



Student Handbook

2025-2026

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Wayland Baptist University

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I. INTRODUCTION

This Wayland University (“Wayland” or the “University”) Student Handbook (this “Handbook”) contains various policies applicable to all Wayland University students. This Handbook does not create a contract or a contractual relationship with the University and any current or prospective students. The University reserves the right to amend this Handbook and any of the policies contained herein at any time. Proposals to amend policies and procedures can be submitted to the Vice President of Operations & Student Life.

II. AFFILIATION AND ACCREDITATION STATEMENT

Wayland Baptist University (the “University”) is affiliated with the Baptist General Convention of Texas. Wayland Baptist University is accredited by the Southern Association of Colleges Commission on Colleges to award degrees at the associate, baccalaureate, and master’s levels. Contact the Commission on Colleges at 1866 Southern, Decatur, Georgia 30033-4097 or call 404-697-4500 for questions about the status of Wayland Baptist University. The University is also accredited by the Texas Education Agency for teacher certification and for veterans training.

III. MISSION OF THE UNIVERSITY

Wayland Baptist University exists to educate students in an academically challenging, learning-focused and distinctively Christian environment for professional success and service to God and humankind.

IV. COUNSELING AND DISABILITY SERVICES

1. COUNSELING SERVICES

These services are provided through the office of the Director of Counseling Services. This office is located in McClung University Center, Suite 208. The telephone number is (806) 291-3765. Services provided include personal and relational counseling in a confidential setting.

2. DISABILITY SERVICES

These services are provided through the Student Disability Services Office. This office is located in the Van Howeling Education Complex, Room 109. The telephone number is (806) 291-1057. This office provides assistance and accommodations to students with disabilities. The disability coordinator also works very closely with faculty and staff members to monitor student’s progress and encourage a positive educational experience.

V. OFFICE OF HEALTH SERVICES

Health Services, located in Suite 210 of McClung University Center, the telephone number is (806)291-3765. The Office of Health Services is directed by a registered nurse who works in consultation with area physicians. The Health Services clinic offers free illness assessment with development of an individual self-care plan, first aid treatment or injury assessment, and/or assistance in scheduling appointments with appropriate healthcare providers as necessary. Up to a three-day supply of OTC (over the counter) medications are also available at no charge. Flu and travel vaccinations as well as other immunizations are available for a fee. The clinic will be open during regular business hours with extended hours as needed. Dorm students with after-hour needs or concerns should contact their dorm supervisor who can reach the nurse.

ALL STUDENTS OR STAFF SHOULD CALL 911 FOR ANY LIFE-THREATENING EMERGENCIES.

All Plainview Campus students taking more than six (6) semester hours must complete a Vital Health Record (health history) via the secure online electronic student medical record system, Magnus Health. WBU has partnered with Magnus Health in order to collect and house student health and legal information/documents required. Magnus Health is a secure and easy-to-use website for submitting the required information. This partnership allows WBU to increase security while collecting and maintaining your information, as well as provide secure access to such information in case of an emergency. This documentation must be completed prior to starting classes on campus, and requires the student to update their information prior to each subsequent term of enrollment.

VI. J. E. & L. E. MABEE LEARNING RESOURCES CENTER

J. E. and L.E. Mabee Learning Resources Center (LRC) is located in the center of the Plainview Campus. Regulations, hours, and services are arranged to benefit the majority of the students and faculty. The LRC hours are as follows:

	<u>Fall/Spring</u>	<u>Summer</u>
<u>Monday-Thursday</u>	7:45 a.m. - 11 p.m.	8 a.m. - 5 p.m.
<u>Friday</u>	7:45 a.m. - 4 p.m.	8 a.m. - 4 p.m.
<u>Saturday</u>	1 p.m. - 5 p.m.	Closed
<u>Sunday</u>	2-5 p.m.; 7:30 -10 p.m.	Closed

*Holiday hours are posted in the LRC as early as possible.

VII. MULTIDISCIPLINARY TUTORIAL SERVICES

The Multidisciplinary Tutorial Services program is available to help individuals with writing and research methods and also provides free tutorial services for Wayland students. The Multidisciplinary Tutorial Services program can assist you in understanding your professor's instructions or requirements, defining your paper's topic, developing a thesis, and improving the organization of your paper. The Multidisciplinary Tutorial Services program also helps with personal, nonacademic documents, such as developing cover letters, resumes, and applications for scholarships, and graduate or professional work. Whether your tutorial session is face-to-face or online, it is important to have the instructor's writing assignment handy so the Multidisciplinary Tutorial Services staff can review it as needed. To make an appointment, call 806-291-3670 or email wc@wbu.edu. Tutors are available in most subject areas and are paid by the University. To make an appointment to meet with a tutor, contact Dr. Brent Lynn, Director of Multidisciplinary Tutorial Services, at 806-291-3672 or email lynnb@wbu.edu.

VIII. TRAFFIC AND PARKING

All administrators, faculty, staff, and student personnel, full or part-time, who drive a motor vehicle to the University, including motorcycles, motor scooters, and motor bicycles, are required to register those vehicles with the Wayland University Police Department at 801 Smythe Street, Plainview, TX 79072. A parking permit will be issued to registrants. Vehicles not bearing properly displayed parking permits are subject to fines.

IX. CAREER SERVICES

The Office of Alumni and Career Services has been established to assist all students and alumni of the University in planning, reviewing, and implementing career goals. It is part of the Alumni Relations office, located in the Trinity Building at 9th and Utica Streets and can be reached by phone at (806)291-3600.

X. PIONEER STORE

The Wayland Pioneer Store is located in the McClung University Center. The bookstore hours are Monday through Thursday, 8:15 a.m. to 5:00 p.m., Friday 8:15 a.m. to 4:00 p.m., and posted outside of the Pioneer Store when open on select Saturdays.

XI. POST OFFICE

The Campus Post Office is located on the first floor of McClung University Center. All students residing in the dormitories also have a mailbox assigned to them. Married students living in U apartments are assigned mailboxes by the Housing Office, and these are adjacent to their housing unit. Campus Post Office hours are: Monday - Thursday, 8 a.m. to 1 p.m. and 2 p.m. to 5 p.m.; Friday 8 a.m. to 1 p.m. and 2 p.m. to 4 p.m. The Mailroom is locked and inaccessible between the hours of 1 p.m. to 2 p.m.

The Campus Post Office has all the capabilities of a normal United States Postal Service (USPS) Post Office. It can prepare and send mail with delivery confirmation, insurance, and others. To facilitate delivery of mail pieces and/or parcels from the Campus Post Office into the care of the USPS system, these items will be taken to the Plainview Post Office during the next regularly scheduled pick up or drop off facilitated by the University. Stamps and normal envelopes are available at the University Pioneer Store.

Outgoing mail must be at the Campus Post Office by 3 p.m. (CDT) to go to the local USPS branch that day. Packages to be delivered to a foreign country will require the student to take the package to the Plainview Post Office, 725 Ash St., to fill out necessary paperwork. The Campus Post Office receives packages from USPS, UPS, and FedEx. These are checked in daily and those students receiving them will get a notice put into their mail box saying they have a package to pick up. For security reasons, students that receive packages with a tracking number on them will be required to sign for the package when they pick it up. Friends will not be able to sign for a package for their friend.

All students assigned to a dorm room must come to the Campus Post Office and sign for their mailbox key at the beginning of the academic year. They must also check their mailbox on a regular basis, preferably at least once a week. When leaving temporarily at the end of a semester or permanently, the key must be turned back in and an address given that will be used to forward their mail.

A University Postal Guide is available online under the Current Students link.

XII. STUDENT GOVERNMENT

The student body at Wayland Baptist University is governed and represented by the Student Government Association (SGA). The SGA Cabinet is made up of eight elected officers: President, Vice President (Senate President), Secretary of Social Affairs (SUB President), Secretary of Elections and Records, Secretary of Alumni Affairs (SAC President), Secretary of Institutional Advancement (Student Foundation President), Secretary of Ministry (BSM President), and Secretary of Student Organizations (CSO), and one appointed officer, Attorney General.

The SGA Cabinet is responsible for planning several student activities and for representing the students collectively and administratively to the University. The Student Government Association is the student voice in University affairs, interpreting the student needs and desires of the University. Patterned after the United States Government, SGA is organized to facilitate efficient self-government, to establish and maintain good administrative relations, and to enrich student activities on campus. Composed of all regularly enrolled Plainview students at Wayland, the SGA seeks to promote individual responsibilities and respect the rights of others throughout the student body.

XIII. CAMPUS ORGANIZATIONS

The Council of Student Organizations (“CSO”) shall serve to aid and coordinate the activities of student organizations. CSO is comprised of the presidents of all student organizations. Clubs and organizations are a major source of activity within the Wayland community and serve a wide variety of interests. The following list is a roster of sanctioned Wayland student organizations:

Institutional Organizations:

Council of Student Organizations Senate
Student Alumni Council
Student Foundation
Student Union Board
Student Government Association

National Honor Societies:

Alpha Chi
Alpha Mu Gamma
Alpha Psi Omega
Kappa Delta Pi
Phi Alpha Theta
Psi Chi
Sigma Beta Delta
Sigma Tau Delta
Theta Alpha Kappa

Special Interest Organizations:

Adventure Club

American Chemical Society
American Marketing Association
Baptist Student Ministries
Black Student Association
Bowling Club
Brazilian Student Association
Catholic Student Fellowship of Christian Athletes
Esports
Exercise and Sports Science Club
Gamer's Guild
International Choir
National Association for Music Educators
Mathematical Association of America
Rotaract
Society of Human Resource Management (Anchorage)
Spanish Club
Student Chapter of the American Chemical Society (SCACS)
Texas Academy of Science
Wayland Baptist University Geological Society
Wayland Singers

XIV. STUDENT ACTIVITIES

To encourage student interaction and personal development, the University provides a number of student activities. The mission and goal of Wayland Student Activities is to provide the campus and its population with a variety of quality programs and activities that both entertain and educate the WBU community. These events are valuable in serving to relay traditions to new students and in creating lasting memories of the college years. All students not on academic and/or disciplinary probation are eligible to participate in all University activities and are invited and encouraged to partake in these campus-wide events.

Koinonia - The school year opens with activities planned for students just beginning their collegiate years at Wayland. Whether incoming freshmen or transfers, students who enter during the Fall semester are strongly encouraged to participate in a unique WBU experience entitled "Koinonia," which is the Greek word for "fellowship." During this event, select upper-class students acquaint new students with campus traditions and essential information that makes the transition to Wayland an enjoyable one. Students also have the opportunity to meet other new faces on campus while participating in many exciting activities. The experience gained during the few days of Koinonia proves to be a tremendous benefit to the remainder of students' collegiate career.

Welcome Week - This activity is a weeklong celebration of Pioneer pride sponsored by the Student Government Association. Pioneer Week, which goes on during the second full week of classes during the Fall semester, contains several activities designed to increase school spirit. These events include the Parade of Pioneer Pride, a Skating party, Bowling, a Movie Night, Freshman Talent Show and several others. Each activity is free to all Wayland students with valid student ID.

Traditional Annual Activities - Traditional events that occur each year on the Wayland campus include the aforementioned WBU Welcome Week, Intermural games, Miss and Mr. Wayland, Christmas Activities, Late Night Study Breaks, Back-to School Bingo, Road-Trips, Homecoming and Torch & Mantle. These activities are designed to provide students with experiences which range from purely enjoyable to inspirational.

Miss Wayland - Miss Wayland is a scholarship pageant designed to select a young lady to represent the University in this capacity during the school year. The ladies compete in four traditional areas: talent, interview, evening gown, and finalists' question. The pageant occurs in November and all young ladies who meet eligibility criteria are allowed to participate.

Homecoming - One of the most highly traditional times in any school year is Homecoming. This is when a little of the past comes to bear on the present. As some of our alumni return, we are reminded of the roots of some of the things we call normal “everyday” activities.

XV. CHAPEL

Wayland Baptist University considers the University’s chapel program to be a vital part of Christian education. This weekly program is designed to enhance the uniqueness of the Wayland Experience. While the majority of the programs are spiritual in nature, a few address other items of importance and relevance to the Wayland community. Wayland requires attendance at Chapel, which meets regularly on Wednesdays at 11:00 a.m. in Harral Auditorium. Occasional changes in the meeting time from Wednesday to Monday or Friday will result in adjustments to the class schedule. Satisfactory chapel attendance requirements and Chapel policies are as follows:

1. To graduate from the University, students must earn five terms of Chapel Credit.
 - A. Incoming freshmen (or transfer students with fewer than thirty credit hours accepted by WBU) must acquire five terms of Chapel Credit at Wayland Baptist University.
 - B. Transfer students
 - i. Sophomores (students with thirty to fifty-nine credit hours accepted by WBU) must acquire three terms of Chapel Credit.
 - ii. Juniors (students with sixty to eighty-nine credit hours accepted by WBU) must acquire two terms of Chapel Credit.
 - iii. Seniors (students with ninety or more credit hours accepted by WBU) must acquire one term of Chapel Credit during the first term of attendance at WBU.
 - C. Students who transfer from other Baptist institutions will be given credit for chapel according to the number of terms for which they have credit on their transcript. For students who transfer from institutions other than Baptist who were required to attend chapel, credit will be given only after approval from the Director of Spiritual Life.
2. Chapel attendance is mandatory. Three unexcused absences each term are allowed and should be used for doctor’s appointments or other health and family emergencies.
3. Every student pursuing a bachelor’s degree who has not met the chapel requirement will register for Chapel. In specific instances, a student may apply to attend Alternative Chapel. Alternative Chapel will be an online format administered through Blackboard. A student must apply for Alternative Chapel through the Office of Spiritual Life by the end of the first week of the term. Possible instances for applying for Alternative Chapel include:
 - A. Being a non-traditional student who works full-time
 - B. Taking a majority of courses online
 - C. Being a primary care giver
 - D. Living off campus and not having Wednesday morning classes
 - E. Student/clinical teaching or being enrolled in practicum
 - F. Being enrolled in less than twelve hours in a long term
4. Other reasons to apply for Alternative Chapel may be allowed depending on the situation. Applications for Alternative Chapel are good for one term only. By the end of the first week of class each term, students must apply for Alternative Chapel with the Office of Spiritual Life located in the Brown Family Conference Center. Each request must be accompanied by a justification. No request will be considered after the established deadline. Students shall be notified of their status by the end of the second week of school through the Office of Spiritual Life.
5. If attendance records indicate that a student did not attend the required number of chapels, or did not make up the absences, that student will receive an “NCR” (No Credit) for chapel on the grade report for that term. Students are responsible for making sure they have fulfilled all requirements for attendance and can check the records of attendance kept in the Office of Spiritual Life. If a student feels that an error has been made, he/she has until the last day of classes to question the accuracy of the records.
6. Non-degree seeking students are not required to fulfill chapel requirements.
7. Students who incur more than three absences in a given term will not receive credit for chapel. Students will have the opportunity to make up two absences by contacting the Office of Spiritual Life. Students are responsible for making sure they have fulfilled all requirements for attendance and can check the records of attendance kept in the Office of Spiritual

Life. If a student feels that an error has been made, he/she has until the last day of classes to question the accuracy of the records.

8. The Spiritual Life Committee consists of at least five faculty/staff members (one each from the School of Christian Studies and the School of Creative Arts, the director of Baptist Student Ministries, the director of Spiritual Life, and one at-large member chosen from either the faculty or staff) and five student members.

XVI. SPONSORS

For all activities sponsored by University organizations there must be a University-approved sponsor who must be a faculty or staff member. It is expected that sponsors will be treated courteously and that their expenses will be paid by the organization. Sponsors are expected to attend organization meetings and activities.

XVII. PURCHASE POLICY

The University disclaims responsibility for debts incurred by any student, student organization, employee, or faculty member unless such action is authorized in advance by written order of the chief financial officer. Students are urged to maintain good business relationships within the community.

XVIII. REPRESENTING THE UNIVERSITY

Any person or organization participating in off-campus activities in the name of the University or performing for the public on campus is representing the University. The following basic rules shall apply as well as the following qualifications which must be met before one may represent Wayland:

1. When a student's grade-point average falls below 2.00, the student is ineligible to hold office in any campus organization and/or to the extent a student is volunteering with any voluntary organizations, the student may be ineligible to participate as a representative of the University.
2. Students who are placed on academic probation are ineligible to represent the University in any capacity which demands that they miss a regularly scheduled class session or involves them in excessive hours of preparation outside the classroom. Participants in intercollegiate athletics must be enrolled in a minimum of twelve (12) semester hours. Freshmen must pass nine (9) semester hours during their first semester. Others must accumulate a total of twenty-four (24) credit hours in the two (2) terms of attendance immediately preceding the term of participation. Summer sessions and micro-terms subsequent to one of the two terms of attendance may be applied to meet the average of twelve (12) credit hours. Additional information about athletic eligibility is available through the Director of Intercollegiate Athletics.
3. Students on disciplinary probation will be restricted from representing the University.
4. Students who enter on "Individual Approval" may not represent the University until thirty (30) semester hours have been completed.

XIX. TRAVEL POLICIES

The following basic rules shall apply to any travel:

1. Application for approval of off-campus trips is made through the Office of Executive Director of Student Services. Special forms from the office must be completed in detail and submitted three (3) days in advance of the date of departure.
2. If a group uses WBU vehicles or funding they must have a University-approved sponsor on the trip.
3. If a WBU vehicle or funding is not used, and a group travels on their own, they will not be considered a Wayland-sanctioned group.
4. Baptist Student Ministries trips may be exempt from this policy if covered by Baptist General Convention of Texas travel insurance.
5. Any errand run by a student worker at the request of a supervisor does not require a travel form and is considered a function of the daily operation of the University.

XX. RESIDENCE HALL REGULATIONS

BY MOVING INTO THE RESIDENCE HALL, THE STUDENT ACCEPTS THE FOLLOWING CONDITIONS AND AGREES TO ABIDE BY THESE REGULATIONS:

1. **Generally:**
 - A. An unmarried student enrolled for seven (7) or more credit hours is required to live in a residence hall on the Plainview Campus.
 - B. All students residing in resident halls are required to have a cafeteria meal plan.
 - C. Students must live on the Plainview Campus unless one of the following provisions are met: they have reached their twenty-third (23rd) birthday, have completed ninety (90) Wayland credit hours, are a legally married student, are a single parent with legal custody of their child, or are classified as a commuter student living with family in Hale, Floyd, Lamb, Lubbock or Swisher counties.
2. **Meningitis Vaccine Requirement** - Texas Senate Bill 1107, passed in May 2011, requires all students entering a public, private, or independent institution of higher education in Texas as of January 2012 and thereafter to provide documentation that they have had a meningococcal (bacterial meningitis) vaccine or “booster” dose during the five-year period prior to but no later than ten days before the first day of the first semester they will enter that institution. In order to ensure compliance with Texas Law 83(R) SB 62 concerning the requirement that students under the age of 22 must show proof of having received a vaccination against meningitis, housing assignments will not be made until such verification has cleared the Office of Health Services. Immunization records or verification must be submitted through each student’s Magnus Health online account. Housing will not assign a dorm to students who have not completed their Magnus Health information and been cleared by the nurse. (Please refer to page 3 of this Handbook for more information about Magnus Health.)
3. **Advertising** – All advertising posted or distributed in the residence hall must be approved by the Residence Hall Supervisor.
4. **Alcohol** – The University prohibits the use, possession, or distribution of alcoholic beverages on University property or in conjunction with University activities.
5. **Appliances** – Appliances are limited to a microwave and a small refrigerator (4.3 cubic feet maximum). All other appliances are prohibited.
6. **Application** – Housing Applications must be completed and turned into the Housing Office before any student is considered for housing assignment. By signing the dorm application, the student contractually agrees to abide by all the regulations set forth in these Residence Hall Regulations, and all other University policies and procedures.
7. **Assignments** – All room assignments are made through the Housing Office as well as any changes in assigned rooms. Assignments are based on availability and completeness of student housing documentation. Students may make housing requests; however, their requests cannot be guaranteed based on semester enrollment and availability of rooms.
8. **Bathrooms** – Bathrooms in Caprock Hall, Owen Hall, Davis Hall and Jimmy Dean Hall must be cleaned by the residents at their own cost. Toilet paper, paper towels, tissues, are also at the cost of the student. Fines will be issued for dirty bathrooms to help ensure clean and health standards in the dorms. Ferguson and McCoy Halls are cleaned by the custodial staff.
9. **Bicycles** – Bicycles may be stored in a designated area of the residence hall, not in individual rooms.
10. **Bullying** – Bullying is defined as conduct intended to intimidate or demean an individual or group. Bullying may include physical, written or verbal expression, such as hazing, taunting, confinement, assault and ostracism. Bullying will not be tolerated at Wayland Baptist University.
11. **Complaints** – Unless otherwise indicated in this Handbook or by other University policy, all complaints should be directed to the dorm staff. They will forward these to the appropriate University official.
12. **Damages** – Residents are responsible for all damages to their rooms and for other damages to any University facility that they may cause. Residents will be required to make financial restitution for such damages and may face disciplinary action in severe cases of abuse or neglect in accordance with the University Code of Conduct.
13. **Discipline** – The resident assistant is the University’s representative to the student living in residence halls. Residents are expected to comply with directives from the housing staff at all times and treat the staff with maturity and respect. The Residence Hall Supervisors are responsible for the enforcement of discipline policies in conjunction with the Housing Coordinator and Executive Director of Student Services.
14. **Emergencies** – In case of emergencies the housing staff will have complete control of procedures. They will notify appropriate University officials of situation.
15. **Entry, search, and seizure** – The University reserves the right to enter and inspect any dorm room, vehicle, backpack or other personal items if there is a reason to believe a University policy is being violated or some person may be in danger. The University will make a reasonable attempt to notify the resident(s) of such action. However, in the event that the resident(s) cannot be notified, officials will proceed with whatever action they feel is warranted under the circumstances.
16. **Fees** – Dorm deposits must be paid by each resident prior to move-in. Students will only receive a check for the amount of the deposit if there is not a balance on the student’s account; the dorm deposit will automatically be applied to the student’s outstanding balance or revoked if outstanding fines or fees have not been paid. Dorm deposits may also be used to pay for repairs to the dorm room. The deposit will be returned to the student within 4-6 weeks after proper check out of their dorm room. Students must request deposit refunds at the time of check out.
17. **Fines** – A list of fines will be posted in each dorm and presented during Mandatory Dorm Meetings. A list of fines is also available in the Office of Executive Director of Student Services and in the Housing Office. All unpaid fines will be charged to the student’s accounts at the end of each semester and disciplinary action may occur. Once unpaid fines are

charged to the student's accounts the student will forfeit their dorm deposit and will have to pay a new dorm deposit upon returning to housing their next semester of enrollment.

