

## 2023 BUF TITLE IX PUBLIC POLICY DOCUMENT

### INTRODUCTION

The Baptist University of Florida is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Education Amendments of 1972.

Title IX protects students, faculty, staff, applicants for admission and employment, and other persons from all forms of sex discrimination including sexual misconduct, sexual harassment, and acts of sexual violence. Sexual violence may include rape, sexual assault, sexual battery, sexual coercion, stalking, and relationship violence. Title IX also prohibits institutions from excluding, separating, denying benefits, or otherwise treating individuals differently on the basis of sex.

The Baptist University of Florida is a cooperating ministry of the Florida Baptist Convention, and therefore, the University is exempt from these provisions to the extent that they prohibit discrimination on the basis of marital status, sex outside of marriage, sexual orientation, gender identity, pregnancy, or abortion when compliance would conflict with our institution's religious tenets. That exemption was authorized in 2014 by Catherine E. Lhamon, USDOE (United States Department of Education) Assistant Secretary for Civil Rights.

### UNIVERSITY POLICY STATEMENT

The University is committed to providing its students, faculty, and staff with an educational environment free from implicit and explicit coercive behavior used to control, influence, or affect the well-being of any member of the University community. Sexual harassment of any person is inappropriate, unacceptable, and contrary to the Christian standards of conduct expected of all members of the University community, students, staff, and faculty.

## DOCUMENT LIMITATION

This document does not stipulate every procedure mandated for the Title IX Coordinator and designated investigator as required by their training and the USDOE. This document does communicate the intention of The Baptist University of Florida to follow all applicable laws and procedures in the protection of students, staff, and faculty from sexual discrimination, harassment, assault, or coercive behavior.

## WHO IS THE BUF TITLE IX COORDINATOR?

The Title IX Coordinator for The Baptist University of Florida is Mr. Jason “Bo” Hamilton, Director of Operations and Campus Safety. His office is in the Farris Student Center. His office phone number is 850-263-3261, extension 409. After hours, he may be reached at 850-415-0800.

The Title IX coordinator is responsible for addressing and investigating reports of discrimination, harassment, assault, dating violence, or stalking and supporting those impacted by these types of cases.

## HOW TO REPORT A COMPLAINT

Complaints about sexual discrimination, sexual harassment, sexual assault, dating violence, or stalking should be reported to the Title IX Coordinator, or may also be reported through the Online Title IX Incident Report Form.

When a complaint is made in person or through the Online Title IX Incident Report Form is completed, the following questions will be asked:

1. Your name (you are the “complainant”) and contact information.
2. The name of the person you are reporting (they are called the “respondent”).
3. The date and time of the incident.
4. Where the incident took place.
5. A description of what happened and who was involved. Cases of sexual misconduct may also constitute a criminal violation that should be reported to local law enforcement.

6. Whether or not a law enforcement report has been made about this incident.

### WHO CAN MAKE A TITLE IX REPORT?

1. The person who is the victim of sexual discrimination, harassment, or assault.
2. A person who witnessed the incident or crime of sexual violence.
3. Any official of The Baptist University of Florida who is made aware of an incident. When the allegations described could be a crime under Florida law, University officials and staff members designated as Campus Security Authorities are also required by the Clery Act to make a Title IX report.
4. Anonymous reports can be made, but lack of information may hinder BUF from investigating the incident or offering supportive measures to the victim.

Supportive measures may include housing reassignment, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, withdrawal from or retake of a class without penalty, campus escort service, restrictions on contact between the parties, removal from the University community, or other measures tailored to the individual needs of the parties.

### WHAT HAPPENS WHEN A TITLE IX REPORT IS MADE?

1. Sensitivity will be maintained. All complaints will be addressed and investigated by the Title IX Coordinator or a designated investigator with sensitivity, and the information will be kept as private as possible.
2. Confidential counseling will be available. The University provides the services of professional counselors who can provide therapeutic services. Such counselors are exempted by law from the obligation to make reports to the Title IX Coordinator or to law enforcement (unless there is reason to suspect that an imminent threat of harm to self or others exists). A confidential counselor may be requested through the Office of Student Life by calling 850-263-3261, extension 415.
3. The degree of confidentiality desired will be determined. The Title IX Coordinator is obligated to review the available information and determine

whether to proceed to an investigation. The Complainant may ask the University not to disclose the Complainant's identity to the Respondent. Should a Complainant make such a request for confidentiality, the Title IX Coordinator will inform the

Complainant that the University's ability to respond to the allegations and investigate may be limited if the request is granted. A Complainant who initially requests confidentiality is not prohibited from later waiving confidentiality and requesting that the University conduct a full investigation.

If a request for confidentiality is granted, the Title IX Coordinator will retain information regarding the report, including the name of the Responding Student (if known), in the University's internal database for tracking purposes, noting that the report was not fully investigated. If the Title IX Coordinator determines that the University cannot honor the request for confidentiality and must disclose the Complainant's identity to the Responding Student and pursue an investigation, the Title IX Coordinator will inform the Complainant before making this disclosure and will put any necessary supportive measures in place to protect the Complainant and the University community.

4. An investigation will be made. Except for matters in which a request for confidentiality is granted, the Title IX Coordinator or designated investigator will begin an investigation when it is determined that the allegations are plausible, and if true, would constitute a violation of Title IX protections.

5. Supportive measures will be considered and implemented. Such measures are determined on a case-by-case basis to protect the Complainant and the University community. Such measures may include housing reassignment, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, withdrawal from or retake of a class without penalty, campus escort service, restrictions on contact between the parties, removal from the University community, or other measures tailored to the individual needs of the parties.

6. Depending on the outcome of the investigation, a hearing may be held to resolve the complaint. During this hearing, the Complainant and Respondent are entitled to have a designated support/advisory person present. The designated

support person may be an attorney. The designated support person may ask questions of the other parties and witnesses. Neither the Complainant nor the Respondent may directly question or cross-examine other parties or witnesses in the hearing.

During the entire process of the investigation and hearing, all parties involved (Complainant, Respondent, and Witnesses) are expected to be truthful, cooperative, to refrain from retaliation against other parties, and to maintain the confidentiality of the process.

During the investigation and hearing, all parties involved (Complainant, Respondent, and Witnesses) will have the opportunity to receive written notices about allegations and hearing dates, to decline to give a statement or attend a hearing, to have their own witnesses at the hearing, to have their support person ask relevant questions and cross-examine the other party and witnesses at the hearing, to receive a written copy of the investigative report, to receive a written notice of the resolution of the investigation or hearing, and to appeal that resolution.

7. The investigation and/or hearing may result in one of the following outcomes being adopted by the Title IX Coordinator: a) a no-charge decision may be adopted if there is a lack of substantiating evidence; b) a non-hearing resolution may be suggested to the parties if there is not a significant dispute among the parties and all parties are willing to attempt a resolution; c) a charge decision may be adopted if a non-hearing resolution is not feasible, and the matter will be forwarded for appropriate disciplinary measures.

8. The University will create an audio-visual recording of the hearing. The results of the hearing may be appealed by either party on the basis of new evidence, procedural irregularities, or a conflict of interest on the part of the Title IX Coordinator or designated investigator.