href="http://www.baylor.edu/rtsv/index.php?id=933350">http://www.baylor.edu/rtsv/index.php?id=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="http://www.baylor.edu/rtsv/index.php?id=935684">http://www.baylor.edu/rtsv/index.php?id=935684</a>	Baylor University    Response to Sexual Violence    Findings Announced May 26, 2016

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Link	Title of Page	Link	Title of Page
<a href="http://www.baylor.edu/rtsv/index.php?i d=933350">http://www.baylor.edu/rtsv/index.php?i d=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="http://www.baylor.edu/rtsv/index.php?i d=935685">http://www.baylor.edu/rtsv/index.php?i d=935685</a>	Baylor University    Response to Sexual Violence    Progress and Updates
<a href="http://www.baylor.edu/rtsv/index.php?i d=933350">http://www.baylor.edu/rtsv/index.php?i d=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="http://www.baylor.edu/rtsv/index.php?i d=935686">http://www.baylor.edu/rtsv/index.php?i d=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts
<a href="http://www.baylor.edu/rtsv/index.php?i d=933350">http://www.baylor.edu/rtsv/index.php?i d=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="http://www.baylor.edu/rtsv/news.php">http://www.baylor.edu/rtsv/news.php</a>	Baylor University    Response to Sexual Violence    News
<a href="http://www.baylor.edu/rtsv/index.php?i d=933350">http://www.baylor.edu/rtsv/index.php?i d=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="http://www.baylor.edu/titleix">http://www.baylor.edu/titleix</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/rtsv/index.php?i d=933350">http://www.baylor.edu/rtsv/index.php?i d=933350</a>	Baylor University    Response to Sexual Violence    Action Team	<a href="https://www.baylor.edu/rtsv/index.php?i d=933427">https://www.baylor.edu/rtsv/index.php?i d=933427</a>	Baylor University    Response to Sexual Violence    Provide Input
<a href="http://www.baylor.edu/rtsv/index.php?i d=935686">http://www.baylor.edu/rtsv/index.php?i d=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts	<a href="http://www.baylor.edu/rtsv/">http://www.baylor.edu/rtsv/</a>	Baylor University    Response to Sexual Violence
<a href="http://www.baylor.edu/rtsv/index.php?i d=935686">http://www.baylor.edu/rtsv/index.php?i d=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts	<a href="http://www.baylor.edu/rtsv/index.php">http://www.baylor.edu/rtsv/index.php</a>	Baylor University    Response to Sexual Violence
<a href="http://www.baylor.edu/rtsv/index.php?i d=935686">http://www.baylor.edu/rtsv/index.php?i d=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts	<a href="http://www.baylor.edu/rtsv/index.php?i d=439">http://www.baylor.edu/rtsv/index.php?i d=439</a>	Baylor University    Response to Sexual Violence
<a href="http://www.baylor.edu/rtsv/index.php?i d=935686">http://www.baylor.edu/rtsv/index.php?i d=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts	<a href="http://www.baylor.edu/rtsv/index.php?i d=931981">http://www.baylor.edu/rtsv/index.php?i d=931981</a>	Baylor University    Response to Sexual Violence    Background
<a href="http://www.baylor.edu/rtsv/index.php?i d=935686">http://www.baylor.edu/rtsv/index.php?i d=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts	<a href="http://www.baylor.edu/rtsv/index.php?i d=931987">http://www.baylor.edu/rtsv/index.php?i d=931987</a>	Baylor University    Response to Sexual Violence    Sexual Assault Task Force
<a href="http://www.baylor.edu/rtsv/index.php?i d=935686">http://www.baylor.edu/rtsv/index.php?i d=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts	<a href="http://www.baylor.edu/rtsv/index.php?i d=931988">http://www.baylor.edu/rtsv/index.php?i d=931988</a>	Baylor University    Response to Sexual Violence    Implementation Teams
<a href="http://www.baylor.edu/rtsv/index.php?i d=935686">http://www.baylor.edu/rtsv/index.php?i d=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts	<a href="http://www.baylor.edu/rtsv/index.php?i d=933350">http://www.baylor.edu/rtsv/index.php?i d=933350</a>	Baylor University    Response to Sexual Violence    Action Team
<a href="http://www.baylor.edu/rtsv/index.php?i d=935686">http://www.baylor.edu/rtsv/index.php?i d=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts	<a href="http://www.baylor.edu/rtsv/index.php?i d=935268">http://www.baylor.edu/rtsv/index.php?i d=935268</a>	Baylor University    Response to Sexual Violence    Progress Report
<a href="http://www.baylor.edu/rtsv/index.php?i d=935686">http://www.baylor.edu/rtsv/index.php?i d=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts	<a href="http://www.baylor.edu/rtsv/index.php?i d=935684">http://www.baylor.edu/rtsv/index.php?i d=935684</a>	Baylor University    Response to Sexual Violence    Findings Announced May 26, 2016
<a href="http://www.baylor.edu/rtsv/index.php?i d=935686">http://www.baylor.edu/rtsv/index.php?i d=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts	<a href="http://www.baylor.edu/rtsv/index.php?i d=935685">http://www.baylor.edu/rtsv/index.php?i d=935685</a>	Baylor University    Response to Sexual Violence    Progress and Updates

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<a href="http://www.baylor.edu/rtsv/index.php?id=935686">http://www.baylor.edu/rtsv/index.php?id=935686</a>	Baylor University    Response to Sexual Violence    Quick Facts	<a href="http://www.baylor.edu/rtsv/news.php">http://www.baylor.edu/rtsv/news.php</a>	Baylor University    Response to Sexual Violence    News
<a href="http://www.baylor.edu/titleix/doc.php/246460.pdf">http://www.baylor.edu/titleix/doc.php/246460.pdf</a>	Title IX Know Your Rights Document	<a href="http://www.baylor.edu/titleix/index.php?id=870110">http://www.baylor.edu/titleix/index.php?id=870110</a>	Baylor University    Title IX    Federal Guidelines
<a href="http://www.baylor.edu/titleix/doc.php/249242.docx">http://www.baylor.edu/titleix/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy	<a href="http://www.baylor.edu/bupp/">http://www.baylor.edu/bupp/</a>	Baylor University    BUPP Forms
<a href="http://www.baylor.edu/titleix/doc.php/249242.docx">http://www.baylor.edu/titleix/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy	<a href="http://www.baylor.edu/facultyhandbook/index.php?id=74130">http://www.baylor.edu/facultyhandbook/index.php?id=74130</a>	Baylor University    Faculty Handbook    Policies and Procedures
<a href="http://www.baylor.edu/titleix/doc.php/249242.docx">http://www.baylor.edu/titleix/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy	<a href="http://www.baylor.edu/judicial_affairs/index.php?id=930944">http://www.baylor.edu/judicial_affairs/index.php?id=930944</a>	Baylor University    Judicial Affairs    Sex Discrimination, Sexual Violence, and Sexual Harassment Policy
<a href="http://www.baylor.edu/titleix/doc.php/249242.docx">http://www.baylor.edu/titleix/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy	<a href="http://www.baylor.edu/student_policies/index.php?id=930940">http://www.baylor.edu/student_policies/index.php?id=930940</a>	Baylor University    Student Policies and Procedures    Sex Discrimination, Sexual Violence, and Sexual Harassment Policy
<a href="http://www.baylor.edu/titleix/doc.php/249242.docx">http://www.baylor.edu/titleix/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy	<a href="http://www.baylor.edu/titleix/">http://www.baylor.edu/titleix/</a>	Baylor University    Title IX
<a href="http://www.baylor.edu/titleix/doc.php/249242.docx">http://www.baylor.edu/titleix/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy	<a href="http://www.baylor.edu/titleix/index.php?id=868951">http://www.baylor.edu/titleix/index.php?id=868951</a>	Baylor University    Title IX    Baylor's Title IX Process
<a href="http://www.baylor.edu/titleix/doc.php/249242.docx">http://www.baylor.edu/titleix/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy	<a href="http://www.baylor.edu/titleix/index.php?id=870110">http://www.baylor.edu/titleix/index.php?id=870110</a>	Baylor University    Title IX    Federal Guidelines
<a href="http://www.baylor.edu/titleix/doc.php/249242.docx">http://www.baylor.edu/titleix/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy	<a href="http://www.baylor.edu/titleix/index.php?id=873164">http://www.baylor.edu/titleix/index.php?id=873164</a>	Baylor University    Title IX    Policy & Process
<a href="http://www.baylor.edu/nse/index.php?id=872689">http://www.baylor.edu/nse/index.php?id=872689</a>	Baylor University    New Student Experience    NSE in Your Syllabus	<a href="http://www.baylor.edu/nse/index.php?id=97819">http://www.baylor.edu/nse/index.php?id=97819</a>	Baylor University    New Student Experience    Week 10
<a href="http://www.baylor.edu/nse/index.php?id=872689">http://www.baylor.edu/nse/index.php?id=872689</a>	Baylor University    New Student Experience    NSE in Your Syllabus	<a href="http://www.baylor.edu/nse/index.php?id=98625">http://www.baylor.edu/nse/index.php?id=98625</a>	Baylor University    New Student Experience    Instructor Resources
<a href="http://www.baylor.edu/studentactivities/organizations/doc.php/273271.ppt">http://www.baylor.edu/studentactivities/organizations/doc.php/273271.ppt</a>	Powerpoint Presentation: Risk Management & Legal Issues for Student Organizations, Student Organization Summit, Fall 2016	<a href="http://www.baylor.edu/studentactivities/organizations/index.php?id=74711">http://www.baylor.edu/studentactivities/organizations/index.php?id=74711</a>	Baylor University    Student Organizations    Risk Management
<a href="http://www.baylor.edu/nse/index.php?id=872689">http://www.baylor.edu/nse/index.php?id=872689</a>	Baylor University    New Student Experience    NSE in Your Syllabus	<a href="http://www.baylor.edu/nse/index.php?id=870997">http://www.baylor.edu/nse/index.php?id=870997</a>	Baylor University    New Student Experience    NSE FAQs

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Link	Title of Page	Link	Title of Page
<a href="http://www.baylor.edu/rtsv/index.php?id=931988">http://www.baylor.edu/rtsv/index.php?id=931988</a>	Baylor University    Response to Sexual Violence    Implementation Teams	<a href="http://www.browninglibrary.org/index.php?id=48765">http://www.browninglibrary.org/index.php?id=48765</a>	Baylor University    Armstrong Browning Library    Browning Library Collection
<a href="http://www.baylor.edu/rtsv/index.php?id=931988">http://www.baylor.edu/rtsv/index.php?id=931988</a>	Baylor University    Response to Sexual Violence    Implementation Teams	<a href="http://www.baylor.edu/mediacommunications/news.php?action=story&amp;story=172062">http://www.baylor.edu/mediacommunications/news.php?action=story&amp;story=172062</a>	Progress Continues on Baylor University's Implementation of Recommendations
<a href="http://www.baylor.edu/titleIX/doc.php/249242.docx">http://www.baylor.edu/titleIX/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy	<a href="http://www.baylor.edu/bupp/index.php?id=31647">http://www.baylor.edu/bupp/index.php?id=31647</a>	Baylor University    BUPP Forms
<a href="http://www.baylor.edu/titleIX/doc.php/249242.docx">http://www.baylor.edu/titleIX/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy	<a href="http://www.baylor.edu/counseling_center/index.php?id=49810">http://www.baylor.edu/counseling_center/index.php?id=49810</a>	Baylor University    Counseling Center    Mental Health Summit
<a href="http://www.baylor.edu/titleIX/doc.php/249242.docx">http://www.baylor.edu/titleIX/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy	<a href="http://www.baylor.edu/hr/index.php?id=936873">http://www.baylor.edu/hr/index.php?id=936873</a>	Baylor University    Human Resources    Preventing Harassment, Discrimination, & Sexual Assault
<a href="http://www.baylor.edu/titleIX/doc.php/249242.docx">http://www.baylor.edu/titleIX/doc.php/249242.docx</a>	Sex Discrimination, Sexual Violence, and Sexual Harassment Policy	<a href="http://www.baylor.edu/mediacommunications/news.php?action=story&amp;story=174043">http://www.baylor.edu/mediacommunications/news.php?action=story&amp;story=174043</a>	Baylor Pledges Cooperation with OCR Review
<a href="http://www.baylor.edu/student_life/index.php?id=89371">http://www.baylor.edu/student_life/index.php?id=89371</a>	Baylor University    Student Life    Title IX	<a href="http://www.baylor.edu/student_life/index.php?id=84166">http://www.baylor.edu/student_life/index.php?id=84166</a>	Baylor University    Title IX

**EXHIBIT 24**

Strategic Communications Plan – Academic Year 2016-17  
“It’s on Us to Prevent, Intervene, Care”

University-wide efforts to prevent interpersonal violence, equip students to safely intervene in volatile situations and care for members of our community who have been impacted by sexual violence continue to advance and evolve. Throughout the 2016-17 academic year, the Title IX Office is emphasizing widespread training, awareness and resources. Supported by a full communications campaign, electronic, print and multimedia resources are designed to ensure students are aware of Baylor University’s Title IX Office, know how to report, understand training requirements and are aware of the resources available to them on campus. The campaign also incorporates key messaging to staff and faculty about mandatory reporting requirements and required online trainings.

The work of the Title IX Office and the communications plan will grow as we learn from students who report and student volunteers who serve as a part of the It’s On Us Student Advisory Group. We are working to establish and communicate about an Office that is supportive, responsive, fair and thorough in upholding students’ access to an education and are committed to doing the right things for the well-being of our students.

## **2016-17 Communications Plan**

### Reporting

Target Audience: Students

- General Awareness
  - Develop a theme for the year that builds on the It’s On Us Campaign begun in 2015-16.
  - Update the It’s On Us video for use throughout the year.
- Advertisements in the *Baylor Lariat*
  - Run ads each month beginning in August in the *Baylor Lariat* to remind students of the Title IX Office, how to report and the resources available on campus.
- “It’s On Us” posters in restroom stalls across campus
  - Produce and place “It’s On Us” awareness posters in each public restroom stall on campus to increase awareness and inform users of reporting contact information and support resources available to them. (Note for 2016-17: Posters initially were installed in August 2016 with the previous Title IX Coordinator’s Name and contact information. Within two weeks following the announcement of the new Title IX Coordinator in October, 2016, updated posters were placed in each public restroom stall on campus.)
- Rights, Options and Resources brochures
  - Update the Rights, Options and Resources brochures and ensure they are available in print at key student contact locations across campus, including the Counseling Center, the Police Department and the Title IX Office.
  - Send an email announcement to Baylor students providing the revised Title IX policy in effect for the academic year along with a digital copy of the Title IX



Rights, Options and Resources brochure. Include a reminder of how to contact the Title IX team for support.

- “Report it” push
  - Place digital and print signage in high-traffic student areas to remind students to report incidents of sexual assault and interpersonal violence – include three on-campus mini-billboards and digital slides in Baylor Chapel, the Student Union Building and Baylor libraries.