18. **Furniture** – All rooms are offered for occupancy “as they are.” The occupant must provide any additional furnishings.
19. **Guests** – Overnight guests of the same sex may be allowed to stay in the dorm for short periods of time (2-3 days). The Residence Hall Supervisor must be notified of such visits prior to guest arrivals. Failure to notify the Residence Hall Supervisor will result in loss of privilege.
20. **Hazing** – The University prohibits all forms of hazing, including solicitation to engage in hazing and aiding and abetting another person who is engaged in hazing. The following is a summary of Chapter 37, subchapter F. (§§ 37.151-157) of the Texas Education Code, which prohibits hazing in Texas public or private high schools. Texas Education Code §51.936 applies Chapter 37's prohibition on hazing to institutions of higher education. This summary of Chapter 37 is provided as required by § 51.936(d)
 - A. Hazing is a criminal violation under Texas law. A person commits an offense if the person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing, recklessly permits hazing to occur; or has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge to the Dean of Students, campus police or other appropriate University official.
 - B. Both failing to report hazing and hazing that does not result in serious bodily injury are Class B misdemeanors. Hazing that results in serious bodily injury is a Class A misdemeanor. Hazing resulting in a death is a state jail felony.
 - C. If an organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing, the organization may be fined \$5,000 to \$10,000 or, for incidents causing personal injury or property damage, an amount double the loss or expenses incurred because of the hazing incident. It is not a defense to prosecution that the person hazed consented to the hazing activity.
 - D. Any person voluntarily reporting a specific hazing incident to the Dean of Students or other appropriate institutional official is immune from civil and criminal liability if (1) the person reports the incident before being contacted by the University concerning the incident or otherwise being included in the University's investigation of the incident; and (2) the Dean of Students determines that the person has cooperated in good faith throughout the University's investigation and disciplinary processes regarding the incident. Immunity does not apply if the person is reporting his or her own act of hazing or if the report is made in bad faith or with malice.
 - E. State law does not limit or affect the University's right to enforce its own penalties against hazing.
 - F. The Education Code defines hazing as “any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:
 - i. is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
 - ii. involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 - iii. involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (E), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 - iv. is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code; or
 - v. involves coercing the student to consume a drug, or to consume an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.
 - G. Coercion is defined by Texas law and includes, among other things, a threat, however communicated, to expose a person to contempt or ridicule.
 - H. Some examples of activities that may meet the definition of hazing and that the University prohibits include, but may not be limited to:
 - i. Paddling in any form, pushing, hitting, or physical threats
 - ii. Creation of excessive fatigue, or forced or coerced participation in calisthenics
 - iii. Physical or psychological shocks
 - iv. Misuse of authority by virtue of one's class rank or leadership position
 - v. Striking another student by hand or with any instrument
 - vi. Any form of physical bondage of a student
 - vii. Taking a student to an outlying area and dropping him/her off
 - viii. Forcing a student into a violation of the law or a University rule such as indecent exposure, trespassing, violation of visitations, etc.
 - ix. Forcing, requiring, or endorsing another student to drink alcohol or any other substance and/or providing such alcohol or other substance

- x. Theft of property under any circumstances
 - xi. Defacing trees, ground, or buildings
 - xii. Unapproved quests, treasure hunts, scavenger hunts, road trips, or other such activities
 - xiii. Causing a person to wear, publicly, apparel that is conspicuous and not normally in good taste
 - xiv. Engaging in public stunts, buffoonery, or morally degrading or humiliating games or activities
 - xv. Late work sessions
 - xvi. Other activities not consistent with the rules, regulations, and policies of the University.
21. **Hazing Disciplinary Procedures** - Any allegations of hazing will be investigated. If the investigation yields evidence of hazing, appropriate disciplinary action will be taken against the individual and/or organization deemed responsible for the hazing. Disciplinary action will follow the processes outlined in the Student Handbook for violations of the student rules of conduct.
 22. **Hazing Reporting** - To make a report of hazing, or to determine if a proposed activity constitutes hazing, contact the Office of the Dean of Students or, if the Dean of Students is not available, contact the Campus Police Department. If the hazing incident is currently occurring, it should be reported without delay. If you have immediate safety concerns, first call 911, then call the Campus Police at (806) 291-3490.
 23. **Housing Staff** – The residence halls are supervised by the WBU Housing Staff which includes the Housing Coordinator, Assistant Housing Coordinator, RHM, RHS and RA staff. Student Family Apartments are supervised by Housing Managers. The Housing Staff is supervised by the Executive Director of Student Services.
 24. **Inventory, check-out and damages** – Each resident should inspect his/her room upon move-in and immediately report any damages or maintenance needs to the dorm staff so that the resident is not charged for these damages. Residents must complete a checkout procedure with the dorm staff or they will forfeit the dorm deposit.
 25. **Keys** – Keys will be issued upon arrival and check-in. Replacement of lost keys will be requested through the Resident Hall Supervisor. The resident will be charged \$25 for each lost key. If keys are not returned at checkout the dorm deposit will be forfeited and the cost of new keys charged to the student's account.
 26. **Laundry** – Laundry facilities are provided in each dorm. These are for resident use only. Any problems with the machines should be reported to the dorm staff.
 27. **Mail** – All residents will be issued a mail key that opens a corresponding box in the University Center Post Office. All resident mail should be addressed to that box number. See Section XI of this Handbook regarding the University Mail policy.
 28. **Maintenance** – Maintenance requests should be made to the Residence Hall Supervisor or Housing Office. Only the RHS or Housing Office may contact the University Maintenance Staff.
 29. **Open flame** – No open flames (candles, incense, etc.) are allowed in WBU housing.
 30. **Painting** – Residents are not allowed to paint their rooms.
 31. **Parking** – Parking spaces are provided adjacent to each hall. Residents with vehicles must have a permit allowing them to park in these areas. Vehicles parked in zones other than those assigned will be ticketed and are subject to being towed.
 32. **Pets** – Pets are prohibited in the dorms.
 33. **Private Rooms** – Private rooms may be assigned based on availability. An additional fee will be assessed for private rooms.
 34. **Quiet Hours** – All dorms will establish a schedule for quiet hours. Residents should respect the rights of others to have a quiet environment, conducive to study. Fines will be assessed for disregard of quiet times.
 35. **Room Changes** – All residents will have five (5) class days beginning the first day of the school semester to request a room change. Requests are made upon availability. All changes are made through the Housing Office and only one (1) change per semester will be approved. Residents will be expected to occupy their assigned room for the remainder of the semester. Students changing rooms at semester are required to vacate their rooms and take home their belongings upon leaving school the semester before the change is in effect. In this circumstance, students who leave belongings in their room may be subject to forfeiture of dorm deposit and abandoned belongings may be discarded.
 36. **Severe Weather** – During severe weather alerts the dorm staff will be in communication with campus officials to determine if any actions should be taken. Instructions from staff should be followed immediately and explicitly in such situations.
 37. **Smoking** – No smoking is allowed in the residence halls, or within twenty feet of any dorm or other University Building.
 38. **Solicitation** – No solicitation is allowed in the residence halls. Salesmen or solicitors should be reported to the Residence Hall Supervisor (RHS).
 39. **Storage** – Wayland does not provide storage for articles during summer months or at any time after a person has vacated the dorm. All articles left after a person has vacated the dorm will be disposed of. Articles may be left in the dorm during holidays or semester breaks at the student's risk. The University does not assume responsibility for any loss of personal property that occurs during these periods.
 40. **Thefts** – The University does not assume responsibility for articles that may be lost or stolen from residence hall rooms. Students are encouraged to exercise caution and safe habits in order to help ensure safety of their belongings. Students are also encouraged to secure content insurance to protect their belongings in case of theft.
 41. **Tobacco** – Smoking and the use of all tobacco products is strictly prohibited in the resident halls. This includes the use of cigarettes, E-Cigarettes, cigars, pipes, dip/dip cups, chewing tobacco and any other tobacco/tobacco like products. Fines will be assessed on the first offense.

42. **Vending Machines** – Vending machines are located in each residence hall. Problems with machines should be reported to the Residence Hall Supervisor.
43. **Verbal Abuse** – Verbal abuse of residence hall staff or fellow residents will not be tolerated under any circumstances. Such action will result in disciplinary action. Any abuse on the part of dorm staff should be reported immediately to the Residence Hall Supervisor, the Housing Coordinator or the Executive Director of Student Services.
44. **Visitation** – Visitation periods of opposite sex visitors are Tuesday, Thursday, Friday and Saturday from 6 p.m. to 9 p.m. and Sunday from 1-4 p.m. Unauthorized visitation in a residence hall will result in disciplinary action. Any questions concerning visitation regulations should be directed to the Residence Hall Supervisor.

PLEASE NOTE THE FOLLOWING INFORMATION:

45. **Room Checks** – Room checks in all dormitories are conducted on a regular basis to ensure cooperation of students with regard to upholding the WBU Standards and Policies which include but are not limited to student conduct, health and safety. University officials, RHSs, their assistants and the Housing Office can and will, periodically and without discrimination or warning, conduct inspections of all residence hall rooms. University officials reserve the right to include drug dogs and certified law enforcement offices in the searches. Any University and/or student property, including but not limited to the following, can be searched and/or removed as deemed necessary: floors, beds, closets, drawers, windows, walls, light fixtures, ceilings, doors, shelves, outlets, luggage, trunks, backpacks, phone jacks as well as any outside services.
46. **Removal of obscene or otherwise offensive material** – WBU reserves the right to remove or have the student remove any material, item or substance from his/her room that directly or indirectly implies, suggests or condones activities or behaviors which do not conform to the WBU Standards and Policies. Examples are nudity, suggestive posters, pictures, lyrics, sayings, magazines, tobacco/alcohol advertising, alcohol/tobacco containers, drugs, drug paraphernalia, spittoons, beer mugs, posters, lamps, bedspreads, carpets or any other items which do not conform to WBU Standards and/or Policies. Offensive materials may either be confiscated and returned to the student upon departure from the residence hall or destroyed in cases of extreme obscenity. The involvement of the WBU Police Department, the Plainview Police Department, the Executive Director of Student Services and the Housing Coordinator can occur depending on the severity of the offense.

XXI. STUDENT CONDUCT

Wayland proudly adheres to high standards of intellectual, moral, ethical, and spiritual values. Convinced that self-discipline is more desirable than outside force and that the truly educated person must pursue what is right under all circumstances, Wayland entrusts each student with the solemn obligation of preserving these standards. However; in the light of revelation, reason, and the custom of the Christian community from which Wayland has sprung, certain practices are evaluated in accordance with the following:

1. CONDUCT STANDARDS

- A. Personal integrity in keeping with New Testament standards is expected of all students. Respect for the property, knowledge, and rights of other people must prevail. The following behaviors may be grounds for fines, loss of privileges, eviction from University housing, community service, restitution, formal reprimand, disciplinary probation, disciplinary suspension or disciplinary expulsion from the University:
 - i. Alcohol or illegal drug use, possession or distribution, as outlined in the Student Substance Abuse Policy set forth in Section XXVI of this Handbook, are prohibited. The use, possession or distribution of alcoholic beverages and/or illegal drugs is forbidden. Prescription medications used, possessed or distributed illegally are included in this prohibition.
 - ii. Each student enrolled at Wayland is expected to respect the integrity of others and to live a life exhibiting high moral standards. The University prohibits sexual paraphernalia and inappropriate sexual behavior including, but not limited to: premarital sex, homosexuality, adultery, and indecent or obscene conduct or expression. Premarital, extra-marital or homosexual relations or activities or cohabitation on University property or in conjunction with University activities or functions may result in disciplinary action in accordance with the Sexual Misconduct Policy
 - iii. Theft, destruction or vandalism of property
 - iv. Unauthorized use of University property
 - v. Unauthorized visitation in residence halls
 - vi. Unauthorized possession of University keys, or other security breach
 - vii. Physical threat or assault, verbal threat or assault, Harassment, including sexual harassment (as outlined in the Sexual Misconduct Policy and Title IX Policy in Sections XXIII and XXIV of this Handbook), stalking, or acts of intimidation
 - viii. Gambling
 - ix. Possession of firearms on University-owned or controlled property. Prohibited items include, but are not limited to: air guns, blow guns, paint guns and other devices which deliver dangerous projectiles. This provision also includes swords, hunting knives, any blade longer than six inches and other such instruments.
 - x. Possession of paraphernalia used to consume alcohol such as beer bong, flasks or other drinking devices. Additionally, possession of empty alcohol containers is strictly prohibited.

- xi. Possession of drug paraphernalia.
 - xii. The use of tobacco by students is discouraged, though permitted in certain designated areas of the Campus. In consideration of the rights of others and the requirements of safety, such areas are designated. Usage and possession of all forms of tobacco is strictly prohibited in dormitories including but not limited to cigars, cigarettes, cigarillos, any material used to make cigarettes, smokeless tobacco in any form, and electronic smoking devices of any kind.
 - xiii. Hazing or bullying, including cyber-bullying, in any actual or virtual venue.
 - xiv. Cheating, plagiarism or academic dishonesty
 - xv. Behavior which disrupts the classroom experience or otherwise obstructs the teaching/learning process
 - xvi. Disrespectful actions or language directed at University officials, employees, or volunteers.
 - xvii. Providing false information on University documents or providing false documents to the University
 - xviii. Tampering or providing false information or evidence during any investigation conducted by the University.
 - xix. Failure to comply with other conduct standards as set forth in University publications or by University officials. Examples include the University catalog, class syllabus, dorm rules, etc.
 - xx. Recurrence of lesser offenses.
 - xxi. Other behaviors which may be deemed as harmful or disruptive to the University community or the educational process.
- B. With respect to the foregoing, Wayland recognizes as possession both actual possession and constructive possession.
 - i. Actual possession is defined as found on the suspect's person. "Person" can mean within a pocket, in a purse, hidden in socks or shoes, or even swallowed.
 - ii. Constructive possession is defined as found in an area where the suspect would be reasonably assumed to have had knowledge of its presence and over which the accused had "dominion and control." Thus, anyone in a vehicle, for example, with controllable access to illicit drugs would be considered in possession of illicit drugs.
 - iii. Additionally, at Wayland the standard of proof that student conduct investigations are required to meet is the Preponderance of Evidence Standard. This standard means that it is more likely than not that a violation of the Student Conduct Policy has occurred.
2. **THESE STANDARDS APPLY TO ALL STUDENTS AS LONG AS THEY ARE ENROLLED AT WAYLAND. BY THE ACT OF REGISTERING AS A STUDENT OF THE UNIVERSITY, ALL STUDENTS HAVE ACKNOWLEDGED AND AGREED TO FULL ACCEPTANCE OF THESE STANDARDS OF CONDUCT AND THIS STUDENT CONDUCT POLICY.**
 3. The authority of the University is exercised over all student groups or organizations bearing the name of the University, or any student enterprises to the extent necessary to safeguard the good name and well-being of Wayland. Specifically, each student is expected to conduct himself in such manner as to uphold, not detract from, the good name of Wayland Baptist University. If one feels that he/she cannot subscribe to the moral and social practices of the University, he/she will find greater acceptance elsewhere.

XXII. STUDENT DISCIPLINE POLICY

The purpose of the University discipline policy and system is to encourage appropriate behavior, discourage inappropriate behavior, and ensure a safe, comfortable and educationally sound campus environment. The system is not primarily punitive, but rather educational in intent, although sanctions on certain behaviors will be imposed if these behaviors violate University Standards of Conduct as outlined in this Handbook.

1. JURISDICTION

- A. Any student enrolled at Wayland Baptist University for any number of hours is subject to this Student Discipline Policy and, by enrolling, is agreeing to abide by the Standards of Conduct set forth in Section XXI of this Handbook.
- B. In the case of a student charged with a violation of the city, county, state or federal criminal or civil code, disciplinary actions by the University need not be delayed until such charges are resolved. The University may sanction a student although charges have been dropped or the student has been acquitted through the legal system.
- C. Students who are registered or pre-registered for attendance at Wayland are subject to disciplinary actions by the University although they may not be in actual attendance at the time of the violation. Prospective students may have enrollment blocked for serious violations prior to actual enrollment or attendance.
- D. Students in violation of the University's Standards of Conduct while off campus may be subject to disciplinary action by the University if deemed appropriate by University officials. Violations related to or in conjunction with University activities or functions, including student organization or club activities, will be considered on-campus violations.
- E. All cases of academic dishonesty, cheating, or plagiarism will be handled by the academic school and the Vice President of Academic Affairs. Cases may be referred to the Dean of Students if deemed necessary by the Vice President of Academic Affairs.

2. SANCTIONS

- A. The University allows for a wide range of possible disciplinary sanctions including, but not limited to fines, loss of privileges, eviction from University housing, community service, restitution, formal reprimand, disciplinary probation,

disciplinary suspension and disciplinary expulsion. These sanctions are applicable for violations of the Conduct Standards listed in the Student Conduct policy (Section XXI of this Handbook) Sanctions for alcohol, illegal drug or inhalant use will be imposed in accordance with the Substance Abuse policy (Section XXVI of this Handbook).

- B. Students have the right to plead innocence and this will not be held against the student in the case of a guilty verdict. Students will, however, be expected to cooperate fully with the University officials and the Judicial Council and comply with their requests. Lack of cooperation and compliance may have bearing on sanctions imposed. Sanctions may also be imposed on students for reasons of deterrence.
- C. Each disciplinary issue will differ in circumstance, severity, and situation. Accordingly, differing sanctions may be imposed in similar cases at the discretion of the University officials if such sanctions are considered by University officials to be appropriate and without arbitrary discrimination.
- D. Sanctions may be appealed through the appeals process as outlined in the below “Appeals” section of this Student Discipline Policy.
- E. Plainview Campus: The Executive Director of Student Services and/or the Vice President for Operations and Student Life (the “EDSS” and the “VPOS,” respectively) has authority to temporarily sanction a student, if deemed necessary for the well-being of the University community and the educational process, pending the outcome the disciplinary process or a criminal or civil prosecution. Sanctions under appeal will be considered “in effect” until appeal is upheld and sanctions are overruled.
- F. External Campuses: The executive director/campus dean has authority to temporarily sanction a student, if deemed necessary for the well-being of the University community and the educational process, pending the outcome of investigations or criminal or civil prosecution. Sanctions under appeal will be considered “in effect” until appeal is upheld and sanctions are overruled.
- G. WBUonline: The director of WBUonline has authority to temporarily sanction a student, if deemed necessary for the well-being of the University community and the educational process, pending the outcome of investigations or criminal or civil prosecution. Sanctions under appeal will be considered “in effect” until appeal is upheld and sanctions are overruled.

3. DEFINITION OF SANCTIONS

- A. **Fines** - Fines may be levied by the executive director of student services, judicial council, housing staff and dormitory staff. Fines are a reminder that further violation of University rules and regulations may result in more stringent disciplinary action. A list of fines is available in the Housing Office and the Office of Executive Director of Student Services.
- B. **Loss of Privileges** - Loss of Privileges entails any or all of the following sanctions:
 - i. Removal from preferred University housing.
 - ii. Restriction from attending designated University events.
 - iii. Restriction from the lobbies of residence halls and/or other public gathering places on campus such as Pete’s Place or the Laney Center
 - iv. Loss of dorm visitation privileges.
 - v. Restriction from eating meals in the cafeteria.
- C. **Eviction** - Eviction entails the following: immediate removal from University housing. Removal from housing due to disciplinary sanction will not remove in any way the student’s responsibility to pay housing charges for the semester in which this sanction is administered.
- D. **Community Service** - Community Service may be required of a student as a sanction for violating the student conduct policy. Community Service would entail participation for the designated number of hours for a designated community service organization in the local community or on campus.
- E. **Restitution** -Restitution entails reimbursement for the University or other affected parties for damages to property, or for the replacement of lost or stolen articles.
- F. **Formal Reprimand** - Formal Reprimand entails the following sanctions: a stern warning that any further violation of University rules and regulations during the probationary period could result in disciplinary probation, suspension or expulsion.
- G. **Disciplinary Probation** – Disciplinary Probation may entail any or all of the following sanctions;
 - i. Restriction from representing the University in any fashion. This sanction includes all public performances or appearances under the auspices of the University.
 - ii. Restriction from any University sponsored travel
 - iii. Restriction from holding offices in any University organizations.
 - iv. Restriction from receipt of any scholarship assistance (federal financial aid, state aid, or gifts directly to students from outside entities are not affected by this sanction.)
- H. **Disciplinary Suspension** – Disciplinary Suspension may entail the following sanctions:
 - i. The student will be restricted from enrollment during the period of suspension.
 - ii. Re-enrollment after suspension will be contingent upon approval of the executive director of student services or the vice president of academic affairs.
- I. **Disciplinary Expulsion** - Disciplinary Expulsion permanently restricts the student from enrolling in the University

4. PLAINVIEW CAMPUS STUDENT DISCIPLINE PROCESS

- A. Generally:** The Student Discipline Process begins when the EDSS/VPOS receives knowledge that a possible student conduct violation has occurred. Reports of a possible student conduct violation may arrive in a variety of different forms. The EDSS/VPOS will, however, initiate the formal Student Conduct Process upon receipt, in any form, of information that indicates an alleged violation has occurred. The EDSS/VPOS will review the initial information regarding an alleged student conduct violation, and will decide to proceed in one of two ways:
- i. **Direct to Hearing** – As outlined in Section XXII(4)(B) below, the EDSS/VPOS may choose, given the nature of the alleged violation and the evidence available in the initial report, to move directly to a Student Conduct Hearing over which he/she will preside.
 - ii. **Designate SCI** - As outlined in Section XXII(4)(C) below, the EDSS/VPOS may designate a Student Conduct Investigator (SCI) to conduct an investigation into the alleged violation.
 - a. A Student Conduct Investigator is a University official who is charged with conducting interviews, reviewing/collecting evidence, and evaluating pertinent information regarding an alleged violation of the Student Conduct Policy.
 - b. The SCI is ultimately responsible for creating and delivering an Investigative Summary that is delivered to the EDSS for review in the adjudication process. The Investigative Summary will include a review and an evaluation of the evidence.
 - c. SCIs are not involved in the adjudication process beyond their contribution of the Investigative Summary. They may be called as a witness by the EDSS/VPOS, Judicial Council, Ad Hoc Committee, as the case may be (each hereinafter referred to as the “adjudicator/adjudicating body”) if the adjudicator/adjudicating body deems such testimony as necessary in their deliberations.
- B. Process for EDSS/VPOS Direct Referral to Student Conduct Hearings** - The following process will occur in cases where the EDSS/VPOS chooses, given the nature of the alleged violation and the evidence available in the initial report, to move directly to a Student Conduct Hearing. Provided, however, the EDSS/VPOS may, at any point in this process, decide to submit the case to the Judicial Council as outlined hereafter. The process for moving directly to a Student Conduct Hearing is as follows:
- i. **Administrative Summons** - Students will receive an Administrative Summons to appear before the EDSS/VPOS. This Summons will include, at minimum, the date, time and location of the Student Conduct Hearing. The Administrative Summons will be delivered, at minimum, to the student’s Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of a Student Conduct Hearing, but students are ultimately responsible for any official University communication delivered to their Wayland email address. Under normal circumstances, the Summons will be delivered at least 24 hours prior to the Student Conduct Hearing. The University reserves the right, particularly in cases where the immediate safety of students, faculty and staff may be at issue, to require a Student Conduct Hearing less than 24 hours from the receipt of an Administrative Summons. An Administrative Summons takes precedence over all other activities, and failure to appear in response to an Administrative Summons will be considered a violation of the Student Conduct Policy which lists *failure to comply with other conduct standards as set forth in University publications or by University officials* as a violation. As such, failure to appear in response to an Administrative Summons may result in disciplinary action.
 - ii. **Notification of Charges** – Students receive notification of which violations in the Student Conduct Policy are being investigated prior to, or at minimum at the beginning of the Student Conduct Hearing. The Notification of Charges will be delivered, at minimum, to the student’s Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the alleged violations, but students are ultimately responsible for any official University communication delivered to their Wayland email address. In some cases, the alleged violations may be included with the Administrative Summons. If, during the Student Conduct Hearing, additional violations of the Student Conduct Policy are discovered, those violations will also be incorporated into the adjudication process.
 - iii. **Notification of Rights** – Students will receive notification of their rights in the Student Conduct Process prior to, or at minimum at the beginning of the Student Conduct Hearing. The Notification of Rights will be delivered, at minimum, to the student’s Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the student’s rights, but students are ultimately responsible for any official University communication delivered to their Wayland email address. In some cases, the Notification of Rights may be included with the Administrative Summons. In a Student Conduct Hearing, students will have:
 - a. the right to make an oral presentation.
 - b. the right to present evidence and/or witnesses’ statements.
 - c. the right to have an advisor present during the hearing
 01. The advisor must be a Wayland Baptist University faculty or staff member
 02. The advisor may only support and advise the student during the hearing. They may not make statements or involve themselves in any way in the proceedings.
 03. Advisors who disrupt the proceedings in any way will be removed immediately.

- iv. **Notification of Resources** – Students will receive notification of resources available to them regarding the Student Conduct Process prior to, or at minimum at the beginning of the Student Conduct Hearing. These resources may include counseling services, victim advocacy services, addiction recovery services, academic support, financial aid counseling and/or other resources that students might find helpful during the Student Conduct Process. The Notification of Resources will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying available student resources, but students are ultimately responsible for any official University communication delivered to their Wayland email address. In some cases, the Notification of Resources may be included with the Administrative Summons.
 - iv. **Student Conduct Hearing** – Students will appear before the EDSS/VPOS at the appointed time, at the appointed location for the Student Conduct Hearing. This hearing will serve as an opportunity for the EDSS/VPOS to hear statements from the student and to review any evidence provided by the student.
 - a. The student will have the opportunity to make an oral presentation to the EDSS/VPOS.
 - b. The student will answer questions posed to him/her by the EDSS/VPOS.
 - c. The student will have the opportunity to present any pertinent evidence to the EDSS/VPOS.
 - d. The student may present written statements from witnesses. These statements must include the witnesses' Wayland ID number and must be signed by the witnesses in the presence of a Wayland faculty or staff member. The faculty or staff member must also sign and print their name on the document in order to confirm the identity of the witness. The adjudicator/adjudicating body reserves the right to summon any witnesses.
 - e. Students who fail to appear for the Student Conduct Hearing may face further disciplinary action for failing to appear and will have their case adjudicated in their absence.
 - f. Following the conclusion of the Student Conduct Hearing, the EDSS/VPOS may schedule other hearings in order to gather information from other involved parties or to review witness testimony.
 - g. Students may be required to appear for Student Conduct Hearings multiple times related to a single case.
 - v. **Ruling** – Upon the conclusion of all hearings related to a case, the EDSS/VPOS will submit a ruling. The EDSS/VPOS may rule that the student is 1) Not Responsible for violating the Student Conduct Policy, or 2) Responsible for violating the Student Conduct Policy. A finding of "Responsible" will be based on a *preponderance of evidence* standard. In other words, in finding a student responsible for violating the Student Conduct Policy, the adjudicator/adjudicating body will have determined that the evidence indicates that the student is more likely than not to have committed the alleged student conduct violation. This ruling, along with a rationale for the decision and any related sanctions, will be delivered to the student within five business days of the conclusion of all hearings related to the case. The Ruling will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the Ruling, but students are ultimately responsible for any official University communication delivered to their Wayland email address. Grounds and instructions for filing an appeal can be found in the section below entitled *Appeals*.
- C. Process for SCI Investigations** - In cases where the EDSS/VPOS designates a Student Conduct Investigator (SCI) to conduct an investigation into the alleged violation, the following process will occur with regard to the investigation:
- i. **Process:** the EDSS/VPOS will forward an Incident Report that includes information about the alleged violation(s) to the SCI - The SCI will a) conduct interviews b) review/collect evidence and c) evaluate pertinent information regarding any alleged violations of the Student Conduct Policy.
 - ii. **Administrative Summons** - Students will receive an Administrative Summons to interview with the SCI. This Summons will include, at minimum, the date, time and location of the Student Conduct Interview. The Administrative Summons will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of a Student Conduct Interview, but students are ultimately responsible for any official University communication delivered to their Wayland email address. The Summons will be delivered at least 24 hours prior to the Student Conduct Interview. The University reserves the right, particularly in cases where the immediate safety of students, faculty and staff may be at issue, to require a Student Conduct Interview less than 24 hours from the receipt of an Administrative Summons. An Administrative Summons takes precedence over all other activities, and failure to appear in response to an Administrative Summons will be considered a violation of the Student Conduct Policy (Failure to comply with other conduct standards as set forth in University publications or by University officials). As such, failure to appear in response to an Administrative Summons may result in disciplinary action.
 - iii. **Recording** - All Student Conduct Interviews will be recorded.
 - iv. **Conclusion of Investigation** - At the conclusion of the investigation, the SCI will then produce and deliver to the EDSS/VPOS an Investigative Summary which will include a review and an evaluation of the evidence. Upon receipt of the Investigative Summary, the EDSS/VPOS may then choose to do one of the following:
 - a. Submit the Case to the Judicial Council - The Judicial Council will consist of two faculty members and three staff members as described in Wayland Policies and Procedures policy 1.2.2 attachment A. The Judicial Council will be populated and will act in accordance with Policy 1.2.2 of the Wayland Policies and Procedures.
 - b. Adjudicate the Case Himself/Herself - The Investigative Summary will be utilized by the EDSS/VPOS in any student conduct proceeding. In this case, the process listed above in Section XXII(4)(B) of this Handbook for

cases in which the EDSS/VPOS chooses, given the nature of the alleged violation and the evidence available in the initial report, to move directly to a Student Conduct Hearing, will be used.

