



**Dallas Baptist University
Sexual Misconduct Policy**
(including Sexual Harassment, Assault, Violence,
and other Sexual Misconduct)

Revised August 2017

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1. Overview

The vision of Dallas Baptist University is to build a great Christian university that is pleasing to God by producing Christ-centered servant leaders who are transforming the world.

With that vision in mind, it is vitally important to DBU to promote righteous living in all areas of life, including in the area of human sexuality. DBU is guided by the understanding that human sexuality is a gift from God and that the purpose of this gift includes the procreation of human life and the uniting and strengthening of the marital bond in self-giving love between one man and one woman.

DBU bases its understanding on human sexuality on biblical principles outlined throughout the Old and New Testament along with the history of Christian church thought, teaching, and practice.

Faculty, staff, and students at Dallas Baptist University are expected to conduct themselves at all times in accordance with the highest standards of Christian morality. Toward this end, the University may subject to disciplinary action any faculty, staff, or student who engages in the following:

1. Sexual activity with a person other than his/her spouse;
2. Sexual activity with a person of the same sex;
3. Touching, caressing, and other physical conduct of a sexual nature that is inappropriate to the time and place in which it occurs;
4. Participation in advocacy groups and/or activities that are contrary to DBU Scriptural beliefs about human sexuality;
5. The possession or viewing of pornographic material;

The actions listed above violate the University's commitment to sexual purity in line with its Scriptural beliefs about human sexuality. These types of violations are covered more fully in the Student Code of Conduct and Employee Handbook, which discuss the disciplinary procedures for such violations.

In addition to those violations, there are certain types of violations that are so serious that they require more robust investigation and hearing procedures. This would include the following prohibited conduct:

1. Sexual assault
2. Sexual violence
3. Sexual harassment
4. Sexual discrimination
5. Domestic or dating violence
6. Stalking
7. Sexual exploitation, or
8. Other sexual misconduct outlined in the Definitions section of this policy.

Because of the gravity of these allegations, the prohibited conduct outlined in the preceding sentence will be governed by the more robust procedures outlined in this Sexual Misconduct Policy.

DBU has a high moral commitment to the worth and dignity of all individuals. Members of the University community, guests, and visitors have the right to be free from all forms of sexual misconduct. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This Sexual Misconduct Policy is meant to promote a safe living and learning environment for all members of the campus community in accordance with DBU's Scriptural beliefs about human sexuality and in compliance with state and federal laws including, but not limited to, Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013, Title VII of the Civil Rights Act of 1964, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and the Campus Sexual Violence Elimination (SaVE) Act.

2. Scope

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

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

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

Maintaining a safe living and learning environment is the responsibility of the entire campus community. Therefore, all faculty, adjunct faculty, and full-time/part-time staff members who are not Confidential Resources (as defined in Section 5 of this policy) must promptly report suspected sexual misconduct to the Title IX Coordinator. Likewise, student workers who learn of violations of this policy in the scope of their employment, including Resident Assistants, must promptly report alleged violations of this policy to the Title IX Coordinator. DBU strongly urges all other members of the DBU community, including students and visitors, to promptly report any allegation of sexual misconduct to the Title IX Coordinator.

This policy prohibits any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy.

3. Definitions

For purposes of this policy, the following sexual misconduct is considered to be prohibited conduct: 1) Sexual Assault; 2) Sexual Violence; 3) Sexual Harassment; 4) Sexual Discrimination; 5) Domestic or Dating Violence; 6) Stalking; 7) Sexual Exploitation; 8) Sexually Inappropriate Conduct; 9) Retaliation; and 10) Inducing Incapacitation for sexual purposes.

These terms and other related terms applicable to this policy are more fully defined in Appendix A. If a person would like to press criminal charges for an alleged violation of any of the below criminal laws, or would like to seek an order of protection, the definitions contained in the Texas Penal Code and Family Code (found in Appendix B) would apply, not the internal definitions used in this policy.

