

Title IX/Sexual and Interpersonal Misconduct Policy (SIM)

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TITLE IX COORDINATOR



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Title IX Coordinator

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Title IX Coordinator

Communicate with all members of the University community regarding applicable law and policy

Provide information about how individuals may access reporting and support options.

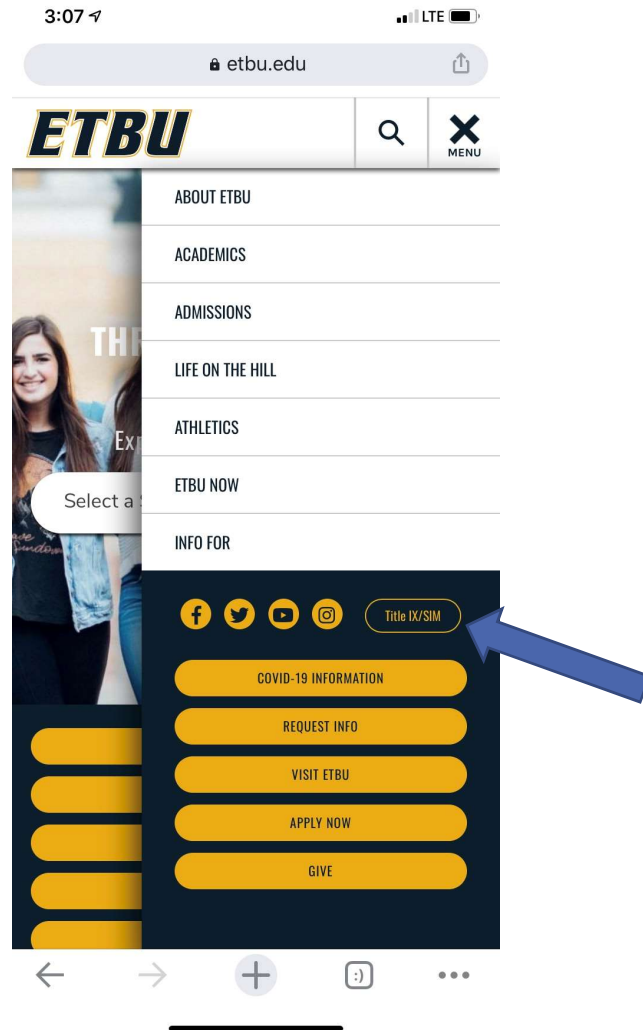
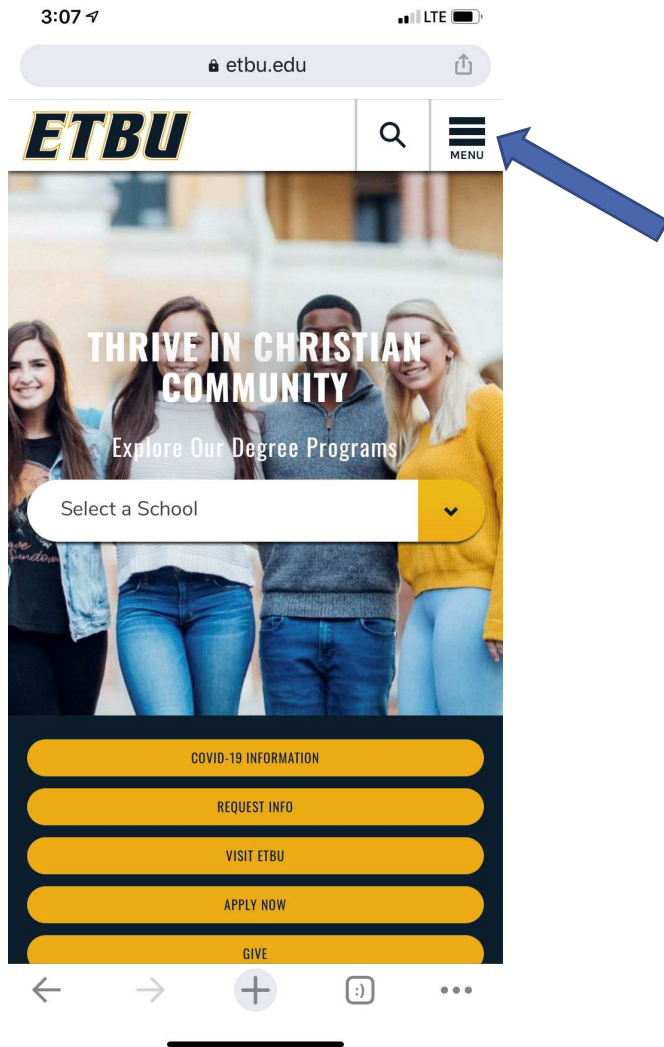
Monitor the University's administration of its own applicable policies.

