



Title IX: Sex Discrimination, Reporting, & the Spirit of Nondiscrimination

Baptist Health Sciences University

*Presentation developed by: Blaze Bowers,
Regional Director – Grand Rivers Solutions*

PRESENTATION AGENDA

 I. WHAT IS TITLE IX?

 II. PROHIBITED CONDUCT

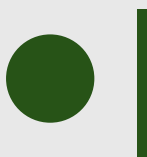
 III. CONSENT

 IV. REPORTING

 V. SUPPORTIVE MEASURES

 VI. RESOLUTION OPTIONS

 VII. BYSTANDER INTERVENTION
& RISK REDUCTION

 VIII. WHAT NEXT?

Reminders

- This is a heavy topic. You have support on campus.
- Sexual harassment can happen to anyone. I try to alternate pronouns but remember that a person of any gender could be the person experiencing harassment or the harasser.
- It's ok to not be ok. If you need support, it's ok to ask for it.

Key Terms

- **On the basis of sex**– includes sexual orientation, gender identity, and pregnancy
- **Complainant**– the person who has been allegedly harassed
- **Respondent**– the person accused of harassment

What is Title IX?

Title IX is 37 powerful words:

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.

BHSU/BUCOM - Our Values

Sexual Misconduct Policy Statement

"Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in University programs and activities. Sexual harassment, including sexual violence, and retaliation are forms of sex discrimination prohibited by Title IX.

Baptist Health Sciences University is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Dating Violence, Domestic Violence, and Stalking), Sexual Exploitation, and Retaliation."

To create an environment that is free of sexual harassment and discrimination, we must:

- Recognize when it occurs.
- Report it so that the University can have appropriate, trained staff respond.
- Collaborate to prevent, not only respond.
- Promote the safety, wellbeing, and empowerment of all students and employees.

**Title IX
Applies to
Everyone in
the University
Community**

Students

Faculty

Staff

Vendors

Contractors

Prohibited Conduct: Title IX

Sexual Harassment

Sexual Assault

Sex-Based Stalking

Dating Violence

Domestic Violence

Retaliation

Behaviors that must be reported:

Quid Pro Quo Sexual Harassment

Severe, Pervasive & Objectively Offensive Sexual Harassment

Sexual Assault

Dating Violence

Domestic Violence

Stalking

Retaliation

Sexual Harassment

- Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
- 1. *Quid pro quo*, an employee conditioning the provision of an aid, benefit, or service of the university on an individual's participating in unwelcome sexual conduct;
Example: A professor promising a better grade in exchange for a date
- 1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity;
- 2. Dating violence, domestic violence, sexual assault, or stalking.

Potential Examples of Sexual Harassment

Suggestive or sexual comments

Texts with sexual content or images

Calling someone names with sexual connotations

Comments about someone's body

Compliments about someone's body

Frequent touching

Forcible touching

Sexual assault

If in doubt, report it!

Dating Violence

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on:
 - Length of the relationship,
 - The type of relationship, and
 - The frequency of interaction between the persons involved in the relationship.
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Domestic Violence

- A felony or misdemeanor crime of violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Sexual Assault

- Any sexual act directly against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes:
 - **Rape:** the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
 - **Fondling:** touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity.
 - **Incest:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory rape:** sexual intercourse with a person who is under the statutory age of consent.

Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - Fear for the person's safety or the safety of others; or
 - Suffer substantial emotional distress.
 - For purposes of this definition . . .
 - Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by an action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Consent

A clear, knowing, and voluntary mutual agreement to engage in specific sexual behavior. Consent is active and ongoing words or actions that create mutually understandable permission and willingness to engage in specific sexual behavior.

Consent (Cont.)

Consent IS

- Clear, voluntary and ongoing
- Words or actions that create mutually understandable permission
- Active, not passive
- Required for each sexual act
- May be withdrawn at any time
- Remember verbal consent is best practice

Consent IS NOT

- Lack of protest/resistance
- Assumed/IMPLIED due to prior or existing relationship
- Obtained by force, coercion, or threat
- Incapacity – Asleep, unconscious
- Taking pictures/filming consensual sexual acts without permission



Consent: *Drugs & Alcohol*

Remember: A person of any gender identity could be a harasser or a person being harassed. If you suspect that harassment is occurring but are not sure, contact your Deputy Title IX Coordinator.