4. Title IX Coordinator, Advocates for Campus Trust and Safety Committee, and Related Parties

Title IX Coordinator

The Title IX Coordinator directs compliance with DBU's Sexual Misconduct Policy and Title IX. The Title IX Coordinator will be informed of all complaints or reports of violations of this policy and shall oversee DBU's centralized response to ensure compliance with DBU's values, Title IX, and other applicable laws. The Title IX Coordinator's activities include, but are not limited to, the following:

- Communicating with all members of the DBU community regarding this Sexual Misconduct Policy and Title IX and providing information about how individuals may access their rights;
- Overseeing DBU's administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements relating to this Sexual Misconduct Policy and Title IX;
- Conducting training regarding Sexual Misconduct issues, Title IX, the Violence Against Women Reauthorization Act of 2013 (VAWA), and prohibited conduct defined in this policy; and
- Responding in accordance with the procedures set forth in this policy to any complaint or report regarding conduct that may violate this policy.

On all matters relating to this Sexual Misconduct Policy, the Title IX Coordinator is supervised directly by the President of the University.

The Title IX Coordinator's contact information is:

Tamy Rogers
Title IX Coordinator
Dallas Baptist University
3000 Mountain Creek Parkway

Kelly Anderson
Deputy Title IX Coordinator for Students
Dallas Baptist University
3000 Mountain Creek Parkway

Dallas, Texas 75211
TitleIX@dbu.edu
214-333-5158 (office)
<http://www.dbu.edu/title-ix>

Dallas, Texas 75211
TitleIX@dbu.edu
214-333-5433 (office)
<http://www.dbu.edu/title-ix>

Reports of alleged sexual misconduct can be made on DBU's Title IX website, by email, phone call, letter, or meeting with the Title IX Coordinator or Deputy Title IX Coordinator.

Advocates for Campus Trust and Safety (ACTS) Committee:

In addition to the Title IX Coordinator, the Advocates for Campus Trust and Safety (ACTS) Committee is an integral part of administering this Sexual Misconduct Policy. The role of this committee is to: a) help coordinate the overall education and prevention efforts for the campus community relating to sexual misconduct; and b) serve as an investigative and decision-making body when violations of this policy are alleged. Members of the ACTS Committee are appointed by the President of the University and represent a broad cross-section of the campus community, including, but not limited to, Academic Leadership, Student Affairs, Human Resources, Athletics, and the Legal Affairs Office of the University.

Title IX Special Investigators

In situations involving formal complaints, Title IX Special Investigators, who will be appointed by the President of the University and go through extensive training, will carry out all initial investigations and report their findings to the ACTS Committee (as outlined in Section 6 of this policy).

Special Adjudicator

For situations involving formal complaints, a Title IX Special Adjudicator has been appointed by the President to handle all appeals of rulings by the ACTS Committee (as outlined more fully in Section 6).

Victim Advocate, Respondent Advocate, and Director of Counseling and Spiritual Care

Because of the serious nature of sexual misconduct allegations, DBU is committed to providing both complainants and respondents with resources to know their rights and responsibilities under this policy. In order to help both parties understand their rights and responsibilities, the University has designated three members of the University community to serve as advocates for Victim or Respondent. Likewise, the University has also named a Director of Counseling and Spiritual Care to serve as a Confidential Resource in these cases.

In situations involving an alleged violation of this policy, the complainant will have the opportunity to utilize the Victim Advocate as a Confidential Resource, and the respondent will have the opportunity to utilize the Respondent Advocate as a Confidential Resource. Likewise, the Director of Counseling and Spiritual Care is available as a Confidential Resource in all cases. Information shared with Confidential Resources (including information about whether an individual has received services) will be disclosed to others only with the individual's written

permission or if applicable ethical or legal obligations compel the professional to reveal such information (e.g., if there is suspected abuse or neglect of a minor or where the Confidential Resource is compelled by law to submit non-identifying statistical information about the number and type of violations of this policy for purposes of Clery Act reporting). Neither the complainant nor respondent is obligated to discuss the allegation with the Victim Advocate, Respondent Advocate, or Director of Counseling and Spiritual Care, but they will have the opportunity to confidentially discuss the allegation and their rights and responsibilities with these individuals. In all cases, the Victim Advocate and Respondent Advocate will, at a minimum, ensure that the respective complainant and respondent have a copy of this policy, understand the internal and external resources available to them, and make them aware of the appropriate dates for hearings or meetings associated with the allegation.