- D. Process for Matters Referred to the Judicial Council** - If the EDSS/VPOS submits the case to the Judicial Council, the Investigative Summary will be distributed to all members of the council and the following process will occur:
- i. **Hearing Notification** – Students will receive notification that their case has been referred to the Judicial Council. The notification will include the identification of all members of the Judicial Council. The Hearing Notification will be delivered, at minimum, to the student’s Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the Hearing Notification, but students are ultimately responsible for any official University communication delivered to their Wayland email address. Upon receipt of the Hearing Notification, students will have the right to challenge a Council member’s ability to adjudicate the case objectively because of a conflict of interest.
 - a. Challenges must be submitted to the EDSS/VPOS via email within 48 hours of the student’s receipt of the Hearing Notification in their Wayland email.
 - b. The email must include the name of the member that the student is challenging and detailed grounds for submitting the challenge.
 - c. The EDSS/VPOS will forward the challenge to an Ad Hoc Committee pursuant to Section XXII(4)(E) below, which will rule on all challenges within three business days of the student’s submission of the challenge. The Ad Hoc Committee ruling will be delivered to the student’s Wayland email address as well as to the email of the EDSS/VPOS. The Ad Hoc Committee decision will rest solely on their discernment of the Council member’s ability to maintain objectivity during the proceedings. The decision of the Ad Hoc Committee will be final.
 - ii. **Administrative Summons** - Students will receive an Administrative Summons to appear before the Judicial Council. This Summons will include, at minimum, the date, time and location of the Judicial Council Hearing. The Administrative Summons will be delivered, at minimum, to the student’s Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of a Judicial Council Hearing, but students are ultimately responsible for any official University communication delivered to their Wayland email address. Under normal circumstances, the Summons will be delivered at least 24 hours prior to the Judicial Council Hearing. The University reserves the right, particularly in cases where the immediate safety of students, faculty and staff may be at issue, to require a Judicial Council Hearing less than 24 hours from the receipt of an Administrative Summons. An Administrative Summons takes precedence over all other activities, and failure to appear in response to an Administrative Summons will be considered a violation of the Student Conduct Policy which states lists *failure to comply with other conduct standards as set forth in University publications or by University officials* as a violation. As such, failure to appear in response to an Administrative Summons may result in disciplinary action.
 - iii. **Notification of Charges** – Students will receive notification of which violations in the Student Conduct Policy are being investigated prior to, or at minimum at the beginning of the Judicial Council Hearing. The Notification of Charges will be delivered, at minimum, to the student’s Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the alleged violations, but students are ultimately responsible for any official University communication delivered to their Wayland email address. In some cases, the alleged violations may be included with the Administrative Summons. If, during the Judicial Council Hearing, additional violations of the student conduct policy are discovered, those violations will also be incorporated into the adjudication process.
 - iv. **Notification of Rights** – Students will receive notification of their rights regarding the Student Conduct Process prior to, or at minimum at the beginning of the Judicial Council Hearing. The Notification of Rights will be delivered, at minimum, to the student’s Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the student’s rights, but students are ultimately responsible for any official University communication delivered to their Wayland email address. In some cases, the Notification of Rights may be included with the Administrative Summons. In a Student Conduct Hearing, students will have:
 - a. the right to make an oral presentation.
 - b. the right to present evidence and/or witnesses’ statements.
 - c. the right to have an advisor present during the hearing
 01. The advisor must be a Wayland Baptist University faculty or staff member
 - d. The advisor may only support and advise the student during the hearing. They may not make statements or involve themselves in any way in the proceedings.
 - e. Advisors who disrupt the proceedings in any way will be removed immediately.
 - v. **Notification of Resources** – Students will receive notification of resources available to them regarding the Student Conduct Process prior to, or at minimum at the beginning of the Judicial Council Hearing. These resources may include counseling services, victim advocacy services, addiction recovery services, academic support, financial aid counseling and/or other resources that students might find helpful during the Student Conduct Process. The Notification of Resources will be delivered, at minimum, to the student’s Wayland email address. Other forms of

communication such as text messaging and hard copy letters may be used in conveying available student resources, but students are ultimately responsible for any official University communication delivered to their Wayland email address. In some cases, the Notification of Resources may be included with the Administrative Summons.

- vi. **Judicial Council Hearing** – Students will appear before the Judicial Council at the appointed time, at the appointed location for the Judicial Council Hearing. During the Judicial Council Hearing students who are alleged to have committed a violation of the Student Conduct Policy will be required to appear. Other students who may have been involved or witnessed events related to the allegation will also be required to appear. The Judicial Council will consider the Investigative Summary submitted by the SCI as part of the case record. The Judicial Council may also review any evidence or interview collected or conducted by the SCI during the process of the investigation. Judicial Council Hearings will be recorded.
 - a. The student will have the opportunity to make an oral presentation to the Judicial Council.
 - b. The student will answer questions posed to him/her by the Judicial Council.
 - c. The student will have the opportunity to present any pertinent evidence to the Judicial Council.
 - d. The student may present written statements from witnesses. These statements must include the witnesses' Wayland ID number and must be signed by the witnesses in the presence of a Wayland faculty or staff member. The faculty or staff member must also sign and print their name on the document in order to confirm the identity of the witness. The adjudicator/adjudicating body reserves the right to summon any witnesses.
 - e. Students who fail to appear for the Judicial Council Hearing may face further disciplinary action for failing to appear and will have their case adjudicated in their absence.
 - f. Following the conclusion of the Judicial Council Hearing, the Judicial Council may schedule other hearings in order to gather information from other involved parties or to review witness testimony.
 - g. Students may be recalled to appear before the Judicial Council at the discretion of the Judicial Council.
- vii. **Ruling** – Upon the conclusion of all hearings related to a case, the Judicial Council will submit a ruling. The Judicial Council may rule that the student is either: (1) Not Responsible for violating the Student Conduct Policy; or (2) Responsible for violating the Student Conduct Policy. A finding of Responsible will be based on a *preponderance of evidence* standard. In other words, in finding a student responsible for violating the Student Conduct Policy, the adjudicator/adjudicating body will have determined that the evidence indicates that the student is more likely than not to have committed the alleged student conduct violation. The Judicial Council will, when appropriate, recommend sanctions.
- viii. **Sanctions** – In cases where students are found to be Responsible for violating the Student Conduct Policy, the EDSS/VPOS will consider the recommendations made by the Judicial Council and will administer sanctions. Sanctions are the exclusive responsibility of the EDSS/VPOS. The Ruling, along with a rationale for the decision and any related sanctions, will be delivered to the student within five business days of the conclusion of all hearings related to the case. The Ruling will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the Ruling, but students are ultimately responsible for any official University communication delivered to their Wayland email address. Grounds and instructions for filing an appeal can be found in Section XXII(5) below entitled *Appeals*.

E. Process for Matters Referred to the Ad Hoc Committee - If the EDSS/VPOS elects to form an *ad hoc committee* (AHC) of three faculty/staff representatives to adjudicate the case as designees, the following process will be utilized:

- i. **Hearing Notification** – Students will receive notification that their case has been referred to the AHC. The notification will include the identification of all members of the AHC. The Hearing Notification will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the Hearing Notification, but students are ultimately responsible for any official University communication delivered to their Wayland email address. Upon receipt of the Hearing Notification, students will have the right to challenge a Council member's ability to adjudicate the case objectively because of a conflict of interest.
 - a. Challenges must be submitted to the EDSS/VPOS via email within 48 hours of the student's receipt of the Hearing Notification in their Wayland email.
 - b. The email must include the name of the member that the student is challenging and detailed grounds for submitting the challenge.
 - c. The EDSS/VPOS will forward the challenge to the Judicial Council, who will rule on all challenges within three business days of the student's submission of the challenge. The Judicial Council's ruling will be delivered to the student's Wayland email address as well as to the email of the Judicial Council. The Judicial Council's decision will rest solely on his/her discernment of the Council member's ability to maintain objectivity during the proceedings. The decision of the Judicial Council will be final.
- ii. **Administrative Summons** - Students will receive an Administrative Summons to appear before the AHC. This Summons will include, at minimum, the date, time and location of the AHC Hearing. The Administrative Summons will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of an AHC Hearing, but students are ultimately responsible for any official University communication delivered to their Wayland email address. Under normal circumstances, the Summons will be delivered at least 24 hours prior to the AHC Hearing. The University reserves

the right, particularly in cases where the immediate safety of students, faculty and staff may be at issue, to require an AHC Hearing less than 24 hours from the receipt of an Administrative Summons. An Administrative Summons takes precedence over all other activities, and failure to appear in response to an Administrative Summons will be considered a violation of the Student Conduct Policy which states lists failure to comply with other conduct standards as set forth in University publications or by University officials as a violation. As such, failure to appear in response to an Administrative Summons may result in disciplinary action.

- iii. **Notification of Charges** – Students will receive notification of which violations in the Student Conduct Policy are being investigated prior to, or at minimum at the beginning of the AHC Hearing. The Notification of Charges will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the alleged violations, but students are ultimately responsible for any official University communication delivered to their Wayland email address. In some cases, the alleged violations may be included with the Administrative Summons. If, during the AHC Hearing, additional violations of the student conduct policy are discovered, those violations will also be incorporated into the adjudication process.
- iv. **Notification of Rights** – Students will receive notification of their rights regarding the Student Conduct Process prior to, or at minimum at the beginning of the AHC Hearing. The Notification of Rights will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the student's rights, but students are ultimately responsible for any official University communication delivered to their Wayland email address. In some cases, the Notification of Rights may be included with the Administrative Summons. In a Student Conduct Hearing, students will have:
 - a. the right to make an oral presentation.
 - b. the right to present evidence and/or witnesses' statements.
 - c. the right to have an advisor present during the hearing
 - 01. The advisor must be a Wayland Baptist University faculty or staff member
 - 02. The advisor may only support and advise the student during the hearing. They may not make statements or involve themselves in any way in the proceedings.
 - 03. Advisors who disrupt the proceedings in any way will be removed immediately.
- v. **Notification of Resources** – Students will receive notification of resources available to them regarding the Student Conduct Process prior to, or at minimum at the beginning of the AHC Hearing. These resources may include counseling services, victim advocacy services, addiction recovery services, academic support, financial aid counseling and/or other resources that students might find helpful during the Student Conduct Process. The Notification of Resources will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying available student resources, but students are ultimately responsible for any official University communication delivered to their Wayland email address. In some cases, the Notification of Resources may be included with the Administrative Summons.
- vi. **AHC Hearing** – Students will appear before the AHC at the appointed time, at the appointed location for the AHC Hearing. During the AHC Hearing students who are alleged to have committed a violation of the Student Conduct Policy will be required to appear. Other students who may have been involved or witnessed events related to the allegation will also be required to appear. The AHC will consider the Investigative Summary submitted by the SCI as part of the case record. The AHC may also review any evidence or interview collected or conducted by the SCI during the process of the investigation. AHC Hearings will be recorded.
 - a. The student will have the opportunity to make an oral presentation to the AHC.
 - b. The student will answer questions posed to him/her by the AHC.
 - c. The student will have the opportunity to present any pertinent evidence to the AHC.
 - d. The student may present written statements from witnesses. These statements must include the witnesses' Wayland ID number and must be signed by the witnesses in the presence of a Wayland faculty or staff member. The faculty or staff member must also sign and print their name on the document in order to confirm the identity of the witness. The adjudicator/adjudicating body reserves the right to summon any witnesses.
 - e. Students who fail to appear for the AHC Hearing may face further disciplinary action for failing to appear and will have their case adjudicated in their absence.
 - f. Following the conclusion of the AHC Hearing, the AHC may schedule other hearings in order to gather information from other involved parties or to review witness testimony.
 - g. Students may be recalled to appear before the AHC at the discretion of the Council.
- vii. **Ruling** – Upon the conclusion of all hearings related to a case, the AHC will submit a ruling. The AHC may rule that the student is (1) Not Responsible for violating the Student Conduct Policy; or (2) Responsible for violating the Student Conduct Policy. A finding of Responsible will be based on a preponderance of evidence standard. In other words, in finding a student responsible for violating the Student Conduct Policy, the adjudicator/adjudicating body will have determined that the evidence indicates that the student is more likely than not to have committed the alleged student conduct violation. The AHC will, when appropriate, recommend sanctions.
- viii. **Sanctions** – In cases where students are found to be Responsible for violating the Student Conduct Policy, the EDSS/VPOS will consider the recommendations made by the AHC and will administer sanctions. Sanctions are the exclusive responsibility of the EDSS/VPOS. The Ruling, along with a rationale for the decision and any related sanctions, will be delivered to the student within five business days of the conclusion of all hearings related to the

case. The Ruling will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the Ruling, but students are ultimately responsible for any official University communication delivered to their Wayland email address. Grounds and instructions for filing an appeal can be found in Section XXII(5) below entitled *Appeals*.

5. STUDENT DISCIPLINE APPEALS

A. **Generally:**

- i. Students found Responsible for violating the Student Conduct policy may appeal the decision or sanctions in writing by completing the Student Conduct Appeal Form within three business days of delivery of the Student Conduct Ruling. Students may appeal a ruling or sanction for any of the following reasons:
 - a. New evidence (evidence not previously presented during the adjudication process) has become available that could change the ruling.
 - b. The student was not afforded due process as described in Section XXII(4) this Handbook – Plainview Campus Student Discipline Process.
 - c. The sanction administered in the adjudication process was not consistent with the violation according to the Wayland Baptist University Student Handbook and/or Wayland Baptist University Policies and Procedures.
- ii. Appeals must be referred to an adjudicator/adjudicating body that is able to meet a basic objectivity requirement. In other words, the adjudicator/adjudicating body must not have been involved in the investigation or adjudication of the Student Conduct case which produced the appeal. Upon receipt of the Student Conduct Appeal Form, the EDSS/VPOS will forward the completed form to the adjudicator/adjudicating body. Should there be any conflict with the available adjudicators/adjudicating bodies, EDSS/VPOS may refer the matter to the University President and the President shall form an ad hoc committee of three faculty/staff representatives which meets a basic objectivity requirement to adjudicate the appeal as designees of the President.

B. **EDSS/VPOS Adjudicated Appeal Process** - If the EDSS/VPOS decides to adjudicate the appeal, the following process will apply:

- i. **Notification of Designation** – The EDSS/VPOS will notify the student of his/her decision to consider the appeal. The Notification of Designation will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of an Appeal Hearing, but students are ultimately responsible for any official University communication delivered to their Wayland email address.
- ii. **Ruling on Grounds** - The EDSS/VPOS will examine the Student Conduct Appeal Form to determine whether or not grounds actually exist for an appeal. The appeal adjudicator/adjudicating body is solely responsible for determining whether or not grounds for an appeal exist.
 - a. If none of the three criteria previously mentioned are, in the determination of the adjudicator/adjudicating body, present in the appeal, the appeal will be denied.
 - b. If one or more of the previously mentioned criteria are met by the appeal, then the appeal process will be allowed to continue.
 - c. Students will receive notification regarding the status of their appeal within five business days of the student's submission of the appeal form.
 - d. The Ruling on Grounds will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of the ruling, but students are ultimately responsible for any official University communication delivered to their Wayland email address.
- iii. **Review of Record** - If the EDSS/VPOS determines that grounds do, in fact, exist for an appeal, then the EDSS/VPOS will review the case record. The EDSS/VPOS may review any or all of the materials entered into the case record including, but not limited to evidence collected, investigative summaries and any or all student conduct interviews conducted during the course of the investigation. The EDSS/VPOS may also review the proceedings of any student conduct hearing related to the case. In cases where no new evidence has been presented as part of the appeal, the appeal process will proceed to Appeal Ruling.
- iv. **Appeal Hearing** – Appeal hearings will be convened by the adjudicator/adjudicating body only in cases where new evidence is alleged to have become available that could change the ruling.
 - a. **Administrative Summons** - Students will receive an Administrative Summons to appear before the EDSS/VPOS. This Summons will include, at minimum, the date, time and location of the Appeal Hearing. The Administrative Summons will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of an Appeal Hearing, but students are ultimately responsible for any official University communication delivered to their Wayland email address. The Summons will be delivered at least 24 hours prior to the Appeal Hearing.

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- a. **Administrative Summons** - Students will receive an Administrative Summons to appear before the designee. This Summons will include, at minimum, the date, time and location of the Appeal Hearing, as well as the name and title of the designee. The Administrative Summons will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of an Appeal Hearing, but students are ultimately responsible for any official University communication delivered to their Wayland email address. The Summons will be delivered at least 24 hours prior to the Appeal Hearing.
- b. **Appeal Hearing** – Students will appear before the designee at the appointed time, at the appointed location for the Appeal Hearing. This hearing will serve as an opportunity for the designee to review new evidence that is being presented as part of the appeal and to interview the student regarding the new evidence.
 - 01. The student will have the opportunity make an oral presentation to the designee.
 - 02. The student will answer questions posed to him/her by the designee.
 - 03. The student will have the opportunity to present any new evidence to the designee.
 - 04. The student may present written statements from witnesses. These statements must include the witness' student ID number and must be signed by the witness in the presence of a University official. The University official must also sign and print their name on the document in order to confirm the identity of the witness.
 - 05. Students who fail to appear for the Student Conduct Hearing will have their case adjudicated in their absence.
- v. **Appeal Ruling** – The designee will render a decision regarding the appeal. This decision will be based on the case record and the Student Conduct Appeal form submitted by the student. In cases where new evidence has been submitted as part of the appeal process, that evidence, as well as the proceedings of the Appeal Hearing, will be considered as well. The student will be notified of the decision within 20 business days of the submission of the Ruling on Grounds. The Appeal Ruling will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of the ruling, but students are ultimately responsible for any official University communication delivered to their Wayland email address. All Appeal Rulings will be final.

D. Appeal Process for VPOS Referral to Judicial Council - The EDSS/VPOS may decide to refer the appeal to the Judicial Council. The Judicial Council must be able to meet the basic objectivity requirement. In other words, the Council must not have been involved in the adjudication of the case. Any members of the Council who may have been involved in either the investigation or adjudication of the case apart from the council would be replaced by alternate members. In cases where the appeal is referred to Judicial Council by the EDSS/VPOS, the following process will apply:

- i. **Notification of Designation** – The EDSS/VPOS will notify the student of his/her decision to appoint the Judicial Council to consider the appeal. The notification from the EDSS/VPOS will include the names and titles of all Judicial Council members. The Notification of Designation will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of an Appeal Hearing, but students are ultimately responsible for any official University communication delivered to their Wayland email address. Upon receipt of the Notification of Designation, students will have the right to challenge a Judicial Council member's ability to adjudicate the case objectively because of a conflict of interest.
 - a. Challenges must be submitted to the EDSS/VPOS via email within 48 hours of the student's receipt of the Notification of Designation in their Wayland email.
 - b. The email must include the name of the member that the student is challenging and detailed grounds for submitting the challenge.
 - c. The EDSS/VPOS will rule on all challenges within three business days of the student's submission of the challenge.
 - d. The EDSS/VPOS's ruling will be delivered to the student's Wayland email. The EDSS/VPOS's decision will rest solely on his/her discernment of the Council member's ability to maintain objectivity during the proceedings. The decision of the EDSS/VPOS will be final.
- ii. **Ruling on Grounds** - The Judicial Council will examine the Student Conduct Appeal Form to determine whether or not grounds actually exist for an appeal. The appeal adjudicator/adjudicating body is solely responsible for determining whether or not grounds for an appeal exist.
 - a. If none of the three criteria previously mentioned are, in the determination of the adjudicator/adjudicating body, present in the appeal, the appeal will be denied.
 - b. If one or more of the previously mentioned criteria are met by the appeal, then the appeal process will be allowed to continue.
 - c. Students will receive notification regarding the status of their appeal within five business days of delivery of the Notification of Designation to the student's Wayland email.
 - d. The Ruling on Grounds will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of the ruling, but students are ultimately responsible for any official University communication delivered to their Wayland email address.

- iii. **Review of Record** - If the Judicial Council determines that grounds do, in fact, exist for an appeal, then the Judicial Council will review the case record. The Judicial Council may review any or all of the materials entered into the case record including, but not limited to evidence collected, investigative summaries and any or all student conduct interviews conducted during the course of the investigation. The Judicial Council may also review the proceedings of any student conduct hearing related to the case. In cases where no new evidence has been presented as part of the appeal, the appeal process will proceed to Appeal Ruling.
 - iv. **Appeal Hearing** – Appeal hearings will be convened by the adjudicator/adjudicating body only in cases where new evidence is alleged to have become available that could change the ruling.
 - a. **Administrative Summons** - Students will receive an Administrative Summons to appear before the Judicial Council. This Summons will include, at minimum, the date, time and location of the Appeal Hearing, as well as the name and title of the Judicial Council. The Administrative Summons will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of an Appeal Hearing, but students are ultimately responsible for any official University communication delivered to their Wayland email address. The Summons will be delivered at least 24 hours prior to the Appeal Hearing.
 - b. **Appeal Hearing** – Students will appear before the Judicial Council at the appointed time, at the appointed location for the Appeal Hearing. This hearing will serve as an opportunity for the Judicial Council to review new evidence that is being presented as part of the appeal and to interview the student regarding the new evidence. The student will have the opportunity make an oral presentation to the Judicial Council.
 - 01. The student will answer questions posed to him/her by the Judicial Council.
 - 02. The student will have the opportunity to present any new evidence to the Judicial Council.
 - 03. The student may present written statements from witnesses. These statements must include the witness' student ID number and must be signed by the witness in the presence of a University official. The University official must also sign and print their name on the document in order to confirm the identity of the witness.
 - 04. Students who fail to appear for the Student Conduct Hearing will have their case adjudicated in their absence.
 - v. **Appeal Ruling** – The Judicial Council will render a decision regarding the appeal. This decision will be based on the case record and the Student Conduct Appeal form submitted by the student. In cases where new evidence has been submitted as part of the appeal process, that evidence, as well as the proceedings of the Appeal Hearing, will be considered as well. The student will be notified of the decision within 20 business days of the submission of the Ruling on Grounds. The Appeal Ruling will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of the ruling, but students are ultimately responsible for any official University communication delivered to their Wayland email address. All Appeal Rulings will be final.
- E. Appeal Process for EDSS/VPOS Referral to Ad Hoc Committee** – If an conflict exists which renders the other adjudicators/adjudicating bodies unable to hear the appeal, the EDSS/VPOS may refer the appeal to the President of the University who shall appoint an ad hoc committee (AHC) to consider the appeal. Each member of the committee must be 1) a member of the faculty or staff at Wayland Baptist University and 2) able to meet the basic objectivity requirement. In cases where an AHC has been appointed to consider an appeal, the following process will apply:
- i. **Notification of Designation** – The EDSS/VPOS will notify the student that the matter has been referred to the University President to appoint an AHC and that the AHC shall to consider the appeal. The notification from the EDSS/VPOS will include the names and titles of all AHC members. The Notification of Designation will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of an Appeal Hearing, but students are ultimately responsible for any official University communication delivered to their Wayland email address. Upon receipt of the Notification of Designation, students will have the right to challenge an AHC member's ability to adjudicate the case objectively because of a conflict of interest.
 - a. Challenges must be submitted to the EDSS/VPOS via email within 48 hours of the student's receipt of the Notification of Designation in their Wayland email.
 - b. The email must include the name of the member that the student is challenging and detailed grounds for submitting the challenge.
 - c. The President will rule on all challenges within three business days of the student's submission of the challenge.
 - d. The President's ruling will be delivered to the student's Wayland email. The President's decision will rest solely on his/her discernment of the committee member's ability to maintain objectivity during the proceedings. The decision of the President will be final.
 - ii. **Ruling on Grounds** - The AHC will examine the Student Conduct Appeal Form to determine whether or not grounds actually exist for an appeal. The appeal adjudicator/adjudicating body is solely responsible for determining whether or not grounds for an appeal exist.