Retaliation

- Adverse actions or acts of revenge against an individual for:
 - For filing, or encouraging someone to file, a complaint of discrimination,
 - For participating in, or refusing to participate in, an investigation or hearing under the policy implementing Title IX regulations, or
 - For opposing discrimination.

For Title IX, there are specific limitations:



The conduct occurred on campus, or in a program or activity;



The conduct occurred in the United States;



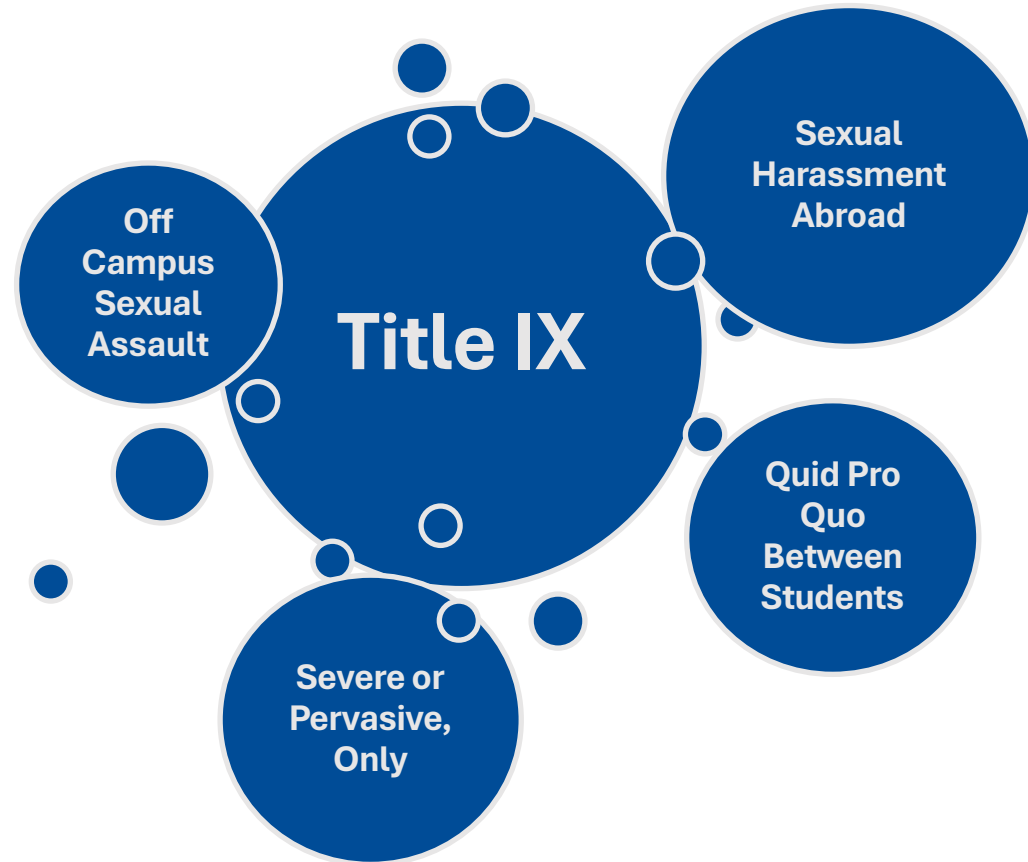
The Complainant is a current student or employee, OR is someone trying to be a student or employee;



The University has “substantial control” over the Respondent.

Conduct Falling Outside the Scope of Title IX

- This leaves much misconduct **OUTSIDE** the scope of Title IX.
- This does not mean that the University will not address it. The University will still address all sexual misconduct, whether or not covered by the current definitions of Title IX.





How to Report?