Target Audience: Faculty/Staff

- Pocket guide for responsible reporters
  - Produce and distribute a wallet-sized cards with the five steps a Baylor employee must take when he/she receives a report of sexual assault, intimate partner violence, sexual exploitation, stalking, sexual or gender-based harassment.
- Rights, Options and Resources brochures
  - Provide digital copies of the Rights, Options and Resources brochures to faculty and staff.
  - Send an email announcement to Baylor faculty and staff providing the revised Title IX policy in effect for the academic year along with a digital copy of the Title IX Rights, Options and Resources brochure. Include a reminder of how to contact the Title IX team for support.

## Awareness

Target Audience: Students

- Awareness events
  - Promote Title IX awareness training event for new students during first week of school through an advertisement in the “Welcome Back” issue of the *Baylor Lariat* and through postcards, printed and distributed to residence hall leaders.
  - Promote Title IX “It’s On Us: Live on the Lawn” event in the fall semester, through ads in the *Baylor Lariat*, emphasizing music, food trucks, games and personal conversations to help students get to know the Title IX staff and Student Advisory Group.
- Sexual Assault Awareness Month
  - Collaborate with Title IX Office to develop and support a wide range of student-focused events for April.
  - Introduce opportunities to engage in Sexual Assault Awareness Month events and activities through the weekly student newsletter, What’s New BU, editorial content in the *Baylor Lariat*, video placement in athletics venues, media release and other communication channels.
  - Promote Title IX Dr Pepper hour event.
  - Increase advertising in the *Baylor Lariat* to weekly during the month of April.
  - Develop and promote campus-wide Day of Action opportunity.
- “It’s On Us” emphasis in athletic venues

- Work with athletics to designate the Sept. 24 football game against OSU as a game for Title IX awareness. Incorporate “It’s On Us” t-shirts, the “It’s On Us” video during a game break, information via the stadium announcer and other channels.
- Throughout the month of April, Sexual Assault Awareness Month, provide information via the stadium announcer and show the “It’s On Us” video during game breaks at spring sports, including baseball, softball, soccer and track.
- Title IX Website
  - Evaluate content against needs and experiences of students, faculty and staff.
  - Work with Baylor Electronic Communications to improve organization of Title IX website.
  - Create a quick link for reporting that is clearly visible on the main landing page and ensure reporting links are easy to find on mobile views of the site.
  - Add a link to the Clery page and restructure the resources page, among other improvements.
  - Utilize Title IX website to provide a calendar and overview of training events, awareness activities and “It’s On Us” Student Advisory Council meetings.
  - Use the website to promote Sexual Assault Awareness Month.
  - Provide links to the site and event links through faculty/staff and student landing pages.
- Announcement of new Title IX Coordinator
  - Immediately following the announcement of the departure of the previous Title IX Coordinator, the University announced the appointment of a new Title IX Coordinator. This announcement was also used to reassure the community that the Title IX Office was fully equipped and staffed to respond to the needs of those who experience sexual violence.

Target Audience: Faculty/Staff

- Sexual Assault Awareness Month
  - Develop and promote a campus-wide day of action event for Sexual Assault Awareness Month.
  - Post media release announcing SAAM activities/events to faculty/staff website.
- Announcement of new Title IX Coordinator
  - Immediately following the announcement of the departure of the previous Title IX Coordinator, the University announced the appointment of a new Title IX Coordinator. This announcement was also used to reassure the community that the Title IX Office was fully equipped and staffed to respond to the needs of those who experience sexual violence.

### Prevention and Training

Target Audience: Students

- Online Training Course

- Develop and deploy a full communication strategy, including graphics on public monitors, multiple emails to students, table tents in dining facilities, social media, Canvas pop-up announcements and ads in the *Baylor Lariat* to support the importance of participation by students.
- Collaborate with Title IX Office to develop messaging for launch to every enrolled student, asking them to complete an online training course to ensure they understand the Title IX processes, rights and responsibilities, and resources available in times of need.
- Coordinate with Chief Compliance Office and ITS to develop messaging for students who do not complete the mandatory training and who will therefore have registration holds.
- Social Climate Survey
  - Develop and deploy a robust communications campaign including email, table tents in dining facilities, *Baylor Lariat* ads, Canvas pop-up banners, public monitor graphics, social media and other tools to invite students to participate in the 2017 Social Climate Survey.
  - Coordinate interviews with Title IX Coordinator and other staff with the *Baylor Lariat* to remind students about the role of the Title IX Office and encouraged them to take the Social Climate Survey to help the University better understand their needs for support and communication.
  - Collaborate with Title IX Office staff on messaging to use when presenting to student leadership on the importance of the survey results on the training and awareness events planned for the future.

Target Audience: Faculty/Staff

- Online Training Course
  - Develop and deploy a communication blitz, including a message center on the faculty/staff webpage, multiple emails to employees, information in the HR Advisory, and other channels.
  - Collaborate with HR and the Title IX Office on messaging for faculty and staff to outline the expectations and repercussions of failing to complete the training.

## Other

Target Audience: Title IX Office Staff

- Screen and coordinate all media requests for Title IX staff.
- Arrange media availability for Title IX staff when helpful to communication needs.
- Train and prepare Title IX Coordinator in advance of any media availability.

**EXHIBIT 25**

IT'S ON

US

**Report interpersonal  
violence and  
sex-based  
discrimination  
anonymously at  
[baylor.edu/titleix](http://baylor.edu/titleix)**

**to prevent.  
to intervene.  
to care.**

**Reporting and Resources**

**Title IX Office**

Kristan Tucker, Title IX Coordinator  
Clifton Robinson Tower, Suite 285  
254-710-8454  
[Kristan\\_Tucker@baylor.edu](mailto:Kristan_Tucker@baylor.edu)



**BAYLOR**  
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TITLE IX OFFICE

**Confidential Support**

**Baylor Counseling Center**

McLane Student Life Center, 2nd Floor  
254-710-2467

**Baylor University Health Services**

McLane Student Life Center, 2nd Floor  
254-710-1010

**Burt Burleson, University Chaplain**

The BoBo Spiritual Life Center  
254-710-3517  
[Burt\\_Burleson@baylor.edu](mailto:Burt_Burleson@baylor.edu)

**Emergency Help**

**Baylor Police Department**

254-710-2222

**Waco Police Department**

9-1-1



Rave Guardian

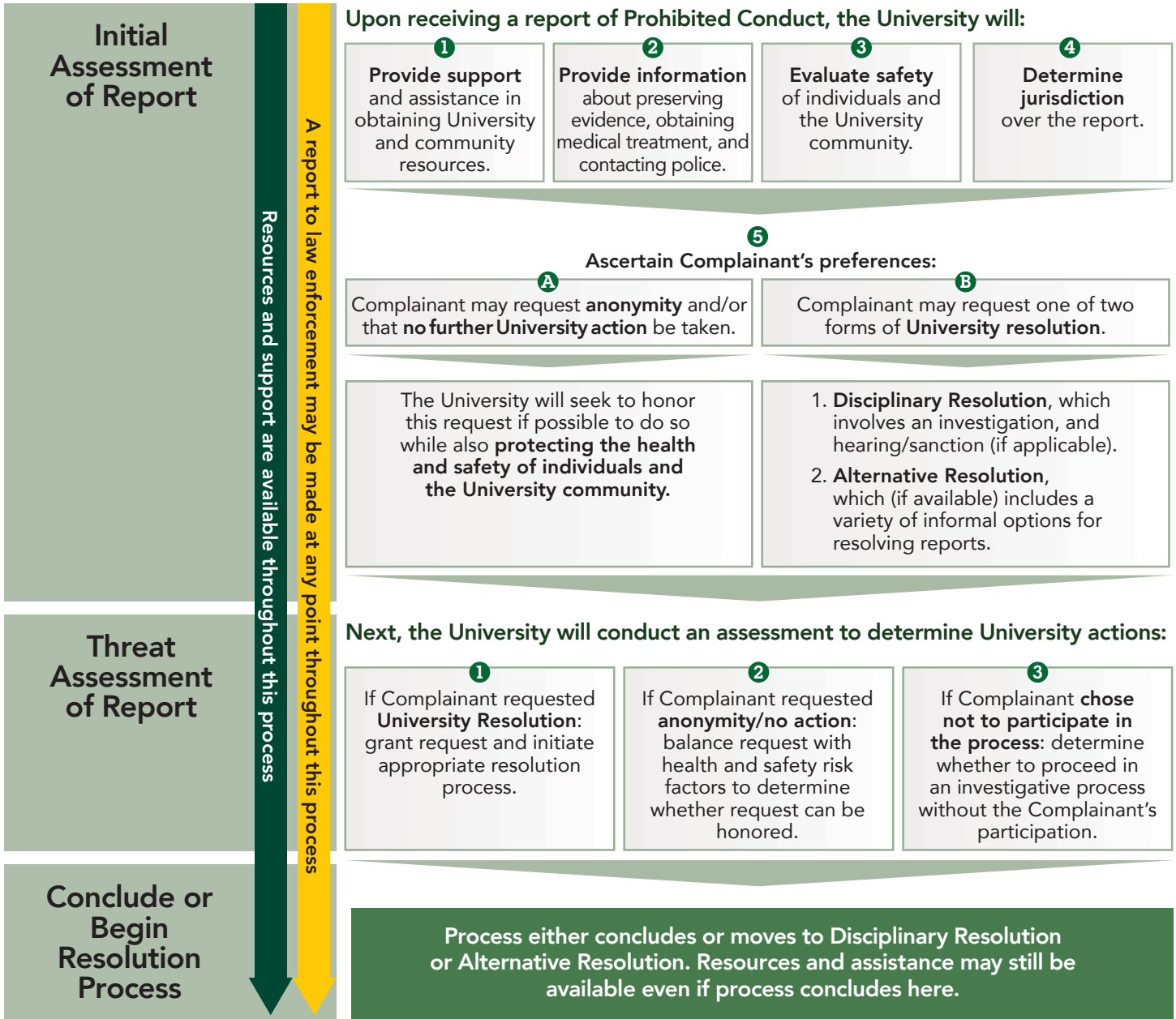
Download the Rave Guardian safety app to check in with family, friends, the Baylor Department of Public Safety.

**Join the It's on Us Baylor campaign @ItsOnUsBU**

**EXHIBIT 26**

# The Path of a Report of Student Prohibited Conduct

Baylor University's Sexual and Gender-Based Harassment and Interpersonal Violence Policy



The University also offers access to confidential resources for students who are unsure about whether to report Prohibited Conduct, such as:

Baylor University Counseling Center (254) 710-2467,  
 Baylor University Health Services Center (254) 710-1010, and  
 Burt Burlison, University Chaplain (254) 710-3517.



Kristan Tucker, Title IX Coordinator  
 Clifton Robinson Tower, Suite 285  
 (254) 710-8454

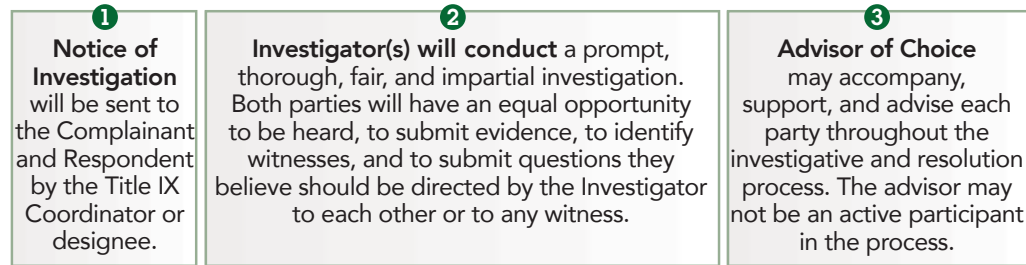


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# Disciplinary Resolution Process for Students

## Investigative Process

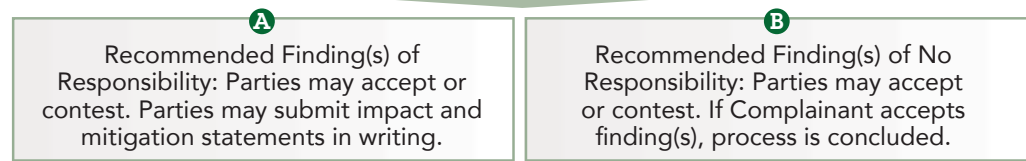
To commence the investigative process:



At the conclusion of the investigative process:

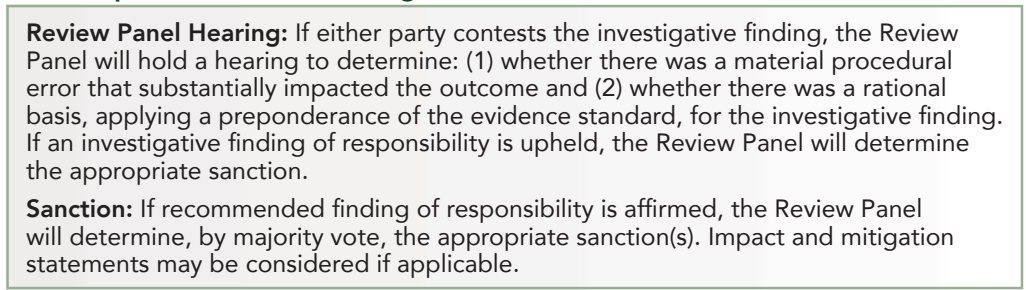


## Recommended Finding



## Review Panel Hearing and Final Outcome

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



**Decision of the Review Panel is final**, without further recourse or appeal by either party. The Review Panel Chair will issue a written decision (the Final Notice of Outcome) to both the Complainant and the Respondent.

Resources and support are available throughout this process  
A report to law enforcement may be made at any point throughout this process

Typically, the period from commencement of the investigative process through resolution (finding(s) and sanction(s), if any) will not exceed 60 calendar days. This time frame may be extended for good cause.



Kristan Tucker, Title IX Coordinator  
Clifton Robinson Tower, Suite 285  
(254) 710-8454



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**EXHIBIT 27**

# Title IX Process and Procedure

## Intake

The process of sharing a concern with the Title IX Office allows the staff to connect the complainant (the individual(s) allegedly subjected to prohibited conduct) with support services.

Once a report is filed, the complainant is informed of

- Rights
- Options
- Resources

## Determination of Jurisdiction

Determination of jurisdiction is based on:

- ▲ Is the respondent (the individual(s) reported to have engaged in prohibited conduct) a formal part of the campus community (e.g. faculty, staff, student or volunteer)?
- ▲ Does the complainant want to pursue the formal Title IX disciplinary process?
- ▲ Does this qualify as a campus safety issue?

## Support System

The complainant can request reasonable support services, interim measures and/or protection.

- Counseling Services\*
- Academic Support Resources
- Psychological Assistance\*
- Spiritual Services
- Financial Aid Services
- University-issued "Do Not Contact Order"
- Other Accommodations

## Disciplinary Process

The Title IX disciplinary process determines, by a preponderance of evidence, whether a violation of the University policy\*\*, which protects the educational environment as mandated by law, has occurred.