- a. If none of the three criteria previously mentioned are, in the determination of the adjudicator/adjudicating body, present in the appeal, the appeal will be denied.
 - b. If one or more of the previously mentioned criteria are met by the appeal, then the appeal will process will be allowed to continue.
 - c. Students will receive notification regarding the status of their appeal within five business days of delivery of the Notification of Designation to the student's Wayland email.
 - d. The Ruling on Grounds will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of the ruling, but students are ultimately responsible for any official University communication delivered to their Wayland email address.
- iii. **Review of Record** - If the AHC determines that grounds do, in fact, exist for an appeal, then the AHC will review the case record. The AHC may review any or all of the materials entered into the case record including, but not limited to evidence collected, investigative summaries and any or all student conduct interviews conducted during the course of the investigation. The AHC may also review the proceedings of any student conduct hearing related to the case. In cases where no new evidence has been presented as part of the appeal, the appeal process will proceed to Appeal Ruling.
- iv. **Appeal Hearing** – Appeal hearings will be convened by the adjudicator/adjudicating body only in cases where new evidence is alleged to have become available that could change the ruling.
 - a. **Administrative Summons** - Students will receive an Administrative Summons to appear before the AHC. This Summons will include, at minimum, the date, time and location of the Appeal Hearing, as well as the name and title of the AHC. The Administrative Summons will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of an Appeal Hearing, but students are ultimately responsible for any official University communication delivered to their Wayland email address. The Summons will be delivered at least 24 hours prior to the Appeal Hearing.
 - b. **Appeal Hearing** – Students will appear before the AHC at the appointed time, at the appointed location for the Appeal Hearing. This hearing will serve as an opportunity for the AHC to review new evidence that is being presented as part of the appeal and to interview the student regarding the new evidence.
 - 01. The student will have the opportunity make an oral presentation to the AHC.
 - 02. The student will answer questions posed to him/her by the AHC.
 - 03. The student will have the opportunity to present any new evidence to the AHC.
 - 04. The student may present written statements from witnesses. These statements must include the witness' student ID number and must be signed by the witness in the presence of a University official. The University official must also sign and print their name on the document in order to confirm the identity of the witness.
 - 05. Students who fail to appear for the Student Conduct Hearing will have their case adjudicated in their absence.
- v. **Appeal Ruling** – The AHC will render a decision regarding the appeal. This decision will be based on the case record and the Student Conduct Appeal form submitted by the student. In cases where new evidence has been submitted as part of the appeal process, that evidence, as well as the proceedings of the Appeal Hearing, will be considered as well. The student will be notified of the decision within 20 business days of the submission of the Ruling on Grounds. The Appeal Ruling will be delivered, at minimum, to the student's Wayland email address. Other forms of communication such as text messaging and hard copy letters may be used in conveying the details of the ruling, but students are ultimately responsible for any official University communication delivered to their Wayland email address. All Appeal Rulings will be final.

6. **EXTERNAL CAMPUS STUDENT DISCIPLINE PROCESS**

- A. The executive director/campus dean for each external campus will determine appropriate courses of action for investigating and adjudicating issues of alleged violation of the applicable standards of conduct outlined in Student Conduct Policy set forth in Section XXI of this Handbook. The process used is outlined below.
 - i. The executive director/campus dean will notify the student accused of the violation within seven working days after the incident is reported to the executive director/campus dean. The notification will include which alleged violations of the Student Conduct Policy set forth in Section XXI of this Handbook are being investigated, as well as an explanation of possible outcomes of the investigation into the incident, including the possibility of any of the sanctions outlined in Student Discipline Policy set forth in Section XXII of this Handbook above.
 - ii. The executive director/campus dean will investigate allegations of violations of conduct standards and will recommend any sanctions deemed appropriate to the vice president of external campuses within 20 work days of notification to the student. An ad hoc committee of faculty, staff and/or students may be convened at the discretion of the executive director/campus dean to assist in the investigation and in formulating recommendations for the vice president of external campuses.
 - iii. The vice president of external campuses will review the recommendation and will resolve any questions arising from that review in conjunction with the executive director/campus dean. The vice president of external campuses will notify

students of the results of the investigation and of any sanctions to be imposed with 10 work days of receipt of the recommendation from the external campus.

7. APPEAL PROCESS FOR EXTERNAL CAMPUS STUDENTS

- A. Students found Responsible for violating the Student Conduct Policy may appeal the decision or sanctions in writing by submitting an appeal letter via email to the vice president of external campuses who will deliver the appeal to the EDSS/VPOS. Students may appeal a ruling or sanctions for any of the following reasons:
 - i. New evidence (evidence not previously presented during the adjudication process) has become available that could change the ruling.
 - ii. The student was not afforded due process as described in the Student Discipline Policy set forth in Section XXII of this Handbook.
 - iii. The sanction administered in the adjudication process was not consistent with the violation according to the Wayland Baptist University Student Handbook and/or Wayland Baptist University Policies and Procedures.
- B. Appeals must be submitted within ten working days of receipt of the vice president of external campuses' notification of the decision. The EDSS/VPOS, his/her designee, or ad hoc committee will make a ruling on the basis of the record and will notify the student of the decision within a reasonable time, not to exceed 20 work days from receipt of the appeal. The decision of the EDSS/VPOS, his/her designee, or ad hoc committee is final and no further appeal can be made.

8. ONLINE STUDENT DISCIPLINE PROCESS

- A. Any student who is affiliated solely with WBUonline will be referred to in this policy as an online student. An online student may request to participate in the required hearings via teleconference or web conference. For those online students who are geographically displaced from the Plainview campus, the University will accommodate differences in time zones and provide a hearing at a reasonable time for all parties.
- B. The director of WBUonline will determine appropriate courses of action for investigating and adjudicating issues of alleged violation of the applicable standards of conduct outlined above in the Student Conduct Policy set forth in Section XXI of this Handbook. The process used is outlined below:
 - i. The student accused of the violation will be notified within seven working days after the incident is reported to the director of WBUonline. The notification will include which alleged violations of the Student Conduct Policy are being investigated, as well as an explanation of possible outcomes of the investigation into the incident, including the possibility of any of the sanctions outlined above in the Student Discipline Policy set forth in Section XXII of this Handbook.
 - ii. The director of WBUonline will investigate allegations of violations of conduct standards and will recommend any sanctions deemed appropriate to the vice president of academic affairs within 20 work days of notification to the student. An ad hoc committee may be convened at the discretion of the director of WBUonline to assist in the investigation and in formulating recommendations for the vice president of academic affairs. The ad-hoc committee, appointed by the director, will be comprised of two full-time faculty with online teaching experience at Wayland, two students (at least one online student), one University staff member, and the director of WBUonline (non-voting).
- C. The vice president of academic affairs will review the recommendation and will resolve any questions arising from that review in conjunction with the director of WBUonline. The vice president of academic affairs will notify students of the results of the investigation and of any sanctions to be imposed within 10 work days of receipt of the recommendation from WBUonline.

9. APPEAL PROCESS FOR ONLINE STUDENTS

- A. Students found Responsible for violating the Student Conduct Policy may appeal the decision or sanctions in writing by submitting an appeal letter via email to the EDSS/VPOS. Students may appeal a ruling or sanctions for any of the following reasons:
 - i. New evidence (evidence not previously presented during the adjudication process) has become available that could change the ruling.
 - ii. The student was not afforded due process as described above in the Student Discipline Policy set forth in Section XXII of this Handbook.
 - iii. The sanction administered in the adjudication process was not consistent with the violation according to the Wayland Baptist University Student Handbook and/or Wayland Baptist University Policies and Procedures.
- B. Appeals must be submitted within ten working days of receipt of the vice president of academic affairs' notification of the decision. The EDSS/VPOS, his/her designee, or ad hoc committee will make a ruling on the basis of the record and will notify the student of the decision within a reasonable time, not to exceed 20 work days from receipt of the appeal. The decision of the EDSS/VPOS, his/her designee, or ad hoc committee is final and no further appeal can be made.

XXIII. SEXUAL MISCONDUCT POLICY

In all disciplinary procedures, Wayland Baptist University will seek to be redemptive in the lives of the individuals involved and to witness to the high moral standards of the Christian faith. Wayland will be guided by the understanding that human sexuality is a gift from the creator God and that the purpose of this gift includes (1) the procreation of human life and (2) the uniting and strengthening of the marital bond in self-giving love. These purposes are to be achieved through heterosexual relationships within marriage. Misuses of God's gift will be understood to include, but not be limited to, sexual abuse, sexual harassment, sexual assault,

incest, adultery, pre-marital sex, and homosexuality. (Sexual harassment is discussed in more detail elsewhere in this manual). Wayland will strive to deal in a constructive and redemptive manner with all who fail to live up to this high standard. Nothing will be done to encourage abortions or other drastic actions that might bring great harm to those involved. Dealing individually with each case, efforts will be made to counsel and assist those involved. The sanctions the University may impose against a student for an act of sexual misconduct range from reprimand to expulsion.

XXIV. TITLE IX POLICY

1. Overview

Wayland Baptist University is committed to providing a safe and non-discriminatory learning, working and living environment that promotes civility and mutual respect. Wayland Baptist University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, this policy prohibits specific forms of behavior that violate The Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in the University's programs and activities; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA); Title VII of the Civil Rights Act of 1964; and other applicable law.¹ The University hereby notifies applicants for admission and employment, students, and employees that the names of the employee designated as the Title IX Coordinator is set forth in this Policy and that (a) the University does not discriminate on the basis of sex in the education programs or activities that the University operates, (b) the University is required by Title IX not to discriminate in such a manner, and (c) the requirement of the University not to discriminate in the education programs or activities extends to employment and admission. Inquiries about the application of Title IX to the University may be referred to the employee(s) designated by the University as its Title IX Coordinator(s) or to the Assistant Secretary of the Office of Civil Rights at the United States Department of Education, or both.

Nothing contained in this Title IX Policy (this "TIX Policy") shall be deemed to have created a contract between the University and any student, faculty member, or staff member. The University reserves the right to unilaterally change any provision of this TIX Policy without the consent of any other party.

Sexual misconduct is a serious issue that can result in the interference or prevention of victims of such behavior from having an equal opportunity to access education or employment. Sexual misconduct (including domestic violence, dating violence, sexual assault, sexual harassment, and stalking) are serious offenses and a Title IX civil rights issue, as well as a potential crime and a violation of Wayland Baptist University policy. Employees and students of Wayland Baptist University have the right to file a complaint with the University and have the right to file a separate criminal complaint with the local Police Department. Students and employees who violate Wayland's Sexual Misconduct, Title IX, and/or Discrimination policies are subject to disciplinary actions up to and including expulsion and/or termination of employment status, and may be subject to criminal charges.

The following Section are provided in support of this Title IX policy:

Section XXV(39) – Definitions

Section XXV(40) – Frequently Asked Questions

Section XXV (41) – Risk Reduction and Active Bystander

Religious Exemption: Title IX and its implementing regulations at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would be inconsistent with the controlling organization's religious tenets.

Related Policies: Discrimination and Discriminatory Harassment, Student Discipline Policy and Student Conduct Policy

2. Policy Jurisdiction

- A.** This TIX Policy applies to the education program and activities of Wayland Baptist University, to conduct that takes place on the campus or on property owned or controlled by Wayland Baptist University, at Wayland Baptist University-sponsored events, or in buildings owned or controlled by Wayland Baptist University's recognized student organizations. The Respondent must be a member of Wayland Baptist University's community in order for its policies to apply.
- B.** This TIX Policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Wayland Baptist University's educational program. Wayland Baptist University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that, given the location, events, or circumstances, Wayland possessed substantial control over both the Respondent and the context in which the sexual harassment occurred, or the conduct affects a substantial Wayland Baptist University interest.

- C. Regardless of where the conduct occurred, Wayland Baptist University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Wayland Baptist University interest includes:
 - i. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
 - ii. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
 - iii. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
 - iv. Any situation that is detrimental to the educational interests or mission of Wayland Baptist University.
- D. If the Respondent is unknown or is not a member of Wayland Baptist University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.
- E. Further, even when the Respondent is not a member of Wayland Baptist University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.
- F. In addition, Wayland Baptist University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Wayland Baptist University property and/or events.
- G. All vendors serving Wayland Baptist University through third-party contracts are subject to the policies and procedures of their employers and to these policies and procedures.
- H. When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.
- I. Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to Wayland Baptist University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

3. Pregnancy

Title IX provides for equal educational opportunities for pregnant and parenting students. It prohibits educational institutions from discriminating against students based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. It also prohibits schools from applying any rule related to a student's parental, family or marital status that treats students differently based on their sex. Wayland Baptist University is committed to ensuring a pregnant student's access to educational programs. If you have questions about the University's obligations, or the way Title IX applies to you, please contact the Title IX Coordinator.

4. Free Expression

Title IX encourages and respects the right of free speech and expression guaranteed by the First Amendment of the Constitution and academic freedom. Constitutionally protected expression is not considered harassment under this Policy; however, some offensive conduct, even though it contains elements of speech, may rise to the level of the type of conduct that creates a sexually hostile environment which is a violation of this Policy.

5. Employee Mandatory Reporting

- A. Under Texas SB 212 all employees of Wayland Baptist University who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident shall promptly report the incident to the institution's Title IX Coordinator. That report must include all the information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.
- B. An employee of Wayland Baptist University who has been designated by the University as a person with whom students may speak confidentially concerning sexual harassment, sexual assault, dating violence, or stalking or who receives information regarding such an incident under the circumstances that renders an employee's communications confidential or privileged under other law shall, in making a report, state only the type of incident reported and may not include information that would violate a student's expectation of privacy.
- C. Exceptions to the Employee Reporting Requirement:
 - i. When the person is a victim of sexual harassment, sexual assault, dating violence, or stalking (you are not required to report your own experience); or
 - ii. When the disclosure was made at a public awareness event on sexual harassment, sexual assault, dating violence, or stalking, and the event was sponsored by Wayland Baptist University, or by a student organization affiliated with Wayland Baptist University.
- D. Failure to Report or False Report: It is a violation of Texas Law and Wayland Baptist University policy for an employee who is required to make a report to not make a report to the Title IX Office. The State of Texas has determined that an employee commits an offense if: 1) they are required to make a report and knowingly fails to make a report; or 2) with

the intent to harm or deceive, knowingly makes a report that is false. These offenses are classified as Class B Misdemeanors, which can be upgraded to a Class A Misdemeanor at trial.

- E. As is required by Texas Law, Wayland Baptist University shall terminate the employment of an employee whom the institution determines in accordance with the institution's disciplinary procedure to have committed the offense of not making a report they knew of or making a false report.

6. Confidential Resources

- A. Students who want information about an incident to remain confidential may wish to speak to a Confidential Resource. The following employees are Confidential Resources when they receive information from students in the context of providing professional services:
 - i. Director of the Counseling Center
 - ii. Director of Health Services
 - iii. Director of Spiritual Life
- B. Confidential Resources will not disclose personally identifying information communicated to them by a student without the student's permission or except as set forth in the Confidentiality section above. When individuals who otherwise may be Confidential Resources receive information outside of the provision of professional services concerning allegations of policy violations involving any member of the Wayland Baptist University community, the Confidential Resource is required to share that information with the Title IX Coordinator. Additionally, a Confidential Resource should (and in some instances, may be required to) report non-personally identifying information about Clery-reportable crimes to the Wayland Baptist University Police Department for purposes of the anonymous statistical reporting under the Clery Act as described below.
- C. Because employees do not receive professional services from these Confidential Resources, information shared by an employee to these individuals would likely not be confidential.

7. When a Complainant Does Not Wish To Proceed

- A. If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.
- B. The Title IX Coordinator has ultimate discretion over whether Wayland Baptist University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.
- C. The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires Wayland Baptist University to pursue formal action to protect the community.
- D. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Wayland Baptist University may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.
- E. The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Wayland Baptist University's ability to pursue a Formal Grievance Process fairly and effectively.
- F. When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.
- G. When Wayland Baptist University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.
- H. Note that Wayland Baptist University's ability to remedy and respond to notice may be limited if the Complainant does not want Wayland Baptist University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Wayland Baptist University's obligation to protect its community.
- I. In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Wayland Baptist University to honor that request, Wayland Baptist University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.
- J. If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Wayland Baptist University and to have the incidents investigated and properly resolved through these procedures.

8. False Allegations and Evidence

- A. Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action, including but not limited to, the University's Student Code of Conduct.

- B. Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Wayland Baptist University policy.
- C. An individual charged or disciplined with a violation related to making a materially false statement in bad faith in the course of a Title IX proceeding under this Policy does not constitute “Retaliation,” provided, however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

9. Clery Act Reporting

Pursuant to the Clery Act, Wayland Baptist University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires Wayland Baptist University to issue timely warnings to the Wayland Baptist University community when certain crimes have been reported and may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, Wayland Baptist University withholds the names and other personally identifying information of complainants when issuing timely warnings to the Wayland Baptist University community.

10. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Wayland Baptist University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community. Wayland Baptist University will ensure that a Complainant’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

11. Federal Statistical Reporting Obligations

- A. Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):
 - i. All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
 - ii. Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
 - iii. VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
 - iv. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.
- B. All personally identifiable information is kept private, but statistical information must be passed along to the Wayland Baptist University Police regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.
- C. Campus Security Authorities: <https://www.wbu.edu/University-police/campus-security-authorities.htm>

12. Time Limit On Reporting

- A. There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Wayland Baptist University’s jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.
- B. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.
- C. When notice/complaint is affected by significant time delay, Wayland Baptist University will apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

13. Reporting

- A. Filing a report will not obligate prosecution, but it will help the University take steps to provide a safer campus for everyone. With a filed report, the University can keep a more accurate record of the number of incidents; determine whether there is a pattern of crime with regard to a particular location, method, or assailant; alert the campus community to potential danger; and better provide training and preventive education programs.
- B. Students and employees are expected to comply with Wayland’s policies that prohibit unlawful discrimination, sexual harassment, sexual misconduct, sexual assault, domestic/dating violence and stalking both on-campus and off-campus. Any student who witnesses or experiences such conduct on- campus or off-campus by someone who is a member of the Wayland Baptist University community is encouraged to report the matter to the Title IX Coordinator or a WBU representative listed on the University website at <https://www.wbu.edu/about/title-ix/index.htm>. Students reporting potential violations have the option of remaining anonymous.
- C. All individuals participating in the University investigation, including but not limited to making an initial report, are expected to tell the truth. Federal and state laws prohibit the taking of retaliatory measures against any individual who files a complaint in good faith.

- D. The Title IX Coordinator can be contacted by telephone, email, or in person (online or virtually) during regular office hours using the below contact information:
Justin Lawrence, J.D./M.B.A./M.Div.
Title IX Coordinator
Gates Hall 303, Plainview, Texas 79072
Phone: 806-291-1173
E-mail: lawrencej@wbu.edu
- E. **Report Online** – reports can be made online, 24/7, using <http://www2.wbu.edu/reportcrime/defaultIX.aspx> (Allows anonymous reporting).

14. Formal Complaint

- A. A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Wayland Baptist University investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, [online](#), by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Wayland Baptist University that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.
- B. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

15. Supportive Measures

- A. Wayland Baptist University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.
- B. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Wayland Baptist University’s education program or activity, including measures designed to protect the safety of all parties or the Wayland Baptist University’s educational environment, and/or deter harassment, discrimination, and/or retaliation.
- C. The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Wayland Baptist University will inform the Complainant, in writing, that they may file a formal complaint with Wayland Baptist University either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.
- D. Wayland Baptist University will maintain the privacy of the supportive measures, provided that privacy does not impair Wayland Baptist University’s ability to provide the supportive measures. Wayland Baptist University will act to ensure as minimal an academic impact on the parties as possible. Wayland Baptist University will implement measures in a way that does not unreasonably burden the other party.
- E. These actions and supportive measures may include, but are not limited to:
- i. Referral to counseling, medical, and/or other healthcare services
 - ii. Referral to community-based service providers
 - iii. Visa and immigration assistance
 - iv. Student financial aid counseling
 - v. Education to the community or community subgroup(s)
 - vi. Altering campus housing assignment(s)
 - vii. Altering work arrangements for employees or student-employees
 - viii. Safety planning
 - ix. Providing campus safety escorts
 - x. Providing transportation accommodations
 - xi. Implementing contact limitations (no contact orders) between the parties
 - xii. Academic support, extensions of deadlines, or other course/program-related adjustments
 - xiii. Criminal Trespass
 - xiv. Timely warnings
 - xv. Class schedule modifications, withdrawals, or leaves of absence
 - xvi. Increased security and monitoring of certain areas of the campus
 - xviii. Any other actions deemed appropriate by the Title IX Coordinator
- F. Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

16. Confidentiality Statement

- A. Wayland Baptist University understands that many victims have a strong desire for their report of sexual misconduct to be treated confidentially. If a person requests that his/her name not be disclosed to the accused person or that the University not investigate or take disciplinary action against the accused person, University officials will carefully consider the request and honor it if possible.
- B. If the University determines that it can keep the report confidential, all reasonable steps will still be taken to respond to the complaint consistent with the request. For example, it may be helpful to make changes to housing situation, class schedule, etc.

Any request for confidentiality can be withdrawn at any time, and the University will proceed to investigate the report fully and take appropriate action.

- C. However, honoring a request not to reveal a victim's name to the accused person, not to conduct an investigation, or not to punish the accused person will limit the University's ability to respond fully to the assault and take any appropriate disciplinary action. There are situations in which the University must override a request for confidentiality in order to meet its obligations under federal law to provide an educational environment which is safe and free from sexual violence. If the person accused has been accused before of committing similar acts or if the circumstances indicate that the accused person is likely to harm others, the University may have to investigate the report and take appropriate action to make the campus safe. If an investigation must take place, the information reported will be shared only on a need- to-know basis.
- D. If the victim/complainant wants to be assured that the report will be kept confidential, he/she can report the assault to a therapist, doctor, or attorney who is legally obligated to maintain patient or client confidentiality. If this option is chosen, the victim/complainant should consider asking a doctor, therapist, or attorney to make a confidential report of the assault without including facts that would reveal the person's identity. While the University will probably not be able to take any disciplinary action against the person who assaulted the victim/complainant, University officials will have a better picture of crime on the campus and may be able to warn the campus community about methods or patterns of attacks.

17. Privacy

- A. Every effort is made by Wayland Baptist University to preserve the privacy of reports. Wayland Baptist University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.
- B. Wayland Baptist University reserves the right to designate which Wayland Baptist University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

18. Retaliation

- A. Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.
- B. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Wayland Baptist University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.
- C. It is prohibited for Wayland Baptist University or any member of Wayland Baptist University's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or 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 under this policy and procedure.
- D. Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.
- E. The exercise of rights protected under the First Amendment does not constitute retaliation.
- F. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

19. Amnesty for Complainants and Witnesses

- A. Wayland Baptist University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Wayland Baptist University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons. It is in the best interests of the Wayland Baptist University community that Complainants choose to report misconduct to Wayland Baptist University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.
- B. To encourage reporting and participation in the process, Wayland Baptist University maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.
- C. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

20. Statements of Rights for the Parties

- A. The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to Wayland Baptist University officials.

- B. The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- C. The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- D. The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- E. The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- F. The right to be treated with respect by Wayland Baptist University officials.
- G. The right to have Wayland Baptist University policies and procedures followed without material deviation.
- H. The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- I. The right not to be discouraged by Wayland Baptist University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- J. The right to be informed by Wayland Baptist University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Wayland Baptist University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- K. The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Wayland Baptist University law enforcement and/or other Wayland Baptist University officials.
- L. The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- M. The right to a Wayland Baptist University implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- N. The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - i. Relocating an on-campus student's housing to a different on-campus location
 - ii. Assistance from Wayland Baptist University staff in completing the relocation
 - iii. Changing an employee's work environment (e.g., reporting structure, office/workspace relocation) Transportation accommodations
 - iv. Visa/immigration assistance
 - v. Arranging to dissolve a housing contract and a pro-rated refund
 - vi. Exam, paper, and/or assignment rescheduling or adjustment
 - vii. Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - viii. Transferring class sections
 - ix. Temporary withdrawal/leave of absence (may be retroactive)
 - x. Campus safety escorts
 - xi. Alternative course completion options.
- O. The right to have Wayland Baptist University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair Wayland Baptist University's ability to provide the supportive measures.
- P. The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- Q. The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- R. The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- S. The right not to have irrelevant prior sexual history or character admitted as evidence.
- T. The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- U. The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- V. The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- W. The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.

