

INTERIM POLICY ON SEXUAL MISCONDUCT
(Approved by President Mortimer Neufville, December 8, 2014)

PURPOSE & APPLICABILITY

Coppin State University (CSU) is committed to providing a working and learning environment free from sexual misconduct, including sexual and gender-based harassment, sexual violence, dating violence, domestic violence, sexual exploitation, and sexual intimidation. CSU prohibits and will not tolerate sexual misconduct. Sexual Misconduct is a form of sex discrimination prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 as amended (“Title IX”) and Title VII of the Civil Rights Act of 1964 as amended and also may constitute criminal activity.

CSU endeavors to foster a University-wide climate free from sexual misconduct through training, education, prevention programs and through policies and procedures that promote prompt reporting, timely, fair and impartial investigation. Also, CSU endeavors the resolution of sexual misconduct cases in a manner that eliminates the sexual misconduct, prevents its recurrence, prohibit retaliation and addresses its effects to all staff, students and faculty. All CSU community members are subject to this policy, regardless of sex, sexual orientation, gender identity and gender expression. This includes all students, faculty and staff of CSU as well as third parties and contractors under CSU or CSU institution control. This Policy applies to sexual misconduct in connection with: (1) any CSU facility or on any CSU institution property; (2) in connection with any CSU or CSU institution sponsored, recognized or approved program, visit or activity, regardless of location; (3) that impedes equal access to any CSU institution education program or activity or adversely impacts the employment of a member of the CSU community; or (4) that otherwise threatens the health or safety of a member of the CSU community. Nothing in this policy is intended to supersede or conflict with any federal compliance obligation.

Notice of Non- Discrimination

Coppin State University does not discriminate in offering equal access to its educational programs and activities or with respect to employment terms and conditions on the basis of an individual’s age, color, creed, disability, gender, gender expression, gender identity, genetic information, race, national origin, religion, sex, sexual orientation or veteran status. The University’s protection of these statuses is grounded in Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and The Americans with Disabilities Act of 1973 and §143-422.2. The University encourages all community members to take reasonable and prudent actions to prevent or stop prohibited conduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement officials, or seeking the assistance from a person in authority. To foster a climate that encourages prevention and reporting of misconduct, the Coppin State University will actively promote prevention efforts, educate the community, respond to all reports promptly, and provide protective measures to address safety and emotional well-being and act in a manner that recognizes the inherent dignity of the individuals involved. Questions or concerns may be referred to the CSU Title IX Coordinator. Concerns about the University’s application of Title IX under this policy may be addressed to the United States Department of Education, Office of Civil Rights.

Title IX Coordinator
Coppin State University
Office of Human Resources
2500 West North Avenue
Baltimore, Maryland 21216
(410) 951-3666
www.coppin.edu/info/200380/human_resources

U.S. Department of Education
Office of Civil Rights
100 Penn Square East, Suite 515
Philadelphia, Pennsylvania 19107
(215) 656-8541
ocr@ed.gov

Prohibited Conduct

Sexual misconduct, as defined in this policy is prohibited. Sexual misconduct is a broad term that encompasses sexual harassment, sexual assault, sexual exploitation, sexual intimidation and stalking. Additionally, this policy prohibits retaliation against anyone who files a complaint under this policy or participates in any investigation of a complaint. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by men or women and can occur between people of the same or different sex. Sexual misconduct may be a form of sex discrimination prohibited by federal and state discrimination laws, including Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act. In addition, some forms of sexual misconduct violate the criminal laws of the State of Maryland.

Definitions

For purposes of this Policy, the following definitions apply:

Consent means a knowing, voluntary, and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. It must be given by a person with the ability and capacity to exercise free will and make a rational, reasonable judgment. Consent may be expressed either by words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity. It is the responsibility of the person who wants to engage in sexual activity to ensure that he/she has the consent of the other to engage in this activity.