### Investigation

#### Investigator

- Interviews respondent and witnesses
- May ask for additional information from complainant
- Collects evidence
- Keeps both parties informed
- Prepares report
- Makes report available to complainant and respondent

#### Adjudicator

Report is provided to adjudicator.

#### Adjudication hearing

- Adjudicator separately interviews
- Respondent
  - Complainant
  - May interview witnesses
  - May interview investigator
- Adjudicator determines if evidence indicates respondent is responsible. If deemed responsible, disciplinary sanction(s) prescribed.

### Appeals

Either party is entitled to pursue two levels of appeals.

- Appellate officer(s) will hear each appeal.
- After the second appeal, the disciplinary process concludes.

#### Three reasons to appeal.

- Significant new evidence
- Significant process error
- Historically inconsistent sanction

The appellate officer(s) may change the sanction or send the case back through the process. Appeals must be pursued within the timeframe stated in the policy\*\*.

\* Active enhancements underway

\*\* Baylor's Sex Discrimination, Sexual Violence, and Sexual Harassment policy

This document is intended to provide a general overview of Baylor University's Title IX process, as outlined in the Sex Discrimination, Sexual Violence, and Sexual Harassment policy, in effect Feb. 2016.



**EXHIBIT 28**

## Public Incident Report



Welcome to the Baylor University Incident Report form. Please provide our office with as much detail about the incident as possible.

If you have any questions about this form, please contact the Baylor University Office of Student Conduct Administration at 254.710.1715. For your convenience, here are the Baylor University [Student Conduct Code](#) and the [Campus Living and Learning Guide to Community Living](#).

Reports that do not include contact information may limit the University's ability to investigate a report and/or address the reported conduct. Do not use this form to report events presenting an immediate threat to life or property. Reports submitted through this service may not receive an immediate response. If you require emergency assistance, please contact your local authorities or the Baylor Police Department at 254-710-2222.

\* indicates a required field

### Reporter Type

I am a \*

Please indicate your relationship to Baylor University.

Faculty/Staff ▼

### Reporter Information

Your Name

Please provide your full name.

Your Email

Please provide your email address so that we can contact you if we have follow up questions about this report.

Your Phone Number

Please provide your phone number so that we can contact you if we have follow up questions about this report.

## Descriptive Information

Incident Description \*

Please provide as much information as possible about the incident.

Attach documents/Upload

Please upload any supporting documentation that you have for this incident.

ADD ITEM

Social Media

Was social media (e.g., Yik Yak, Snapchat, Twitter, Facebook) involved in this incident?

Yes  No

## Time and Location

Date/Time of Incident \*

Please provide the approximate time that this incident occurred.



Location Information \*

Please provide as much detail about the location of this incident as possible.

---

## Parties Involved

Students Involved

Please list the names (and emails or University ID numbers, if possible) of all the students involved in this incident.

Student Organizations

Are you aware of Student Organizations involved in this incident?



Student Organizations

Are you aware of Student Organizations involved in this incident?

Other Witness(es)

Were there other witnesses to this incident?

Police Called

Was the police department called to this incident?


Yes  No

EMS Called

Was EMS called to this incident?

Yes  No

Verification \*

 I'm not a robot   
reCAPTCHA  
[Privacy - Terms](#)

**SUBMIT**

**EXHIBIT 29**



## Athletics Integration with Campus

The Department of Athletics works hand-in-hand with other Baylor University's departments on a daily basis. The list below provides some examples of integration outside of normal business operations. Athletics staff work with nearly every Baylor department including but not limited to: Academic Affairs, Admissions, Campus Living & Learning, Bookstore, Marketing & Communications, Student Ministries, Budget & Fiscal Planning, Campus Services, Cashier's Office, Constituent Engagement, Governance, Risk and Compliance, Construction Services, Controller's Office, Counseling Services, ITS, General Counsel, Graduate School, New Student Programs, Internal Audit, Office of the President, Registrar, Operations & Facilities Management, Parking Services, Success Center, Payroll, Police Department, Procurement Services, Risk Management, Spiritual Life, Student Conduct Administration, Financial Aid, Title IX, University Development, etc.

Campus Area/Event	Athletics Group	Athletics Staff	Notes
<b>University Committees/Operations</b>			
Sexual Assault Advisory Board	4 Staff Representatives	Kazadi, Schrank, Barber, Walls	members
Staff Council	4-5 Staff Representatives	rotates - 3 year terms	council members
Presidential Advisory Committee on Diversity	Administrative Staff	Callie Schrank	committee member
Clery Act Compliance Committee	Compliance Office	Keith Miller	committee member
Minors on Campus Committee	Compliance/Business Offices	Josh Lens; Cody Hall	committee member
Campus Licensing Committee	External Affairs	Nick Joos	licensing with OGC, Campus Operations, Market/Comm.
Women's Round Table	Various Staff	numerous	members, panelists, etc
Judicious Stewardship/Institutional Effectiveness Comm.	Internal Affairs	Paul Bradshaw	committee member
President's Task Force on Intercollegiate Athletics	Internal Affairs	Paul Bradshaw	past vice chair
University Policy and Procedure Review Committee	Internal Affairs	Paul Bradshaw	committee member
Spiritual Life and Character Formation Task Force	Student-Athlete Support Services	Tierra Barber	task force member
Training, Education and Communication Task Force	Student-Athlete Support Services	Tierra Barber	task force member
PCO Committee	Business Office	Cody Hall	committee member
Internal Audit: Risk Matters Committee	Business & Compliance Office	Todd Patulski, Chad Jackson	committee members
Sustainability Committee	Facilities & Operations	Paula Young	committee member
Faculty Athletics Council	Senior Administration	Todd, Paul, Bart, Nancy	ex-officio members
ITS	Administrative Staff	Nick, Drew, Todd, Paul	scheduled meeting with VP Patty Orr
Congreso Planning	Facilities & Operations	Henry Howard, Jonathan Berry	team members with Christina Gaona
Premiere Planning	Facilities & Operations	Drew Pittman, Jonathan Berry	team members with Ross VanDyke
Commencement Planning Committee	Facilities & Operations	Terry Tucker, Jonathan Berry, Henry Howard	committee members with Lois Ferguson
Chairman's Dinner Planning	Facilities & Operations	Drew Pittman, Jonathan Berry	team members with Theresa Mellon
Program Providers (Registrar, Admissions, FAid, Interntl, OALA etc)	Compliance Office	Compliance Staff	semester education meetings
Multiple Departments (EC, Regents, FAC, PP, Aramark, BAN, all university employees)	Compliance Office	Compliance Staff	newsletters - monthly; Infraction Report; Gold Standard
Multiple Departments (i.e. Development BUPD, BAN, Registrar, Admissions, Faid, Cashier, Interntl,	Compliance Office	Compliance Staff	annual education meetings
Multiple Departments (i.e. President, Internal Audit, OGC, FAR)	Compliance Office	Compliance Staff	monthly update meetings
Leadership Development Focus Group	Administrative Staff	Jeremiah Dickey	organized by HR; Drexel King
Spring Staff Forum - Leadership Panel	Head Coaching Staff	Steve Rodriguez, Matt Rhule, Felecia Mulkey	organized by HR

Campus Area/Event	Athletics Group	Athletics Staff	Notes
Spring Football Practice - Special Invites	Football/External Relations	special practices for Faculty only, Students only, etc.	organized by football, external relations
<b>Faculty/Academics</b>			
Sport Management Graduate Partnership	Administrative Staff	Ticket, BBF, Marketing, Compliance, Facilities, etc	supervisors of several GAs
Athletic Training Education Program	Athletic Training Staff	Mike Sims & Team	supervisors of student/GA program
Student-Athlete Data Enrollment Team	Compliance Staff	Chad Jackson & Team	Partner with Provost, FAR, Registrar, SAS
Advising Leadership Council	Student-Athlete Support Services	Kristen Bates	council member
Student Success Collaborative "SSC" Leadership Team	Student-Athlete Support Services	Kristen Bates	team member
Pre-Health Advising Council	Student-Athlete Support Services	Kristen Bates	council member
Spring Football Practice - Special Invites	Football/External Relations	special practices for Faculty only, Students only, etc.	organized by football, external relations
Business School Professional Development & Sport Management Student Group	Administrative Staff	Mack Rhoades	speaking engagements
Meeting with the Deans & Faculty Senate	Athletic Director, Head Football Coach	Mack Rhoades, Matt Rhule	in coordination with Provost Jones, Andrea Dixon
<b>Student Affairs</b>			
Student Activities	Marketing & Fan Engagement	Jay Luksis & Team	recurring meetings with Matt Burchett & staff
Student Activities	Baylor-IMG Sponsorships; External Affairs	Nick Joos	partner to secure sponsorships for campus programming
Title IX "It's On Us" Campaign	BaylorVision	Jeromy Otter, Ben Brune	assisted with creation/production of video
Golden Wave Band	Marketing & Fan Engagement	Jay Luksis & Rachel Levetzow	Coordination of Spirit & Band Events
Student Organization Licensing Approval	External Affairs	Nick Joos	approver of artwork through portal
<b>University Development/Constituent Engagement</b>			
University Development	Bear Foundation	Doug McNamee & Team	Partner on Student-Giving Membership Level
University Development	Bear Foundation	Doug McNamee & Team	Nick Florence offices within BBF
Constituent Engagement: Baylor Sports Network	External Affairs; Bear Foundation; Marketing/Fan Engagement, etc	Numerous Teams/Administrators	partner for events/game day tailgates
New Student Programs	Marketing & Fan Engagement	Rachel Levetzow	squads in orientation, Line Camp, etc.

**EXHIBIT 30**



Student Misconduct

Student Misconduct Reporting Form

Baylor > Student Misconduct > Student Misconduct Reporting Form

logout

# Student Misconduct Reporting Form



## Misconduct Report

**!** If anyone is in immediate danger, please contact Baylor Police at 710-2222 or call 911.

## Your Information

Contact information is required so that we may contact you if clarifying or additional information is needed.

\* Your First Name

\* Your Last Name

\* Your Email

\* Your Phone

## Incident Information

**!** Please provide as much information as you can.

Date Incident Was Reported to You

mm/dd/yyyy format

Date of Incident

mm/dd/yyyy format

Location of Incident (if known)

1,000 characters remaining.

Names of People Involved (if known and include contact information if available)

**\* Description of Incident**

Be specific including dates, locations and names of those involved.

5,000 characters remaining.

Any Additional Information?

5,000 characters remaining.

On the next page, please print a copy of the confirmation page for your records. Your report will be submitted to a University official for review. An email will be sent to you shortly confirming receipt of this report. Please note and use the Report Number in all correspondence about this matter.

If you do not receive a confirmation email, please notify Shelley Deats at [Shelley\\_Deats@baylor.edu](mailto:Shelley_Deats@baylor.edu).

[Continue Report »](#)

**EXHIBIT 31**

## **STUDENT-ATHLETE MISCONDUCT REPORTING AND DETERMINATION OF SUSPENSION POLICY AND PROTOCOL**

### **I. DUTY TO REPORT INSTANCES OR SUSPECTED INSTANCES OF MISCONDUCT**

#### **A. Coaches and Staff**

All Baylor Athletics staff, coaches, graduate assistants, student employees, student assistants, outside consultants, and volunteer coaches (collectively “Athletics Personnel”) must report in writing any known, alleged, reported, or suspected student-athlete Misconduct to the Senior Associate Athletic Director for Internal Affairs or the Vice-President and Director of Intercollegiate Athletics (“Director of Athletics”).

In addition to reporting it to the Director of Athletics or the Senior Associate Athletic Director for Internal Affairs, Athletics Personnel must report via the online reporting process at [www.baylor.edu/misconduct](http://www.baylor.edu/misconduct) any known, alleged, reported, or suspected Serious Misconduct, violations of Baylor’s Sexual and Gender-Based Harassment and Interpersonal Violence Policy (Title IX Policy), Civil Rights Policy, or Honor Code; violations that would be considered criminal behavior, including conduct as defined in the Student Conduct Code section III. items C, D, H, I, J, K, L, M, R, S, U, V, W, and Clery crimes (as defined in the Baylor Annual Fire Safety and Security Notice of Availability); and those items in section I.B. of this policy that a student-athlete is required to self-report.

All reports must be made immediately, but not later than 24 hours after first learning of the known, alleged, reported, or suspected Misconduct, including Serious Misconduct. Any doubt about whether an obligation to report exists must be resolved in favor of reporting.

Failure to comply with these reporting requirements may result in disciplinary action, up to and including possible termination of employment. This requirement and other requirements in this policy are in addition to any contractual or legal obligations the employee has with Baylor University.

#### **B. Student-Athletes**

A student-athlete who is arrested, charged, or cited with any criminal offense in any jurisdiction (other than a minor traffic violation) must notify their head coach of the arrest, charge, or citation immediately, but not later than 24 hours after the event or release from jail, whichever is later. Failure to comply with this reporting requirement may result in disciplinary action, up to and including possible revocation of athletics privileges.

### **II. MISCONDUCT AND SERIOUS MISCONDUCT**

## **A. Misconduct**

A violation of Baylor University policies governing student conduct, including but not limited to its Title IX policy, student conduct code, or honor code constitutes Misconduct. This includes conduct that:

- constitutes a threat of or an attempt to commit serious misconduct;
- violates federal law, the law of Texas, or the law of the state or nation where the conduct occurred;
- violates a policy governing student conduct of the educational institution at which the student-athlete was enrolled when the conduct occurred.

## **B. Serious Misconduct**

Serious Misconduct is:

- a felony conviction, including any State Jail Felony conviction;
- a criminal conviction for or an educational institution's finding of responsibility for conduct constituting:
  - sexual assault, sexual exploitation, or other similar sexual crime or misconduct, or stalking;
  - domestic, family, or dating violence involving persons who are or were related by blood, marriage, or adoption or who have or have had a dating, romantic, or intimate relationship;
  - child abuse or neglect;
  - the manufacture, sale, or transfer of a controlled substance; or
  - unlawful possession or use of a firearm.

## **III. LIMITATION OR SUSPENSION OF ATHLETICS PRIVILEGES PENDING INVESTIGATION**

### **A. By the Director of Athletics**



When the Title IX Office or the Student Conduct Administration Office decides to investigate a report of Misconduct by a student-athlete, the investigating office must promptly provide the Director of Athletics, or designee, preliminary information of the incident. The investigating office may redact facts, including identities, from this preliminary information to the extent necessary to protect the rights and privacy of the persons involved and/or the integrity of the investigation. The Director of Athletics, or designee, may limit or suspend athletics privileges based on the preliminary information pending a determination of responsibility by the investigating office or a decision by the Threat Assessment Team or Athletics Privileges Committee.

Nothing in this policy prohibits the Director of Athletics, or designee, from limiting or suspending athletics privileges based upon a violation of athletic department policies or expectations or team rules.