- X.** The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- Y.** The right to regular updates on the status of the investigation and/or resolution.
- Z.** The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinator and Decision-maker(s) who have received annual training.
- AA.** The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.
- BB.** The right to preservation of privacy, to the extent possible and permitted by law.
- CC.** The right to meetings, interviews, and/or hearings that are closed to the public.
- DD.** The right to petition that any Wayland Baptist University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- EE.** The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- FF.** The right to have Wayland Baptist University compel the participation of faculty and staff witnesses.
- GG.** The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.
- HH.** The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing. The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- II.** The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- JJ.** The right to be informed in writing of when a decision by Wayland Baptist University is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- KK.** The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by Wayland Baptist University
- LL.** The right to a fundamentally fair resolution as defined in this TIX Policy and these procedures.

21. Emergency Removal

Wayland Baptist University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Vice President of Operations and Student Life (for students) or the Executive Director of Human Resources (for employees).

22. Promptness

All allegations are acted upon promptly by Wayland Baptist University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Wayland Baptist University will avoid all undue delays within its control. Any time the general timeframes for resolution outlined in Wayland Baptist University procedures will be delayed, Wayland Baptist University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

23. Evidence

- A.** The investigation is intended to determine if this policy has been violated, without the formalities associated with rules and procedures specifically designed by lawmakers to manage courtroom litigation. Students and employees can address issues and present documents to the investigator(s) without concerns about admissibility. The investigator(s) determines what issues raised and documents presented are relevant and probative of whether the alleged conduct occurred. Then, in the interest of fairness, that information will be disclosed to the other participant in the resolution process. Additional information about specific types of evidence is included below.
- B.** Medical and Counseling Documents - The use of medical or counseling documents in the resolution process is not required. Medical and counseling documents are privileged and confidential documents that students or employees will never be required to disclose in this process. "Privileged" means that these documents cannot be shared with anyone other than the treating professional unless the patient agrees to disclosure. Participants should be aware that there are legal implications to agreeing to produce privileged documents. Participants are encouraged to seek advice from a knowledgeable source about the possible consequences of releasing this information. All information submitted to the investigator(s) will be included in the report and made available to the other participant. Investigator(s) will attempt to remove unnecessary identifying information, such as social security numbers, prior to inclusion in the report. A participant who, after due consideration, believes that their own medical or counseling documents would be helpful in determining whether sexual misconduct occurred, has several options for voluntarily presenting this information as described below.

- i. Participants can voluntarily decide to present their own medical or counseling documents to the investigator(s) as part of the documents which they would like to have the investigator(s) consider in conducting the investigation. If a participant decides to produce such documents, they must be produced in their entirety. The production of excerpts or selected documents is inappropriate and will not be considered.
- ii. On occasion, the investigator(s) may ask a participant to voluntarily provide these documents for consideration while conducting the investigation. The participant is under no obligation to provide this information and may simply say “no” to this request. Such refusal is completely acceptable. Prior to responding to such a request, a participant is encouraged to consult with appropriate authorities about the implications of agreeing to or denying the request. If a participant does decide to produce such documents, they must be produced in their entirety. The production of excerpts or selected documents is inappropriate and will not be considered.
- iii. The investigator(s) may ask a participant to voluntarily provide a verification of therapeutic or medical services to confirm that such treatment occurred, without providing any details regarding that treatment. On rare occasions, a person may be in possession of the medical or counseling documents of another participant or witness. Such documents can only be presented to the investigator(s) under the following circumstances: (i) the person can show that the documents are relevant to the pending formal complaint, (ii) the person can document or otherwise prove that the documents were legally obtained, and (iii) the documents can be authenticated. Failure to meet any of these conditions means the documents will not be considered in the determination regarding the alleged misconduct.

24. Prior or Subsequent Conduct of the Respondent

Prior or subsequent conduct of the respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of conduct that violates this policy by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of responsibility for the conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar conduct. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

25. Parental Notification

Since Wayland Baptist University views students as adults, parents and guardians will not be notified when a formal complaint is filed under this policy. Parents of minors who are not students at Wayland Baptist University may be notified as determined by the Title IX Coordinator. Students are encouraged to inform their parent(s) or guardian(s) if they are involved in a disciplinary action and should refer them to the Title IX Coordinator for questions.

XXV. TITLE IX PROCEEDINGS

The WBU Sexual Misconduct, Title IX & Discrimination Policy governs students and employees and additional information regarding the investigation and adjudication process may be accessed online at <https://www.wbu.edu/about/title-ix/rights-and-confidentiality.htm>. Of note, the intake and investigation of complaints involving students and employee as the respondent are the same. The process bifurcates when it comes to how the case is resolved. The procedures for the major timeframes of the process are explained below.

1. Notice/Complaint

- A. Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, Wayland Baptist University initiates a prompt initial assessment to determine the next steps Wayland Baptist University needs to take. Wayland Baptist University will initiate at least one of three responses:
 - i. Offering supportive measures because the Complainant does not want to proceed formally; and/or
 - ii. An informal resolution; and/or
 - iii. A Formal Grievance Process including an investigation and a hearing.
- B. The investigation and grievance process will determine whether or not the Policy has been violated. If so, Wayland Baptist University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.
- C. In order to start the Formal Grievance Process, a Formal Complaint must be filed. A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Wayland Baptist University investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, [online](#), by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or

electronic submission (such as by electronic mail or through an online portal provided for this purpose by Wayland Baptist University that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

- D. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

2. Initial Assessment

- A. Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:
- i. If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - ii. If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety. If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
 - iii. The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
 - iv. The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
 - v. The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - a. If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - b. If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution.
 - c. If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
 01. If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address: an incident; and/or a pattern of alleged misconduct; and/or a culture/climate issue, based on the nature of the complaint.
 02. If it does not, the Title IX Coordinator determines that Title IX does not apply (and will "dismiss" that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly. Please note that dismissing a complaint under Title IX is just procedural, and does not limit Wayland Baptist University's authority to address a complaint with an appropriate process and remedies.

3. Dismissal (Mandatory and Discretionary)

- A. Wayland Baptist University must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:
- i. The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
 - ii. The conduct did not occur in an educational program or activity controlled by Wayland Baptist University (including buildings or property controlled by recognized student organizations), and/or Wayland Baptist University does not have control of the Respondent; and/or
 - iii. The conduct did not occur against a person in the United States; and/or
 - iv. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the Wayland Baptist University.
- B. Wayland Baptist University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:
- i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
 - ii. The Respondent is no longer enrolled in or employed by Wayland Baptist University; or
 - iii. Specific circumstances prevent Wayland Baptist University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- C. Upon any dismissal, Wayland Baptist University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

- D. This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.
4. **Counterclaims**
- A. Wayland Baptist University is obligated to ensure that the grievance process is not abused for retaliatory purposes. Wayland Baptist University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.
- B. Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.
- C. Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.
5. **Right to an Advisor**
- A. The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.
- B. Who Can Serve as an Advisor
- The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Wayland Baptist University community.
 - The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from Wayland Baptist University, the Advisor will be trained by Wayland Baptist University and be familiar with Wayland Baptist University's resolution process.
 - If the parties choose an Advisor from outside the pool of those identified by Wayland Baptist University, the Advisor may not have been trained by Wayland Baptist University and may not be familiar with Wayland Baptist University policies and procedures.
 - Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.
- C. Advisor Expectations
- Wayland Baptist University generally expects an Advisor to adjust their schedule to allow them to attend Wayland Baptist University meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.
 - Wayland Baptist University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.
- D. Advisor Violation of Wayland Baptist University Policy
- All Advisors are subject to the same Wayland Baptist University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Wayland Baptist University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.
6. **Resolution Process**
- A. Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Wayland Baptist University policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. Wayland Baptist University encourages parties to discuss this with their Advisors before doing so.
- B. Informal Resolution
- Informal Resolution can include three different approaches:
 - When the parties agree to resolve the matter through an alternate resolution mechanism.

- b. When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
 - c. When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.
 - ii. To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.
 - iii. It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. Prior to implementing Informal Resolution, Wayland Baptist University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Wayland Baptist University.
 - iv. Wayland Baptist University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution
- C. Alternate Resolution**
- i. Alternate Resolution is an informal process by which a mutually agreed upon resolution of an allegation is reached. All parties must consent to the use of Alternate Resolution.
 - ii. The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:
 - a. The parties' amenability to Alternate Resolution;
 - b. Likelihood of potential resolution, considering any power dynamics between the parties;
 - c. The parties' motivation to participate;
 - d. Civility of the parties;
 - e. Cleared violence risk assessment/ongoing risk analysis;
 - f. Disciplinary history;
 - g. Whether an emergency removal is needed;
 - h. Skill of the Alternate Resolution facilitator with this type of complaint;
 - i. Complaint complexity;
 - j. Emotional investment/intelligence of the parties;
 - k. Rationality of the parties;
 - l. Goals of the parties;
 - m. Adequate resources to invest in Alternate Resolution (time, staff, etc.)
- D.** The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.
- E. Respondent Accepts Responsibility for Alleged Violations**
- i. The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above. If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and Wayland Baptist University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Wayland Baptist University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.
 - ii. This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.
 - iii. When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.
- F. Negotiated Resolution**

- i. The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the Wayland Baptist University. Negotiated Resolutions are not appealable.

7. Grievance Process Pool

- A. The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process.
 - i. Pool Members - Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:
 - a. To investigate complaints
 - b. To serve as a hearing facilitator (process administrator, no decision-making role)
 - c. To serve as a Decision-maker regarding the complaint
 - d. To serve as an Appeal Panel and Appeal Decision-maker
 - ii. Pool Member Appointment
 - a. The Title IX Coordinator in consultation with the President appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, Wayland Baptist University can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.
 - iii. Pool Member Training
 - a. The Pool members receive annual training jointly OR based on their respective roles. This training includes, but is not limited to:
 - 01. The scope of Wayland Baptist University’s Title IX Policy
 - 02. How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
 - 03. Implicit bias
 - 04. Disparate treatment and impact
 - 05. Reporting, confidentiality, and privacy requirements
 - 06. Applicable laws, regulations, and federal regulatory guidance
 - 07. How to implement appropriate and situation-specific remedies
 - 08. How to investigate in a thorough, reliable, and impartial manner
 - 09. How to uphold fairness, equity, and due process
 - 10. How to weigh evidence
 - 11. How to conduct questioning
 - 12. How to assess credibility
 - 13. Impartiality and objectivity
 - 14. How to render findings and generate clear, concise, evidence-based rationales
 - 15. The definitions of all offenses
 - 16. How to apply definitions used by Wayland Baptist University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
 - 17. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
 - 18. How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
 - 19. Any technology to be used at a live hearing
 - 20. Issues of relevance of questions and evidence
 - 21. Issues of relevance to create an investigation report that fairly summarizes relevant evidence
 - 22. How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
 - b. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted on the Wayland Baptist University Title IX Website.

8. Formal Grievance Process: Notice of Investigation and Allegations

- A. The Title IX Coordinator will provide written Notice of The Investigation and Allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent. The NOIA will include:

- i. A meaningful summary of all of allegations,
 - ii. The identity of the involved parties (if known),
 - iii. The precise misconduct being alleged,
 - iv. The date and location of the alleged incident(s) (if known),
 - v. The specific policies implicated,
 - vi. A description of the applicable procedures,
 - vii. A statement of the potential sanctions/responsive actions that could result,
 - viii. A statement that Wayland Baptist University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination, A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
 - ix. A statement about the Wayland Baptist University policy on retaliation,
 - x. Information about the privacy of the process,
 - xi. Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
 - xii. A statement informing the parties that Wayland Baptist University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
 - xiii. Detail on how the party may request disability accommodations during the interview process,
 - xiv. The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
 - xv. An instruction to preserve any evidence that is directly related to the allegations.
- B.** Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.
- C.** Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Wayland Baptist University records, or emailed to the parties' Wayland Baptist University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.
- 9. Resolution Timeline**
- A.** Wayland Baptist University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.
- 10. Appointment of Investigators**
- A.** Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation using a team of two Investigators, usually within two (2) business days of determining that an investigation should proceed.
- 11. Ensuring Impartiality**
- A.** Any individual materially involved in the administration of the resolution process including the Title Administrator, Investigator(s), and Decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.
- B.** The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied.
- C.** The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.
- D.** Wayland Baptist University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

12. Investigation Timeline

- A. Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.
- B. Wayland Baptist University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.
- C. Delays in the Investigation Process and Interactions with Law Enforcement
 - i. Wayland Baptist University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.
- D. Wayland Baptist University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. Wayland Baptist University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Wayland Baptist University will implement supportive measures as deemed appropriate.
- E. Wayland Baptist University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

13. Steps in the Investigation Process

- A. All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.
- B. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.
- C. *The Title IX Coordinator typically take(s) the following steps, (not necessarily in this order):*
 - i. Determine the identity and contact information of the Complainant
 - ii. Initiate or assist with any necessary supportive measures
 - iii. Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
 - iv. Conduct a prompt initial assessment to determine if the allegations indicate a potential policy violation
 - v. Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
 - vi. Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
 - a. Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
 - vii. Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
 - viii. Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
 - ix. When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- D. *The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):*
 - i. Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
 - ii. Interview all available, relevant witnesses and conduct follow-up interviews as necessary
 - iii. Meet with the Complainant to finalize their interview/statement, if necessary
 - iv. Complete the investigation promptly and without unreasonable deviation from the intended timeline
 - v. Provide regular status updates to the parties throughout the investigation.
 - vi. Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding

- vii. Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- viii. The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- ix. Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Wayland Baptist University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- x. The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- xi. The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- xii. The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- xiii. The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

14. Role and Participation of Witnesses in the Investigation

- A. Witnesses (as distinguished from the parties) who are employees of Wayland Baptist University are expected to cooperate with and participate in the Wayland Baptist University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.
- B. While in-person interviews for parties and all potential witnesses are ideal, circumstances may require individuals to be interviewed remotely. Zoom or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. Wayland Baptist University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.
- C. Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

15. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

16. Evidentiary Considerations in the Investigation

- A. The investigation does not consider:
 - i. incidents not directly related to the possible violation, unless they evidence a pattern;
 - ii. the character of the parties; or
 - iii. questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

17. Referral for Hearing

- A. Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.
- B. The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker—unless all parties and the Decision-maker agree to an expedited timeline.
- C. The Title IX Coordinator will select an appropriate Decision-maker or Decision-makers from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate Decision-maker depending on the context of the alleged misconduct.

18. Hearing Decision-maker Composition

- A. Wayland Baptist University will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.
- B. The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.
- C. Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.
- D. The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

19. Evidentiary Considerations in the Hearing

- A. Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider:
 - i. incidents not directly related to the possible violation, unless they evidence a pattern;
 - ii. the character of the parties; or
 - iii. questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- B. Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.
- C. The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.
- D. After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

20. Notice of Hearing

- A. No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.
- B. The notice will contain:
 - i. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
 - ii. The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
 - iii. Any technology that will be used to facilitate the hearing.
 - iv. Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
 - v. A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
 - vi. Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
 - vii. A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
 - viii. Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and Wayland Baptist University will appoint one. Each party must have an Advisor present. There are no exceptions.
 - ix. A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
 - x. An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.

- xi. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- xii. Whether parties can/cannot bring mobile phones/devices into the hearing.
- C. Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by Wayland Baptist University and remain within the 60-90 business day goal for resolution.
- D. In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

21. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing. The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

22. Pre-Hearing Preparation

- A. The Chair, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.
- B. Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.
- C. The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than three days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).
- D. The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.
- E. During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

23. Pre-Hearing Meetings

- A. The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.
- B. The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.
- C. At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

- D. The pre-hearing meeting(s) will not be recorded.

24. Hearing Procedures

- A. At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation.
- B. Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent, Advisors to the parties, any called witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services.
- C. The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

25. Joint Hearings

- A. In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.
- B. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

26. The Order of the Hearing – Introductions and Explanation of Procedure

- A. The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.
- B. The Chair AND/OR hearing facilitator then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed the Title IX Coordinator or by a non-voting hearing facilitator appointed by the Title IX Coordinator. The Title IX Coordinator or hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

27. Investigator Presents the Final Investigation Report

- A. The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.
- B. Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

28. Testimony and Questioning

- A. Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).
- B. All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.
- C. The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.
- D. The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

- E. If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.
- 29. Refusal to Submit to Cross-Examination and Inferences**
- A. If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. Evidence provided that is something other than a statement by the party or witness may be considered.
 - B. If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission. Similarly, statements can be relied upon when questions are posed by the Decision-maker(s), as distinguished from questions posed by Advisors through cross-examination.
 - C. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.
 - D. If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.
 - E. If a party's Advisor of choice refuses to comply with the Wayland Baptist University's established rules of decorum for the hearing, Wayland Baptist University may require the party to use a different Advisor. If a Wayland Baptist University-provided Advisor refuses to comply with the rules of decorum, Wayland Baptist University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.
- 30. Recording Hearings**
- A. Hearings (but not deliberations) are recorded by Wayland Baptist University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.
 - B. The Decision-maker(s), the parties, their Advisors, and appropriate administrators of Wayland Baptist University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.
- 31. Deliberation, Decision-making, and Standard of Proof**
- A. The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.
 - B. When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).
 - C. The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.
 - D. The Decision-maker(s) will review the statements and any pertinent conduct history provided by the appropriate administrator and will recommend/determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.
 - E. The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions or recommendations.
 - F. This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.
- 32. Notice of Outcome**
- A. Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome will then be reviewed by legal counsel. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 7 business days of receiving the Decision-maker(s)' deliberation statement.

- B. The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Wayland Baptist University records, or emailed to the parties' Wayland Baptist University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.
- C. The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Wayland Baptist University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.
- D. The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent Wayland Baptist University is permitted to share such information under state or federal law; any sanctions issued which Wayland Baptist University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to Wayland Baptist University's educational or employment program or activity, to the extent Wayland Baptist University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).
- E. The Notice of Outcome will also include information on when the results are considered by Wayland Baptist University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

33. Sanctions

A. Loss of Privileges

- i. Entails any or all of the following sanctions:
- ii. Removal from preferred University housing.
- iii. Restriction from attending designated University events.
- iv. Restriction from the lobbies of residence halls and/or other public gathering places on campus such as Pete's Place or the Laney Center.
- v. Loss of dorm visitation privileges.
- vi. Restriction from eating meals in the cafeteria.

B. Eviction

- i. Eviction entails the following: immediate removal from University housing. Removal from housing due to disciplinary sanction will not remove in any way the student's responsibility to pay housing charges for the semester in which this sanction is administered.

C. Community Service

- i. Community Service may be required of a student as a sanction for violating the student conduct policy. Community Service would entail participation in for the designated number of hours for a designated community service organization in Plainview or the surrounding area, or for the University on a designated Wayland campus.

D. Restitution

- i. Restitution entails reimbursement for the University or other affected parties for damages to property, or for the replacement of lost or stolen articles.

E. Formal Reprimand

- i. Formal Reprimand entails the following sanctions: a stern warning that any further violation of University rules and regulations during the probationary period could result in disciplinary probation, suspension or expulsion.

F. Disciplinary Probation

- i. Disciplinary Probation may entail any or all the following sanctions:
 - a. Restriction from representing the University in any fashion. This sanction includes all public performances or appearances under the auspices of the University.
 - b. Restriction from any University-sponsored travel.
 - c. Restriction from holding offices in any University organizations.
 - d. Restriction from receipt of any University scholarship assistance and/or institutional aid (federal financial aid, state aid, or gifts directly to students from outside entities are not affected by this sanction).

G. Disciplinary Suspension

- i. Disciplinary Suspension entails the following sanctions:
 - a. The student will be restricted from enrollment during the period of suspension.

- b. Re-enrollment after disciplinary suspension will be contingent upon the approval of the Executive Director of Student Services or the Vice President of Enrollment Management and acceptance through the Admissions Committee process.

H. Disciplinary Expulsion

- i. Disciplinary Expulsion permanently restricts the student from enrollment in the University.
- ii. *Range of Protective Measures Available to a Victim/complainant Alleging Misconduct*
 - a. There are a range of protective measures that a victim/complainant can request of WBU upon alleging sexual misconduct. This includes no contact directives between the parties, changes in work locations, housing, academic course sections or location, changes to where a person parks, or social restrictions.
- iii. *University-Initiated Protective Measures*
 - a. In addition to those protective measures previously described, the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to:
 - 01. a University no contact order,
 - 02. residence hall relocation,
 - 03. adjustment of course schedules,
 - 04. a leave of absence,
 - 05. or reassignment to a different supervisor or position.
- iv. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Wayland Baptist University.

34. Transcript Notation / Student Withdrawal or Graduation Pending Disciplinary Charges

- A. If a student is ineligible to reenroll at Wayland Baptist University for a reason other than an academic or financial reason, Wayland Baptist University will include on that student's transcript a notation stating that the student is ineligible to reenroll for a reason other than an academic or financial reason.
- B. If a student withdrawals or graduates from Wayland Baptist University pending disciplinary charges that may result in the student becoming ineligible to reenroll in Wayland Baptist University, Wayland Baptist University will not end the disciplinary process until there is a final determination of responsibility. If, as a result of the process, the student is ineligible to reenroll at Wayland Baptist University for a not academic or financial reason, a notation stating such will be placed on that student's transcript.
- C. The Transcript notation may be removed if: 1) the student is eligible to reenroll in Wayland Baptist University or 2) Wayland Baptist University determines that good cause exists to remove the notation.

35. SEX OFFENDER REGISTRATION

- A. The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. Wayland Baptist University issues this statement to the campus community on an annual basis in the Annual Security Report. <https://www.wbu.edu/University-police/campus-safety-reports.htm>.
- B. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteer's services or is a student.

36. TITLE IX RIGHTS OF APPEAL

- A. Both parties, the victim/complainant and the respondent, have equal rights to an impartial appeal. The request for an appeal, including the grounds upon which the request is based, should be submitted in writing to the Title IX Coordinator within five (5) business days following the date on the Title IX Incident/Case Notification of Findings. If either party files an appeal, the Title IX Coordinator will notify the other party in writing. The Title IX Coordinator will coordinate the appeal and will have primary responsibility for interactions with the parties, gathering information needed for the appeal, and notifying both parties in writing of the outcome of the appeal. The Appeal review should be completed within 20 business days.
- B. All appeals will be referred from the Title IX Coordinator to the University President or designee. The University President, or designee, may decide the appeal themselves or may convene a panel to decide the appeal. If an appeal panel is convened, the panel will consist of three members of the Title IX investigation team who were not involved in the case being appealed.

Any individual hearing an appeal will be impartial and unbiased. The decision rendered by the President/designee/committee is considered final and will complete the appeal process.

- C. A victim/complainant or respondent may file a written appeal on the grounds that the appealing party believes:
 - i. there is substantial, relevant information that was not presented, and reasonably could not have been presented during the investigation, which may change or affect the outcome of the decision;
 - ii. that the severity of the sanction in relation to the details of the case is substantially disproportionate; or
 - iii. there was a procedural error(s) during the disciplinary process.
- D. The adjudicating officer/committee's findings of fact, findings of responsibility, the rationale, and any sanctions will only be reviewed under one of the three grounds listed above. The President/Designee/committee hearing the appeal may decide:
 - i. to uphold the original decision of the adjudicating officer/committee,
 - ii. to alter the imposed sanction, or
 - iii. to remand the case to the adjudicating officer/committee for additional proceedings or other action.

37. TITLE IX APPEAL OF SANCTIONS

- A. Sanctions imposed by the Title IX Office or the Office of the President can be appealed by any party according to the grounds below. Post-hearing, any party may appeal the findings and/or sanctions only under the grounds described below.
- B. All sanctions imposed by the original hearing body will be in effect during the appeal. A request may be made to the University President for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students or employees may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student or employee to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.
- C. The decision of the Title IX Office may be appealed by petitioning a Title IX Coordinator. Accused students or victim/complainants must petition within 5 business days of receiving the written decision for a review of the decision or the sanctions imposed. Any party who files an appeal must do so in writing to the Title IX Office. The Title IX Office will share the appeal with the other party (e.g., if the accused appeals, the appeal is shared with the victim/complainant, who may also wish to file a response), and then the Title IX Office will draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the appeals officer/committee for initial review to determine if the appeal meets the limited grounds and is timely. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded for consideration. The party requesting appeal must show error as the original finding and sanction are presumed to have been decided reasonably and appropriately. The ONLY grounds for appeal are as follows:
 - i. A procedural or substantive error occurred that significantly impacted the outcome of the investigation (e.g. substantiated bias, material deviation from established procedures, etc.);
 - ii. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
 - iii. The sanctions imposed are substantially disproportionate to the severity of the violation.
- D. If the appeals officer or committee determines that new evidence should be considered, it will return the complaint to the original investigative body to reconsider in light of the new evidence, only. The reconsideration of the investigative body is not appealable.
- E. If the appeals officer or committee determines that a material procedural [or substantive] error occurred, it may return the complaint to the original investigative body with instructions to reconvene to cure the error. In rare cases, where the procedural [or substantive] error cannot be cured by the original investigative officers (as in cases of bias), the appeals officers or committee may order a new investigation on the complaint with a new body of investigative officers. The results of a reopened investigation cannot be appealed. The results of a new investigation can be appealed once, on the three applicable grounds for appeals. If the appeals officer or committee determines that the sanctions imposed are disproportionate to the severity of the violation, the appeals officer or committee will return the complaint to the Title IX Office, which may then increase, decrease or otherwise modify the sanctions. This decision is final.
- F. The procedures governing the hearing of appeals include the following:
 - i. All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
 - ii. Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
 - iii. Appeals are not intended to be full re-hearings of the complaint (de novo). In most cases,

- iv. appeals are confined to a review of the written documentation or record of the original investigation, and pertinent documentation regarding the grounds for appeal;
- v. This is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- vi. Sanctions imposed are implemented immediately unless the University President stays their implementation in extraordinary circumstances, pending the outcome of the appeal;
- vii. The appeals committee or officer will render a written decision on the appeal to all parties within seven (7) business days from hearing of the appeal. The committee's decision to deny appeal requests is final.