Likewise, if an individual is not prepared to make a report or is unsure how to label what happened, the University strongly encourages the individual to contact the Victim Advocate so that the individual can receive appropriate support and resources.

5. Confidentiality, Reporting, and Filing a Claim

All University employees (faculty, staff, administrators) are expected to immediately report actual or suspected sexual misconduct to appropriate officials, though there are some limited exceptions outlined below. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality—meaning they are not required to report actual or suspected sexual misconduct to appropriate university officials—thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them.

The following describes the two reporting options at the University:

Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- Dr. Jordan Davis, LPC (Director of Counseling and Spiritual Care) - 214-333-5288; jordan@dbu.edu
- On-campus licensed professional counselors and staff at the DBU Counseling Center
- On-campus Victim Advocate or Respondent Advocate (after an allegation has been made)
- Off-campus:
 - Licensed professional counselors
 - Local rape crisis counselors
 - Local or state assistance agencies
 - Clergy/Chaplains

All of the above DBU employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Campus counselors are available to help free of charge as a service to all parties. These employees will annually submit anonymous, aggregate statistical information for Clery Act purposes.

Formal Reporting Options

Formal reports of sexual misconduct may be made to the Title IX Coordinator or Deputy Title IX Coordinator via DBU's Title IX Website, by email, phone, or in person at the contact information below:

Tamy Rogers
Title IX Coordinator
Dallas Baptist University
3000 Mountain Creek Parkway
Dallas, Texas 75211
Office: Mahler 2nd Floor
TitleIX@dbu.edu
214-333-5158 (office)
<http://www.dbu.edu/title-ix>

Kelly Anderson
Deputy Title IX Coordinator for Students
Dallas Baptist University
3000 Mountain Creek Parkway
Dallas, Texas 75211
Office: Crowley Residence Life Office
TitleIX@dbu.edu
214-333-5433 (office)
<http://www.dbu.edu/title-ix>

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

If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request either on DBU's Title IX anonymous reporting website or to the Title IX Coordinator, who, in accordance with the procedure in Section 7 of this policy, will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal and state laws.

A complainant has the right, and can expect, to have reports taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the complainant, and only a small group of officials who need to know will be told, including but not limited to: the Title IX Coordinator, the Vice President for Student Affairs and Dean of Students (if the allegation involves students), the Provost (if the allegation involves faculty), the Vice President for Executive Affairs (if the allegation involves staff), the supervising Vice President (if the allegation involves an employee), the Office of Legal Affairs for the University, the Chief of Police, the Vice President for Administrative Affairs (if the University Police Department is involved), the members of the ACTS Committee, and the President of the University.

Information will be shared as necessary with investigators, witnesses, and the respondent. The circle of people with this knowledge will be kept as tight as possible to preserve a complainant's rights and privacy.

At the complainant's request, DBU will assist the complainant in contacting local law enforcement.

All University employees have a duty to report, unless they fall under the "Confidential Reporting" section above. Complainants may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator. Employees must share all details of the reports they receive.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sexual misconduct of which they become aware is a violation of University policy and will be subject to disciplinary action for failure to comply with University policies.

Amnesty

In order to encourage reports of conduct prohibited under this policy, a student who, in good faith, reports being the victim of, or witness to sexual harassment, sexual assault, dating violence, or stalking will be entitled to amnesty from disciplinary actions by the University. DBU reserves the right to investigate whether a report was made in good faith before granting amnesty. Additionally, amnesty does not apply to the reporting individual's own acts, if any, of sexual misconduct.

Good Faith

Allegations must be made in good faith and not made out of malice. It is a violation of DBU policy to knowingly make a false, malicious, or frivolous accusation of discrimination, harassment, sexual misconduct or retaliation. However, mere failure to prove a complaint is not equivalent to a false, malicious, or frivolous accusation.