- (a) Lack of protest or resistance is not consent. Nor may silence in and of itself, be interpreted as consent. For that reason, relying solemnly on non-verbal communication can lead to misunderstanding.
- (b) Previous relationships, including past sexual relationships, do not imply consent to future sexual acts.
- (c) Consent to one form of sexual activity cannot automatically imply consent to other forms of sexual activity.
- (d) Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved.

- (e) Consent cannot be obtained by use of physical force, threats, intimidating behavior or coercion. Coercion is the unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure used. When someone makes clear that he/she does not want sex that he/she wants to stop, that he/she does not want to do certain things or that he/she does not want to go beyond a certain point, continued pressure can be coercive.
- (f) If you have sexual activity with someone you know, or should know is incapacitated, you are in violation of this policy. The relevant standard is whether a sober, reasonable person in the same position should have known that the other party was incapacitated and therefore, unable to consent. Incapacitated, for purposes of this policy, means that the person's decision-making capability is impaired such that the person lacks the ability to understand the "who, what, where, why or how" of their sexual interaction. Incapacitation may result from:
- sleep or unconsciousness;
 - involuntary physical restraint; and/or
 - the influence of alcohol, drugs or medication, including Rohypnol, Ketamine, GHB, Burundanga and other substances used to facilitate "date rape" or "sexual misconduct".

Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence means violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant, or by any other person against an adult or youth complainant protected from those acts by domestic or family violence laws of Maryland.

Interim Measures means reasonably available steps an institution may take to protect the parties while a Sexual Misconduct investigation is pending.

Responsible Employee includes any employee who (1) has the authority to take action regarding Sexual Misconduct; (2) is an employee who has been given the duty of reporting Sexual Misconduct; or (3) is someone another individual could reasonably believe has this authority or duty. Responsible Employees include: the Title IX Coordinator and any Title IX Team members, all institution administrators, all non-confidential employees in their supervisory roles, all faculty, all athletic coaches, institution law enforcement, residential directors and advisors and all other non- confidential first responders. All other employees will safeguard an individual's privacy, but are required by the university to share information regarding Sexual Misconduct with the Title IX Coordinator or a member of the Title IX team in recognition of the understanding that centralized

reporting is an important tool to address, end and prevent Sexual Misconduct. Similarly, all students, and employees not designated as Responsible Employees, while not required, are strongly encouraged to report any information to the Title IX Coordinator or team member. Confidential Resources will not share information about an individual (including whether that individual has received services) without the individual's express written permission unless there is continuing threat of serious violence to the patient/client or to others or there is a legal obligation to reveal such information. This policy contains a listing of on and off campus available confidential resources.

Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or USM policy relating to Sexual Misconduct, or because an individual has made a report, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to Sexual Misconduct. Retaliation includes retaliatory harassment.

Sexual Assault

Sexual Assault I. – Non-Consensual Sexual Intercourse

Any act of sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth to genital contact.

Sexual Assault II. – Non-Consensual Sexual Contact

Any intentional touching of the intimate parts of another person, causing another to touch one's intimate parts, or disrobing or exposure of another without consent.

Intimate parts may include genitalia, groin, breast, or buttocks, or clothing covering them, or any other body part that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

Sexual Exploitation means taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.

Sexual Harassment is a course of conduct that includes any unwelcome sexual advance, unwelcome request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when: (1) submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a USM or USM institution program or activity; (2) submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation related decisions affecting an individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, residential or social environment.

Sexual Intimidation means (1) threatening to sexually assault another person; (2) gender or sex-based Stalking, including cyber-stalking; or (3) engaging in indecent exposure.

Sexual Misconduct is an umbrella term that includes Dating Violence, Domestic Violence, Sexual Exploitation, Sexual Harassment, Sexual Intimidation, Sexual Violence, and Stalking.