38. RECORD KEEPING

- A. Wayland Baptist University will maintain for a period of at least seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
 - ii. Any disciplinary sanctions imposed on the Respondent;
 - iii. Any remedies provided to the Complainant designed to restore or preserve equal access to Wayland Baptist University's education program or activity;
 - iv. Any appeal and the result therefrom;
 - v. Any Informal Resolution and the result therefrom;
 - vi. All materials used to train Title IX Coordinator, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Wayland Baptist University will make these training materials publicly available on Wayland Baptist University's website; and
 - vii. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - viii. The basis for all conclusions that the response was not deliberately indifferent;
 - ix. Any measures designed to restore or preserve equal access to Wayland Baptist University's education program or activity; and
 - x. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.
 - xi. Wayland Baptist University will also maintain any and all records in accordance with state and federal laws.

39. DEFINITIONS –

The following conduct, as defined in this section, is prohibited by this policy. These definitions will be used by the Title IX Coordinator and during Wayland Baptist University's Title IX processes when evaluating whether this policy has been violated. In some instances, where conduct may constitute a criminal offense under Texas law, the Texas statutory definitions are provided in a footnote for educational and awareness purposes only.

- A. **ADVISOR** – an individual selected by each complainant and respondent to provide support and guidance throughout the investigation and resolution process. Each party is allowed one advisor.
- B. **ALCOHOL IMPAIRMENT** – the state of being diminished or weakened due to the consumption of alcohol.
- C. **ALCOHOL INTOXICATION** – an act or instance of inebriation or drunkenness (BAC level of .08 or greater).
- D. **ALCOHOL INCAPACITATION** – reached when the individual no longer has the legal ability to act in a specified manner. In sexual misconduct situations the individual lacks the mental capability to understand the situation and is incapable of giving consent.
- E. **ACTUAL NOTICE OF COMPLAINT** – a complaint, written or verbal, given to a responsible person.
- F. **AWARENESS PROGRAM**- community-wide and audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
- G. **BULLYING**: Any verbal, nonverbal, graphic, and/or physical behavior that intimidates and/or intentionally hurts, controls and/or diminishes another person physically, emotionally and/or mentally on the basis of their membership in a category protected above. This may include behavior occurring in person and/or via electronic communication.
- H. **BYSTANDER INTERVENTION**- Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. This includes recognizing situations of potential harm and understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

- I. CLERY ACT** – the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 requires all colleges and universities that receive federal financial aid to keep and disclose information about crime on and near their respective campuses to provide the campus community with timely, accurate and complete information about crime and the safety of campus so that they can make informed decisions to keep themselves safe.
- J. COMPLAINANT**- A person who reports he or she has been subjected to discrimination, harassment, or related retaliation.
- K. COMPLICITY**: Any act that knowingly aids, facilitates, promotes, or encourages another person to engage in conduct that violates this policy.
- L. CONSENT**-Consent to sexual activity is defined as knowing, active, and voluntary permission between the participants, clearly expressed by words or by actions, to engage in mutually agreed upon sexual activity. Consent cannot be compelled by force, threat of force, coercion, or intimidation. Consent cannot be gained by taking advantage of another person's incapacitation, as defined herein. Consent given under such circumstances does not constitute willing and voluntary agreement.
 - i. Consent to one sexual act does not constitute consent to others.
 - ii. Prior consent to a given act does not constitute present or future consent.
 - iii. 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.
 - iv. Consent must be ongoing throughout a sexual encounter and can be revoked, modified, or withdrawn at any time. Sexual contact must cease immediately once consent is withdrawn.
 - v. Consent to an act with one person does not constitute consent to an act with any other person.
 - vi. Consent cannot be inferred from silence, passivity, or lack of resistance and relying on nonverbal communication alone may result in a violation of this policy.
 - vii. Consent cannot be given if it is coerced by supervisory or disciplinary authority.
 - viii. Consent cannot be given if there is a perceived power differential. Examples include but are not limited to: faculty-student, staff-student, supervisor-subordinate employee, and coach-athlete.
 - ix. Consent cannot be given by a person who, by virtue of age, circumstances, or other factors, is deemed under the laws of the State of Texas, Hawaii, Arizona, Alaska, and/or Oklahoma (as the case may be) is not capable of giving consent.
- M. DECISION MAKER**- The decision-maker (who cannot be the same person as the Title IX Coordinator or the investigator) issues a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.
- N. DISCRIMINATION**- The unlawful treatment of an individual based on the individual's age, race, color, religion, sex, sexual orientation, gender, gender identity, gender expression, national origin, ethnic origin, disability, predisposing genetic information, covered veteran status, and any other basis protected by law that unreasonably interferes with or limits:
 - i. A student's or applicant for admission's ability to participate in, access, or benefit from educational programs, services or activities (e.g., admission, academic standing, grades, assignment, campus housing);
 - ii. An employee's or applicant for employment's access to employment or conditions and benefits of employment (e.g. hiring, advancement, assignment);
 - iii. An authorized volunteer's ability to participate in a volunteer activity; or
 - iv. A guest's or visitor's ability to participate in, access, or benefit from Wayland Baptist University's programs. Discrimination includes failing to provide reasonable accommodations, consistent with State and federal law, to qualified persons with disabilities.
- O. DISCRIMINATORY HARASSMENT**- Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. Wayland Baptist University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Wayland Baptist University policy, though supportive measures will be offered to those impacted. Discriminatory harassment constitutes a form of discrimination that is prohibited by Wayland Baptist University policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law. Wayland Baptist University does not tolerate discriminatory harassment of any employee, student, visitor, or guest. Wayland Baptist University will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment." A hostile environment is one that unreasonably interferes with, limits, or

effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive *and* objectively offensive.

- P. FINDING OF NON-RESPONSIBILITY** – a civil investigation finding that does not indicate a preponderance of evidence that a violation occurred.
- Q. GENDER EQUITY** – the process of allocating resources, programs, and decision making fairly to both males and females without any discrimination on the basis of sex.
- R. HOSTILE ENVIRONMENT** – Unwelcome conduct by an individual or individuals against another individual based upon her/ his protected class that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile, or offensive. A hostile environment can be created by a school employee, another student, or even someone visiting the school, such as a student or employee from another school.
- S. INCAPACITATION:** 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. A person is mentally incapacitated when that person lacks the ability to make informed decisions about whether or not to engage in sexual activity. A person may be incapacitated as a result of the consumption of alcohol and/or other drugs, or due to a temporary or permanent physical or mental health condition.
 - i. When alcohol or other drug use is involved, incapacitation is a state beyond intoxication, impairment, or being under the influence. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination. Wayland Baptist University does not expect community members to be medical experts in assessing incapacitation. A person's level of intoxication is not always demonstrated by objective signs, but individuals should look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest the impacts of alcohol or other drugs differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence.
 - ii. An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. It is especially important, therefore, that anyone engaging in sexual activity be aware of their own level of intoxication and capacity to consent as well as the other person's level of intoxication and capacity to consent. The use of alcohol or other drugs can lower inhibitions, impair perceptions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or incapacitation, the safest course of action is to forgo or cease any sexual contact.
 - iii. When evaluating consent in cases of reported incapacitation, the following will be considered: (1) Did the respondent know that the complainant was incapacitated? And if not, (2) Should a sober, reasonable person in a similar set of circumstances as the respondent have known that the complainant was incapacitated? If the answer to either of these questions is "yes," there was no consent; and the conduct is likely a violation of this policy.
 - iv. A respondent's voluntary intoxication is never an excuse for or a defense to Prohibited Conduct, and it does not diminish the responsibility to determine that the other person has given consent.
- T. INCEST** – non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Legal definitions and prohibitions vary by state.
- U. INTIMIDATION-** Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- V. INTIMATE PARTNER VIOLENCE (IPV)-** For purposes of this policy includes both Dating Violence and Domestic Violence.
- W. NON-CONSENSUAL SEXUAL CONTACT-** Any intentional sexual touching, however slight, with any body part or object, by any individual upon another that is without consent and/or by force or coercion. Sexual contact includes: intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts or object, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice. All such acts of non-consensual sexual contact are forms of sexual assault, and therefore sexual misconduct, under this policy.
- X. NON-CONSENSUAL SEXUAL PENETRATION-** Any sexual penetration, however slight, with any body part or object, by any individual upon another that is without consent and/or by force or coercion. Sexual penetration includes: vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact); no matter how slight the penetration or contact. All such acts of non-consensual sexual intercourse are forms of sexual assault, and therefore sexual misconduct, under this policy.

- Y. OFFICE OF CIVIL RIGHTS (OCR)** – U.S. Department of Education sub-agency that is tasked with protecting civil rights in federally assisted education programs and prohibiting discrimination on the basis of race, color, national origin, sex, disability, age, or membership in patriotic youth.
- Z. ONGOING PREVENTION AND AWARENESS CAMPAIGNS**- Programming, initiatives and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the University.
- AA. PREDATION** – an intent to engage in these acts prior to their occurrence demonstrating premeditation, planning or forethought, and is reflected in communicated intent (physical, verbal, visual, or written), threats directed at a party, attempts to incapacitate a party, attempts to isolate a party, utilizing violence, or other actions that a reasonable person would construe as a pre-meditation to engage in actions that are unwanted by/against the recipient. Committing any of these actions with an individual under the age of consent is also considered predatory.
- BB. PREGNANCY**- Title IX provides for equal educational opportunities for pregnant and parenting students. It prohibits educational institutions from discriminating against students based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. It also prohibits schools from applying any rule related to a student's parental, family or marital status that treats students differently based on their sex.
- CC. PRIMARY PREVENTION PROGRAM**- Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.
- DD. PROFESSIONAL AND PASTORAL COUNSELORS**- Professional, licensed counselors and pastoral counselors who provide mental--health counseling to members of the University community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim/complainant's permission
- EE. RESPONDENT**- A person who is charged with committing acts of discrimination, harassment, or retaliation.
- FF. RESPONSIBLE EMPLOYEE**- A “responsible employee” is a University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the victim and that the University will need to determine what happened –including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.
- GG. REPORTER** – an individual who observed or was made aware of an alleged violation and who provides an initial oral or written account of an alleged violation of this regulation.
- HH. RETALIATION**- Action taken against any person because he/she opposed or made a good faith internal or external report or complaint of conduct of the type prohibited by this policy or because he/she has testified, assisted or participated in an investigation of conduct of the type prohibited by this policy or in related proceedings. Retaliation can take many forms, including, but not limited to, adverse action or violence, threats, acts of intimidation, other acts of harassment or discrimination that would discourage a reasonable person (under similar circumstances and with similar identities to the complainant) from engaging in a protected activity.
- II. RISK REDUCTION**- Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- JJ. SEXUAL ASSAULT**-For purposes of this policy it means any sexual act directed against another person without his/her consent, including instances where he/she is incapable of giving consent. For purposes of this policy, Sexual Assault includes Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Incest and Statutory Rape as those terms are defined herein.
- KK. SEXUAL EXPLOITATION**- Purposely or knowingly doing any of the following:
 - i. Observing and/or watching other(s) engaged in intimate behaviors including, but not limited to, undressing, sexual activity, using the bathroom, bathing, or other actions usually considered to be of a private nature, without the other person's knowledge or consent (often referred to as voyeurism);
 - ii. Recording, photographing, transmitting, showing, viewing, streaming, or distributing pictures, video or audio of another person in a sexual act, or in any other intimate/private activity without the knowledge and consent of all persons involved in the activity;
 - iii. Exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent);

- iv. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection;
- v. Administering alcohol or drugs (such as “date rape” drugs) to another person without their knowledge or consent; or
- vi. Exposing one’s genitals in non-consensual circumstances.
- vii. Prostituting another person
- viii. Misappropriation of another person’s identity on apps, websites, or other venues designed for dating or sexual connections
- ix. Forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio, or an image that depicts the person’s nudity or sexual activity
- x. Knowingly soliciting a minor for sexual activity
- xi. Engaging in sex trafficking
- xii. Creation, possession, or dissemination of child pornography

LL. SEXUAL HARASSMENT- Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as: Conduct on the basis of sex that satisfies one or more of the following:

- i. Quid Pro Quo:
 - a. an employee of the recipient, conditions the provision of an aid, benefit, or service of the recipient, on an individual’s participation in unwelcome sexual conduct; and/or
- ii. Sexual Harassment:
 - a. unwelcome conduct,
 - b. determined by a reasonable person,
 - c. to be so severe, and
 - d. pervasive, and,
 - e. objectively offensive,
 - f. that it effectively denies a person equal access to Wayland Baptist University’s education program or activity.
- iii. Sexual assault, defined as:
 - a. Sex Offenses, Forcible:
 - 01. Any sexual act directed against another person,
 - 02. without the consent of the Complainant,
 - 03. including instances in which the Complainant is incapable of giving consent.
 - b. Forcible Rape:
 - 01. Penetration,
 - 02. no matter how slight,
 - 03. of the vagina or anus with any body part or object, or
 - 04. oral penetration by a sex organ of another person,
 - 05. without the consent of the Complainant.
 - c. Forcible Sodomy:
 - 01. Oral or anal sexual intercourse with another person,
 - 02. forcibly,
 - 03. and/or against that person’s will (non-consensually), or
 - 04. not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - d. Sexual Assault with an Object:
 - 01. The use of an object or instrument to penetrate,
 - 02. however slightly,
 - 03. the genital or anal opening of the body of another person,
 - 04. forcibly,
 - 05. and/or against that person’s will (non-consensually),
 - 06. or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- e. Forcible Fondling:
 - 01. The touching of the private body parts of another person (buttocks, groin, breasts),
 - 02. for the purpose of sexual gratification,
 - 03. forcibly,
 - 04. and/or against that person's will (non-consensually),
 - 05. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- f. Sex Offenses, Non-forcible:
 - 01. Incest:
 - i. Non-forcible sexual intercourse,
 - ii. between persons who are related to each other,
 - iii. within the degrees wherein marriage is prohibited by Texas state law.
 - 02. Statutory Rape:
 - i. Non-forcible sexual intercourse,
 - ii. with a person who is under the statutory age of consent of 17.
- iv. Dating Violence, defined as:
 - a. violence,
 - b. on the basis of sex,
 - c. committed by a person,
 - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - e. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - f. Dating violence does not include acts covered under the definition of domestic violence.
- v. Domestic Violence, defined as:
 - a. violence,
 - b. on the basis of sex,
 - c. committed by a current or former spouse or intimate partner of the Complainant,
 - d. by a person with whom the Complainant shares a child in common, or
 - e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
 - f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Texas, or
 - g. 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 Texas or other states where Wayland operates.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.
- vi. Stalking, defined as:
 - a. engaging in a course of conduct,
 - b. on the basis of sex,
 - c. directed at a specific person, that
 - 01. would cause a reasonable person to fear for the person's safety, or
 - 02. the safety of others; or
 - d. Suffer substantial emotional distress.

For the purposes of this definition—

 - 01. 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.
 - 02. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

03. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

MM. SEXUAL MISCONDUCT – term that encompasses sexual harassment, sexual violence, and stalking. Can occur between individuals who know one another, have an established relationship, have previously engaged in consensual sexual activity, or individuals who do not know one another.

NN. SEXUAL VIOLENCE – category that includes sexual assault, rape, stalking, domestic/intimate partner violence, and dating violence. Sexual Violence represents conduct involving physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s incapacity. An individual’s incapacity may arise from use of drugs or alcohol or individual conditions including intellectual or other disability.

OO. STATUTORY RAPE – Sexual intercourse with a person who is under the statutory age of consent.

PP. TITLE IX – portion of the 1972 Education Amendments to the Civil Rights Act of 1964 which states “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

QQ. UNFOUNDED CRIME – a crime may be “unfounded” only if sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of the full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Both “founded” and “unfounded” crimes must be reported on the Clery Annual Security Report.

RR. VAWA – the Violence Against Women Act passed in 2013 amended the Clery Act to include Dating Violence, Domestic Violence and Stalking incidents (DVDVS). It also details the role of law enforcement, the types of crimes mandated for reporting, and stipulates the need for violence prevention programming.

SS. VOYEURISM– Trespassing, spying, or eavesdropping.

40. Frequently Asked Questions –

Here are some of the most commonly asked questions regarding the University’s Title IX policy and procedures.

A. Does information about a report remain private?

- i. The privacy of all parties to a report of sexual misconduct must be respected, except insofar as it interferes with the University’s obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. The University will not disseminate information and/or written materials to persons not involved in the resolution process without the consent of both parties. Witnesses are also required to maintain the privacy of information shared with them during interviews and/or hearings. Violations of the privacy of the reporting party or the responding party may lead to conduct action by the University, though both parties are allowed to share their perspectives and experiences. All parties, including witnesses, involved in an allegation are strongly encouraged to maintain the privacy of information and/or written materials.

B. Will my parents be told?

- i. No, not unless you tell them. Whether you are the reporting party or the responding party, the University’s primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. University officials will directly inform parents when requested to do so by a student, when the student is in a life-threatening situation, or if an individual has signed the permission form at registration which allows such communication.

C. Will the responding party know my identity?

- i. Yes, if the University determines there is reasonable cause to believe a violation has occurred and investigates the matter. The responding party has the right to know the identity of the reporting party. If there is a hearing, the University does provide options for questioning without confrontation.

D. Do I have to name the responding party?

- i. You can report the incident without the identity of the responding party, but doing so may limit the institution’s ability to respond comprehensively.

E. What do I do if I am accused of sexual misconduct?

- i. DO NOT contact the reporting party. You may immediately want to contact someone who can act as your advisor; anyone may serve as your advisor. You may also contact the Title IX Office, which can explain the University’s procedures for addressing sexual misconduct reports. You may also want to talk to a confidential counselor at the counseling center or seek other community assistance. See below regarding legal representation.

F. What about legal advice?

- i. Victims of criminal sexual assault need not retain a private attorney to pursue criminal prosecution because representation will be handled by the District Attorney’s office. You may want to retain an attorney if you are considering filing a civil action or are the responding party. The responding party may retain counsel at their own

expense if they determine that they need legal advice about criminal prosecution and/or the campus conduct proceeding. Both the responding party and the reporting party may also use an attorney as their advisor during the campus' resolution process.

G. How is a report of sexual misconduct decided?

- i. The University investigates allegations of sex/gender-based harassment, discrimination or misconduct to determine whether there is evidence to indicate a policy violation is "more likely than not." This standard, called the preponderance of the evidence, corresponds to an amount of evidence indicating a policy violation is more than 50% likely.

H. What about changing residence hall rooms?

- i. You may request a room change if you want to move. Room changes under these circumstances are considered emergencies. If you prefer that the responding party be moved to another residence hall, that request will be evaluated by the Title IX Coordinator or Deputy Title IX Coordinator to determine if it can be honored. Other assistance and modifications available to you might include:
 - a. Assistance from University support staff in completing a room relocation;
 - b. Assistance with or rescheduling an academic assignment (paper, exams, etc.) or otherwise implementing academic assistance;
 - c. Taking an incomplete in a class;
 - d. Assistance with transferring class sections;
 - e. Temporary withdrawal;
- ii. Assistance with alternative course completion options;
- iii. On or off-campus counseling assistance;
- iv. Other accommodations for safety as necessary.

I. What should I do about preserving evidence of a sexual assault?

- i. Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim's person within 120 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of a criminal sexual assault, you should go to the closest Hospital Emergency Room, before washing yourself or your clothing. The Sexual Assault Nurse Examiner (a specially trained nurse) at the hospital is usually on call 24 hours a day, 7 days a week (call the Emergency Room if you first want to speak to the nurse; ER will refer you). A victim advocate from the institution can also accompany you to the hospital and law enforcement or Security can provide transportation. If a victim goes to the hospital, local police will be called, but s/he is not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim, but will not obligation him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim decide later to exercise it.
- ii. For the Reporting Party: The hospital staff will collect evidence, check for injuries, address pregnancy concerns and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect.

J. Will the use of drugs or alcohol affect the outcome of a sexual misconduct conduct resolution?

- i. The use of alcohol and/or drugs by either party will not diminish the responding party's responsibility. On the other hand, alcohol and/or drug use is likely to affect the reporting party's memory and, therefore, may affect the resolution of the reported misconduct. A reporting party must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to prove that policy was violated. If the reporting party does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the responding party without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by a responding party.

K. Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?

- i. Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present matter.

L. What should I do if I am uncertain about what happened?

- i. If you believe that you have experienced sexual misconduct, but are unsure of whether it was a violation of the institution's sexual misconduct policy, you should contact the institution's Title IX Coordinator (not confidential) or Counseling Center (confidential).

41. RISK REDUCTION AND ACTIVE BYSTANDER

It is important to remember that sexual misconduct is never the fault of the victim.

A. A Guide for the Wayland Baptist University Community

- i. Most sexual assaults among college students involve people who know each other, and the majority involve use of alcohol or other drugs. Whether someone is sober or under the influence of alcohol or other drugs, if they are sexually assaulted they are not responsible for the assault.
- ii. Anyone can be sexually assaulted, and there are no sure means to prevent sexual assault because the only people who can prevent sexual assault are those who perpetrate it. However, you can take steps to lessen the likelihood that you or your friends will be assaulted or will assault someone.

B. If you or someone you know has been sexually violated

- i. DO:
 - a. Be supportive, listen to them.
 - b. Share your feelings of concern for them.
 - c. Communicate to your friend that they are not responsible for the violation.
 - d. Make sure your friend has a safe place to stay.
 - e. Allow your friend to regain control by making their own decisions.
 - f. Make yourself available to accompany your friend to a helping resource (e.g., Hospital, Health Services, Counseling Center).
 - g. Realize that you, too, have been affected and seek support if you need it.
- ii. DON'T:
 - a. Attempt to seek revenge.
 - b. Make jokes.
 - c. Be angry with your friend.
 - d. Force your friend to talk and/or take control from them.
 - e. Ask your friend how they could "let this happen".
 - f. Assume you understand how your friend feels.
 - g. Discuss the incident with others unless you have permission from your friend.

C. Tell Someone

- i. Collect your thoughts, then call 911 or any police department.

D. Get Medical Care

- i. As soon as possible, seek medical care from a hospital emergency room. A general exam by a rape/sexual assault nurse at your local emergency room is advised to collect information for documentation of evidence should you decide to prosecute. The exam may also include testing and treatment to help prevent sexually transmitted diseases.

E. Report the Rape

- i. It is your decision whether to report the rape; however, most rapists are repeat offenders and your report may prevent future attacks from occurring. University personnel will assist you in notifying the police if needed. If you plan to file a report, do not clean up the area or alter it in any way prior to arrival of the WBU Police Department or local law enforcement officials and follow the steps below to preserve evidence.

Dr. Justin Lawrence

Title IX Coordinator

(806) 291-1173

Report Online: www.wbu.edu/reportcrime/defaultIX.apx

If after hours call WBU Police: (806)774-4225

For incidents in progress or emergencies - DIAL 9-911 on campus, or 911 off campus. If you use your cell phone or a phone off campus, DIAL 911.

F. Preserve Evidence

- i. Even if you have no immediate intention to report the incident to the police, preserving evidence will be important in case you later decide to press criminal charges or pursue University disciplinary action against another person. Physical evidence may also help you obtain an order from a court or the University requiring the other person involved to stay away from you.

- a. If you have been sexually assaulted, it is better if you DO NOT shower or bathe, douche, wash hands, use the toilet, brush your teeth, change clothing, or wash clothing or bedding. If you change clothes, carefully place all clothing worn at the time (or bedding) into a paper bag.
- b. At a hospital, a sexual assault examination (also known as a forensic examination) can be conducted to gather evidence, whether or not you intend to press criminal charges. This procedure includes a physical exam where a doctor or a trained nurse collects the evidence of the assault. You will need to bring an extra set of clothing. The clothing worn during the assault may be collected as evidence.
- c. If you believe you have been drugged, traces of the drug may still be detected for up to 96 hours after ingestion (depending on dosage, and individual metabolism). The chances of getting proof are best when the sample is obtained quickly. In general, evidence collection is best if done immediately following an assault. The more time that passes between the sexual assault and medical collection of evidence, the less likely it is that the evidence will be useful in the prosecution of a criminal case.
- d. It may be helpful for you to immediately write down everything you can remember about the incident, including what the assailant(s) looked like (e.g., height, weight, scars, tattoos, hair color, clothes); any unusual odor; any noticeable signs of intoxication; anything the assailant(s) said during the assault; what kinds of sexual activities were demanded and/or carried out; if weapons, threats, or physical force were used; and any special traits noticed (e.g., limp, speech impediments, use of slang, lack of erection, etc.). Writing it down will not only aid you in recalling details should you choose to report, it also can be empowering as it allows you an element of control in a situation where control had previously been taken away.
- e. Remember to preserve electronic evidence. Text messages, emails, voicemails, records of recent phone calls, and posts on social media may all provide critical evidence and should not be deleted from your cellphone, computer, or other device. Police or University investigators can help you document and preserve electronic evidence.