6. Procedures for Formal Complaints of Sexual Assault, Sexual Violence, and Other Severe Allegations of Sexual Misconduct

In General

As outlined more fully in Section 5, any allegation of sexual misconduct may be made directly to the Title IX Coordinator or Deputy Title IX Coordinator via email, phone, or in person at the contact information below:

Tamy Rogers
Title IX Coordinator
Dallas Baptist University
3000 Mountain Creek Parkway
Dallas, Texas 75211
Office: Mahler 2nd Floor
TitleIX@dbu.edu
214-333-5158 (office)

Kelly Anderson
Deputy Title IX Coordinator for Students
Dallas Baptist University
3000 Mountain Creek Parkway
Dallas, Texas 75211
Office: Crowley Residence Life Office
TitleIX@dbu.edu
214-333-5433 (office)

The University is committed to providing a robust and sound procedure for investigating and ruling on serious allegations of violations of this policy. Thus, the weighty procedures outlined in this Section are specifically meant for cases involving serious issues of sexual assault, sexual violence, and other severe allegations of sexual misconduct.

The procedures outlined in this Section 6 will be used in: a) all cases where an allegation of sexual assault or sexual violence has been made and b) in other cases where the Title IX Coordinator, in consultation with the Vice President for Student Affairs (if the allegation is against a student) or the Vice President for Executive Affairs (if the allegation is against a faculty or staff member), deems the allegation to be severe and more than a minor incident.

Proceedings under this policy are separate and distinct from Texas' criminal process. These proceedings 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.

Initial Actions

Upon receiving a formal complaint of sexual assault, sexual violence, or other severe allegations of sexual misconduct, the Title IX Coordinator will, within 48 hours: a) contact the complainant and respondent to alert them of the allegation and of the Victim Advocate and Advisor for Respondents that are available to them as Confidential Resources; b) alert the Victim Advocate and Advisor for Respondents and ask them to contact the complainant and respondent to offer their services; and c) alert the ACTS Committee, Legal Affairs Office, and the University President of the formal complaint.

Thereafter, the Title IX Coordinator will work with the Vice President for Student Affairs and Dean of Students (if the allegation involves students), the Provost (if the allegation involves faculty), or the Vice President for Executive Affairs (if the allegation involves staff) to take appropriate interim measures to help ensure the safety and security of all parties involved in the allegation. Such interim measures may include, but will not be limited to, a no-contact order, revision of academic schedule or accommodations regarding exams/assignments, change in housing arrangements, a change in work schedule/job assignment, removal from campus, or other interim measures that the Title IX Coordinator and Vice President for Student Affairs, Dean of Students, Provost, and/or Vice President for Executive Affairs believe will provide appropriate protection and support for the parties involved.

Investigation and Assessment

In all cases involving formal complaints, the Special Investigators will commence an investigation into the allegations. During this investigation process, the investigators will attempt to interview both the complainant and respondent and any witnesses who may have information about the incident(s) in question. Likewise, the investigators will review evidence submitted by either party, the Title IX Coordinator, or other persons involved in gathering evidence relating to

the allegation. Each party may select an advisor of his/her choice who may accompany them to any meeting or related proceeding, but the advisor will not participate in such meeting or proceeding.

Typically no later than 30 days from the date on which a formal complaint is made, the investigators will complete their investigation and prepare a written report for the ACTS Committee. If additional time is needed, both parties will be notified. Although cooperation with law enforcement may require DBU to suspend the fact-finding portion of a Title IX investigation temporarily, the Special Investigators will promptly resume their investigation as soon as they are notified by the law enforcement agency that the agency has completed the evidence gathering process. The Special Investigators will not, however, wait for the conclusion of a criminal proceeding to begin their own investigation, and will proceed with diligence to investigate the matter within the original 30 day time period, if possible.

Upon the conclusion of the investigation and the drafting of the written report, the Special Investigators will provide a copy of the written report to the Title IX Coordinator, who will distribute the report to the members of the ACTS Committee and to the complainant and respondent.

Hearing

As soon as possible after the Special Investigators' Written Report is received, the ACTS Committee will schedule a formal hearing. Both the complainant and respondent will be given written notice at least three (3) business days before the hearing of the date, time, and location of the hearing.

In certain instances, it may be necessary for an ACTS Committee member to recuse themselves from the hearing if the committee member has oversight of or a strong personal or business relationship with either the complainant or respondent which would create a conflict of interest. For example, if either the complainant or respondent was a member of one of the University's athletic teams and the Director of Athletics was then serving on the ACTS Committee, it would be necessary for the Director of Athletics to recuse himself/herself from the hearing because of the potential for a conflict of interest.