Sexual Violence is a form of Sexual Harassment and refers to physical sexual acts perpetrated without consent. Sexual Violence includes rape, sexual assault, sexual battery, and sexual coercion. Sexual Violence, in any form, is a criminal act.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Title IX Coordinator refers to the individual designated by the University to oversee the University's response to sexual misconduct reports and complaints and identify and address any patterns or systemic problems revealed by reports or complaints filed; conduct sexual misconduct investigations; oversee, review content and in collaboration with other University offices, conduct training for students, faculty and staff on sexual misconduct issues; ensure that appropriate policies and procedure are in place for responding to complaints of sexual misconduct against faculty, staff and students; and work with local law enforcement to ensure coordinated responses to sexual misconduct cases.

REPORTING SEXUAL MISCONDUCT

Obligations of a "Responsible Employee": A responsible employee includes any employee, who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any misconduct by students to the Title IX Coordinator or other appropriate University designee. A responsible employee must promptly notify the Title IX Coordinator of any report of sexual misconduct brought to their attention including campus law enforcement. The Title IX Coordinator works collaboratively with the reporting entity making every effort to operate with discretion and maintain the privacy of the individual involved.

Prompt reporting is encouraged. Persons are encouraged to report sexual misconduct promptly in order to maximize the University's ability to obtain evidence, identify potential witnesses and conduct a thorough, prompt and impartial investigation. No time limits are imposed for the reporting sexual misconduct, however a delay in reporting may result in loss of relevant evidence and witness testimony, thus impairing the University's ability to respond and take appropriate action.

The University strives to take appropriate action, including investigation and resolution of complaints within sixty (60) calendar days from when the complaint was filed. The University may extend the time frames set forth in this policy for good cause, with written notice to both parties of the delay and the reason for the delay. Good cause is defined as adequate and substantial grounds or reasons to take a certain action and will be determined on a case by case basis. Exceptions for good cause may include extensions depending on the complexity of the investigation, access to relevant parties, and the severity and extent of the misconduct.

Sexual misconduct by students, faculty, staff and third parties should be reported to: Title IX Coordinator, who has oversight for all institutional responses to sexual misconduct and

relationship violence, ensuring University compliance with relationship violence, ensuring University compliance with federal statutory and regulatory requirements, promoting best practices in responding to victims of sexual violence and holding respondents accountable, receiving and investigating reports of sexual misconduct and relationship violence and increasing access to information and available resources to the campus community.

Sexual misconduct committed by students may also be reported to the Office of Student Affairs at www.coppin.edu or 410 951-3933, the Center for Counseling and Student Development at www.coppin.edu/ccsd or 410 951-3939 or the Office of Residence Life at www.coppin.edu/residencelife or 410 951-6399.

Sexual misconduct may be a crime. The University will assist complainants who wish to report sexual misconduct to law enforcement authorities, including campus police. The Title IX Coordinator and team members are available to assist students in reporting to campus police. Campus police will also assist complainants in notifying other law enforcement officers in the local jurisdiction. To report to campus police, please call 410 951-3900.

The standards for a violation of criminal law are different from the standards for a violation of this policy, criminal investigations and proceedings are not determinative of whether a violation of this policy has occurred. Conduct may violate this policy even if law enforcement agencies decline to prosecute. Complaints of sexual misconduct and related internal University processes may occur prior to, concurrent with, or following criminal proceedings off campus.

Upon receipt of a report of sexual misconduct that may constitute a crime, campus police will advise the student that in addition to making a criminal report, they have the right to file a complaint with the University and engage the University's investigation and adjudicative process under this policy. In addition, as a responsible employee under this policy, campus police who receive a report of sexual misconduct, whether it rises to the level of a crime or not, shall promptly notify the Title IX Coordinator at 410 951-3966.

