

# Title IX/Sexual and Interpersonal Misconduct Policy (SIM)

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TARA BACHTEL

ASSOCIATE VP FOR HUMAN RESOURCES

TITLE IX COORDINATOR

# ETBU TITLE IX TEAM

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# Title IX Coordinator

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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.

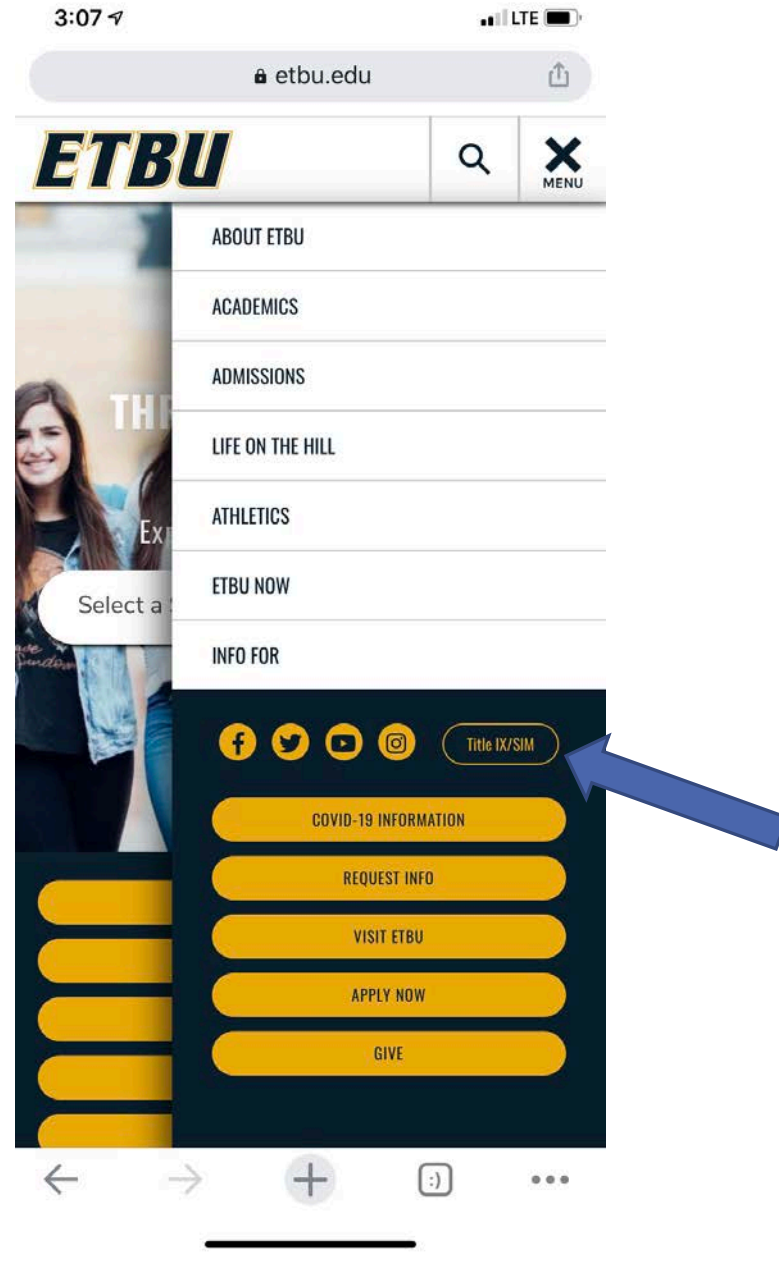
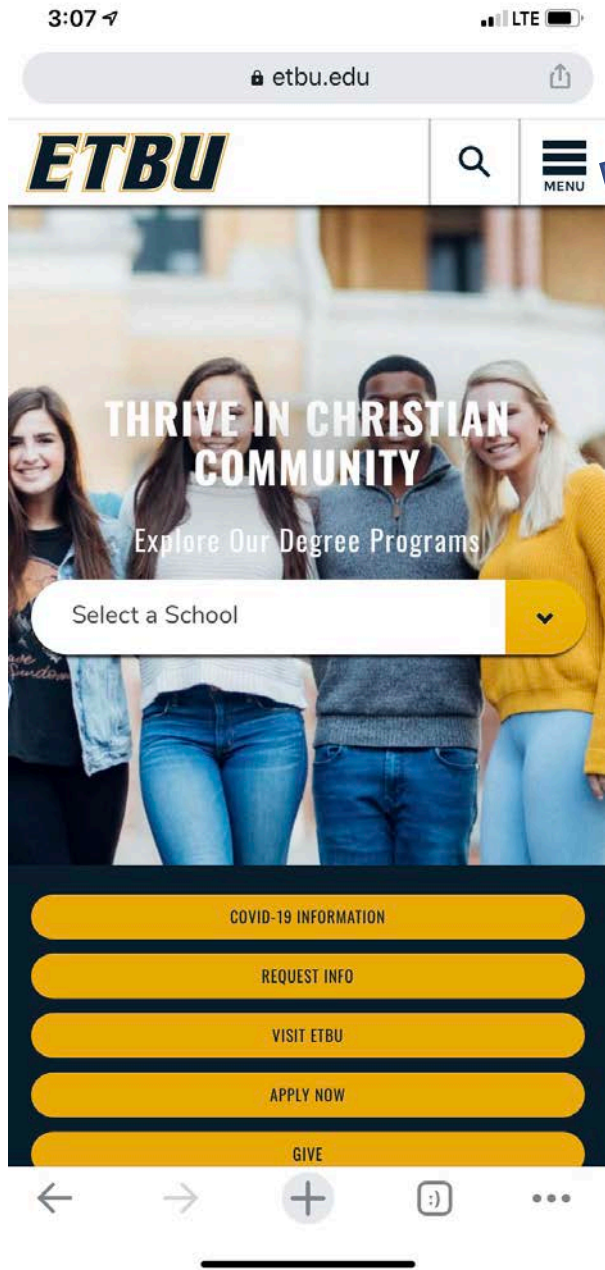
Conduct or arrange for training regarding Title IX, VAWA, and Prohibited Conduct.