Conduct or arrange for training regarding Title IX, VAWA, and Prohibited Conduct.

Respond to any report regarding conduct that may violate this policy.

Title IX

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving **Federal financial assistance**." -*Title IX of the Educational Amendments of 1972 to the 1964 Civil Rights Act*





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Title IX/Sexual and Interpersonal Misconduct (SIM) Policy



Policy Overview

East Texas Baptist University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community.

East Texas Baptist University does not unlawfully discriminate on the basis of sex in any of its education or employment programs and activities, and it does not tolerate unlawful discrimination or harassment on the basis of sex. This Sexual and Interpersonal Misconduct (SIM) policy prohibits: 1) sexual harassment as defined by Title IX (Title IX Sexual Harassment); and 2) certain other forms of sexual and interpersonal misconduct not covered by Title IX (e.g., certain types of sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, retaliation, and complicity (Non-Title IX Misconduct), collectively referred to in the SIM policy as Prohibited Conduct. These forms of Prohibited Conduct are harmful to the well-being of

Sexual and Interpersonal Misconduct Policy (SIM)

The ETBU Sexual and Interpersonal Misconduct Policy (SIM) prohibits:

- 1) **sexual harassment** as defined by Title IX (Title IX Sexual Harassment);
and
- 2) certain types of sexual and interpersonal misconduct not covered by Title IX (e.g., certain types of sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, retaliation, and complicity (Non-Title IX Misconduct)
 - collectively referred to in the ETBU SIM Policy as **Prohibited Conduct**

Scope of Policy

Policy Applies to:

- ETBU Students
- ETBU Faculty and Staff
- Third Parties (i.e., non-members of the University community, such as vendors, alumni/ae, and visitors)

Applies to Conduct:

- on campus or University-owned property;
- in the context of any University-related or sponsored education program or activity, regardless of the location
- by an ETBU student, regardless of location, under the Student Conduct Code;
- by an ETBU employee, regardless of location;
- 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.

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Prohibited Conduct

Title IX Sexual Harassment

Under Department of Education regulations (see 34 C.F.R., Part 106) issued in 2020 to implement Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., the University is required to prohibit certain forms of sexual harassment as defined in those regulations. Title IX Sexual Harassment is Prohibited Conduct of the following types committed by or against Students and/or Employees in an education program or activity of the University, in the United States:

Prohibited Conduct meets the definition of Title IX Sexual Harassment when:

- An Employee conditions the provision of an aid, a benefit, or a service on another Employee's or a Student's participation in unwelcome sexual conduct (i.e., *Quid Pro Quo* sexual harassment); or
- A Student, Employee, or Third Party (to the extent applicable) engages in unwelcome conduct on the basis of sex that would be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies another person equal access to the University's programs or activities; or
- A Student, Employee, or Third Party engages in Sexual Assault, Domestic Violence, Dating Violence, or Sexual and/or Gender-based Stalking as defined below; and
 - The alleged conduct was perpetrated against a person in the United States; and
 - The conduct took place within the University's programs and activities.


Conduct takes place within the "University's programs and activities" when that conduct occurs:

1. in a location, at an event, or in circumstances where the University exercises substantial control over both the respondent and the context in which the conduct occurs; or
2. in any building owned or controlled by a student organization recognized by the University. Events that occur off campus or in locations with no connection to the University are unlikely to be considered a University program or activity.