At the hearing, both the complainant and respondent will have the opportunity to make a statement, provide additional evidence, or present additional witnesses. The committee will also consider the evidence and assessment of the Special Investigators as outlined in their written report. At the conclusion of the hearing, the ACTS Committee will deliberate and make a ruling as to whether, under a preponderance of the evidence standard, the respondent violated this policy. If a violation is deemed to have occurred, the ACTS Committee will also issue appropriate sanctions against the respondent.

Sanctions will be determined based on the seriousness of the misconduct and the responsible respondent's prior disciplinary history. Possible sanctions for students may include, but will not be limited to, a formal admonition, restrictions from extracurricular activities, dismissal from residence halls/apartments, move to online classes, removal or reduction of institutional scholarships, disciplinary probation, suspension, expulsion, or withholding of degree. Possible sanctions for faculty/staff may include, but will not be limited to, a verbal/written warning,

demotion, reassignment, probation, suspension, or termination. Community service, mandatory counseling/training, or other measures may be added to these sanctions for students, faculty, or staff, as appropriate.

After making these rulings, the Title IX Coordinator will, within five (5) business days, prepare a written ruling containing findings of fact, findings of responsibility, and the rationale (if applicable) of any sanctions. This written ruling will be given to the complainant, respondent, President of the University, and Special Adjudicator.

The investigation and hearing procedures will be completed within 60 calendar days unless extenuating circumstances require additional time. If additional time is needed, both parties will be notified, and the ACTS Committee will endeavor to complete the investigation and hearing in as short a time as possible under the circumstances.

Appeal

Within ten (10) days of the issuance of the written ruling, either party may request an appeal in writing to the Title IX Coordinator. Additionally, the President of the University, in consultation with the Special Adjudicator, will review the written ruling and the proceedings of the ACTS Committee. In the President's discretion, after consultation with the Special Adjudicator, the President may also institute an appeal.

The Special Adjudicator will handle all appellate proceedings utilizing the previous reports and evidence, but also allowing the parties to bring additional evidence, witnesses, and testimony. The Special Adjudicator may also, on his own motion, request any documents, witnesses, or additional evidence that he/she deems necessary for the fair adjudication of the matter.

Both the complainant and respondent will be given written notice at least three (3) business days before the hearing of the date, time, and location of the appeals hearing. Using a preponderance of the evidence standard, the Special Adjudicator will, after hearing all evidence, make a ruling as to whether a violation of this policy occurred and, if applicable, issue sanctions. In making this ruling and issuing sanctions, the Special Adjudicator may sustain the ruling and/or sanctions set forth by the ACTS Committee, but will also have the discretion to overturn such ruling and/or sanctions and issue his own ruling or sanctions.

After making these rulings, the Special Adjudicator will, within five (5) business days, prepare a written ruling containing findings of fact, findings of responsibility, and the rationale (if applicable) of any sanctions. This written ruling will be given to the complainant, respondent, Title IX Coordinator, ACTS Committee Members, and the President of the University. This ruling and the accompanying sanctions, if applicable, will be final and will not be appealable.

Reporting

The President of the University may provide the DBU Board of Trustees with a report on any proceedings involving a formal complaint as outlined in this Section. This report will be kept strictly confidential by all Board members and is meant to give the Board broad oversight of the University's Title IX procedures so that the Board can ensure that this policy and the accompanying procedures are handled in a way that promotes a safe and Christ-like atmosphere within the University community.

Certain university administrators are informed of the outcome within the bounds of student/faculty/staff privacy (e.g., Vice President for Student Affairs, Dean of Students, Provost, Chief of Police, Vice President for Administrative Affairs, Legal Affairs Office, and other personnel that have a material need to know about the incident). In some instances, the President also may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the parties. The institution also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an “Annual Security and Fire Safety Report” of campus crime statistics. This statistical report does not include personally identifiable information.

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

7. Procedures in Sexual Assault or Sexual Violence cases where the Complainant does not File a Formal Complaint or Wishes to Remain Anonymous

If the complainant alleges sexual assault or sexual violence but does not wish to pursue a formal hearing and/or requests that his or her complaint remain anonymous, Title IX nevertheless requires the University to investigate and take reasonable action in response to the complainant’s request. The Title IX Coordinator will inform the complainant that the University’s ability to respond may be limited if the complainant is not a participant in the investigation. In such cases, Title IX requires the University to evaluate the complainant’s request that the complaint not be subject to a formal hearing or remain anonymous in the context of the University’s commitment to provide a reasonably safe and non-discriminatory environment for all students.