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

# Title IX

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"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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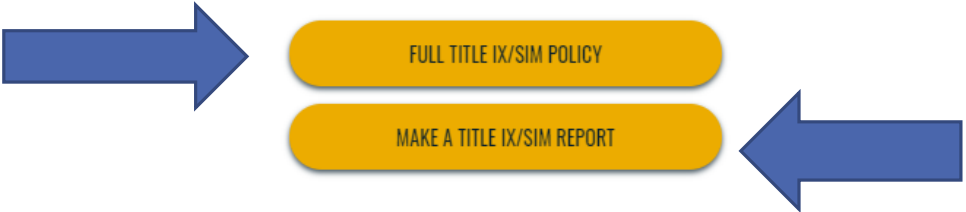


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# Title IX/Sexual and Interpersonal Misconduct (SIM) Policy



## 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)

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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

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## 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

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## Two Categories

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

# Title IX Sexual Harassment

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**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 it effectively denies another person equal access to the University's education program or activity

# Title IX Sexual Assault Definition

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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.

# Title IX Sexual Harassment

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**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

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**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.



# Non-Title IX Misconduct

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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.

# SIM Non-Title IX Prohibited Conduct

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- 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

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**Non-Title IX Sexual Assault, Non-Title IX Domestic Violence, Non-Title IX Dating Violence** – acts that meet the associated Title IX definition that did not reportedly occur in a program or activity of the University in the United States.

**Non-Title IX Stalking** – Stalking as defined in the Title IX Stalking definition that did not reportedly occur in a program or activity of the University in the United States, or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the alleged victim on the basis of sex.

# Non-Title IX Misconduct

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**Sexual Harassment** - 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** - 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.

# Sexual or Gender-Based Harassment Definition

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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, but which does not fit within the definition of Title IX *Quid Pro Quo*.
2. Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions, in circumstances that do not fit within the definition of Title IX *Quid Pro Quo*.
3. Such conduct creates a hostile environment. A hostile environment exists:
  - in the employment context, when it unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
  - in the education context, when the conduct is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from the University's educational programs or activities.

# Sexual Harassment

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- 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 or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position, or authority.
- 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, 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, if it meets the standard stated earlier.
- 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.

# Non-Title IX Misconduct

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**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.



# Non-Title IX Misconduct

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**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

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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

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- 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.

# Consent

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**Consent** is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon acts. Consensual activity happens when each partner willingly and affirmatively chooses to participate.