The Policy:

*Find BHSU's Title IX Policy and other resources: <https://www.baptistu.edu/title-ix>



EXPLORE

- Visit Campus
- Virtual Tour
- Parking & Facilities

CAMPUS LIFE

- Office of Faith and Service
- Campus Housing
- Campus Safety & Security
- Baptist HealthCORE

Title IX

- Know Your Title IX Rights
- Title IX Faculty and Staff Training
- How to Report
- Education and Prevention Programs

STUDENT LIFE

- Student Events
- Student Organizations
- Student Policies
- Student Services

God's Blessings

Commit your work to the Lord, and your plans will be established. — Proverbs 16:3

Home

TITLE IX

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For inquiries about the application of Title IX at BHSU, or to file a complaint, please contact the University Title IX Coordinator, Adonna Caldwell at adonna.caldwell@baptistu.edu, (901)572-2592, 920Collaboration Building, 20 South Dudley St., Memphis, TN 38104

For specific policies and procedures related to University guidelines, please see:

[Baptist Sexual Harassment Policy and Procedures](#)

[Pregnancy and Parenting](#)



Reporting FAQs

Who can report?

- **Anyone regardless of their relationship to BUCOM**

Who has to report?

- **All BHSU/BUCOM Employees; Part-time, full-time, and student-workers**
- **Note: Counselors are a confidential resource**

Reporting Information to the Deputy Title IX Coordinator



[EMAIL JAMES.KNOX@BAPTISTU.EDU](mailto:JAMES.KNOX@BAPTISTU.EDU)



**ONLINE FORM AT
[HTTPS://WWW.BAPTISTU.EDU/BASIC-PAGE/HOW-REPORT](https://www.baptistu.edu/basic-page/how-report)**

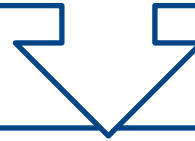


PHONE (901) 572-2510

How do I report?

Reports may be made directly to the Deputy Title IX Coordinator at:

James Knox, james.knox@baptistu.edu



Please include all known information, including:

Names of parties involved	Type of misconduct	Date of the incident	Where the incident occurred
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Important to Note . . .

- **Individuals may report an incident to . . .**
 - to BHSU/BUCOM,
 - to law enforcement,
 - to neither, or
 - to both.

- **A Title IX Investigation is NOT a criminal investigation:**
 - Separate and different process
 - Separate and different sanction
 - Different burden of proof

Who are Responsible Employees?

Who?

Any employee of **campus** without legally protected confidentiality



Including:

Faculty, administrators, staff members, and Community Advisors.

What is a Responsible Employee?

- A Responsible Employee has the obligation to report to the Title IX Coordinator any information learned about an alleged act of sexual misconduct, intimate partner violence, or stalking of which they are aware.
- This includes all prohibited conduct outlined in the Policy alleged to have occurred against any member of the community, including employees and students.

BHSU: Responsible Employees

- **Section 2.7.**
- **Who Must Report 2.7.1.**
- Except for University-recognized confidential resources (previously listed), all Baptist employees (including student workers) are considered Responsible Persons and must therefore report to the Title IX Coordinator any sexual harassment allegations of which they become aware.

BHSU: Confidential Resource

- **2.5. Reporting to Confidential Resources**
- **2.5.1.**
- Confidential resources exist (listed below) and may be utilized in lieu of reporting. Tennessee law provides that communications with certain confidential resources such as licensed marital and family therapists, licensed professional counselors are privileged and not subject to further disclosure except as provided by law.
 - Baptist University Counselor
 - (On Campus) (901) 572-2660 (regular business hours) | (901) 572-2468 (after hours) | Counselor@baptistu.edu