In order to protect the safety of the campus community, the Title IX Coordinator may investigate allegations of violations of this policy even absent the filing of a formal complaint or report, or if a complaint or report has been withdrawn. After reviewing the alleged incident(s), the Title IX Coordinator will set a meeting of the ACTS Committee to determine if the allegation involves such a significant risk to the safety of the overall community that the Committee feels it is necessary to initiate formal complaint procedures on its own motion to protect the community at large. This risk to the campus community will be especially present in cases indicating pattern, predation, threat, weapons, and/or violence.

If the Committee decides that the allegation involves such a significant risk to the safety of the overall community that the Committee feels it is necessary to initiate formal complaint procedures on its own motion, then it will institute the formal complaint procedures outlined in Section 6 of this policy. If the Committee decides that the allegation does not involve a

significant risk to the safety of the overall community, it may choose to close the case. If the Committee chooses to close the case, the President of the University, in consultation with the Special Adjudicator, will still review this allegation and the Committee's decision. If the President, in consultation with the Special Adjudicator, believes a formal complaint procedure is necessary to protect the community at large, he may, on his own motion, institute the formal complaint procedures outlined in Section 6 of this policy.

8. Procedures for Allegations of Sexual Harassment, Sex Discrimination, and other Prohibited Sexual Misconduct that does not fall under the category of Sexual Assault or Sexual Violence

As outlined more fully in Section 5, any allegation of sexual misconduct may be made directly to the Title IX Coordinator or Deputy Title IX Coordinator via email, phone, or in person at the contact information below:

Tamy Rogers
Title IX Coordinator
Dallas Baptist University
3000 Mountain Creek Parkway
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Office: Crowley Residence Life Office
TitleIX@dbu.edu
214-333-5433 (office)
<http://www.dbu.edu/title-ix>

All allegations of sexual misconduct will be taken seriously by the University. While not all cases involve potential criminal acts such as sexual assault, sexual violence, or other severe sexual misconduct, every allegation of any form of sexual misconduct will be treated with the utmost respect. This section highlights how allegations of prohibited conduct other than sexual assault, sexual violence, or other severe sexual misconduct will be handled.

In cases where the allegation does not involve sexual assault or sexual violence, but instead involves an allegation of sexual harassment, sex discrimination, or other prohibited conduct under this policy, the Title IX Coordinator will consult either the Vice President for Student Affairs (if the allegation is against a student) or the Vice President for Executive Affairs (if the allegation is against a faculty or staff member). They will assess the potential threat involved, whether the allegation is of a recurring or isolated nature, the harm involved, and other important factors to determine whether the allegation is so severe that it would best be handled using the high-level procedures outlined in Section 6, or whether the allegation would best be handled under the procedures outlined in this Section 8.

If the Title IX Coordinator, in consultation with the Vice President for Student Affairs or Vice President for Executive Affairs, as appropriate, believes the allegation would best be handled under the procedures in this Section, then the case would go to either the Vice President for

Student Affairs (for student allegations) or the Vice President for Executive Affairs (for faculty/staff allegations) for investigation and adjudication.

The Vice President for Student Affairs or Vice President for Executive Affairs will first determine if interim measures are necessary to protect the parties. Such interim measures may include, but will not be limited to, a no-contact order, revision of academic schedule or accommodations regarding exams/assignments, change in housing arrangements, a change in work schedule/job assignment, removal from campus, or other interim measures. Likewise, campus personnel that need to know about these interim measures (e.g., the parties' supervisors and Vice President, Resident Assistants, or others who would need to enact the interim measures) will be notified so that they can help enact these protective measures.

After assessing the need for interim measures, the Vice President for Student Affairs or Vice President for Executive Affairs will then perform a thorough investigation into the matter. During this investigation process, the investigators will attempt to interview both the complainant and respondent and any witnesses who may have information about the incident(s) in question. Likewise, the investigators will review evidence submitted by either party, the Title IX Coordinator, or other persons involved in gathering evidence relating to the allegation.