**Coercion** is the use of an unreasonable amount of pressure to gain sexual access. 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 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.

# Important Points Regarding Consent

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- Consent to one act does not automatically constitute consent to another act.
- Consent on a prior occasion does not automatically 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 should not be inferred merely from silence, passivity, or lack of resistance.
- Communication is essential to understanding whether consent is present during the progression and/or regression of an intimate interaction.
- Once consent has been established, a person who changes his or her mind should communicate the withdrawal of consent through words or actions.
- Consent can be withdrawn or modified at any time, and the act must cease immediately once consent is withdrawn.

# Amnesty

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- 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:

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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 faculty and staff member at ETBU will report the assault for a campus investigation.*

# If you are sexually assaulted:

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## **GO TO A HOSPITAL!**

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.

### 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

# If you are sexually assaulted:

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## 1. Get medical attention

Go to the nearest hospital emergency room as soon as possible. If you need help getting there ask a friend or university staff member to go with you or take you.

## 2. Preserve evidence

Don't wash or clean yourself, and keep your clothes and any evidence from the scene of the incident. This will help in any potential investigation in the future.

## 3. Talk to someone

Seek out support and help in dealing with your experience. Confidential options are available on campus and in town, or you can seek help from any University employee.

## 4. Report it

ETBU strongly encourages you to report your experience. This will help the University serve and care for you, as well as protect all of our students and community.

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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

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Crisis Counseling and Other Community Resources

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Campus Confidential Resources

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# How To Report

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Make a report to ETBU's Title IX Coordinator, Mrs. Tara Bachtel

- In person, HR office located on the 3<sup>rd</sup> floor of Marshall Hall
- By phone at 903-923-2119
- By email at [titleix@etbu.edu](mailto:titleix@etbu.edu) or [tbachtel@etbu.edu](mailto:tbachtel@etbu.edu)
- Online at [www.etbu.edu/titleix](http://www.etbu.edu/titleix) or [www.etbu.edu/sim](http://www.etbu.edu/sim)

# 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](mailto:titleix@etbu.edu), or online at [www.etbu.edu/titleix](http://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](http://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.

<p>WHAT IS YOUR AFFILIATION WITH ETBU?</p> <div style="border: 1px solid #ccc; border-radius: 15px; padding: 5px; display: flex; justify-content: space-between; align-items: center;"> <span>- None -</span> <span>▼</span> </div>	<p>DO YOU WISH TO REMAIN ANONYMOUS FOR THIS REPORT?</p> <div style="border: 1px solid #ccc; border-radius: 15px; padding: 5px; display: flex; justify-content: space-between; align-items: center;"> <span>- None -</span> <span>▼</span> </div>
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If you want ETBU to know your identity, please complete the following:

<p>YOUR NAME</p> <div style="border: 1px solid #ccc; border-radius: 15px; height: 30px; margin-bottom: 10px;"></div> <p>PHONE NUMBER:</p> <div style="border: 1px solid #ccc; border-radius: 15px; height: 30px; margin-bottom: 10px;"></div> <p>PLEASE IDENTIFY THE PERSON(S) ENGAGED IN THIS BEHAVIOR: EXAMPLE: JOHN DOE, DIRECTOR OF INTERNAL AUDIT</p> <div style="border: 1px solid #ccc; border-radius: 15px; height: 100px; margin-bottom: 10px;"></div> <p>WHERE DID THIS INCIDENT OR ALLEGED VIOLATION OCCUR?</p> <div style="border: 1px solid #ccc; border-radius: 15px; height: 100px; margin-bottom: 10px;"></div> <p>PLEASE PROVIDE THE SPECIFIC OR APPROXIMATE DATE AND TIME THIS INCIDENT OCCURRED:</p> <div style="border: 1px solid #ccc; border-radius: 15px; height: 30px;"></div>	<p>EMAIL:</p> <div style="border: 1px solid #ccc; border-radius: 15px; height: 30px; margin-bottom: 10px;"></div> <p>BEST TIME FOR COMMUNICATION WITH YOU:</p> <div style="border: 1px solid #ccc; border-radius: 15px; height: 30px; margin-bottom: 10px;"></div> <p>WHAT IS THE GENERAL NATURE OF THIS MATTER? THIS SHOULD BE A GENERAL DESCRIPTION ONLY.</p> <div style="border: 1px solid #ccc; border-radius: 15px; height: 100px; margin-bottom: 10px;"></div>
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# Confidential Resources

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The University has designated limited categories of employees as Confidential Resources with whom students may speak confidentially concerning Prohibited Conduct.