#### **B. By the Athletics Privileges Committee**

1. *Athletics Privileges Committee; Authority and Membership.* The Athletics Privileges Committee may limit or suspend athletics privileges pending a determination of responsibility by the investigating office. The members of the Athletics Privileges Committee are the Director of Athletics, or designee, the Faculty Athletics Representative, and one individual designated by the Office of the President. The Office of General Counsel serves an advisory role to the Committee. The Committee may seek information from the relevant investigating office.

2. *Convening the Athletics Privileges Committee.* Any member of the Athletics Privileges Committee may convene the Committee to consider limitation or suspension of athletics privileges in connection with known, alleged, reported, or suspected Misconduct by a student-athlete. The Athletics Privileges Committee must convene when the reported misconduct, if true, would constitute Serious Misconduct. The investigating office will supply the Athletics Privileges Committee with information needed to make an informed decision, but it may redact facts, including identities, to the extent necessary to protect the rights and privacy of the persons involved and/or the integrity of the investigation.

#### **C. Action by Threat Assessment Group Affecting Athletics Privileges**

The investigating office must determine whether or not to refer the reported Misconduct to the Threat Assessment Group. Upon referral, the Threat Assessment Group applies threat assessment protocols to determine whether or not to alter, limit, or suspend student privileges. If the Threat Assessment Group's recommendation to Student Life with respect to student privileges might affect athletics privileges, the chair or designated member of the Threat Assessment Group must notify the Director of Athletics, or designee, of the decision immediately.

#### **D. Limitation or Suspension of Athletics Privileges by Head Coach**

Nothing in this policy prohibits a head coach from limiting or suspending athletics privileges based upon a violation of athletic department policies or expectations or team rules.

#### **E. Notification of Limitation or Suspension of Athletics Privileges**

When the Director of Athletics or designee or the Athletics Privileges Committee has limited or suspended a student-athlete's athletic privileges, the Director of Athletics, or designee, must promptly notify the relevant head coach, sport program administrator, and the athletic compliance office and, as soon as practicable thereafter, the Director of Athletics, or designee, must ensure that the student-athlete is notified.

#### **F. Athletics Department Liaisons During Investigation**

1. *Designation of Athletics Staff Liaison.* The Director of Athletics must designate an Athletics Department primary staff liaison for the Title IX Office and the Student Conduct Administration Office. The Director of Athletics may not designate more than one person to serve as the liaison for any particular office, but a single person may serve as the liaison for both offices. An alternate may be designated to serve in the role of a liaison if the primary liaison is unavailable.

2. *Limitation on Communication Between Athletics Department and Investigating Office.* The Director of Athletics and the liaison (or alternate) serve as the only points-of-contact between the Athletics Department and the Title IX Office or the Student Conduct Administration Office. Once a report of misconduct has been made, no Athletics Personnel, other than the Director of Athletics and the designated liaison or alternate, may make contact with or discuss the report or investigation with the Title IX Office or the Student Conduct Administration Office unless otherwise personally approved in writing by the Director of Athletics, or designee (excluding investigative request from the Title IX Office or the Student Conduct Administration Office).

3. *Prohibition on Investigation by Athletics Department Personnel.* Athletics Personnel, including the Director of Athletics and the liaisons, may not interfere with the investigative process. Generally, Athletics Personnel may not conduct their own investigation into an incident that constitutes or may constitute serious misconduct or a violation of Baylor's Title IX Policy. However, the Title IX Office and the Student Conduct Administration Office may enlist the assistance of the Director of Athletics and/or the designated liaison to contact student-athletes and gather information.

With the exception of allegations that would constitute serious misconduct or a violation of Baylor's Title IX policy, the Director of Athletics, or designee, may, conduct an inquiry into alleged student-athlete conduct to the extent necessary to determine whether or not to immediately suspend or limit athletics privileges. This should be done only after attempting consultation with the designated investigating office in writing, the Director of Athletics, or designee, has supplied or attempted to supply the investigating office with all pertinent, available information before commencing the inquiry, and the investigating office is unable to make a

preliminary assessment of the conduct before the student-athlete next exercises athletic privileges.

#### **IV. MANDATORY INDEFINITE SUSPENSION OF ATHLETICS PRIVILEGES**

A student-athlete is immediately, completely, and indefinitely suspended from athletics privileges, including but not limited to practice, competition, and workouts, when the student-athlete has:

1. committed serious misconduct (as defined in section II. B. above); or
2. been arrested, cited, or charged with or indicted for a felony, including a State Jail Felony, or a crime under foreign law involving conduct that would constitute a felony under Texas law; or
3. been arrested, cited, or charged, with a crime involving gambling and/or game fixing.

Upon imposing an indefinite suspension, the Director of Athletics, or designee, must promptly notify the relevant head coach, sport program administrator, and the athletic compliance office of the suspension and, as soon as practicable thereafter, the Director of Athletics, or designee, must ensure that the student-athlete is notified.

#### **V. LIFTING SUSPENSIONS, AND REVISING LIMITATIONS ON ATHLETICS PRIVILEGES**

##### **A. Effect of Appeal and Exculpatory or Mitigating Information**

1. *Appeal.* A student-athlete may appeal a decision of the Title IX Office or the Student Conduct Administration Office in accordance with the Title IX Policy and Student Conduct Code, respectively. Any limitation or suspension of athletics privileges remains in effect during the pendency of the appeal. Any change to the decision on appeal will be reported to the Athletics Privileges Committee for consideration in accordance with the policy.

2. *Exculpatory or Mitigating Information.* The receipt of information that exculpates a student-athlete or mitigates their conduct—including but not limited to a finding of non-responsibility by the investigating office, the deferral or abandonment of a criminal investigation or prosecution, and an acquittal, mistrial, or reversal of conviction on appeal—does not automatically lift any suspension or limitation of athletics privileges. Any suspension or limitation of athletics privileges remains in effect until lifted or revised in accordance with this section.

##### **B. Lifting a Suspension; Revising a Limitation on Athletics Privileges**

No person or committee may lift a suspension when the student-athlete's conduct or circumstances would require indefinite suspension under section IV of this policy. Otherwise, a suspension may be lifted and limitations on athletic privileges may be revised only as follows.

1. *By the Director of Athletics.* The Director of Athletics may lift a suspension or revise a limitation on athletics privileges imposed by the Director of Athletics or head coach so long as the Director of Athletics has complied with the duty under this policy, if any, to report the misconduct. Any revision under this section shall not impact prior limitations imposed by the relevant designated investigating office or the Athletics Privileges Committee.

2. *By the Head Coach.* The head coach may lift a suspension or revise a limitation on athletics privileges imposed by the head coach for a violation of athletic department policies or expectations or team rules so long as the head coach has complied with the duty, if any, under this policy to report the misconduct and athletics privileges have not been otherwise suspended or limited under this policy *with the consent of the sport program administrator or Director of Athletics.*

3. *By the Athletics Privileges Committee.* In all other cases, only the Athletics Privileges Committee, after consultation with the investigating office, may lift a suspension or revise a limitation on athletics privileges.

4. *Notification of the Change by the Director of Athletics.* The Director of Athletics, or designee, must promptly notify the relevant head coach, sport program administrator, and the athletic compliance office of the change and, as soon as practicable thereafter, the Director of Athletics, or designee, must notify the student-athlete of the change in their athletics privileges.

## **VI. ANNUAL REVIEW AND COMMUNICATION OF POLICY**

This policy is maintained by the Athletics Department. The University will review this policy on at least an annual basis. The Director of Athletics must communicate this policy annually to all athletics staff, coaches, graduate assistants, student employees, student assistants, outside consultants who work directly with students, and volunteer coaches. Nothing in this policy in and of itself creates any legal obligation on Baylor.

Effective as of: October 11, 2017

Approved by: Mack Rhoades, Vice President and Director of Intercollegiate Athletics

**EXHIBIT 32**



<b>Policy Title: Prospective Student Athlete Background Assessment</b>	<b>Policy Number: (PO will provide)</b>
<b>Date Issued: April 6, 2017</b>	<b>Responsible Executive: Director of Intercollegiate Athletics</b>
<b>Date Last Revised: September 29, 2017</b>	<b>Responsible Office: Athletics Compliance</b>

## **Prospective Student Athlete Background Assessment**

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### **Policy Statement**

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In compliance with Big 12 Conference Rules on Serious Misconduct (Rules 6.7-6.10) Baylor will not continue to recruit a prospective student-athlete (“PSA”) who has a record of Serious Misconduct, as defined in this policy, and will perform reasonable due diligence procedures aimed at discovering such misconduct.

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### **Reason for the Policy**

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The purpose of this policy is to establish institutional due diligence procedures reasonably calculated to identify instances of misconduct by PSAs, to require a determination of whether such misconduct precludes continued recruitment of PSAs, and to comply with Big 12 Conference Rules on Serious Misconduct (Rules 6.7-6.10), which prohibit PSAs who have committed serious misconduct from practicing, competing, or receiving athletically-related financial aid.

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### **Individuals/Entities Affected by This Policy**

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All PSAs

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### **Exclusions**

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None

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### **Related Documents and Forms**

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#### **Forms and Tools**

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The following forms and tools are available from the Athletics Compliance Office

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## Definitions

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### Misconduct and Serious Misconduct

#### Misconduct:

A violation of Baylor University policies governing student conduct, including but not limited to its Title IX policy, student conduct code, or honor code constitutes misconduct. This includes misconduct that:

- constitutes a threat of or an attempt to commit serious misconduct;
- violates federal law, the law of Texas, or the law of the state or nation where the conduct occurred;
- violates a policy governing student conduct of the educational institution at which the student-athlete was enrolled when the conduct occurred.

#### Serious Misconduct:

- a felony conviction, including any State Jail Felony conviction;
- a criminal conviction for or an educational institution's finding of responsibility for conduct constituting:
  - sexual assault, sexual exploitation, or other similar sexual crime or misconduct, or stalking;
  - domestic, family, or dating violence involving persons who are or were related by blood, marriage, or adoption or who have or have had a dating, romantic, or intimate relationship;
  - child abuse or neglect;
  - the manufacture, sale, or transfer of a controlled substance;
  - unlawful possession or use of a firearm; or
  - a pending criminal charge or disciplinary proceeding at an educational institution against a prospective student-athlete for conduct constituting sexual assault or other similar sexual misconduct.

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## Contacts

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Subject	Contact	Telephone	Email/Web Address
Athletics Compliance	Chad Jackson	710-4358	chad_jackson@baylor.edu

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## Responsibilities

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<b>Athletics Compliance</b>	The Athletics Compliance Office must conduct internet research using search terms reasonably calculated to detect misconduct on the part of the prospective student-athlete, including criminal misconduct and expulsion or suspension from an educational institution or sports team
<b>Sport Head Coach</b>	The Head Coach for the PSA's sport must certify that the answers to the PSA Background Information Questionnaire contained in the Baylor University Athletics Compliance Incoming Student-Athlete Request Form (attached to this policy as Exhibit A) are true to the best of their knowledge based on a reasonably diligent inquiry.
<b>PSA</b>	Transfer and freshman PSAs must complete the PSA Background Information Form. Transfer PSAs must complete and sign a FERPA consent form authorizing the release to Baylor of all student conduct records from any prior college or university the Transfer PSA has attended and must complete and sign a consent to conduct a criminal background check.
<b>Admissions Office</b>	The Office of Admissions must conduct internet research using search terms reasonably calculated to detect misconduct on the part of the prospective student-athlete, including criminal misconduct and expulsion or suspension from an educational institution or sports team.
<b>Student Conduct Administration</b>	The Baylor Student Conduct Administration office must request and attempt to obtain student conduct records from all colleges or universities the Transfer PSA has disclosed as previously attended. An admissions decision will not be made until any such records have been received and reviewed.
<b>Human Resources</b>	The Human Resources Department must assist athletic compliance with the conduct of criminal background checks by coordinating with Baylor's vendor for such background checks.

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## Principles

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1. Purpose. The purpose of this policy is to establish institutional due diligence procedures reasonably calculated to identify instances of misconduct by PSAs, to require a determination of whether such misconduct precludes continued recruitment of PSAs, and to comply with Big 12 Conference Rules on Serious Misconduct (Rules 6.7-6.10), which prohibit



PSAs who have committed serious misconduct from practicing, competing, or receiving athletically-related financial aid.

2. **Background Assessment Required as Condition of Admission.** A prospective student-athlete may not be admitted to the university unless the background assessments described in paragraphs 3 and 4 have been conducted and either misconduct has not been identified or a determination has been made in accordance with paragraphs 5 and 6 that the misconduct does not preclude admission to the university. An administrator, coach, or prospective student-athlete's failure to disclose misconduct during the background assessment may be grounds for a PSA's suspension or expulsion from the university and/or revocation of admission, athletic aid and/or an offer of athletic aid. Such a failure may also be grounds for adverse personnel action against the employee in accordance with Baylor policies and/or employment contracts.

3. **Procedures Required to Identify Misconduct Before Issuance of a National Letter of Intent or a Financial Aid Contract.** The following background assessments for transfer and freshman PSAs must be conducted before a national letter of intent or financial aid contract is issued.

a. The Athletics Compliance Office must conduct internet research using search terms reasonably calculated to detect misconduct on the part of the prospective student-athlete, including criminal misconduct and expulsion or suspension from an educational institution or sports team; and

b. The Head Coach for the PSA's sport must certify that the answers to the PSA Background Information Questionnaire contained in the Baylor University Athletics Compliance Incoming Student-Athlete Request Form (attached to this policy as Exhibit A) are true to the best of his or her knowledge based on a reasonably diligent inquiry.

4. **Procedures Required to Identify Misconduct Before Admission to the University.** The following background assessments must be conducted before admission to the university.

a. Transfer and freshman PSAs must complete the PSA Background Information required in Slate.

b. The Office of Admissions must conduct internet research using search terms reasonably calculated to detect misconduct on the part of the prospective student-athlete, including criminal misconduct and expulsion or suspension from an educational institution or sports team.

c. Transfer PSAs must complete and sign a FERPA consent form authorizing the release to Baylor of all student conduct records from any prior college or university the Transfer PSA has attended. The Baylor Student Conduct

Administration office must request and attempt to obtain student conduct records from all colleges or universities the Transfer PSA has disclosed as previously attended. An admissions decision will not be made until any such records have been received and reviewed in accordance with paragraphs 5 and 6

d. As soon as practicable and no later than June 1, 2017, Transfer PSAs must complete and sign the Consent to Criminal Background Check Form. The Athletics Compliance Office will utilize Baylor's designated third party background check vendor to collect, at a minimum, any available information on any pending criminal charges or convictions: 1) in the county or counties in which the Transfer PSA has lived or worked within the last five years; 2) from any available state-wide databases for states in which the Transfer PSA has lived in the last five years; and 3) from any available federal databases. An admissions decision will not be made until the background check has been conducted and any resulting information reviewed in accordance with paragraphs 5 and 6.