Conduct that does not meet the parameters above to constitute Title IX Sexual Harassment is still prohibited by this policy if it otherwise constitutes Prohibited Conduct as further defined below.

Prohibited Conduct

Two Categories

- 1) Title IX Sexual Harassment
 - 2) Non-Title IX Sexual Misconduct
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Title IX Sexual Harassment

Title IX *Quid Pro Quo* Sexual Harassment – conduct on the basis of sex by which an **employee** of the University conditions the provision of an aid, benefit, or service of the University on a student's or employee's participation in unwelcome sexual contact

Title IX Severe, Pervasive **and Objectively Offensive Sexual Harassment** – conduct on the basis of sex that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that is effectively denies another person equal access to the University's education program or activity

Title IX Sexual Assault Definition

Title IX sexual assault includes rape, fondling without consent, incest or statutory rape, defined as follows:

- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral genital contact of another person without consent.
 - **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without consent.
 - **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent. 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 than the individual.
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Title IX Sexual Harassment

Title IX Domestic Violence – conduct that constitutes a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the complainant; by a person with whom the complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth complainant 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.

Title IX Dating Violence – conduct that constitutes **violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.** The existence of such a relationship shall be determined based on the parties' statements and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between persons involved in the relationship.


Title IX Sexual Harassment

Title IX Stalking – conduct on the basis of sex that constitutes a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.


- Course of conduct means **two or more acts**, including, but not limited to, acts in which the respondent 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 complainant.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
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Non-Title IX Misconduct

Non-Title IX Misconduct is Prohibited Conduct that falls within the Scope of the Sexual and Interpersonal Misconduct (SIM) Policy and the definitions but that does not fall within the definition of Title IX Sexual Harassment, either:

- due to the nature of the conduct; or
 - because it did not reportedly occur within a program or activity of the University in the United States.
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SIM Non-Title IX Prohibited Conduct

- Non-Title IX Sexual Assault
 - Non-Title IX Domestic Violence
 - Non-Title IX Dating Violence
 - Non-Title IX Stalking
 - Non-Consensual Sexual Contact
 - Sexual or Gender-Based Harassment
 - Sexual Exploitation
 - Retaliation
 - Complicity
- 

Non-Title IX Misconduct

Sexual Exploitation - any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another, but that does not fall within the definition of Title IX Sexual Harassment.

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;
 - providing alcohol or drugs to a complainant with the intent to facilitate Prohibited Conduct; or
 - exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances.
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Non-Title IX Misconduct

Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding Prohibited Conduct (including both Title IX Sexual Harassment and Non-Title IX Misconduct).


Complicity is any act that knowingly aids, facilitates, promotes, or encourages the commission of Prohibited Conduct by another person.

Relationships with Individuals in Authority

Engaging in romantic relationships and/or sexual conduct is 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

Because prohibited relationships often involve a power differential, the conduct may also constitute sexual harassment or other forms of prohibited conduct under this policy.



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Consent

The following definitions clarify key terminology as used throughout the Title IX/Sexual and Interpersonal Misconduct (SIM) Policy and apply to both Title IX Sexual Harassment and Non-Title IX Sexual Misconduct.

Consent is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon 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, threats, 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 act.

Coercion is the use of an unreasonable amount of pressure to engage in sexual activity. Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual contact. When a person makes clear that they do not wish to participate in a particular activity or communicates by words or actions a decision to stop or a decision not to go beyond a certain interaction, continued pressure can be coercive.

Consent

- ETBU requires students and employees to conduct themselves in accordance with University policies and expectations which affirm the biblical sexual ethic of fidelity in marriage and celibacy in singleness, and the biblical image of marriage as the union before God between a man and a woman.
- Any conduct of a sexual nature, whether consistent or inconsistent with these principals, must be with the consent of the persons involved.