ETBU Counseling Care Center Employees –  
[counselingcenter@etbu.edu](mailto:counselingcenter@etbu.edu), 903-923-2360, located in the Jarrett Library building

Dean of Spiritual Life – Dr. Scott Stevens, [sstevens@etbu.edu](mailto:sstevens@etbu.edu)  
903-923-2173, located in the Rogers Spiritual Life Center

# Responsible Employees

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ETBU has identified the following individuals as responsible employees:

- Staff (hourly, salary, full-time, part-time)
- Faculty (full-time, adjunct)
- Resident Assistants
- Graduate Assistant Coaches
- Student workers who have supervisory responsibility or responsibility for the welfare of other students and learn of potential violations of the SIM policy in the scope of their employment.

# Interim and/or Supportive Measures

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- Access to counseling
- Access to medical services
- Academic accommodations
- Modifications of work schedules
- Mutual restrictions on contact between parties
- Residential accommodations
- Leaves of absence
- Increased security and monitoring of certain campus areas
- Changing transportation arrangement
- Assisting the individual in accessing support services
- Assistance in obtaining a sexual assault forensic examination
- Assistance in rescheduling exams and assignments
- Escort and other safety planning steps
- Referral to resources that can assist in obtaining a protective order under Texas law
- Any other measure that can be used to achieve the goals of this policy

TITLE IX/SEXUAL AND INTERPERSONAL MISCONDUCT (SIM) POLICY
CONSENT HIGHLIGHTS
EMERGENCY RESOURCES HIGHLIGHTS
<b>INTERIM/SUPPORTIVE MEASURES &amp; RESOLUTION OPTIONS HIGHLIGHTS</b>
PROHIBITED CONDUCT
REPORTING & CONFIDENTIALITY HIGHLIGHTS
TITLE IX/SEXUAL AND INTERPERSONAL MISCONDUCT POLICY (SIM) POLICY TRAINING RESOURCES
TITLE IX/SIM REPORT

# 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

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1. File 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.

# Permanent Remedies & Sanctions

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If a person is found **responsible** for violating the ETBU Sexual and Interpersonal Misconduct (SIM) Policy, possible remedies and sanctions can include:

- Warning
- Disciplinary Probation
- Restitution
- Residential or Other Facilities Restrictions or Removal
- Withholding of Degree
- Suspension
- Suspension with Conditions
- Expulsion
- The following outcomes may accompany the preceding sanctions, as appropriate:
  - Community Service
  - Restriction of Access to Space, Resources, and Activities
  - Education Programs
  - No Contact Directives

# Reduce the Risk

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Avoid Alcohol

Keep Your Eye on Your Drink

Speak Up – if something concerns you, let somebody know

Stay in groups – Use the “buddy” system

Watch out for each other!

# Safe & Positive Intervention

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Talk to a third person

Distract

Interrupt

Use “I” statements

Give a disapproving look

Use the power of numbers



# Signs of Sexual Assault

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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

TITLE IX/SEXUAL AND INTERPERSONAL MISCONDUCT (SIM) POLICY

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ABOUT ETBU > TITLE IX/SIM >

# Title IX/Sexual and Interpersonal Misconduct (SIM) Training Resources

Student and Employee Title IX/SIM Training Resources

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Title IX Team Training Resources

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	NAME/TITLE	DIVISION	PHONE		
	<b>Tara Bachtel</b> Associate VP, Human Resources Title IX Coordinator	Financial Affairs	<a href="tel:903.923.2119">903.923.2119</a>	<a href="#">Send Message</a>	<a href="#">View Bio</a>

# Resources

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<b>Counseling Care Center</b>	<b>903-923-2360</b>
<b>Spiritual Development Office</b>	<b>903-923-2173</b>
<b>Department of Security, Compliance, and Accountability</b>	<b>903-923-2323</b>
<b>Women's Center of East Texas</b>	<b>800-441-5555</b>
<b>Tara Bachtel, Title IX Coordinator</b>	<b>903-923-2119</b>

Questions??

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