5. Initial Review of Misconduct. Misconduct identified through the assessments set out in paragraphs 3 or 4 must be reviewed first by the Initial Review Team. The Initial Review Team consists of the Athletic Director ("AD") or designee and the Faculty Athletics Representative ("FAR"), with the advice and counsel of the Office of General Counsel ("OGC"). The Initial Review Team may cease recruitment of the PSA. The Initial Review Team's decision to cease recruitment is final. The Initial Review Team will refer the matter to the Conduct Review Team for a final decision on continued recruitment of the student-athlete when:

- the Initial Review Team is split as to whether or not the misconduct should preclude continued recruitment of the student-athlete;
- a genuine question exists as to whether or not the misconduct occurred; or
- a genuine question exists as to whether or not the conduct constitutes serious misconduct under Baylor and/or Big 12 Conference policies.

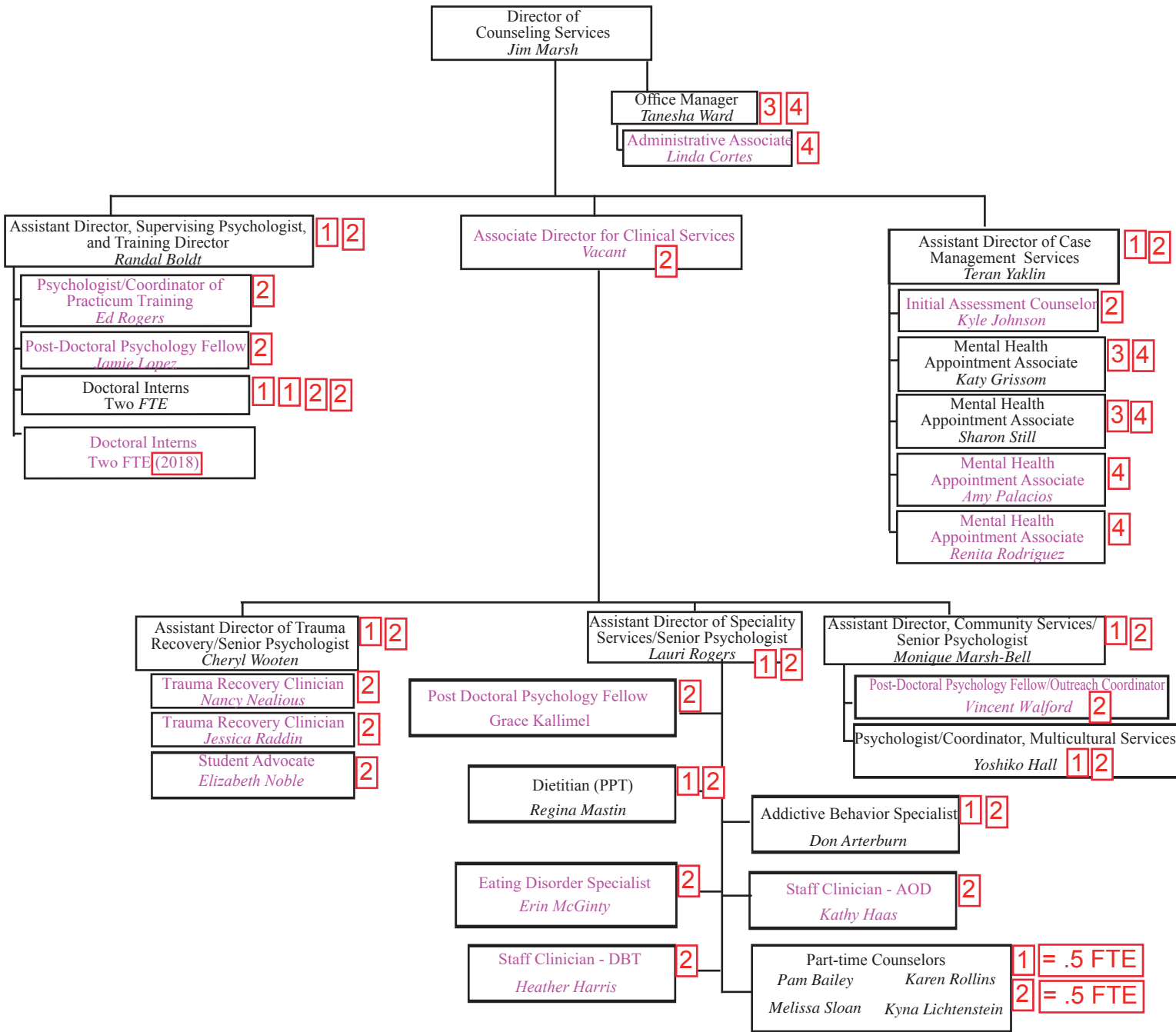
Athletics must promptly provide to the Office of Admissions any information pertaining to misconduct by a PSA, even if the Initial Review Team or the Conduct Review Team has determined that recruitment of the PSA may continue.

6. Final Review of Misconduct. The Conduct Review Team reviews misconduct referred to it by the Initial Review Team. The Conduct Review Team determines whether or not the misconduct precludes further recruitment of the PSA, and its decision is final. The Conduct Review Team consists of the Provost or designee, the Associate Dean for Student Conduct Administration or designee, and the Associate Vice-President of Undergraduate Enrollment or designee, and this team makes its decision with the advice and counsel of the Athletic Director or designee, the Faculty Athletics Representative and a representative from the OGC.

7. Assessment of Prospective Student-Athletes Who are Matriculated Baylor Students. A prospective student-athlete who has matriculated at Baylor before the issuance of a national letter of intent or a financial aid contract and before being placed on the roster of any of the university's sport programs may not compete until and unless his or her background has been assessed according to this policy. Such prospective student-athletes are subject to the same background assessments as Transfer PSAs. Any misconduct discovered that was not disclosed or discovered during the admissions process will be handled in accordance with university procedures for misconduct by Baylor students. The Initial Review Team and, if appropriate, the Conduct Review Team will determine whether or not any misconduct affects playing and practice privileges.

8. Procedures to Ensure and Document Compliance. The Athletic Department must have written procedures to ensure and document compliance with this policy.

**EXHIBIT 33**



sum of 1 = 10.5 FTE Clinical Staff (pre-expansion)

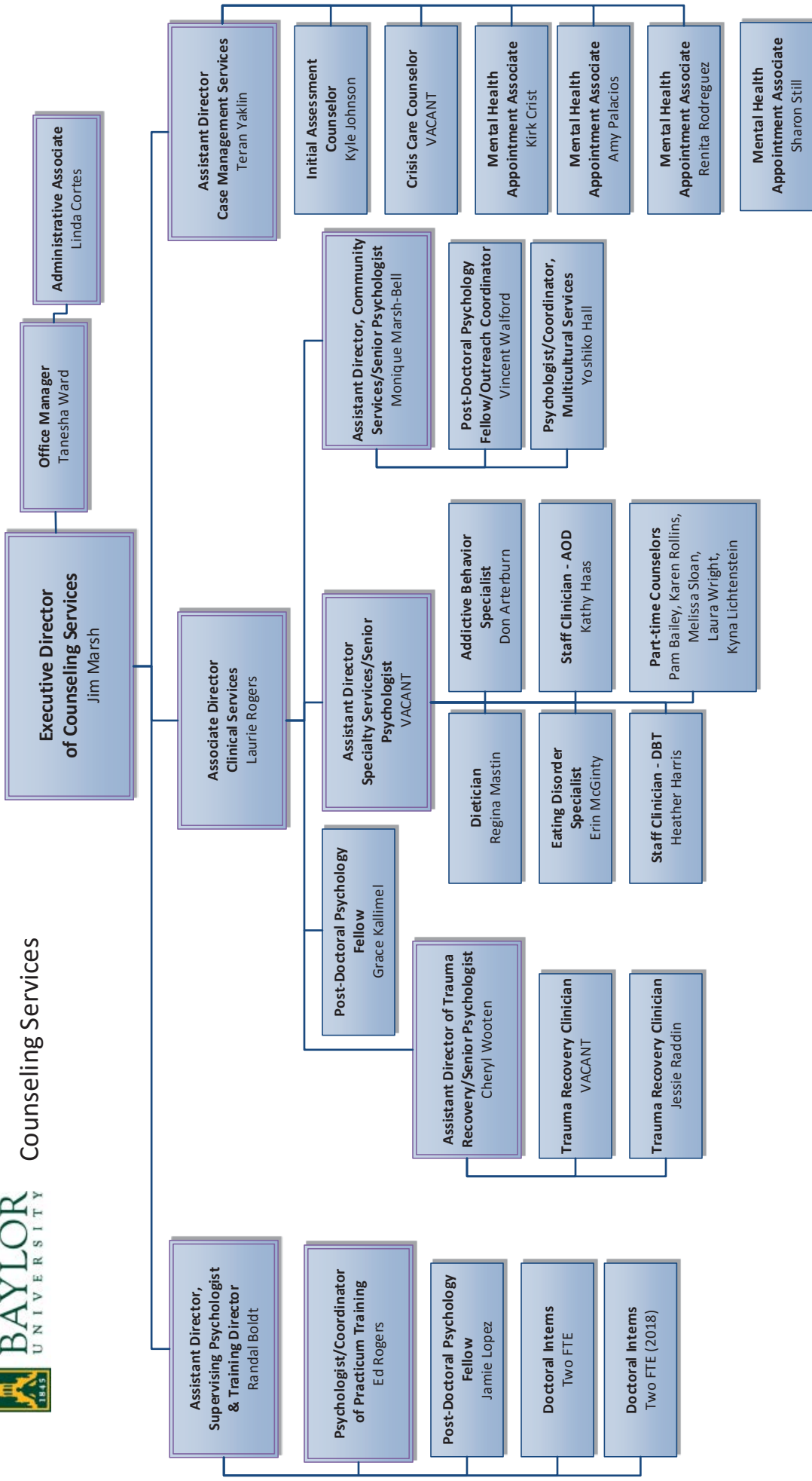
sum of 2 = 22.5 FTE Clinical Staff (post-expansion)

sum of 3 = 3 FTE Administrative Staff (pre-expansion)

sum of 4 = 6 FTE Administrative Staff (post-expansion)



# Counseling Services



**EXHIBIT 34**



# BAYLOR UNIVERSITY POLICE DEPARTMENT STANDARDS AND POLICIES



<b>Chapter</b> Investigative Services	<b>Sub-Chapter</b> Investigative Services	<b>Policy Number</b> 13.01.08
<b>Subject</b> Sexual Violence Response & Investigation	<b>IACLEA Standards</b> 18.1.3	
<b>Effective Date</b> June 14, 2017	<b>Revision Date</b> 08/20/2017	<b>Policy Review Schedule</b> Annually
<b>Approval</b> Brad Wigtil, Chief of Police <i>Brad Wigtil</i>		<b>Pages</b> 18

## I. Purpose

A. The purpose of this policy is to reaffirm the commitment of the Baylor University Police Department to appropriately respond to and investigate reports of sexual violence. The victimization associated with sexual violence is profound, particularly destructive and life altering. It is both a moral imperative and a professional obligation of law enforcement to ensure the investigation of such offenses is complete, empathetic, informed and reflective of the best practices developed for such inquiries. This policy provides dispatchers, officers and investigators guidelines for responding to and investigating reports of sexual assaults; assisting victims; collaborating with local health and service agencies; coordinating criminal investigations with University Title IX responsibilities, and conducting interviews with victims, witnesses, and suspects. The guidance in this policy ranges from broad philosophical guiding principles to specific procedures to be followed by dispatchers during intake of the call, first responders, crime scene investigation, investigation, and care for the victim. The procedure relies on established best practices, national standards and contemporary scientific research. In some sections, crucial guidance and steps are re-stated due to their inherent criticality and importance.

## II. Policy

- A. It is the policy of the Baylor University Police Department to investigate sexual assault offenses in a responsible, trained, and professional manner. These investigations shall be fair, objective, victim-centered, and trauma-informed. The focus of sexual assault investigations will be on the suspect's behavior and actions, not the victim's. All reports of sexual assault should be assumed valid and investigated thoroughly, just like any other crime.
- B. Trauma from crime victimization complicates a victim's participation in the investigation. The trauma may be so overwhelming that a victim cannot function well enough to assist in the investigation at certain stages of the case. Trauma also affects memory and the ability to explain events in a linear chronological form for the investigator. Dispatchers, officers, and investigators play a significant role in both the victim's willingness to participate in the investigation and ability to cope with the emotional and psychological after-effects of the crime. Therefore, it is especially important that these cases be handled with a trauma informed approach that is objective and without bias, emphasizing physical, psychological, and emotional safety for victims, and treating victims with respect, dignity, and sensitivity.



- C. In order to encourage complainants and witnesses to make reports of conduct prohibited under this 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. The Baylor Police Department will not file criminal charges on crime victims, reporters, or witnesses for the criminal violations described above.

Similarly, the University will not pursue disciplinary action against students (complainants or witnesses) for conduct in violation of the [Sexual Conduct Policy](#). Under no circumstances will a complainant or witness who makes a report of sexual assault or other prohibited conduct be charged with violating the [Sexual Conduct Policy](#), regardless of the outcome.

#### IV. PROCEDURES

##### A. Barriers to Reporting

1. Many factors may discourage sexual assault victims from reporting or seeking aid or assistance from law enforcement. In order to effectively serve the campus community, the members of the Baylor Police Department must understand the unique concerns and barriers that different populations face, acknowledge those issues, and respond accordingly. Of particular concern are the following population groups, which may hesitate or be reluctant to report sexual assault:
  - a. Those for whom English is a second language (or possess no fluency in English).
  - b. Senior or elderly victims who are not typically associated with the conventional identity of a victim.
  - c. Adolescents or students who may fear parental consequences.
  - d. Those who fear that their gender or sexual orientation will be an impediment to a good faith investigation by law enforcement.
  - e. Those whose physical or mental abilities make them less able to articulate the offense; those who have difficulty differentiating between appropriate and inappropriate physical contact; those who are dependent on others for care or assistance; those who fear that reporting an offense could jeopardize their linkage to major care providers or hard-earned independence; those with disabilities who feel they would be considered less credible than a non-disabled victim.
  - f. Those who fear deportation because of residency status, have a fundamental distrust of the criminal justice system based on their experience in their country of birth, or have a stronger loyalty to their own cultural group than the US criminal justice system or the Baylor University policy.

##### B. Criminal Justice Proceedings

1. This department shall respect a victim's inability, or decision not to be involved in criminal justice proceedings and always be willing to offer continued assistance and referrals. This policy also directs when it is appropriate to broach the subject with the victim concerning the pursuit of criminal charges.

##### C. Dispatcher or Call-Taker Response

1. Due to the trauma of sexual assault, a victim reaching out for assistance may be in crisis. The victim's behaviors may actually be symptomatic of this condition and can range from hysteria, crying, rage, laughter, calmness, and/or unresponsiveness. There is no one typical reaction and reactions are likely to change over time. Therefore, it is critical to refrain from negative personal judgments and to continuously treat the victim with respect, sensitivity, and consideration.