G. Reduce the Risk of Committing Sexual Assault

- i. Listen carefully. Take time to hear what the other person has to say. If you feel they are not being direct or are giving you a “mixed message” ask for clarification.
- ii. Don’t fall for the cliché “if they say no, they really mean yes.” If your partner says “no” to sexual contact, believe them and stop. If they seem uncomfortable or uncertain, stop and check in. It is never acceptable to force sexual activity, or to pressure, coerce, or manipulate someone into having sex, no matter the circumstances. The campus has employed an affirmative consent policy. Yes, means yes.
- iii. Don’t make assumptions about a person’s behavior. Don’t assume that someone wants to have sex because of the way they are dressed, they drink (or drink too much), or agree to go to your room. Don’t assume that if someone has had sex with you before they are willing to do so again. Also, don’t assume that if your partner consents to kissing or other sexual activities, they are consenting to all sexual activities. Obtain clear consent for each sexual activity.
- iv. Be aware that having sex with someone who is mentally or physically incapable of giving consent is rape. If you have sex with someone who is incapacitated due to alcohol or drugs, passed out, or is otherwise incapable of saying no or knowing what is going on around them, you may be guilty of rape.
- v. Remember sexual assault is a crime punishable via campus conduct, criminal, and civil proceedings.
- vi. Be careful in group situations; resist pressure from friends to participate in violent acts.
- vii. Get involved if you believe that someone is at risk. If you see someone in trouble or someone pressuring another person, don’t be afraid to intervene - or get help to do so

H. Reduce the Risk of being Sexually Assaulted

- i. Anyone can be sexually assaulted, and there are no sure means to prevent sexual assault because the only people who can prevent sexual assault are those who perpetrate it. However, you can take steps to lessen the likelihood that you or your friends will be assaulted or will assault someone.
 - a. Know where you are going and speak up if you are uncomfortable with the plans.
 - b. Pay attention to behavior that doesn’t seem right. Power stares, someone who grabs or pushes, someone who doesn’t listen or disregards what you are saying, someone who blocks your way, or someone sitting or standing uncomfortably close are all clues that you should stay alert
 - c. Set sexual limits. You don’t “owe” anyone sex. Communicate those limits. People can’t read your mind. If you give consent, you have the right to revoke it at any time.

- d. Know your sexual intentions and limits. You have the right to say “NO” to any unwanted sexual contact. If you are uncertain of what you want, ask your partner to respect your feelings.
- e. Trust your feelings. If you feel pressured, you probably are. Listen to your gut feelings. If you feel uncomfortable or think you might be at risk, leave the situation immediately and go to a safe place. If you feel you are being pressured or coerced into sexual activity, you have a right to state your feelings and/or leave the situation. If you are concerned about the other person becoming angry, it is okay to make up an excuse to leave or create time to get help.
- f. Be assertive. Get angry and act immediately with a negative response if things seem out of hand. Stand up for yourself. It’s OK to make a scene or be rude if someone is pressuring you.
- g. Communicate with your partner: NO MEANS NO; CLEAR verbal or non-verbal CONSENT MEANS YES.
- h. Control your environment. Decide whether you want to be in a particular place or not, and don’t depend on casual acquaintances for money, shelter, transportation, etc.
- i. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- j. Be aware that some people mistakenly believe drinking, dressing provocatively, or going to your or someone else’s room means you are willing to have sex. Be clear up front about your limits in such situations.
- k. Try to avoid isolated areas. It is more difficult to get help if no one is around.
- l. Walk with purpose. Even if you don’t know where you are going, act like you do.
- m. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- n. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- o. Make sure your cell phone is with you and charged and that you have cab money.
- p. Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- q. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- r. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation. Attend large parties with friends you trust. Agree to “look out” for one another. Leave with the group, not alone. Avoid leaving with people that you don’t know very well.
- s. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- t. Know that drinking and drug use can impair your judgment. You might not be able to make the same decision you would make if you were sober.
- u. Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
- v. Don’t accept drinks from people you don’t know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers. Mixed drinks can have more alcohol in them than you might want to drink. Also, drugs (e.g., Rohypnol, GHB) can be dissolved in a drink, causing side effects such as nausea, dizziness, disorientation, &/or loss of consciousness.
- w. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
- x. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- y. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - 01. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - 02. Be true to yourself. Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.

- 03. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- 04. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- z. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- aa. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

I. How to Be an Active Bystander

- i. Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.
 - a. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
 - b. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
 - c. Speak up when someone discusses plans to take sexual advantage of another person.
 - d. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
 - e. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

J. Seek Counseling

- i. The local Rape Crisis Hotline and the Wayland Baptist University Counseling Center are staffed with well trained and compassionate counselors. They can assist you in dealing with the emotional trauma and pain associated with sexual assault. University officials will also help you change academic and living situations if that is your choice and such options are reasonably available. In addition, you can contact the Rape Abuse Incest National Network (RAINN) which offers national anonymous hotline support to survivors and allies at 1.800.656.HOPE FREE (4673). If you would rather chat with someone online, RAINN also operates the National Sexual Assault Online Hotline, a live, secure, anonymous crisis chat support. To access help 24 hours a day, visit: <https://ohl.rainn.org/online/>

XXVI. REQUIRED TRAINING FOR TITLE IX

Title IX Training - In accordance with Texas House Bill No. 1735 and the Campus SaVE Act/Clery Act, Wayland Baptist University provides mandatory orientation/training on our Title IX policy for incoming freshmen and undergraduate transfer students during their first term. To fulfill this requirement, students are required to complete the following online Title IX orientation/training: <https://www.wbu.edu/about/title-ix/student-training.htm>

XXVII. SUBSTANCE ABUSE POLICY

1. Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs/controlled substances (this includes illegal use, possession or distribution of prescription medication) by students or University personnel, and strictly enforces this prohibition on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials. The Wayland Police Department also strictly enforces federal, state and local law regarding the use, possession or distribution of alcohol and illegal drugs/controlled substances. Violation of federal, state, or local law regarding the use, possession or distribution of alcohol and/or illegal drugs/controlled substances may constitute a violation of the substance abuse policy.
2. To ensure that the University continues to provide a drug-free workplace, the University will:

- A. Publish annually a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited and specifying those actions which will be taken against employees or students for the violation of this policy.
 - B. Establishing an ongoing drug-free awareness program to inform employees about:
 - i. The dangers of drug abuse
 - ii. The University's policy of maintaining a drug-free workplace
 - iii. Available drug counseling, rehabilitation, and employee assistance programs
 - iv. The penalties which may be imposed upon employees for drug abuse violations
 - C. Ensure that each employee of the University receives a copy of this policy and that as a condition of employment, each employee will agree to:
 - i. Abide by the terms of this policy
 - ii. Notify the University in writing of his/her conviction for a violation of a criminal drug statute occurring on University property no later than five calendar days after such conviction
 - D. Notify the Director, Grants and Contracts Service, and The U.S. Department of Education, in writing, within ten calendar days after receiving notice of the conviction of an employee working with student financial aid programs.
3. **University Sanctions** – Wayland Baptist University, and appropriate cabinet level administrator will enforce the standard stated above by implementation of sanctions as outlined below.
- A. **Student Sanctions**
 - i. Students found to possess alcohol on University-owned or controlled property or in conjunction with any University activity may be placed on disciplinary probation for a period of two long semesters. The University reserves the right to use discretion in determining type or duration of sanction. Possession of paraphernalia used to consume alcohol, as well as empty alcohol containers will be considered as tantamount to possession of alcohol.
 - ii. Students found to distribute alcohol on University-owned or controlled property or in conjunction with any University activity may be suspended for a period of one long semester. The University reserves the right to use discretion in determining type or duration of sanction.
 - iii. Students found to possess controlled substances, other than alcohol, on University-owned or controlled property or in conjunction with any University activity may be suspended from the University for a period of two long semesters. The University reserves the right to use discretion in determining type or duration of sanction.
 - iv. Students found to manufacture or distribute controlled substances, other than alcohol, on University-owned or controlled property or in conjunction with any University activity may be expelled from the University. The University reserves the right to use discretion in determining type or duration of sanction.
 - B. The above sanctions and their duration are to be imposed at the discretion of University officials and represent a framework for disciplinary standards. Recurrence of offenses will incur more stringent sanctions. Completion of a rehabilitation program may be required as a part of a sanction at any level.
 - C. Imposition of sanctions will be made by University officials in the context of the University's disciplinary system. The University may also take action against students for off-campus use, possession, or distribution of alcohol or controlled substances if deemed appropriate by University officials.
 - D. The University may report any violations as outlined above to the local, state or federal law enforcement officials for prosecution. There are severe penalties including imprisonment and fines for violation of controlled substance statutes on the state and federal level. Most local governments follow state sanctions as far as penalties are concerned.
4. **Services Available** –
- A. The University provides crisis intervention counseling through the Office of Counseling Services. Long term rehabilitation and therapy are not provided through the University, but information and referrals are. Services available locally will be furnished by the counseling staff.
 - i. *Local treatment options:*

Central Plains MH/MR
2700 Yonkers
Plainview, TX 79072
PH: 806-293-2636

*The University in no way endorses or affirms the competency or effectiveness of the services offered by this agency.
5. **Criminal Sanctions**
- A. Local and county governments follow state sanctions as listed below, in particular, the State of Texas prohibits the following acts and prescribes the corresponding penalties:

- i. Being intoxicated in public such that one is a danger to oneself or others is punishable by a fine of up to \$200.
 - ii. It is illegal to possess or distribute alcoholic beverages in dry areas. Violation of this law carries a penalty of up to \$1000 and/or up to one year in prison.
 - iii. The purchase, possession or consumption of alcoholic beverages by a person under twenty-one years of age subjects that person to a fine of up to \$200 for the first offense and up to \$500 for the second offense.
 - iv. Furnishing alcoholic beverages to a minor is punishable by a fine of up to \$500.
 - v. The possession of an intoxicating beverage on the grounds of any public school carries a penalty of up to \$200.
 - vi. Driving under the influence of alcohol is punishable by a fine of \$100 to \$2000 and/or three days to two years in prison for the first offense; and \$500 to \$2000 fine and 60 days to five years in prison for subsequent offenses. A person under age twenty-one who misrepresents his/her age for the purpose of purchasing alcoholic beverages may be punished by a fine of up to \$500.
 - vii. The illegal distribution, possession or use of controlled substances may be punished by five years to life in prison and up to a \$20,000 fine for the first offense. Repeat offenders are subject to a sentence of ten to life in prison and a fine of up to \$1,000,000.
 - viii. The delivery or possession of controlled substances with the intent to manufacture controlled substances is punishable by a jail term of ten years to life and up to a \$100,000 fine.
 - ix. The possession of marijuana may be punished by two to twenty years in prison and/or up to a \$10,000 fine depending on the amount of marijuana involved.
 - x. The distribution of marijuana to a minor is punishable by 5 to 99 years in prison and/or up to a \$50,000 fine.
- B. Federal Penalties and Sanctions for Possession of a Controlled Substance**
- i. 21 U.S.C. 844(a)
 - a. 1st conviction: Up to one-year imprisonment and fined at least \$1,000 but not more than \$100,000 or both.
 - b. After one prior conviction: At least 15 days in prison, not to exceed two years and fined at least \$2,500 but not more than \$250,000 or both.
 - c. After two or more prior drug convictions: At least 90 days in prison, not to exceed three years and fined at least \$5000 but not more than \$250,000 or both.
 - d. Special sentencing provisions for possession of crack cocaine: mandatory at least five years in prison, not to exceed 20 years and fined up to \$250,000 or both if:
 - 01. First conviction and the amount of crack exceeds 5 grams
 - 02. Second crack conviction and the amount of crack possessed exceeds 3grams
 - 03. Third or subsequent crack conviction and the amount possessed exceeds 1 gram
 - ii. 21 U.S.C. 853 (a) (2) and 881 (a) (7)
 - a. Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment. (See special sentencing provisions re: crack)
 - iii. 881(a)(4)
 - a. Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal controlled substances.
 - iv. 21 U.S.C. 844a
 - a. Civil fine of up to \$10,000 (pending final regulations).
 - v. 21 U.S.C. 853a
 - a. Denial of Federal benefits, such as student loans, grants, contracts and professional and commercial licenses, up to 1 year for the first offense, up to five years for second and subsequent offenses.
 - vi. 18 U.S.C. 922(g)
 - a. Ineligible to receive or purchase a firearm.
- C. Miscellaneous**
- i. Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

XXVIII. UNIVERSITY FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT (FERPA) ANNUAL NOTIFICATION OF RIGHTS UNDER FERPA

1. The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:
 - A. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.
 - i. Students should submit to the University Registrar, external campus Executive Director/Campus Dean, Dean of the Academic School, or other appropriate official, written requests that identify the record(s) they wish to inspect.

The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

- B.** The right to request the amendment of the student's education records that the student believes is inaccurate or misleading.
 - i.** Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
 - ii.** If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student.
- C.** The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
 - i.** One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interest.
- D.** A school official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
 - i.** A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
 - ii.** Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.
- E.** The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202-4605.

2. Directory Information

- A.** Wayland Baptist University has designated certain information in the education records of its students as directory information for the purposes of the Family Educational Rights and Privacy Act (FERPA). Students are required to complete a form in the Office of the University Registrar each academic year to control release of the information with respect to student's records. Notification must be given prior to the census day of term.
- B.** The following types of information will be released to those requesting it unless the student specifically requests otherwise on the form provided or by submitting written notification to the Office of the University Registrar (Gates Hall 004):
 - i.** Student's Name
 - ii.** Local Address/Phone Number
 - iii.** Permanent Address/Phone Number
 - iv.** E-mail address
 - v.** Date and Place of Birth
 - vi.** Hometown
 - vii.** Degrees, Awards Received, Dates
 - viii.** Dates of Attendance (Current, Past)
 - ix.** Participation in Officially Recognized Activities
 - x.** Participation in Officially Recognized Sports
 - xi.** Weight/Height of Members of Athletic Teams
 - xii.** Most Recently Attended Educational Institute
 - xiii.** Major Field of Study
 - xiv.** Academic Level
 - xv.** Residency Status
 - xvi.** Photographs
- C.** Directory information may be disclosed by this institution for any purpose in its discretion, without the consent of the student. Students have the right, however, to refuse to permit the designation of any or all of the above information as directory information. In that case, this information will not be disclosed except with the consent the student, or as otherwise allowed by FERPA. Any student refusing to have any or all of the designated directory information disclosed must file written notification of this effect with this institution at the Office of University Registrar (Gates Hall Basement), on or before the tenth day of the semester. Forms for this purpose are available at that office.

- D. In the event a refusal is not filed, this institution assumes that neither a parent of a student or eligible student objects to the release of the directory information designated.

XXIX. STUDENT GRADE APPEAL

1. **Generally:** A basic aspect of the teaching-learning process is the evaluation of student performances and the assignment of grades. Student performance will be evaluated solely on an academic basis, and not on opinions or conduct in matters unrelated to the course taken. Faculty are responsible for providing syllabi which clearly specify course objectives and/or competencies, and for making clear the means of evaluation for purposes of grading students. Students are responsible for class attendance, for learning the content of any course of study and for those standards of academic performance established for a given course. Students who violate academic integrity and regulations (see policy 8.4.1 and current catalog) by plagiarism, classroom misdemeanor, or academic dishonesty will be held accountable to faculty and may have their grades adjusted accordingly. Students shall have protection through orderly procedures against prejudices or capricious academic evaluation. A student, who believes that he or she has not been held to realistic academic standards, just evaluation procedures, or appropriate grading, may appeal the final grade given in the course by using the following grievance and appeal procedures. Appeals are limited to the final course grade. Appeals may not be made for advanced placement examinations or course bypass examinations. Students enrolled on the Plainview campus, WBUonline students associated with the Plainview campus (campus of record), and School of Nursing students - If a student in one of these enrollment categories feels the matter is not satisfactorily resolved at the student-faculty level, the student should follow the steps below:
 - A. The student shall first present, in writing, the matter of grievance to the instructor of the course. This must be done within thirty calendar days after the beginning of the next regular semester. If agreement is reached, the faculty member will either sustain the judgment made or make a change according to the agreement reached within two weeks.
 - B. If the student feels the matter is not satisfactorily resolved at the student-faculty level, the student should submit the grievance to the dean of the school in which the course is taught. The appeal must be made in writing within two weeks after the faculty member has acted on the grievance; otherwise, the grievance shall be considered withdrawn. The dean of the school will review all facts and evidence in the case and mediate a decision within two weeks after the receipt of the grievance. If the grievance is not further appealed, it will be considered resolved.
 - C. If the student is not satisfied, he/she may request the vice president of academic affairs to refer the appeal to the University Faculty Assembly Grade Appeals Committee. This request must be made in writing, must include the basis for the appeal, and must be submitted within two weeks following receipt of the decision of the dean of the school.
 - D. The student or faculty member may appeal the findings of the committee in writing to the vice president of academic affairs within one week after receiving the committee's report. The vice president of academic affairs will render a decision within two weeks and copies of such decision will be sent to the student, the faculty member, and the dean of the school involved. This decision shall be final in all cases of grade appeals.
 - E. Failure to submit grievances within the required time period will negate the student's complaint. No grievances will be considered after one full term has passed after the student has received the grade in question.
2. **Students enrolled on external campuses and WBUonline students associated with an external campus (campus of record):** If a student in one of these enrollment categories feels the matter is not satisfactorily resolved at the student-faculty level, the student should follow the steps below:
 - A. A student shall first present, in writing, the matter of grievance to the instructor of the course. This must be done within thirty calendar days after the beginning of the next regular term. If agreement is reached, the faculty member will either sustain the judgment made or make a change according to the agreement reached within two weeks.
 - B. If the student feels the matter is not satisfactorily resolved at the student-faculty level, the external campus student should submit the grievance to the campus executive director/campus dean within two weeks after the decision by the professor. The external campus executive director/campus dean will either sustain the judgment of the professor or make a change according to the agreement reached with the student within two weeks. The executive director/campus dean will notify the appropriate school dean of this decision.
 - C. If the student feels the matter is not satisfactorily resolved at student-executive director/campus dean level, the grievance should be submitted to the dean of the school in which the course is taught. The appeal must be made in writing within two weeks after the faculty member or external campus executive director/campus dean has acted on the grievance; otherwise, the grievance shall be considered withdrawn. The dean of the school will review all facts and evidence in the case and mediate a decision within two weeks after the receipt of the grievance. If the grievance is not further appealed, it will be considered resolved.

- D. If the student is not satisfied, he/she may request the vice president of academic affairs to refer the appeal to the University Faculty Assembly Grade Appeals Committee. This request must be made in writing, must include the basis for the appeal, and must be submitted within two weeks following receipt of the decision of the dean of the school.
- E. The student or faculty member may appeal the findings of the committee in writing to the vice president of academic affairs within one week after receiving the committee's report. The vice president of academic affairs will render a decision within two weeks and copies of such decision will be sent to the student, the faculty member, the external campus executive director/campus dean, and the dean of the school involved. This decision shall be final in all cases of grade appeals.
- F. Failure to submit grievances within the required time period will negate the student's complaint.
- 3. **WBUonline Degree Program students** - Any students pursuing degrees through Wayland's on-line programs will follow the appeal process outlined for the Plainview campus. If the student is associated with one of the external campuses, the student will follow the process outlines for external campus students. The process may end at any step if the grievance is resolved or if a party fails to follow the above procedures.
- 4. **The Faculty Assembly Grade Appeals Committee** - The Faculty Assembly Grade Appeals Committee is an ad hoc committee whose membership shall consist of five members of the Faculty Assembly. The membership and chair shall be appointed by the Faculty Assembly president, in consultation with the executive committee for each occasion that a grievance is referred to the committee. The chair will not be a representative from the school from which the appeal emanates. The chair retains the right to vote on a case. The chair will keep appropriate records of meetings and committee actions and will make a report of the recommendation of the committee to the vice president of academic affairs. Should a member of the committee be involved in the case, that faculty member shall withdraw from the committee for the hearing of that case.
 - A. Quorum - A quorum shall be four (4) members of the committee including the chair.
 - B. Committee proceedings - The committee shall convene, hear the complaint, review the data pertaining to the appeal, and present its findings in writing to the student, the faculty member, and the vice president of academic affairs within two weeks after the grievance is referred. The case will be heard at a time and place chosen by the chair of the appeals committee. The burden of proof shall rest with the student bringing the charge. The committee shall hear all parties to the case and shall review all evidence presented. The chair of the committee may arrange telephone conference calls or a teleconference if a great distance is involved. Any cost associated with travel or accommodations will be borne by the student. Another person may accompany the student submitting a grievance during the hearing. The committee may also allow the faculty member or University counsel to be present during the proceeding. Witnesses, if deemed necessary, may be solicited by the committee. The committee will have the right to review the course objectives and syllabus, course criteria for grading, the student's work submitted for evaluation and the grade distribution for the course. The proceeding, findings and recommendations shall not be open to the general public or available to any individuals other than those concerned with the case. A simple majority vote shall be required in action. In case of a tie vote, this will become part of the written report.
 - C. Committee decision – The committee will determine the facts of the case and attempt to render a fair and appropriate resolution of the problem. If it is determined that the student has not been treated in a fair manner, the committee will instruct that the course grade be changed to a more proper evaluation.

XXX. HIV/AIDS POLICY

1. Introduction

- A. Wayland Baptist University recognizes that HIV-AIDS presents a serious public health threat. In light of this, the University is committed to providing information and education to students, faculty and staff in order to help prevent the spread of HIV infection and provide a safe educational and working environment. Every effort will be made to ensure the rights and wellbeing of the individual while meeting the needs of the University community as a whole. The University recognizes persons with HIV- AIDS as disabled and will not discriminate or tolerate discrimination against such persons.

2. General Guidelines

- A. Realizing that information regarding transmission, treatment and prevention of HIV infection is changing almost daily, the University will respond to persons who are HIV positive on an individual basis and will not adopt specific, detailed policies at this time. The University will abide by the policies and guidelines set forth by the American College Health Association in its "General Statement of Institutional Response to AIDS" (AIDS on the College Campus: 1990). A copy of this report is available in the office of Student Health Services. The University reserves the right to deviate from the ACHA guidelines when in the best interest of the infected individual and the University community.

XXXI. DISABLED STUDENTS POLICY

1. General

- A. Disability statement** -- In compliance with the Americans with Disabilities Act of 1990 (ADA), it is the policy of Wayland Baptist University that no otherwise qualified person with a disability be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity in the University. The Office of Disability Services serves as the coordinator of students with disability and should be contacted concerning accommodation requests at (806) 291-1057.
- B.** Documentation of a disability must accompany any request for accommodations.

XXXII. NONDISCRIMINATION STATEMENT

Wayland Baptist University does not illegally discriminate in employment opportunities or practices on the basis of race, color, sex, national or ethnic origin, age disability, or genetic information. Under federal law, the University may discriminate on the basis of religion in order to fulfill its mission and purposes.

XXXIII. ACADEMIC HONESTY

- 1. University students are expected to conduct themselves according to the highest standards of academic honesty. Academic misconduct for which a student is subject to penalty includes all forms of cheating, such as illicit possession of examinations or examination materials, forgery, or plagiarism. (Plagiarism is the presentation of the work of another as one's own work.) Disciplinary action for academic misconduct is the responsibility of the faculty member assigned to the course. The faculty member is charged with assessing the gravity of any case of academic dishonesty and with giving sanctions to any student involved. Penalties that may be applied to individual cases of academic dishonesty include one or more of the following:
 - A.** Written reprimand.
 - B.** Requirement to redo work in question.
 - C.** Requirement to submit additional work.
 - D.** Lowering of grade on work in question.
 - E.** Assigning the grade of F to work in question.
 - F.** Assigning the grade of F for course.
 - G.** Recommendation for more severe punishment (see Student Handbook for further information)
- 2. The faculty member involved will file a record of the offense and the punishment imposed with the dean of the school, external campus executive director/campus dean, and the vice president of academic affairs. The vice president of academic affairs will maintain records of all cases of academic dishonesty reported for not more than two years
- 3. Any student who has been penalized for academic dishonesty has the right to appeal the judgment or the penalty assessed. The appeals procedure will be the same as that specified for student grade appeals. (See Student Handbook for further information or, for external students, the external campus executive director/campus dean).

XXXIV. OWNERSHIP OF ACADEMIC WORKS

Student intellectual property includes academic works such as student projects, papers, and dissertations which are created while at the University. Students retain copyright and ownership of these works.