Supportive Measures

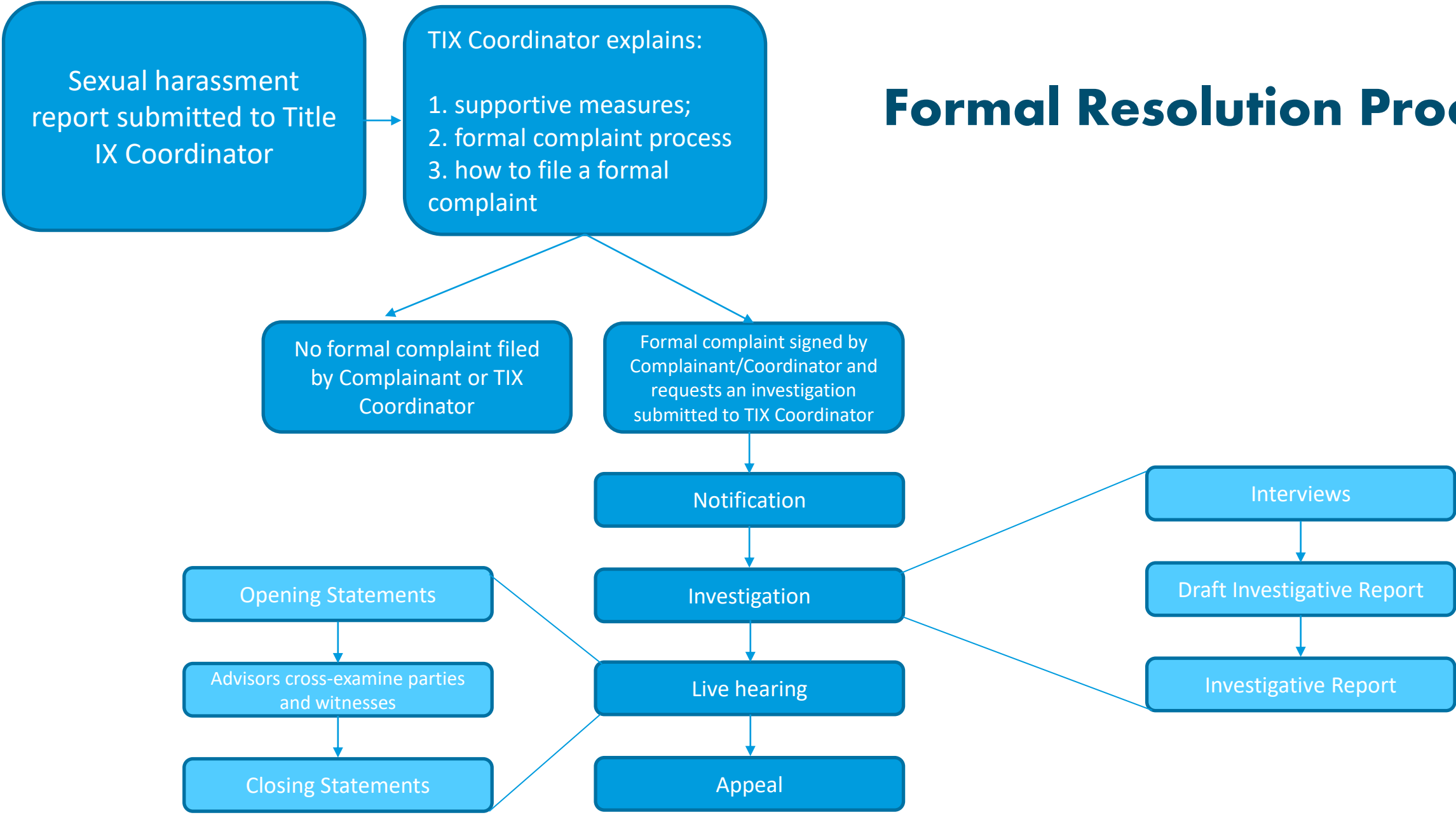
- Confidential mental health counseling
- No contact directive
- Change in on-campus housing
- Change in academic classes or schedule
- Change in work, or work study, schedule
- Increased security in specific areas of campus or at specific times
- Security escorts around campus
- Adjustments to academic deadlines
- Tutoring or academic assistance
- Leaves of absence

*Supportive measures are available to Complainants and Respondents in a formal or informal resolution process. Supportive measures are available **before or after** a formal complaint is filed.*

The Formal Grievance Process

- **Formal Complaint**
 - Signed by Complainant or Title IX Coordinator
 - If no complaint, then only supportive measures
- **Investigation**
 - Opportunity to review and respond
- **Live Hearing**
 - Opportunity for an advisor to question witness and parties
 - Opportunity to make opening and closing statement
- **Decision and Written Determination**
 - Respondent presumed not responsible until proven otherwise
 - Preponderance of the evidence standard
- **Appeal**