2. When a caller reports a sexual assault, communications personnel shall follow a standard emergency response to include evaluating and properly prioritizing the call. Regardless of delayed reporting, sexual assaults should always be a priority call. Communication personnel should first inform the victim that they are sorry this happened and commend the victim for contacting the police. Ascertain victim's safety, securing medical assistance, inquiring about a suspect's current location, and obtaining detailed information to identify the suspect.
  3. If hospital personnel call in the sexual assault report, the dispatcher shall obtain initial information only (name and location of victim, reporter's name and job title, victim's condition). Confirm that a sexual assault advocate has been contacted for the victim.
  4. When the victim calls BUPD for a law-enforcement response, the dispatcher shall observe the following.
    - a. Obtain initial information only such as name, present location, telephone number, victim's medical condition, and information related to the victim's safety.
    - b. Ensure the victim's safety and let them know that an officer will be dispatched immediately. Ask for name of the assailant, if known, description, possible location or direction and means of flight from the scene, and the time elapsed since the crime. Information about weapon use and history of violence should be obtained if possible. Stay on the line until the officer arrives, if possible. Be supportive and use crisis intervention skills.
  5. If the officer will be transporting the victim to the hospital, the dispatcher will initiate the "hospital notification protocol." (Protocol to be worked out between BUPD & Hospital)
  6. Preserve the communications tape and call sheet for the investigation.
- D. Initial Officer Response
1. Emergency Response - As part of the emergency response, officers shall:
    - a. Make contact with the victim as soon as possible to address safety concerns and potential threats, **and summon emergency medical assistance and additional police resources if needed.**
    - b. In accordance with a trauma informed approach, officers should emphasize physical, psychological, and emotional safety for victims. Once the scene is safe, officers can communicate empathy and support by telling the victim:
      - i. I am sorry for what happened...
      - ii. I commend you for reporting to the police...
      - iii. Your health, safety, and wellness is a priority...
      - iv. Encourage victim to seek a medical exam
    - c. Evaluate the scene for evidence, vehicles, witnesses, and suspects as well as possible threats.
      - i. Ensure that any potential witness who could have possibly been present at the time of the assault, in contact with the victim, or potentially having seen or spoken with the victim before, during, or after the assault, is identified.
    - d. Relay all vital information to responding officers and supervisors, including any possible language barriers.
    - e. Secure the crime scene to ensure that evidence is not lost, changed, or contaminated.
    - f. Record observations of the crime scene, including the demeanor of the suspect, victim, and witnesses, alcohol or other drug use, and document other visible evidence including injuries, disheveled clothing or lack thereof, missing clothing.
    - g. The BUPD investigator will make the determination to call in the Waco PD Crime Scene Technicians to process the crime scene.
    - h. Conduct a **brief** preliminary victim interview. Officers **will not** ask the victim if they intend to prosecute the suspect. Officers may inform the victim that decisions about how to proceed will remain with the victim. The initial or first responding officer should limit the preliminary

interview of the victim to the gathering of the necessary information to ensure an appropriate and coordinated law enforcement first response. The officer should only ask the basic details and will explain that when the victim is ready, a detailed interview will be conducted with the investigator and the victim's advocate. If the assault just occurred, more questions may need to be asked to assist in the immediate apprehension of the perpetrator.

- i. Based on the victim's emotional and physical state, questions of the victim concerning the assault and description and location of the suspect may be limited. Responding officers must identify and interview any potential witnesses, bearing in mind that there may be multiple crime scenes. It is especially important that the first person the victim told about the sexual assault be identified and interviewed
  - j. Notify BUPD command staff.
    - i. The OIC will immediately contact the BUPD CID Sergeant or designee
    - ii. The OIC will next contact the BUPD command staff so that they can assess criteria and advise on activation of emergency notification system, (Clery Emergency Notification or Timely Warning).
    - iii. Begin a search for the suspect when appropriate.
2. Assisting the Victim - As part of the emergency response, officers shall:
- a. Show understanding, patience, and respect for the victim emphasizing physical, psychological, and emotional safety. Guard their dignity and attempt to establish trust.
  - b. Saying you are sorry and commending the victim for coming forward to the police is an important step in developing trust. If the victim requests an officer/investigator of the same sex, BUPD will try to accommodate the request.
  - c. Insure the victim you will provide for their safety. Get the victim to a safe place. A safe/secure place may vary based on the needs of the victim.
  - d. While on scene the victim may choose to volunteer general information about the incident, or the situation may require that the officer seek immediate information before an advocate is available.
  - e. A thorough and professional response will contribute to the victim's trust and confidence in the Baylor Police Department and the criminal justice system, ensure continued engagement, and demonstrate the commitment of the responding officers, all of which are critical elements of an investigation, particularly at this time in the chronology of events.
  - f. Provide the victim with the Title IX Office brochure, which provides contact information for the following resources:
    - i. Baylor University Title IX Coordinator 254-710-8454
    - ii. Waco Family Abuse Center 1-800-283-8401
    - iii. Advocacy Center (Crime Victim Advocate) 254-752-9330
    - iv. Advocacy Center Crisis Hotline 254-752-7233
    - v. Baylor University Counseling Services 254-710-2467
  - g. Inform the victim that BUPD and Baylor University take these matters seriously and as such must share their name with the Title IX Coordinator to ensure a thorough response to the report. Let the victim know they can specify the preferred method of contact from the Title IX Office, e.g., email; cell phone. Inform the victim that the Title IX Office may offer the victim resources (including interim measures such as no contact directives, residence hall room changes, and/or temporary adjustments to class schedule) and more information about the University's resolution options.
- E. CID Responsibilities
1. Forensic Examinations for Victims of Sexual Assault:

- a. Victim-centered care is paramount to the success of the forensic examination of victims of sexual assault. A timely, professional forensic examination is important for the victim's health and wellness and increases the likelihood that injuries will be documented and evidence collected to aid in the investigation and prosecution of sex offenders. Evidence may normally be collected up to 96 hours after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain.
- b. Investigator Role
  - i. Inquire whether the victim will consent to a forensic examination. . (Note: the medical exam is a big part of the priority for the victim's health, wellness, and safety.)
  - ii. Inform the victim of the right to decline any or all parts of the examination.
  - iii. Articulate to the victim the evidentiary purpose of the various components of the exam; clearly explain that the case may be more difficult to prosecute without forensic evidence.
  - iv. The officer will contact the Waco Advocacy Center's Victim Advocate to initiate their response. (254) 752-7233.
  - v. The officer/investigator will inform the victim that they will transport the victim to the hospital to facilitate a more convenient admission.
  - vi. Officer will notify dispatch of the victim transport to the hospital so that dispatch can initiate hospital notification protocol for a pending victim admission.
  - vii. Transporting officer will ensure that the victim is transported in the front passenger seat of the officer's vehicle.
  - viii. The officer will notify staff at the hospital of the nature of the visit. The officer will stay with the victim until the arrival of the advocate and the SANE who will initiate the exam.
  - ix. Upon completion of the SAFE, the attending nurse will contact Baylor Police Dispatch to request an officer return to the hospital to take custody of the SAFE kit. A Baylor Officer will respond without delay to the hospital, take custody of the SAFE kit, return to Baylor PD with the SAFE kit, and store it in a Baylor PD evidence locker. The officer will complete a supplement to the original report.
  - x. In the event the victim requires transportation from the hospital to his/her residence in the Waco area, the officer will respond to the hospital in an unmarked unit to provide transportation.
  - xi. If a sexual assault is reported to a law enforcement agency within 96 hours, and the victim consents to the exam, law enforcement must make arrangements for a medical forensic examination.
  - xii. In cases surpassing 96 hours, efforts should be made to determine the feasibility of evidence recovery by consulting with a medical professional. The presence or absence of evidence will partially depend on the type of assault, the time that has passed, and whether or not the victim changed clothes, showered, or exercised other types of personal hygiene prior to the examination.
  - xiii. Address any special needs of the victim, such as a disability, and notify the victim advocate of the special need.
  - xiv. When under stress and experiencing the impacts of trauma, many patients may not always understand or remember the reason for or significance of unfamiliar, embarrassing and sometimes intimidating procedures. Because of the complexities involved with the SAFE procedure, it is best for the officers and investigators to inform the victim that they work closely with medical personnel who will be able to more thoroughly explain the procedures. It is very important to get the forensic evidence from

the SAFE procedure, but that you would feel more comfortable letting the nurse explain the process. You can explain that they can deny any part of the exam.

- xv. Advise the victim that the forensic examiner will collect any clothing that was worn during or immediately after the sexual assault.
  - xvi. Assist in arranging for clothing the victim may need after the examination.
  - xvii. Hospital and medical records are confidential and require a subpoena for release. However, the victim has the right to sign a waiver as defined in (GC § 420.073)
  - xviii. Consent for the release of evidence contained in an evidence collection kit must follow the guidelines outlined in (GC § 420.0735)
  - xix. The victim's health, wellness, and safety are a priority. Encourage a victim who is unwilling to undergo a forensic exam to seek medical attention, including testing for pregnancy and sexually transmitted diseases.
  - xx. Insure that the SANE nurse considers incapacitation by date rape drugs. The SANE can have the victim's urine and blood tested for traces of Flunitrazepam metabolites (Rohypnol), Gamma Hydroxybutyrate (GHB), Ketamine (Special K), Ecstasy, Burundanga (Scopolamine) or any substance that produces a diminished level of consciousness if tested within 96 hours of the assault.
  - xxi. Protocols for responding to illegal substance abuse by victims (including underage drinking) shall be followed and never used to discredit or discourage the victim from reporting the assault. We will not criminally charge or refer policy violations to the Student Conduct Office. The Department's priority is to conduct a thorough investigation of a sexual assault rather than prosecute victims for drug or alcohol violations.
- c. Coordination with Sexual Assault Examiner
- i. All potential victim evidence will be collected by a Sexual Assault Nurse Examiner (SANE). If the sexual assault occurred within the previous 96 hours, the officer will request the victim to have a SAFE exam completed.
  - ii. Responding officers shall coordinate with a sexual assault examiner or a SANE to determine whether a forensic examination is indicated.
  - iii. When a forensic examination is indicated, the investigating officer shall brief the examining nurse or physician about the details of the sexual assault, as they were known at that time.
  - iv. Officers shall not be present in the examining room; the sexual assault examiner will testify about the collection of evidence and the chain of custody.
  - v. The SANE or physician will brief the investigating officer at the conclusion of the examination. A briefing will be requested if not offered by the SANE or physician.
  - vi. Investigators shall submit sexual assault evidence collected under Texas Government Code § 420.042, Analysis of Sexual Assault Evidence, to an accredited crime laboratory for analysis not later than the 30th day after the date on which that evidence was received.
2. Reimbursement for the Examination
- a. The law enforcement jurisdiction investigating the reported sexual assault shall be responsible for the initial payment of medical examinations and collection of evidence in connection with the investigation or prosecution of a sexual assault. The victim never pays for the SAFE.
  - b. Procedures covered by the Police Department:
    - i. Nurse examiner/physician's fee
    - ii. Evidence collection kit cost

- iii. Sexual Transmitted disease testing
    - iv. Some diagnostic tests they may be used for evidence (e.g. X-rays, pregnancy test, drug or alcohol screen if a drug facilitated sexual assault is suspected).
  - c. Some procedures are not covered under the SAFE and must be covered by the patient's insurance, Texas Crime Victim Compensation, or other arrangements made with the hospital). The procedures not covered include:
    - i. HIV testing
    - ii. Treatment for injuries
    - iii. Hospital admission fees
    - iv. Medication(s)
- F. Preliminary CID Forensic Victim Interview
  1. Sexual assault investigations typically include both a preliminary and a subsequent in-depth follow-up interview with the victim. The preliminary interview is intended to establish whether a crime has occurred. In the initial response, the officer shall first establish the elements of the crime(s) and identify any and all witnesses, suspect(s), evidence, and crime scene(s). The officer must understand and the reports must indicate that the preliminary interview is not intended to be a comprehensive or final interview. Additional interviews will be needed as the investigation develops. During any interview, reassure and empower the victim with a consistent and supportive message. Encourage them that reporting was the right thing to do. In any interview, allow the victim to express what their experience was including evidence of trauma during and after the assault. Interview for clarification, never interrogate.
  2. In the immediate aftermath of a sexual assault, a victim shall not be expected or encouraged to make decisions regarding criminal prosecution. First responding officers and case investigators shall not introduce any forms for a victim to sign to decline criminal prosecution.
  3. In the event that the victim is still under the influence of drugs or alcohol, has been injured, or as a result of the assault has not slept, and barring exigent circumstances requiring an arrest or identification, the interview shall be delayed and the investigator will work with the victim to schedule the follow-up interview.
  4. The interview shall be conducted in a location that is convenient, accessible, and comfortable for the victim. The investigator shall provide or arrange for transportation for the victim when needed.
  5. Involve a Victim Advocate. A victim advocate from the McLennan County Advocacy Center will be contacted by the BUPD Investigator as soon as possible. The victim advocate will be introduced to the victim so the victim can decide if they want the advocate with them during the preliminary interview and throughout the reporting and investigative process. When scheduling the follow up interview inquire if the victim worked with an advocate during the initial response. If so, make every effort to involve the same advocate during the follow up interview. Inform the victim that it will be their decision if they want an advocate present, or another support person. If necessary, discuss with the victim why some support persons might not be a good idea such as witnesses, parents, etc. If an advocate has not already been involved, notify and make available a victim advocate at the time of the follow-up interview and allow the victim to decide if they would like the advocate with them during the follow-up interview.
  6. This initial forensic interview should be video or audio recorded. Videotaping is preferred to help document the feelings and emotions the victim is demonstrating
  7. Prior to a follow-up interview, the investigator shall consult with agency personnel who responded to the scene, retrieve communications tapes and printouts, and review all reports. The investigator should coordinate with relevant agencies, assistance organizations, service providers, or sexual



assault response professionals to address the needs of the victim and to discuss the best means for keeping the victim informed.

8. A victim of a drug-facilitated sexual assault may display a range of symptoms that could include memory loss, dizziness, confusion, drowsiness, slurred speech, impaired motor skills, impaired judgment, and reduced inhibition.
  - a. When pharmacological substances referred to as date rape drugs or alcohol are involved, the victim may remember very little, if anything, about the sexual assault itself. The victim's account of the events may have large gaps, which makes it difficult to describe what occurred to the investigating officer. As a result, the victim may be extremely anxious during the course of the interview. Investigating officers must remain patient and maintain objectivity while listening to the events as the victim recalls them.
  - b. Investigators must also remember that a victim whose memory is impaired due to the pharmacological effect of a drug may innocently and unconsciously seek facts to fill in the blank spots in memory. It is therefore critical that investigators and examiners avoid leading questions while conducting the interview.
  - c. During the interview, it is very important to have victims articulate how they felt or what they were doing prior to losing consciousness.
  - d. It is equally crucial to interview any witnesses who might have seen or spoken with the victim before, during, or after the assault.