The Vice President for Student Affairs or Vice President for Executive Affairs will then, using a preponderance of the evidence standard, make a ruling that will include appropriate sanctions, if applicable. Sanctions will be determined based on the seriousness of the misconduct and the responsible respondent's prior disciplinary history. Possible sanctions for students may include, but will not be limited to, a formal admonition, restrictions from extracurricular activities, dismissal from residence halls/apartments, move to online classes, removal or reduction of institutional scholarships, disciplinary probation, suspension, expulsion, or withholding of degree. Possible sanctions for faculty/staff may include, but will not be limited to, a verbal/written warning, demotion, reassignment, probation, suspension, or termination. Community service, mandatory counseling/training, or other measures may be added to these sanctions for students, faculty, or staff, as appropriate.

The Vice President for Student Affairs or Vice President for Executive Affairs will then prepare a written ruling that will be given to the Title IX Coordinator, who will distribute the report to the complainant, respondent, and the President of the University. Any of those parties may appeal this ruling in writing to the Title IX Coordinator within ten (10) days, and such appeal will be handled by the ACTS Committee using the procedures outlined in Section 6.

9. Prevention and Awareness Program

One of the central roles of the Title IX Coordinator and the ACTS Committee is educating the campus community on how to prevent sexual misconduct. The following are some of the many activities that happen on campus in this continuing effort to educate faculty, staff, and students on this important issue:

- Presentation to all "Foundations for Excellence" classes (required of all traditional-age freshmen) on sexual assault reporting and prevention – Occurrence: Annually

- Presentation at Faculty Council and/or Faculty Workshops about Title IX, sexual assault, and the role of faculty in this process – Occurrence: Annually
- Providing a Title IX Training Video for Faculty, Staff, and Students on DBU's Title IX Website and in all course shells on Blackboard – Occurrence: Annually
- Presentation to all campus residents at the Residence Life and Apartment Life meetings about Title IX and sexual assault reporting and prevention – Occurrence: Annually
- Presentation to all Resident Assistants (RAs) about Title IX and sexual assault reporting and prevention – Occurrence: Annually
- Presentation to all members of fraternities and sororities about sexual assault reporting and prevention – Occurrence: Annually
- Presentation to all student athletes and coaches at the Student Athlete Orientation about Title IX and sexual assault reporting and prevention – Occurrence: Annually
- Presentation to the Student Government about Title IX and sexual assault reporting and prevention – Occurrence: Annually
- Presentation to all DBU ROTC students about sexual assault reporting procedures and prevention at UTA at the request of the ROTC program at UTA – Occurrence: As requested by UTA ROTC
- Letter sent to all student-athletes informing them of campus contacts and resources relating to Title IX. All coaches and athletics staff members informed of the importance of reporting cases of sexual assault, violence, or misconduct if they become aware of such a situation – Occurrence: Annually
- Training at new faculty orientation and new staff orientation on Title IX and sexual assault reporting and prevention – Occurrence: Annually
- Memo regarding DBU's Sexual Misconduct Policy sent by the President to all Faculty and Staff (including Adjunct Faculty, Part-time Staff, and Student Workers) – Occurrence: Annually
- Presentation on sexual assault awareness and prevention information at graduate student orientation – Occurrence: Annually

Appendix A

Definitions

For purposes of this policy, the below definitions apply. However, some of these terms are also defined under federal and/or Texas State law. For more information regarding state law definitions, please refer to Appendix B of this policy.

Complainant

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

Respondent

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

Consent

DBU upholds a biblical sexual ethic that promotes consenting intimate sexual expression only within a marriage between a man and a woman. Intimate sexual expression outside the Biblical boundary of marriage may increase the risk of miscommunication about consent.

Consent is voluntary, informed, and mutual. Consent is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely chosen to engage in sexual contact.

Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. A prior sexual history between the Complainant and Respondent does not constitute consent.