Amnesty

- ETBU recognizes that students may be hesitant to report sexual harassment and sexual violence incidents if they involve activity such as the use or consumption of drugs or alcohol.
- In order to encourage needed reporting and student care, ETBU 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 for a violation by the student of the University's Student Code of Conduct. This amnesty applies only to conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the University's resolution process.

If you are sexually assaulted:

1. Get to safety as quickly as possible.
2. Call 9-1-1.
3. Call a friend, family member, or someone on campus you trust.

Every ETBU faculty and staff member, resident assistant, or graduate assistant coach is a mandatory reporter for sexual assault. They **will report** any incident that potentially violates the SIM policy to the Title IX Coordinator.

If you are sexually assaulted:

GO TO A HOSPITAL!

It is very important for victims of sexual assault to go to a hospital for help with treatment and preservation of evidence, if applicable, as soon as practicable after an incident.

Local Hospitals

Christus Good Shepherd Medical Center – Marshall

811 S Washington Ave. Marshall, TX 75670, 903-927-6000

Christus Good Shepherd Medical Center – Longview

700 East Marshall Ave. Longview, TX 75601, 903-315-2000

Willis-Knighton Medical Center

2600 Greenwood Rd. Shreveport, LA 71103, 318-212-4000

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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. **It is very important for victims of sexual harassment, sexual assault, dating violence, or stalking to go to a hospital for help with treatment and preservation of evidence, if applicable, as soon as practicable after an incident.**

To contact law enforcement: call the East Texas Baptist University Security Department at 903.923.2323 or, if off campus, Marshall Police Department at 903.935.4575. In an emergency, call 911.

- Local Hospitals and Medical Centers +
- Crisis Counseling and Other Community Resources +
- Campus Confidential Resources +

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Reporting and Confidentiality

The University encourages all individuals to report Prohibited Conduct of the Title IX/Sexual and Interpersonal Conduct Policy (SIM) or a potential violation of Title IX/SIM to the Title IX Coordinator, the East Texas Baptist University Security Department, and/or to local law enforcement. A complainant has the right to report, or decline to report, potential criminal conduct to law enforcement, and/or to be assisted by the University in reporting potential criminal conduct to law enforcement at any time. Under limited circumstances deemed by the University 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 of Prohibited Conduct or potential criminal conduct to the University, to law enforcement, to neither, or to both. Campus investigations of Prohibited Conduct and law enforcement investigations operate independently of one another, although the University will coordinate as appropriate. Anyone can make a report as follows:

- Make a report to the Title IX Coordinator in person, by telephone at 903.923.2119, by email at titleix@etbu.edu, or online at www.etbu.edu/titleix.
- If on campus, contact the East Texas Baptist University Security Department for assistance in filing a criminal complaint and preserving physical evidence at 903.923.2323.
- If off campus, contact local law enforcement to file a criminal complaint at 903.935.4575 or 911.

MAKE A TITLE IX/SIM REPORT

Anonymous Reporting

Anyone can make an anonymous report by submitting information on the East Texas Baptist University Title IX website: www.etbu.edu/titleix. Based on the nature of the information submitted, the University's ability to respond to an anonymous report may be limited.

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Title IX/SIM Report

Please take your time and provide as much detail as possible, but exercise care to not provide details that may reveal your identity unless you wish to do so. It may be important to know if you were the only person aware of this situation.

WHAT IS YOUR AFFILIATION WITH ETBU?	DO YOU WISH TO REMAIN ANONYMOUS FOR THIS REPORT?
<input type="text" value="- None -"/>	<input type="text" value="- None -"/>

If you want ETBU to know your identity, please complete the following:

YOUR NAME	EMAIL:
<input type="text"/>	<input type="text"/>
PHONE NUMBER:	BEST TIME FOR COMMUNICATION WITH YOU:
<input type="text"/>	<input type="text"/>
PLEASE IDENTIFY THE PERSON(S) ENGAGED IN THIS BEHAVIOR: EXAMPLE: JOHN DOE, DIRECTOR OF INTERNAL AUDIT	WHAT IS THE GENERAL NATURE OF THIS MATTER? THIS SHOULD BE A GENERAL DESCRIPTION ONLY.
<input type="text"/>	<input type="text"/>
WHERE DID THIS INCIDENT OR ALLEGED VIOLATION OCCUR?	
<input type="text"/>	
PLEASE PROVIDE THE SPECIFIC OR APPROXIMATE DATE AND TIME THIS INCIDENT OCCURRED:	
<input type="text"/>	



What the TIXC does with your Report

Follow up with you for more information (if needed)...Very difficult with anonymous reports

Reach out to the complainant (initially by email and then a follow-up call) to determine interim/supportive measures and schedule a meeting (virtual or in-person)

Report to Larry Northcutt (Director of Security) with any safety concerns, Clery-reportable incidents, interim measures (no-contact directive)

Meet with complainant to explain the SIM process and communicate **all.the.things!**

The **complainant** determines next steps...

Confidential Resources

The University has designated limited categories of employees as Confidential Resources with whom students may speak confidentially concerning Prohibited Conduct. Confidential Resources will not report to incidents/information to the Title IX Coordinator.

ETBU Counseling Care Center Employees – counselingcenter@etbu.edu, 903-923-2360, located in the Jarrett Library building

ETBU Sisk Health Services Clinic – 903-923-2355, located in Bennett Student Commons

Dean of Spiritual Life – Dr. Scott Stevens, sstevens@etbu.edu 903-923-2173, located in the Rogers Spiritual Life Center

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Interim/Supportive Measures & Resolution Options

Interim and/or Supportive Measures

Upon receipt of a report of Prohibited Conduct under the Title IX/Sexual and Interpersonal Misconduct (SIM) Policy, the University will consult initially with the complainant and provide reasonable and appropriate interim and/or supportive measures designed to preserve the parties' educational experiences; protect the parties during an investigation; address safety concerns for the broader University community; maintain the integrity of the investigative and/or resolution process; and/or deter retaliation. At the appropriate time, the University will also consult with the respondent regarding interim and/or supportive measures.

Interim and/or supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or educational environment of East Texas Baptist University, or deter sexual harassment. Interim measures are services provided to a party while an investigation and resolution process is pending, while supportive measures may be provided at any time, regardless of whether an investigation and resolution process has been initiated or completed.

The University will provide reasonable interim or supportive 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.

Requests for interim or supportive measures may be made by either party to the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of interim or supportive measures and coordinating the University's response with the appropriate offices on campus. The Title IX Coordinator has the discretion to impose and/or modify any interim or supportive measure based on all available information and is available to meet with a complainant or respondent to address concerns about the provision of interim or supportive measures.

The Investigation Process

1. Complainant files a formal complaint.
2. Appropriate interim safety measures
3. Investigation by trained investigators
 - a) Confidential, to the extent possible
 - b) Both parties will have opportunity to present witnesses and evidence, and will have the opportunity to be accompanied by an advisor
 - c) Final report issued by investigator with notification to both parties
 - d) Each party will have the option to cross-examine (through an advisor) the other party and/or witnesses during the live hearing.

Signs of Sexual Assault

Fear responses

Pervading sense of anxiety

Problems concentrating

Guilty feelings

Developing negative self image

Anger or Depression

Disruptions in relationships

Self-injury

Inadequate personal hygiene

Drug and alcohol abuse

Sexual promiscuity

Depression, anxiety

Suicide attempts

Compulsive eating or dieting

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Title IX Team Training Resources

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	NAME/TITLE	DIVISION	PHONE		
	Tara Bachtel Associate VP, Human Resources Title IX Coordinator	Financial Affairs	903.923.2119	Send Message	View Bio

Resources

Counseling Care Center	903-923-2360
ETBU Health Services Clinic	903-923-2355
Spiritual Development Office	903-923-2173
Department of Security, Compliance, and Accountability	903-923-2323
Women's Center of East Texas	800-441-5555
Tara Bachtel, Title IX Coordinator	903-923-2119



Questions??