G. Post Interview Investigator Follow-Up

1. Once a thorough follow-up investigation has been completed, the Investigator shall:
  - a. Evaluate impounded evidence and determine which items might have probative value based on the statements and other information.
  - b. Submit a lab service request such as DNA, biology, trace, or toxicology based on the assessment of the evidence.
  - c. Present the complete case file including forensic results as soon as available to the prosecuting attorney for review and work with the prosecutor's office to develop the case. All cases will be presented to the District Attorney's Office for their review.  
Encourage the victim's continued support in the investigation, apprising the victim of future investigative and prosecutorial activities that will or may require involvement. Encourage the victim to work with advocates for continued support.

H. Contacting and Interviewing the Suspect - It is important to allow the suspect an opportunity to provide an account of the incident. Efforts should be made to approach the suspect lawfully with this goal in mind. Officers shall assess the circumstances for a lawful approach for either a non-custodial interview, or a custodial interview. When the standard of custody dictates a Miranda warning will be issued.

1. An interview may be conducted if the suspect who is under arrest waives his warnings (CCP 38.22 Miranda) and/or if not under arrest, voluntarily meets with the investigator for an interview.
2. Having a thorough understanding of the reported offense and the background on the suspect being interviewed will prevent unanticipated events or assertions during the course of the interview.
3. Investigators should refrain from forming preliminary opinions regarding the guilt of a suspect.
4. Develop a timeline of pre- and post-assault behaviors and communications that can be used to confront the suspect.
5. The investigating officer(s) shall follow department procedures on identifying the suspect, conducting the suspect interview, and collecting evidence in a sexual assault investigation.
6. Request a Criminal History check on the suspect to determine any previous sexual assault convictions.

- I. Collection of Evidence from the Suspect
  1. The Baylor Police Department shall be responsible for the payment of medical examinations and collection of evidence from the suspect, but is not eligible for reimbursement from The Texas Attorney General's Office.
  2. Protocol for Suspect Examination:
    - a. The investigating officer shall determine whether and when a forensic sexual assault examination of the suspect should be conducted.
    - b. A search warrant will be required to collect any evidence from the body of the suspect or to collect clothing unless the suspect consents to such evidence collection procedures, in which case documentation of voluntary written consent shall be provided in the offense report.
    - c. If the suspect consents to a search, the investigator shall clearly document the suspect's right to decline any part of the examination and to leave at any time unless otherwise lawfully detained.
  3. Evidence Collection from Suspect
    - a. If there is a need to obtain forensic evidence from the suspect, the investigator will collaborate with the McLennan County District Attorney's Office, to determine the requirements for a warrant and seek guidance on the warrant's execution.
    - b. If the suspect is incarcerated at the McLennan County Jail, the investigator will collaborate with the Jail Medical Staff to obtain the evidence listed in the warrant.
    - c. If the suspect refuses to cooperate with the Jail medical staff, the investigator will take appropriate actions to obtain the named evidence, regardless of the suspect's lack of cooperation.
    - d. If the suspect is not in custody, the warrant should be drafted within legal limitations to require the suspect to submit to the search in a location most advantageous to the Investigator.
    - e. It is important to Document all injuries that are observed, and collect biological and trace evidence from the suspect's body in accordance with the warrant.
    - f. Both the examiner and attending officer shall be prepared to document any spontaneous statements made by the suspect.
- J. Documentation
  1. It is an understatement to say how critical reports and detailed documentation of a reported sexual violence incident are in the proper handling of these sensitive investigations. As such, the following should be considered when writing reports in sexual assault cases:
    - a. Document every response to or investigation of a reported sexual assault by completing a narrative report and a properly coded offense report, whether or not an arrest is made.
    - b. As accurately as possible, use the victim, witness, and/or suspect's own words in written reports by using quotations wherever possible. Do not sanitize or clean-up the language used by the victim.
    - c. Capture details necessary to establish any premeditation/grooming behavior by the perpetrator, coercion, threats and/or force, and traumatic reaction during and after the incident (e.g. victim demeanor, emotional response, changes in routines or habits), and/or any attempts to intimidate or discourage the victim from reporting the assault.
    - d. Document the details of the crime including any information that the victim is able to report regarding their experience before, during, and after the assault, including thoughts, feelings, and fears; potential evidence of trauma; and any sensory details.
    - e. Document the victim's condition as observed by the officer. Avoid the use of vague words; instead use accurate descriptors.



- f. Fully document fear by recording all fight, flight, freeze, or submit reactions the victim expressed or exhibited before, during, and after the assault.
- g. Silence should not be construed as consent. Resistance can be communicated through more than words. Detail and describe what “no” looked like by documenting the victim’s subtle and overt actions, including the absence of “yes” or consent.
- h. Detail and describe what fear felt like for the victim in his or her own words.
- i. Create a timeline to show the effects of the traumatic event on post-assault behavior and actions of the victim as compared to previous behavior, (i.e. in a non-stranger case, the victim no longer goes to the gym that the suspect belongs to, will not be in the same room as the suspect, or the victim drops out of school, etc.).
- j. Accurately document all information provided by the victim even if it does not cast him or her in a positive light.
- k. Unless specifically stated by the victim, witnesses or suspect and documented in direct quotes, Every effort should be made to avoid using consensual language, words that imply mutual participation, and terms of affection (such as participated, engaged in, caressed) instead, describe the specific actions, behaviors, and conduct of the suspect as they align with the specific elements of the crimes.
- l. Exclude officer opinion and judgment from the written report.
- m. If a consensual encounter turned non-consensual, clearly document the details of how and when the suspect’s behavior changed and how the victim expressed or demonstrated non-consent to the continued acts.
- n. Include any observations or witness statements that corroborate the victim’s or suspect’s account of the events that occurred.

## **V. Protecting Victim Rights**

- A. Throughout the investigation of the case, officers shall ensure the protection of the confidentiality and privacy of the victim to the maximum extent possible by law and policy including the use of a pseudonym. In addition, victims shall be provided information regarding:
  - 1. The rights of a crime victim as defined in the Code of Criminal Procedure, Chapter 56, Articles 56.021 and 56.045.
  - 2. Methods by which to contact police if harassment or intimidation by the suspect(s) is anticipated by the victim, actually occurs, or is threatened.
  - 3. An explanation as what portions of the offense report may be subject to public information or open records disclosure upon request and what portions are protected from disclosure as required by CCP, Art. 57.02 (Appendix 2)
  - 4. Introduce the victim to the Texas Attorney General’s Address Confidentiality Program.
  - 5. When lacking the victim’s involvement, this Department shall respect a victim’s inability or decision not to be involved in criminal justice proceedings and always be willing to offer continued assistance and referrals. Inform the victim that they can re-initiate the investigation with police at a later time and provide an explanation of the statute of limitations.
- B. Use of Pseudonym
  - 1. Use of a pseudonym is authorized by Code of Criminal Procedure Chapter 57 for adults and juveniles who are reported to be the victims of any of the offenses listed as reportable under Code of Criminal Procedure Art. 62.01(5) (Sex Offender Registration) (See Sec. 316.06). Officers will so advise victims (and the parents of juvenile victims) during the basic investigation. If the victim is a juvenile, a parent or guardian must sign the pseudonym form, (Appendix 3).

Uncompleted forms are not to be left with the victim. When the form has been completed, the victim (or parent, in the case of a juvenile victim) is to be given a copy of the form. The investigating officer will turn in the original form with the report at the end of the shift.

2. Offer the victim the opportunity to use a pseudonym as defined in the Texas Code of Criminal Procedure, Article 57.01.
3. If the victim chooses a pseudonym, the reporting officer will provide the victim with a form titled, "Pseudonym for Sexual Assault Survivors" as required by CCP, Art. 57.02.
4. If the victim elects to use a pseudonym, the reporting officer will assist the victim in completing the form.
5. If the victim elects during the basic investigation to use a pseudonym the selected pseudonym will be used instead of the victim's real name, and officers will place the word "Pseudonym" in parentheses after the pseudonym on the front of the offense report. The residence address and phone number listed for the victim will be that of the BUPD, i.e., 1521 South Fourth Street, Waco, Texas 76706, (254) 710-2211. If the offense occurred at the victim's residence, the street name and block number only will be indicated as the location occurrence. If the offense occurred elsewhere, the actual address of occurrence will be used. The victim's real name, residence address and telephone number, and work address and telephone number are not to be placed anywhere in the offense report or any other documents but are to be indicated on the pseudonym form.
6. The victim will be informed that if they do not initially choose a pseudonym they may choose to use one at any time during the investigation. If a victim (or parent or guardian of a child victim) decides after filing of the report to use a pseudonym, they will be advised to contact the BUPD Criminal Investigations Division. BUPD Criminal Investigations will coordinate with the BUPD Records Manager and all other involved components (including the D.A.'s Office, if a case has been filed) to substitute pseudo-entries for the victim's name, addresses, and phone numbers in all police documents.
7. All original pseudonym forms will be maintained in a confidential file by the BUPD CID Supervisor.
8. Case filing documents will indicate the pseudo-information. The CID Supervisor will provide the victim's identifying information to the District Attorney's Office.
9. If a victim does not elect to use a pseudonym, recording and release of victim information on a sexual assault case will be governed by standard reporting, Texas Code of Criminal Procedures and Texas Public Information Act procedures.
10. It is a Class C misdemeanor for any public servant to reveal identifying information on any sexual assault victim who has filed a pseudonym form. (CCP Art. 57.03)

#### **VI. Blind Reporting Protocol**

- A. Officers will speak with a victim anonymously in person, over the phone, or via electronic communication about sexual assault or sexual intercourse without consent reports.
- B. Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.
- C. Inform the victim that an officer of the same sex will be provided if desired and available.
- D. Be supportive and provide information about the investigative process.
- E. Provide information on University, local, and national resources available to victims.
- F. Inform the victim how to contact outside law enforcement agencies in the event the crime occurred in another jurisdiction. Assist the victim in making this contact and document officer's name and department
- G. Be considerate of the victim's choice to remain anonymous and be available for re-contact should

the need arise

- H. Complete a brief narrative report indicating that a sexual assault was reported within Baylor University's jurisdiction for Clery Act compliance. List the victim as Jane or John Doe in the name screen.
- I. Officers will record the name as Jane or John Doe, date reported, date crime occurred, and location of crime. The Title IX Coordinator will be notified via call out at the time of report. If BUPD cannot supply a written report documenting a Title IX incident, A Title IX Simplicity Advocate report will be completed within 24 hours of the report being received.
- J. Officers will not disclose personal information without consent of the victim

## **VII. Role of the BUPD Supervisors/Administrators**

- A. BUPD supervisors and administrators shall demonstrate a detailed understanding of victim issues and proper response by subordinates. Supervisors and administrators shall:
  - 1. Respond to assist officers investigating sexual assault.
  - 2. Exhibit sensitivity to victims and ensure that victims are dealt with properly by clarifying their expectations of subordinates.
  - 3. Assist in procuring resources to effectively investigate the offense.
  - 4. Encourage problem-solving partnerships to enhance cooperation between the department and community organizations such as rape crisis centers and forensic examination programs using a victim-centered approach.
  - 5. Develop and encourage community partnerships to reduce the risk of sexual assaults.
  - 6. Create opportunities for ongoing training to improve the skills needed to properly investigate sexual assault cases.
  - 7. Work to increase interagency communication between law enforcement and prosecutors to ease the transition for victims moving from the investigation phase to prosecution.
  - 8. Incorporate victim services issues into the evaluations of officers and detectives.
  - 9. Counsel and redirect officers where problems are evident.
  - 10. Recognize and reward officers for rendering effective victim services.

## **VIII. Title IX Responsibilities [18.1.3]**

- A. Officers shall be familiar with the Baylor University Policy on Sexual and Gender-Based Harassment and Interpersonal Violence policy ("Title IX Policy").
  - 1. This Policy applies to sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation.
  - 2. When BUPD receives notification of a potential violation of this policy, the assigned officer(s) will thoroughly investigate and document the incident, regardless if the violation does not violate criminal law.
- B. Officers responding to incidents or otherwise taking reports of reported sexual harassment, sexual assault and other forms of sexual misconduct or harassment that violate the Title IX Policy will provide information about University and community health and advocacy resources and describe the function of the University Title IX Coordinator as well as provide contact information for the Title IX Office. The responding officer shall offer to contact the Title IX Office on behalf of the victim. The victim will be advised that the Title IX Coordinator or designee will send them information explaining their options under Baylor University policy.
- C. Within 24 hours of receiving a report of sexual assault, the Title IX Coordinator will be notified. The notification will be made by the Chief of Police or his designee. At a minimum, the following information will be shared: the nature of the incident; the date, time, and location of the incident; the victim's name and contact information; the name of the perpetrator; the names of any known

- witnesses to the incident; and a determination on whether a concurrent investigation would compromise the criminal investigation. If the victim has expressed to BUPD that they do not want to have their name and contact information provided to the Title IX Coordinator, BUPD will clearly communicate this to the Title IX Office, but will comply with federal legislation and Title IX Policy obligations as a responsible employee and share the victim's name and other information obtained.
- D. the BUPD Chief of Police will confer with the BUPD CID supervisor and make a determination if concurrent investigation will compromise the criminal investigation. The Chief of Police or his designee will communicate this decision to the Title IX Coordinator. The Chief of Police will continue to monitor the investigation to determine when a concurrent Title IX investigation will no longer compromise the criminal investigation.
  - E. BUPD Investigators will be available to share information with the Title IX investigators during their investigation when it has been determined that sharing the information will not compromise the criminal investigation.
  - F. the BUPD training coordinator will schedule the Baylor Title IX Office to conduct annual in-service update training for all members of BUPD. They will also schedule the Baylor Title IX Office to conduct initial training on BUPD Title IX responsibilities for each of its field training programs, (Police Officer, Security Officer and Dispatcher).

### III. Definitions

- A. Advocates for Survivors of Sexual Assault:** (Texas Government Code § 420.051) An individual may act as an advocate for complainants of sexual assault for the purposes of Article 56.045, Code of Criminal Procedure, if the individual has completed a sexual assault training program certified by the attorney general and is an employee or volunteer of a sexual assault program.
- B. Sexual Assault Examiner:** (Texas Government Code § 420.003, [5]) Means a person who uses an attorney general-approved evidence collection kit and protocol to collect and preserve evidence of a sexual assault or other sex offense.
- C. Sexual Assault Forensic Exam (SAFE)** Forensic exam performed by SANE.
- D. Sexual Assault Nurse Examiner (SANE):** (Texas Government Code § 420.003, [6]) Means a registered nurse who has completed an attorney general-approved examiner training course described by Section 420.011 and who is certified according to minimum standards prescribed by attorney general rule.
- E. Investigator:** As used in this policy can include the Baylor Police Department's responding officer or an investigator.
- F. Trauma Informed Approach:** An approach to sexual assault that recognizes the wide-ranging impact of trauma as well as potential paths to recovery; understands the signs and symptoms of trauma in individuals, families and community members involved in systems addressing sexual assault; takes steps to integrate evidence-based knowledge on trauma into policies, procedures, and practices; and seeks to prevent re-traumatization.
- G. Crime Victim's Compensation:** A program administered by the Office of the Attorney General and is dedicated to ensuring that victims of violent crime are provided financial assistance for crime-related expenses that cannot be reimbursed by insurance or other sources.
- H. Victim:** For the purpose of this policy, victim refers to the person reporting that they have been the victim of a criminal offense.
- I. Victim Advocate:** This generic term may apply to a wide range of service providers, rape crisis counselors, social workers, or victim witness providers within a prosecutor's office. Depending on the primary functions of these different advocates, the levels of confidentiality and privilege they have will vary and should therefore be understood by each member of the sexual assault response team and communicated to the victim.