XXXV. STUDENT COMPLAINT POLICY

- 1. In general, students wishing to review or file a complaint regarding the action of an individual, an academic entity or an administrative unit of the University should direct their questions to the person responsible for supervision of the individual, entity or unit. Procedures for specific problems are outlined below.
- 2. Sexual Harassment
 - A.** Wayland Baptist University is committed to providing its students with an 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 kind is inappropriate, unacceptable and contrary to the Christian standards of conduct expected by all members of the University community, students, faculty and staff. Wayland's Sexual Misconduct and Title IX Policy can be found in Sections XXIII and XXIV of this Handbook, respectively.
- 3. Records
 - A.** Guidelines regarding student records are found in Section XXVIII of this Handbook.
- 4. Disciplinary Actions
 - A.** Guidelines for appeal are found in Sections XXI-XXII of this Handbook.

5. Grades
 - A. Guidelines for appeal of grades are found in Section XXIX of this Handbook.
6. Procedure
 - A. Students must make a reasonable attempt to resolve the problem informally with the person or academic or administrative unit directly involved, or with the individual responsible for supervising the individual or unit against which the complaint is being lodged. If the student has made a reasonable attempt to resolve the problem informally, any student grievance or complaint not identified by one of the policies above should be addressed in the following manner:
 - i. Step 1 - A written complaint should be made to the immediate supervisor of the person against whom the complaint is made. If no resolution has been reached or the student has not received a satisfactory response from the supervisor within 10 working days of the date of the appeal, the student should proceed to Step 2.
 - ii. Step 2 - The student should file a formal written complaint with the senior administrator having jurisdiction over the area in question, generally the Cabinet member with responsibility for the individual or unit against whom the complaint is lodged.
 - iii. Step 3 - The senior administrator will assign a committee of University faculty and staff to recommend appropriate action relative to the grievance. The committee will present its recommendation within 30 calendar days of receipt of complaint from the administrator. The administrator will inform the student and the supervisor of the committee's recommendation and the administrator's decision.
 - iv. Step 4 - The plaintiff may appeal the decision of the administrator to the president or the president's designee. Such appeals must be presented to the president in writing within 10 working days of the initial ruling. A ruling on the appeal will be made within 15 calendar days of the filing of the appeal. Rulings made at this level are final.
 - v. Step 5 - For students residing in other states, contact information for state agencies handling student complaints can be found on the University's website under "Disclosures". Information is also available on the website concerning contacting any of the University's accrediting bodies.
 - B. Records of formal complaints are maintained at the level at which resolution is reached. A summary of formal complaints will be documented on the form in Attachment A and forwarded to the Office of Institutional Research and Effectiveness. The Office of Institutional Research and Effectiveness will maintain a summary log of all formal complaints in accordance with the records disposition policy of the University.

XXXVI. UNIVERSITY POLICY ON PERSONAL SAFETY

1. Wayland is concerned about your safety and security. We place a high priority on maintaining a safe environment for students, faculty and staff. We cannot, however, guarantee the absolute safety of any particular student. Since safety must begin with the individual, you must take the responsibility for your own personal safety.
2. Resident students have the option of identifying an individual to be contacted by the Executive Director of Student Services not later than 24 hours after the time that the student has been determined to be missing. Students can register this confidential contact information through the Office of Executive Director of Student Services.
3. If the resident student is under 18 years of age, and not an emancipated individual, the Executive Director of Student Services is required to notify a custodial parent or guardian not later than 24 hours after the time that the student is determined to be missing.
4. A complete listing of campus safety and security services, programs and policies are available for inspection on the Wayland Web site at www.wbu.edu under the heading of Campus Security or at the Wayland UPD, 801 Smythe Street.
5. When you fail to take precautions, you are putting yourself at risk. We ask that you educate yourself about your surroundings and become familiar with the security services and information available. But remember, no security measures can be successful without your personal support and cooperation.
6. Campus security is provided by the Wayland Police Department and staffed by commissioned peace officers. After hours security is staffed by off-duty local peace officers who are hired, trained, and supervised by the UPD. Regular patrol of the campus and University apartments is made by these officers and consists of checking all campus buildings including residence halls. These officers enforce campus rules and regulations.
7. Crimes should be reported to the UPD at 806-774-4225 this is a cellular phone carried by the on-duty officer. If there no answer you should call 806-296-1182, this number will be answered by the Plainview Police Department and they will contact the on-duty officer or dispatch a Plainview officer. During normal Wayland business hours, you may also call 806-291-3492.
8. All emergencies should be reported by dialing 9-1-1 from any phone. If you dial 9-1-1 from a cellular phone you will be connected with either the Plainview Police Department or the Hale County Sheriff's Department.
9. Fire alarms are maintained in all dormitories and an emergency preparedness plan is in place to deal with any emergency the campus may encounter.

10. Firearms are strictly prohibited on the Wayland Campus.

XXXVII. TIMELY WARNING/CRIME ALERTS

1. Under appropriate circumstances, the Wayland Baptist University (WBU) Police Department (WBUPD) will issue a Timely Warning/Crime Alert regarding criminal activity or safety issues concerning the campus as required by law. A WBU Timely Warning/Crime Alert is a notification of Clery crime(s) that have already occurred and are considered by the institution to represent a serious or continuing threat to students and employees.
2. WBUPD is responsible for confirming facts that indicate a warning is necessary. The WBUPD Chief of Police (or designee) will develop the contents of a Timely Warning/Crime Alert notice for the University community. The purpose of the warning is to notify members of the community about a serious crime that occurred on campus, on non-campus property, or on public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to the WBUPD directly or to the WBUPD indirectly through a campus security authority or any local police agency. Crime Alerts will be issued on a case-by-case basis based on the information received by the WBUPD. Information that might compromise law enforcement efforts would not be included in the crime alert.
3. The department will issue/post a Timely Warning/Crime Alert for incidents of:
 - A. Murder/Non-Negligent Manslaughter
 - B. Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
 - C. Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning/Crime Alert, but will be assessed on a case by case basis)
 - D. Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the WBUPD). In cases involving sexual assault reported long after the incident occurred there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning/Crime Alert Notice.
 - E. Major incidents of arson.
 - F. Other Clery crimes as determined necessary by the Chief of Police, or designee
4. Timely Warnings/Crime Alerts may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU. A Timely Warning/Crime Alert notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:
 - A. Date and time or timeframe of the incident
 - B. A brief description of the incident
 - C. Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips)
 - D. Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)
 - E. Police/Public Safety agency contact information
 - F. Other information as deemed appropriate by the Chief or his/her designee
5. The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.
6. Timely Warnings/Crime Alerts are distributed by sending a blast email to the University community, including all students and employees. Updates to the WBU community about any particular case resulting in a crime alert also may be distributed electronically via blast email.
7. Timely Warnings/Crime Alerts will be distributed as soon as pertinent information is available, in a manner that withholds the names of victim/complainants as confidential, and with the goal of aiding in the prevention of similar occurrences.
8. WBU is not required to issue a Timely Warning/Crime Alert with respect to crimes reported to a pastoral or professional counselor. The department does not issue Timely Warnings/Crime Alerts for the above listed crimes if:
 - A. the department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
 - B. a report was not filed with UPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a “timely” warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow the WBUPD to post a “timely” warning to the community. This type of situation will be evaluated on a case-by-case basis.

C. the threat was mitigated in some other manner.

XXXVIII. EMERGENCY NOTIFICATION

1. Under appropriate circumstances, emergency notifications will be utilized to inform the University community of critical emergency related information.
2. The Wayland Baptist University (WBU) Police Department (WBUPD) Chief of Police, Vice President of Enrollment Management, Executive Director of Information Technology, External Campus Executive Directors, or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency or dangerous situation currently occurring on, or imminently threatening the campus.
3. Situations that might warrant an emergency notification may include but are not limited to the following:
 - A. serious crime-in-progress,
 - B. active shooter on campus
 - C. natural disaster
 - D. dangerous weather warning
 - E. manmade emergency, or
 - F. any emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.
4. If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the timely warning notice procedures, however the institution will provide adequate follow-up information as needed
5. The notification will be distributed if the incident is reported either to the WBUPD directly or to the WBUPD indirectly through a campus security authority, any local police agency, or other appropriate agency.
6. The WBUPD has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community. WBU and WBUPD have various systems in place for communicating information quickly to the WBU community, including:
 - A. Wayland Network emails (Students, Faculty and Staff)
 - B. Pioneer Alert (text message)
 - C. Pioneer Alert (mobile phone)
 - D. Pioneer Alert (land line phone)
 - E. Pioneer Alert (email)
 - F. Pioneer Alert (social media)
 - G. Wayland Website Notifications
 - H. Carillon Bells System (Bells and Public Address System on Plainview campus only)
7. Each student and employee at WBU have the opportunity to sign up for the Pioneer Alert mass notification system. This system is a significant resource in WBU's efforts during emergency situation. To ensure that you are made aware of emergency information sign up for Pioneer alert at <https://www.wbu.edu/University-police/pioneer-alert.htm>.

XXXIX. MISSING STUDENTS

1. Wayland Baptist University (WBU) takes student safety seriously and will investigate any report received concerning a missing student who lives on campus. The following policy has been established to assist in locating students who live in WBU on-campus housing, who, based on the facts and circumstances known to WBU, have been determined to be missing.
2. Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by WBU. Such notifications must occur no later than 24 hours after the time the student is determined to be missing by the designated University officials authorized to make that determination. Those individuals include the Wayland Baptist University Police Department (WBUPD) or the local law enforcement agency where the student went missing.
3. When students are informed of their option to provide a confidential missing person contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.
4. Anyone who believes a student is missing should immediately report their concern to the WBUPD and the Office of the Executive Director of Student Services. If the incident is reported to the Office of the Executive Director of Student Services, they will immediately notify the WBUPD.
5. In accordance with the Higher Education Opportunity Act of 2008, Wayland Baptist University has specific procedures regarding missing students. Upon notification from any source that a student may be missing, Wayland personnel will attempt to locate the missing student, and will conduct an investigation, which may include:
 - A. Inspecting the student's assigned room
 - B. Conducting a search of campus locations to find the student (library, cafeteria, etc.)
 - C. Attempting to contact known friends or faculty members for last sighting or additional contact information
 - D. Reviewing email logs for last login and use of the WBU email system.
6. A student is determined to be missing when the WBUPD has verified that reported information is credible, they have conducted an investigation as described above and they believe the person may be missing. If the WBUPD investigates and determines that a residential student may be missing, WBU will notify the missing student's confidential contact(s), if provided, within 24 hours of the determination that the student is missing. In the event a student under 18 years of age and not emancipated,

WBU must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, UPD will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

7. Some or all of these procedures may also be implemented for non-residential students, as determined appropriate by the WBUPD.

XL. INFORMATION TECHNOLOGY AND TELECOMMUNICATION SERVICES

1. It is the intention of the WBU Information Technology department to provide students with good Internet connectivity for academic purposes. The academic use of the Internet will be given a priority over recreational use. By using the Internet connectivity provided by Wayland Baptist University, the student indicates their compliance to abide by this agreement. In addition, the student is subject to applicable Texas and Federal laws. Any violation of these guidelines may result in the termination of internet access without notification, along with to referral to the appropriate campus, local, state or federal authorities. The I.T. (Information Technology and Telecommunication Services) department at Wayland provides the following services to students with the following expectations:
 - A. The I.T. department, in cooperation with ResNet, provides high speed Internet access to each dorm room via a standard Ethernet port. The network jack provided in each dorm room is not to be altered, removed or damaged. Student are responsible for providing their own CAT5 network cable that will connect the network card in their personal computer, gaming system, or other device to the internet port provided in the room. Internet services in the classrooms, Library and administrative buildings is provided by the WBU I.T. Department.
 - B. The I.T. department will provide each student with a username and password for connecting to the Internet in the classrooms, Library and other administrative buildings on campus. Student are responsible for remembering their passwords. When a student network account becomes locked out due to forgotten or mistyped passwords, that student must come to the I.R. department or contact the I.T. Help Desk, and provide their student ID number in order for the network account to be reset. Student accounts may also be locked out if the student fails to log off a computer. Locked out network accounts will only be reset during normal office hours in the I.T. department (located in the basement of the Library).
 - C. Internet services for students in the dorms are provided by ResNet. Students must register each device utilized on the dorm internet with ResNet before the device can be used on the dorm internet. This applies to all internet ready devices, such as computers, mobile phones, tablets, gaming systems, televisions, etc. ResNet provides a portal that easily allows students to register their devices. ResNet also provides 24 by 7 support for dorm students. That support is available via telephone, chat or email. Students are requested to contact ResNet support for internet issues in the dorms, and not the WBU I.T. Department. Information for contacting ResNet is posted in each dorm in multiple places.
 - D. The I.T. department will run frequent scans of student network circuits to ensure compliance with these guidelines. The I.T. department will never access any student's computer without the knowledge and permission of that student. However, students should understand that network circuits are monitored for security and privacy reasons. Any violations of these guidelines discovered in a network scan are reported to the Executive Director of Student Services.
 - E. Students are responsible for keeping their computers free of viruses, worms, trojans, or any other malicious code. The I.T. department may be consulted for problems and remediation of those problems, but students are solely responsible for any maintenance or remedial services that may be required on personal computers. There is no charge for the I.T. Department to assist with repair or virus cleaning of student computers. Students will need to complete a document authorizing the I.T. Department to work on their personal computer prior to any work starting. If a student computer is still under warranty from the original manufacturer, the I.T. Department will encourage repairs from the vendor under the existing warranty and assist the student in the proper contact for warranty repair.
 - F. Students are responsible for keeping their computers secure with current updates and/or patches for the operating system, browser, antivirus, and any other program that needs frequent updates to stay secure in a networked environment. All computers must be protected by an antivirus program that runs in active-protect mode, and is updated with the latest virus definitions on a consistent basis.
 - G. Wayland Baptist University prohibits the installation and use of peer-to-peer file sharing programs (P2P) that violate copyright material on computers using the University network, as well as the installation or operation of any program that assists others in violating copyright. Users will be considered in violation of this policy if identified as using a prohibited P2P program or protocol. The University also reserves the right to suspend or terminate network access to any campus user if the violation is deemed severe. If a user is impacting the operations of the network, that user will be suspended. Repeated or severe violations may also be subject to additional, appropriate corrective action and may be reported to authorities for criminal or civil prosecution.

- H. Students may not download copyrighted files of any type from the Internet. This includes movies, books, pictures and other copyrighted materials. Students may not share files and folders between computers located on this campus or beyond the Plainview network. ResNet receives email notifications of alleged copyright infringement cases from the reporting company. If such a notification is received by ResNet, the WBU I.T. Department will be notified. The following procedures will be followed if a student is identified as downloading copyrighted materials:
- First Offense – an email notification is sent to the end user by ResNet notifying the user that they are downloading or sharing copyrighted material. The user is asked to stop and to remove any downloaded material from their device. The first offense is a warning only and the internet account will remain active.
 - Second Offense - an email notification is sent to the end user by ResNet notifying the user that they are downloading or sharing copyrighted material. The user is asked to stop and to remove any downloaded material from their device. The second offense is also a warning only and the internet account will remain active. However, the user is notified that should a third offense occur, their account will be deactivated for three days.
 - Third Offense - an email notification is sent to the end user by ResNet notifying the user that they are downloading or sharing copyrighted material. The user is requested to stop and to remove any downloaded material from their device. The user's internet account is shut off for three (3) days, and the WBU Director of Information Technology is notified. The Director of Information Technology will forward that notification to the Executive Director of Student Services for action.
 - Fourth Offense - an email notification is sent to the end user by ResNet notifying the user that they are downloading or sharing copyrighted material. The user is requested to stop and to remove any downloaded material from their device. The user's internet account is shut off for seven (7) days, and the WBU Director of Information Technology is notified. The Director of Information Technology will forward that notification to the Executive Director of Student Services for action.
- I. What constitutes copyright infringement? What follows is the definition of copyright infringement according to federal copyright laws:
- Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.*
 - Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504,505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see the website of the U.S. Copyright Office at (www.copyright.gov)*
- J. Wayland Baptist University prohibits the installation and use of peer-to-peer (P2P) file-sharing programs on computers using the University network if those programs violate copyright or copyrighted material (e.g., downloading of copyrighted movies). Also prohibited is the installation or operation of any program that assists others in violating copyright. Users—be they faculty, staff, or students—will be considered in violation of this policy if the Director of Information Technology (IT) or his/her designee identifies internet traffic as prohibited P2P file-sharing activities. Depending on the type of student violation—be it student life or academic—the Director of IT will work with the Executive Director of Student Services or the Vice President of Academic Affairs to determine appropriate corrective action, such as suspending or terminating network access to a student user. If any user is impacting the operations of the network, that user's access to the network will be suspended. Repeat or severe violations by any user may also be subject to additional corrective action and may be reported to authorities for criminal or civil prosecution
- K. Students may not allow any other person to use his or her network username and/or password. Any student account found to be logged on more than once concurrently will be immediately disabled by the I.T. department. Disabled accounts will require the permission of the Executive Director of Student Services to re-enable.
- L. Students may not install wireless access points, routers, hubs, switches, servers, or any network related equipment at any place on this campus, including dorm rooms. If such a device is discovered in a student's dorm room, it is subject to seizure by WBU staff. The device can be returned to the student only if the student agrees to not utilize the device in the dorm and to take it back home.

- M. Students may not install software designed to bypass the University's firewalls, routers, or servers or to utilize any sort of network enumerating, sniffing, mapping, ping, trace route, or similar network traffic that used by hackers in an effort to determine the architecture of the WBU LAN (Local Area Network).
 - N. Students are expected to use the computer and telecommunication services provided by the I.T. department in a mature, ethical, and Christian-like manner. For example, students will not be permitted to download pornographic images, visit gambling web sites, send spam messages, place prank phone calls, use any of the computing or telecommunications services for any kind of harassment, stalking or bullying, or create any kind of nuisance by use of these services.
 - O. Students may not utilize services on the Internet that allow a user to hide his or her identity or that allows the student to be identified on Internet related services as "anonymous."
 - P. Students may not gain, or attempt to gain access to routers, switches, servers, or computers of the University or others. This restriction includes, but is not limited to access by known passwords, password cracking, hacking, telnetting, or any other such techniques. Any action, whether intentional or unintentional, that would impair the function of the network is prohibited. Any such actions will result in reporting to and intervention by the Executive Director of Student Services.
 - Q. Network services may occasionally be interrupted. The I.T. department, in coordination with ResNet will restore service as quickly as possible. The I.T. department and Wayland Baptist University are not responsible for any losses or damages caused by service interruptions.
2. ACCESSING YOUR WBU E-MAIL
- A. Wayland Baptist University provides an e-mail address to ALL students upon registration for courses. All official Wayland communication, including communications from instructors, Financial Aid, etc., will be sent to this e-mail address, so it is important that students activate their e-mail account as soon as possible. An e-mail, with instructions and login information, will be sent to the personal e-mail address WBU has on record for students as soon as registration for classes has occurred. If WBU has no valid personal e-mail address on record, students will receive a letter via regular mail. Students MUST activate their e-mail account to begin receiving WBU e-mails.
 - B. To activate student email:
 - i. Go to <http://email.wbu.edu>.
 - ii. Once on the site, enter the user name, which is the WBU email address. The username is normally in the following format: `firstname.lastname@wayland.wbu.edu`. If a student has a more common name, it is possible that the middle initial will be added to the email address. Be sure to read the information sent to you by the I.T. department in order to have the correct login information.
 - iii. Enter the assigned password in the password field on the screen. Students are assigned a temporary password by the I.T. department, and it usually fourteen characters similar to the following: `john.SMIT.1234`. As soon as a student logs in with the temporary password, they will be asked to create a new password. The new password has to be at least eight characters, and have at least: one upper case letter, one lowercase letter and a number or symbol in it.
 - iv. The next screen that opens asks you to verify your account information and change your password.
 - v. Once a student has completed the above initial logon, their Wayland email account is active, and will be able to receive email from Wayland and instructors. **IMPORTANT:** Student Wayland e-mail accounts must be activated immediately upon enrollment at WBU. Additionally, students must check their Wayland e-mail often for important WBU communications. Wayland student email accounts are the **ONLY** e-mail account instructors have access to. If students do not log in to their Wayland email account for six months, it will become inactive, resulting in lost e-mails. If students are waiting on information about school, homework, etc., make sure and check the Wayland email account often! For more information on using the Wayland e-mail system (including instructions on forwarding to another mail service or password resets), please contact the I.T. Help Desk at (806) 291-3540 or (800) 209-9048.

XLII. FOOD SERVICE/DINING INFORMATION

- 1. Sodexo Campus Services is proud to be your food service provider at WBU. We are here to serve you! We are committed to providing services which will enhance the quality of student life on campus.
 - A. **Monday –Friday**
 - i. Breakfast: 7:30 -10:00a.m.
 - ii. Lunch: 11 a.m. – 2:00 p.m.
 - iii. Dinner: 5 p.m.to 7:30p.m. M-Th; 5 p.m. to 7p.m. Fri
 - B. **Saturday - Sunday**
 - i. Brunch: 11 a.m. - 1:30 p.m.

- ii. Dinner: 5 p.m. -6:30 p.m.
 - C. THE CAF, our main resident dining facility, located in the McClung Center, is open seven days a week and serves all-you-care-to-eat meals.
 - D. Serving Hours:
 - i. Pete's Place, located in the basement of the McClung Center, provides students a place to gather and fellowship. The Pioneer
 - ii. Bucks included in your meal plan can be used at Pete's Place and at the WBU games at the Hutch.
 - iii. Serving Hours: Monday - Thursday 8:45 a.m. to 10:00pm; Friday 8:45 a.m. to 8 p.m. Saturday and Sunday closed.
2. MEAL PLAN PROGRAM
- A. Resident students are required to purchase a meal plan. We offer three traditional meal plans, 2 block plans and 1 off-campus plan for use in the Caf. The traditional meal plan provides a set number of meals available each week – All Access Plan, 14, 10 – and include Pioneer Bucks. Meal counts are reset each Friday morning. Meals do not roll over from one week to the next and are not refunded. In addition to these plans, the Flex (block) plans offer 150 or 220 meals per semester which allows flexibility of how many meals per week to use with a declining balance. These can also be used in Pete's for a combo meal instead of eating in the Caf. And include Pioneer Bucks. The meals do not roll over from one semester to the next. 5 of the 150 and 5 of the 220 block meals are set aside to use for guests of the student.
 - B. Non-resident students may purchase a traditional meal plan or a 5-meal plan. Meal plans are in effect the entire academic semester, except official University holidays and academic breaks as scheduled in the University calendar.
 - C. Pioneer Bucks are used on a declining balance basis. Balances will not be transferred from the fall semester to the spring semester. Plans can only be used by the student who purchases the plan; bucks can be spent on others if they wish.
3. CARRY-OUT POLICY
- A. Inside of the Caf you may enjoy “all you care to eat and drink” using our buffet-style service. We offer carry out service only in our Green eco-friendly plastic to-go containers. These containers are available for purchase at \$5. Once you purchase a container you can bring it back on your next visit and receive a new one at no charge. However, if you do not return the container you will have to purchase a new one for \$5. You will be given a Styrofoam cup upon request to carry-out your beverage.
4. MEAL CARDS
- A. Your University ID card will be used at The Caf, Pete's Place and the Hutch. You must always present this card upon entering The Caf or when making a purchase at Pete's Place and the Hutch. You cannot “share” your ID card with others. This ID card is intended for your use only, and the meals and funds are not transferable.
 - B. You may purchase meals or other items for family and friends with Pioneer Bucks, but you must be present for this transaction.
 - C. Alert Sodexo if your card has been lost or stolen so we can block it against unauthorized use.
 - D. If you have any questions or concerns, please do not hesitate to contact us. Sodexo Campus Services, 291-3775 or via the Sodexo page on Wayland's website.

XLII. COMMUNITY RESOURCES

1. Texas Department of Public Safety (renew driver's licenses), 1108 Highway 87 (Columbia Road), 806-293-2508
2. U.S. Post Office, 725 Ash Street, 806-296-2744
3. Unger Memorial Library, 825 North Austin Street, 806-296-1148
4. Plainview-Hale County Health Department (immunizations), 1001 Ash Street, 806-293-1359
5. YMCA (free for WBU students with ID), 313 Ennis Street, 806-293-8319

XLIII. VOLUNTEER OPPORTUNITIES

1. Opportunities for students are always available through the Wayland Mission Center, 806-291-1168 or 806-291-3408 *
Hale County Literacy Council, 806-291-1890
2. Family Crisis Center of the Plains, 1403 West 5th Street, 806-293-7273
3. Compassionate Care Pregnancy Center, 1209 Quincy Street, 806-296-5048
4. Faith in Sharing House, 504 Joliet Street, 806-293-8008
5. Senior Citizens Center, 1107 Smythe Street, 806-296-5147
6. Salvation Army, 201 Ash Street, 806-296-6375
7. Court Appointed Special Advocates, 705 West 6th Street, 806-293-1970
8. Boy Scouts - South Plains Council, PO Box 542, 806-293-3217
9. Girl Scouts - Caprock Council, 501 Joliet Street, 806-296-7295
10. Big Brothers/Big Sisters - 705 West 6th Street, 806-288-9271

Numbers on campus can be reached at the four-digit extension. If off campus or out of town, dial “806” area code, then the “291” prefix, before the applicable extension number.

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