Formal Resolution Process



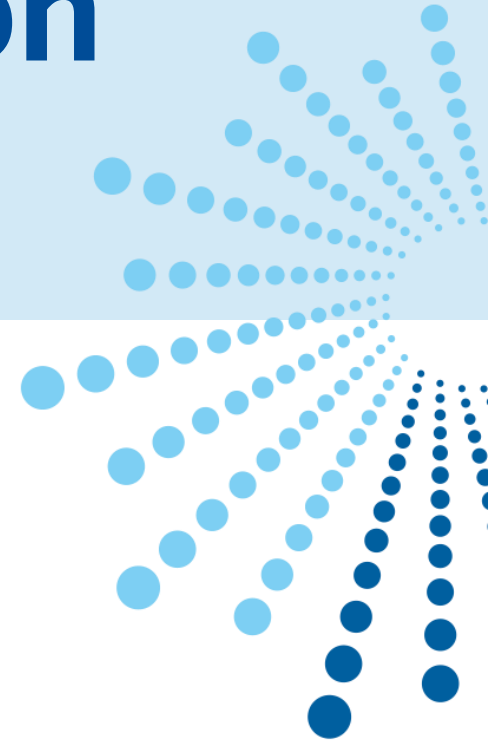
Informal Resolution Process

- Available after a formal complaint is filed and before a finding of responsibility
- Both parties must agree in writing
- Once started, consent to the Informal Resolution Process can be revoked at any time
- Not available if the complaint is made by a student against an employee

What can happen if found responsible for violating the policy?

- Loss of privileges
- Alcohol & Drug Education
- Healthy Relationships Education
- Apology Letters
- Mentoring Meetings
- Educational Projects
- Referrals to Campus Resources
- Dismissal from a course/class
- Probation
- Removal from housing
- Suspension
- Expulsion

Bystander Intervention



Bystander Intervention

Engage in Reflection:

- What did I say?
- What did I do?
- Why did I take the action I did?

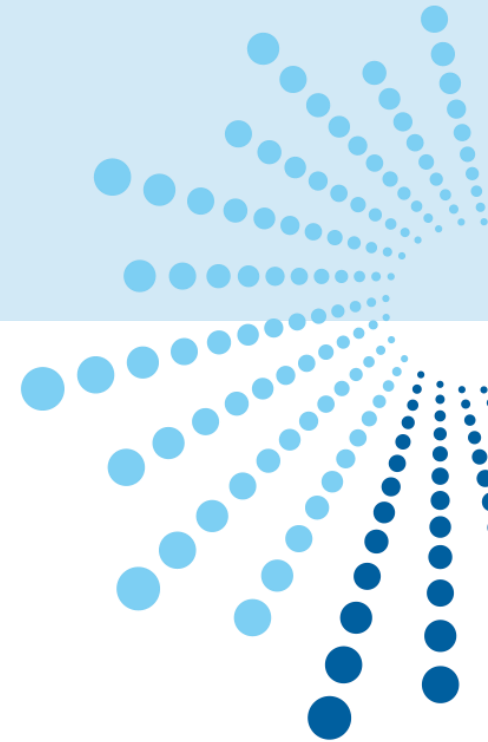
**Notice the
Event**

**Is there
a Problem?**

Take Action

**Be Mindful
& Aware —
and Safe!**

Resources



Resources

- **Deputy Title IX Coordinator:** james.knox@baptistu.edu
- **BHSU Campus Security:** 901-572-2911
- **BHSU On-campus Quick Number:** 22911
- **BHSU Information Center:** 901-572-2468
- **BUCOM Student Service:**
- **Baptist University Counselor [Confidential]**
 - On Campus: 901-572-2660 (regular business hours) | 901-572-2468 (after hours) | Counselor@baptistu.edu
- **Shelby County Crime Victims & Rape Crisis Center**
 - 1060 Madison Avenue, Memphis, TN 38104
 - **24-Hour Sexual Assault Hotline:** 901-222-4350
- **CasaLuz Memphis:** [901-500-8214](tel:901-500-8214)
- **YWCA DV Crisis Hotline:** 901-725-4277

Thank you!

If you have any questions, reach out to your Deputy Title IX Coordinator:



EMAIL JAMES.KNOX@BAPTISTU.EDU



**ONLINE FORM AT
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