**J. DPS:** Texas Department of Public Safety

**K. WPD:** Waco Police Department

**L. Title IX Office:** The Title IX Office oversees the investigation and resolution of matters involving sexual and gender-based harassment and interpersonal violence to include sexual violence, dating violence, domestic violence, and stalking, as well as coordinates the University's Title IX training and outreach in this area. The Office collaborates across divisional lines to manage safety, increase awareness, and develop policy and process to meet Department of Education standards.

### **VIII. Acknowledgements and References**

A. This policy was prepared by the BUPD Policy Committee. Sample policies used included policies from the University of Houston, Southern Methodist University, University of Montana, the University of Texas System, and the International Association of Chiefs of Police Sexual Assault Response Policy.

B. Reviews and suggestions on the policy were provided by Chief Brad Wigtil, BUPD, Assistant Chief John Kolinek, BUPD, Captain Danny Knight, BUPD, Captain Brian Kevil, BUPD, Sergeant Molly Davis, BUPD, Investigator Kandy Knowles, BUPD, Kristan Tucker, Baylor University Title IX Coordinator, Cheryl Wooten, Assistant Director of Trauma Recovery and Senior Psychologist, Baylor University Counseling Center, David Alexander, Assistant General Counsel, Baylor University General Counsel, Barbara Wright, Executive Director, Advocacy Center for Crime Victims and Children, Able Reyna, District Attorney, McLennan County District Attorney's Office, Tom Tremblay, Retired Police Chief, Thomas Tremblay Consulting & Training.

C. References:

1. Texas Government Code Chapter 420 Texas Family Code Chapter 71
2. Sexual Assault Family Violence Investigators Course (SAFVIC)
3. Office of the Attorney General, Texas Evidence Collection Protocol, SAPCSD, 1998 Code of Criminal Procedure Articles 2.30, 5.05, 56.06, 57.07, & 57.02 (d)
4. Texas Penal Code, Articles 22.011, 22.021 & 42.072
5. End Violence Against Women International (EVAWI)
6. Texas Department of Public Safety Physical Evidence Handbook Version: 02
7. The Blueprint for Campus Police: Responding to Sexual Assault, Institute for Domestic Violence and Sexual Assault (IDVSA), School of Social Work, University of Texas at Austin
8. National Forensic Science Technology Center, Crime Scene Investigation Guide, 2013 Blind Reporting of Sexual Violence, FBI Law Enforcement Bulletin
9. Texas Association Against Sexual Assault (TAASA) Published Research and Guidance, et al International Association of Chiefs of Police Sexual Assault Response Policy and Training Content Guidelines

# Baylor University Police Department Policy and Procedure

## Appendix Number One

### Confidentiality of Files and Records

## Purpose of the Pseudonym Form

These forms are for the use of individuals who have been victims of Sexual Assault (Tex. Code Crim. Proc. Chapter 57, Art. 57.01), Stalking (Tex. Code Crim. Proc. Chapter 57A, Art. 57A.01), Family Violence (Tex. Code Crim. Proc. Chapter 57B, Art. 57B.01), or Human Trafficking ( Tex. Code Crim. Proc. Chapter 57D, Art. 57D). The form requests law enforcement to remove the victim's name from public files and records concerning the offense, including policy summary reports, press releases, and records of judicial proceedings. A pseudonym, or fictitious name, will be used instead of the victim's name to designate the victim in all public files and records concerning the offense. The victim must understand the pseudonym is only used in records concerning the offense, and not for other public files and records that are not related to the offense.

## Roles and Responsibilities of the Victim

It is the victim's responsibility to complete the form and submit it to the law enforcement agency investigating the offense for which they are a victim.

The victim should:

1. Complete all information requested on the pseudonym form (Leave the section that says "To Be Completed by Law Enforcement Officer" blank).
2. Under the "Release of Information" select what organizations they wish to have their real name and information provided to.
3. Return the completed form to the law enforcement agency investigating the offense.

## Roles and Responsibilities of Law Enforcement

It is Law Enforcement's responsibility to notify victims they have the right to use pseudonyms and ensure the request is completed.

Law Enforcement should:

1. Explain the purpose of the pseudonym form.
2. Inform the victim that the pseudonym will replace the victim's name only in public files and records concerning the offense.
3. Assist the victim in filling out the form.

According to Tex. Code Crim. Proc. Chapter 57, Art. 57.02(e), Chapter 57A, Art. 57A.02(e), Chapter 57B, Art. 57B.02(e), and Chapter 57D, Art. 57D.02(e), upon receipt of the form the law enforcement agency shall:

1. Remove the victim's name and replace it with the pseudonym in all reports, files, and records in the agency's possession.
2. Notify the attorney for the state of the pseudonym and that the victim has elected to be designated by the pseudonym
3. Maintain the form in a manner that protects the confidentiality of the information contained in the form.

Appendix Number Two

Pseudonym Form Purpose and Responsibilities

Sample Pseudonym Form



## PSEUDONYM FOR SEXUAL ASSAULT SURVIVORS

All information will be kept confidential

Law Enforcement Agency:	Phone Number
Case # or Cause #:	Pseudonym *
Real Name	
Real Address	
Real Phone # (day)	(evening)
Alternate Contact Name	
Alternate Contact Phone # (day)	(evening)
* This name will be used in all public files to take the place of your real name. Your correct address and phone number will also be protected. (Texas Code of Criminal Procedure, Chapter 57B).	

### RELEASE OF INFORMATION

To assist law enforcement with their investigation and obtain further assistance, I give permission for specific limited release of my real name, address, and phone number. By checking the following, my real information may be released to these specified agencies.

<input type="checkbox"/> Local advocacy program <input type="checkbox"/> Local, State, or Federal Law Enforcement Agency <input type="checkbox"/> Crime Victims' Compensation Program	<input type="checkbox"/> Local, State or Federal Attorney's Office <input type="checkbox"/> Medical Insurance Carrier <input type="checkbox"/> Local, State, or Federal restitution payment office
---	--

\_\_\_\_\_  
Survivor Signature (please use real name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Law Enforcement Officer Signature

\_\_\_\_\_  
Badge number

\_\_\_\_\_  
Date

The following program is available to you:

\_\_\_\_\_  
Advocacy Program name and phone number (to be filled in by officer)

For more information please contact:

The Office of the Attorney General  
 Crime Victim Services Division MC 011  
 PO Box 12548  
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**EXHIBIT 35**

## TRAINING REQUIREMENTS OVERVIEW – PART 1

### TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE 2013 RE-AUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT (VAWA)

“Because laws and school policies and procedures may change, the only way to ensure that all employees involved in implementing the school’s grievance procedures have the requisite training or experience is for the school to provide regular training to all individuals involved in implementing the school’s Title IX grievance procedures, even if such individuals also have prior relevant experience.”

2014 Questions & Answers on Title IX and Sexual Violence

#### TITLE IX LAW AND GUIDANCE:

##### April 4, 2011 Dear Colleague Letter Questions and Answers on Title IX and Sexual Violence

- **All University community members must understand:**
  - What constitutes sexual harassment/violence
  - Our policies and procedures; consequences of violating them
  - **Student (including Graduate and Professional Students) Training should:**
    - Age Appropriate
    - consider educational methods that are most likely to help students retain information when designing it’s training, including repeating the training at regular intervals
    - Encourage students to report incidents of sexual violence and should explain that students (and their parents or friends) do not need to determine whether incidents of sexual violence or other sexual harassment created a hostile environment before reporting the incident.
    - Inform students that the school’s primary concern is student safety, and that use of alcohol or drugs never makes the survivor at fault for sexual violence (and does not excuse a perpetrator’s conduct)
    - Educate students about the persons on campus to whom they can confidentially report incidents of sexual violence, including the offices or individuals who can provide resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services and legal assistance.
    - Should Include:

## Training Requirements Overview – Part 1

- Title IX and what constitutes sexual harassment and sexual violence, including same-sex sexual violence, under the school's policies, and how to recognize it when it occurs;
  - The school's definition of consent applicable to sexual conduct, including examples;
  - How the school analyzes whether conduct was unwelcome under Title IX;
  - How the school analyzes whether unwelcome sexual conduct creates a hostile environment;
  - Reporting options, including how and to whom, as well as formal reporting and confidential disclosure options and any timeframes set by the school for reporting;
  - The school's grievance procedures used to process sexual violence complaints;
  - Disciplinary code provisions relating to sexual violence and the consequences (criminal, academic, housing, and student record-related) of violating those provisions;
  - Effects of trauma, including neurobiological changes;
  - The role alcohol and drugs often play in sexual violence incidents, including how such use relates to consent, and how the deliberate use of alcohol and/or other drugs to perpetrate sexual violence;
  - Strategies and skills for bystanders to intervene to prevent possible sexual violence;
  - How to report sexual violence to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and
  - Title IX's protections against retaliation.
- **All implementers (Title IX Coordinator, Deputy Coordinators, Investigators, Adjudicators, and others who receive complaints) must have:**
    - Training in responding to complaints
    - Training in the institution's grievance procedure
      - how to file a complaint pursuant to the University's Policy and Procedure and a step-by-step overview of what happens from the time such a complaint is filed through the end of a Review Panel, including the role of different individuals in the process;

## Training Requirements Overview – Part 1

- clear examples of what types of actions may constitute sexual harassment or sexual violence in the University’s programs or activities, including but not limited to what type of behavior may provide the basis for a complaint pursuant to the University’s Policy and Procedure;
  - how the Title IX process differs from the criminal process, how to notify complainants of the right to file or decline to file a criminal complaint, and how to file a criminal complaint if they choose to do so;
  - how to contact the Title IX Coordinator and /or appropriate deputy Title IX Coordinators; and
  - how to provide students information regarding resources, both verbally and through the resource guide (i.e., in hard copy and/or electronic form) whenever attendees respond to such reports.
  - The University reporting requirement for reports of sexual harassment and sexual violence, and the University’s policies and practices regarding the confidentiality of such reports.
- Information on working with and interviewing persons subjected to sexual violence;
  - Information on particular types of conduct that constitute sexual violence, including same-sex sexual violence;
  - The proper standard of review for sexual violence complaints (preponderance of the evidence);
  - Information on consent and the role drugs or alcohol can play in the ability to consent;
  - The importance of accountability for individuals found to have committed sexual violence;
  - Types of remedies, including remedial actions for the perpetrator, complainant and school community;
  - How to determine credibility; how to evaluate evidence and weigh it in an impartial manner;
  - How to conduct and document adequate, prompt, reliable, and impartial Title IX responses, including investigations;
  - How to apply appropriate substantive and procedural standards in a Title IX review, and how those standards differ from those in a criminal investigation;
  - How to notify complainants of the right to file or decline to file a criminal complaint and how to provide assistance on filing one where a complainant chooses to do so;
  - How to coordinate and cooperate with law enforcement during parallel criminal and Title IX proceedings;

- The link between alcohol and other drug use and sexual harassment and sexual violence and best practices to address this link in the investigative process, including, but not limited to:
  - How to address the challenges of investigating incidents involving alcohol or drug use;
  - How to encourage victims and witnesses of sexual harassment and sexual violence to cooperate with investigations if they have concerns about possible disciplinary implications of their own alcohol and drug use.
- Confidentiality;
- The effects of trauma, including neurobiological change; and
- Cultural awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.
- **All employees likely to witness or receive reports of sexual violence**
  - How to prevent and identify sexual violence, including same-sex sexual violence;
  - The behaviors that may lead to and result in sexual violence;
  - The attitudes of bystanders that may allow conduct to continue;
  - The potential for re-victimization by responders and its effect on students;
  - Appropriate methods for responding to a student who may have experienced sexual violence, including the use of nonjudgmental language and the impact of trauma on victims;
  - The person(s) to whom such misconduct must be reported;
  - Responsible employees' reporting obligations, including what should be included in a report and any consequences for the failure to report, and the procedure for responding to students' requests for confidentiality, including providing the contact information for the school's Title IX coordinator;
  - Information on how to inform students of the reporting obligations of responsible employees;
  - Students' option to request confidentiality and available confidential advocacy, counseling or other support services; and
  - Rights to file a Title IX complaint with the school and to report a crime to campus or local law enforcement.
- **Prepare responsible employees to fulfill their duties in:**
  - Appropriate response to reports of sexual violence
  - Understand obligation to report sexual violence incidents to Title IX coordinator

## Training Requirements Overview – Part 1

- Understand what reporting includes (all information)
- Understand how to respond to a request for confidentiality
- Do not have to determine whether an incident occurred or whether a hostile environment has been created before reporting it

### VAWA REQUIREMENTS

- **VAWA Training Mandates: educational and training programs must include:**
  - A statement that the school prohibits the offenses of domestic violence, dating violence, sexual assault and stalking;
  - The definition of domestic violence, dating violence, sexual assault and stalking in the applicable jurisdiction;
  - The definition of consent, in reference to sexual activity, in the applicable jurisdiction;
  - Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against a person other than such individual;
  - Information on risk reduction to recognize warning signs of abuse behavior and how to avoid potential attacks;
  - Possible sanctions or protective measures that the school may impose following a final determination of an institutional disciplinary procedure regarding sexual assault, domestic violence, dating violence or stalking;
  - Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault or stalking has occurred, including information in writing about:
    - The importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault or stalking, or in obtaining a protection order;
    - To whom the alleged offense should be reported;
    - Options regarding law enforcement and campus authorities, including notification of the victim's options to:
      - Notify proper law enforcement authorities, including on-campus and local police,
      - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses and
      - Decline to notify the authorities.

## Training Requirements Overview – Part 1

- The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders or similar lawful orders issued by a criminal, civil or tribal court;
- Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault or stalking, which shall include a clear statement that the proceedings shall:
  - Provide a prompt, fair and impartial investigation and resolution;
  - Be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
  - Assure that the accuser and the accused are **entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice;**
  - Simultaneously inform both the accuser and the accused, in writing, of:
    - The outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault or stalking;
    - The institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding, of any change to the results that occurs prior to the time that such results become final; and
    - When such results become final.