It is the responsibility of the initiator of any sexual activity to ensure that he or she has the other person's consent before engaging in sexual activity. Consent may never be obtained through the use of force, coercion (manipulation), or intimidation. Sexual contact with anyone who is incapable of giving consent because he or she is incapacitated due to alcohol and/or drug consumption, because of a mental or physical impairment, or for some other reason is a violation of this policy. People who are unconscious, for any reason, or are physically unable to communicate, are assumed to be incapable of giving consent.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including, but not limited to, the extent to which a complainant affirmatively used words or actions indicating a willingness to engage in sexual contact, free from

manipulation, intimidation, fear, or coercion; whether a reasonable person in the respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the respondent, demonstrating incapacitation or fear.

Coercion or Force

Coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to compel someone to engage in sexual contact.

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual contact.

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 of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. The relevant standard that will be applied is whether the respondent actually knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity. Likewise, inducing incapacitation for sexual purposes is a violation of this policy. Inducing incapacitation for sexual purposes includes using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent (as "consent" is defined in this Policy) to sexual contact.

Sexual Violence

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

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

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

Sexual Harassment

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University activity or benefit;
- Submission to, or rejection of, these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions; or
- These behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment.

Sex Discrimination

Sex discrimination is adverse treatment of an individual based on biological sex, rather than individual merit. Examples of conduct that can constitute sex discrimination because of sex include, but are not limited to:

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

Domestic or Dating Violence

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

Stalking

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

(unwanted) communication by any means; unwanted gifts; trespassing; and surveillance or other related types of observation.

Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses.

Examples of behavior that could rise to the level of sexual exploitation include:

- Visual (e.g., video, photograph) or audio-recording of sexual activity;
- Producing, obtaining and/or distributing photos, videos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness;
- Exceeding the boundaries of consent;
- Engaging in non-consensual voyeurism;
- Knowingly transmitting a sexually transmitted infection (STI), such as HIV, to another without disclosing your STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; and
- Distributing or forcing others to view pornography.

Sexually Inappropriate Conduct

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

Retaliation

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

Preserving Evidence

An individual who experiences any form of sexual assault is strongly encouraged to seek immediate medical care. Individuals can undergo a medical exam to properly collect and preserve physical evidence of the sexual assault with or without the police's involvement. It is

important to preserve forensic and other physical evidence that may assist in proving the alleged criminal offense occurred and such evidence may be helpful in obtaining a protection order against the respondent. Therefore, a medical exam should be performed immediately after the event, if possible. With the individual's consent, the physical evidence collected during this medical exam can be used as part of a criminal investigation.

Appendix B

Related Information & Statutes

[Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 and its implementing regulations, 34 C.F.R. Part 106](#)

[Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e-2000e-17 and its implementing regulations 29 C.F.R. §1604 11.](#)

[Clery Act, 20 U.S.C. 1092\(f\) and its implementing regulations 34 C.F.R. Part 668](#)

If a person would like to press criminal charges for an alleged violation of any of the below criminal laws, or would like to seek an order of protection, the definitions contained in the Texas Penal Code and Family Code would apply, not the internal definitions used in this policy.

Dating Violence: “an act, other than a defensive measure to protect oneself, by an individual that is committed against a victim with whom the actor has or has had a dating relationship; or because of the victim’s marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault. ‘Dating relationship’ means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a ‘dating relationship.’” [Texas Family Code Section 71.0021.](#)

Domestic (Family) Violence: “an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself, or abuse by a member of a family or household toward a child of the family or household, or dating violence.” [Texas Family Code Section 71.004.](#)

Sexual Assault: “a person commits an offense if the person (1) intentionally or knowingly causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or 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 causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the actor; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth,

anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

A sexual assault is without the consent of the other person if: the actor compels the other person to submit or participate by the use of physical force or violence; 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; the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; 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; the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; 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; 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; the actor is a public servant who coerces the other person to submit or participate; or 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. 'Child' means a person younger than 17 years of age. 'Spouse' means a person who is legally married to another." [Texas Penal Code Section 22.011](#).

Stalking: "a person who, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: (1) the person knows or reasonably believes the other person will regard as threatening including bodily injury or death for the other person, bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship, or fear that an offense will be committed against the other person's property, and (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or fear that an offense will be committed against the other person's property, and (3) would cause a reasonable person to fear bodily injury or death for himself or herself, or bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship, or fear that an offense will be committed against the person's property. A fact finder may find that different types of conduct described above, if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct." [Texas Penal Code Section 42.072](#).