Concurrent Criminal Action. Proceeding with a University investigation and adjudication of a complaint of sexual misconduct under this policy is independent of any criminal investigation or proceeding. Reporting to law enforcement does not preclude a person from filing a complaint of sexual misconduct under this policy. The University is required to conduct an investigation in a timely manner, which means the University will not wait until a criminal investigation or proceeding is concluded before conducting its own investigation. However at the request of law enforcement, the Title IX Coordinator may defer its fact finding until the initial stages of a criminal investigation are completed. If such a request is made, University police will submit the request in writing and the complaint will be notified. In cases where there are concurrent criminal investigations by campus police, Baltimore City Police or the State's Attorney's Office for Baltimore City, the Title IX Coordinator will work collaboratively and supportively with each respective agency within the parameters described above. Any delays in the investigative process will be communicated to both parties.

Information regarding a sexual misconduct complaint shall not be disclosed to third parties i.e. persons other than those in the University community with a need to know except as required or permitted by federal or state law. If a report of sexual misconduct discloses a serious and on-

going threat to the campus community, the campus police shall issue a timely warning of the conduct pursuant to the Clery Act in the interests of the health and safety of the campus community. This notice shall not contain personally identifying information related to the complainant.

The Clery Act and Violence Against Women Reauthorization Act of 2013

In accordance with the Clery Act, institutions of higher education are required to provide current and prospective students and employees, the public and the Department of Education with crime statistics and information about campus crime prevention programs and policies. The Clery Act requirements apply to many crimes other than those addressed by Title IX. For additional information about the Clery Act and its regulations, see

<http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa.html>.

Role of the Title IX Coordinator

The Title IX Coordinator is responsible for overseeing all Title IX incidents reported to the University and implementation of the policy including but not limited to identifying and addressing any systemic gender based harassment, discrimination and sexual misconduct. The Title IX Coordinator's responsibilities include but are not limited to:

- Investigation or oversight of investigations of allegations related to Title IX;
- Coordination and oversight of educational programs including mandatory training for new students and employees and awareness campaigns for current students and employees;
- Coordination with local law enforcement on matters related to allegations related to sexual misconduct;
- Coordination and oversight of training for anyone involved in responding to, investigating or adjudicating sexual misconduct; and
- Coordination and oversight of training for employees related to their responsibility when they are aware of sexual misconduct.

The Title IX Coordinator is assisted by a Title IX Team which will include a Title IX Deputy Coordinator, Title IX investigators and representatives from campus safety, student affairs, the Office of the Provost and Human Resources.

RETALIATION

It is unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. If a student brings concerns to the University's attention, including publicly opposing sexual violence or filing a sexual violence complaint with the University, it is unlawful for the University to retaliate against that person because he/she testified or participated in any manner in the University's investigation of proceeding. Therefore, if a student, parent, faculty, coach, staff or other individual complains formally or informally about sexual misconduct, the University is prohibited from retaliating (including intimidating, threatening, coercing) or in any way discriminating against the individual because of the individual's complaint.

The University shall take steps to prevent retaliation against a student who filed a complaint either on his/ her own behalf or on behalf of another student or against those who provided

information as witnesses. When the University knows or reasonably should have known of possible retaliation by other students, it must take immediate and appropriate steps to investigate or otherwise determine what occurred.

REQUESTS FOR CONFIDENTIALITY

If a complainant requests that their name not be disclosed or that the University not investigate or take an action against the respondent, the Title IX Coordinator or designee will determine whether or not it can honor such a request while providing a safe and nondiscriminatory environment for all students, faculty and staff, including the complainant. The Title IX Coordinator shall make a determination as to whether the complainant's request can be honored by considering the following factors:

- circumstances that suggest there is an increased risk of the respondent committing additional acts of sexual misconduct or other violence;
- whether the respondent has a documented history of violence known to the University;
- whether the respondent threatened further sexual misconduct or other violence against the complainant or other that is known to the University;
- whether the sexual misconduct was committed by multiple person;
- whether the sexual misconduct was perpetrated with a weapon;
- the age of the complainant subjected to the sexual misconduct and
- whether the school possesses other means to obtain relevant evidence (e.g. security cameras, or personnel, physical evidence).

PROTECTIVE INTERIM MEASURES

Reports of sexual misconduct in violation of this policy may require immediate protective measures to protect the safety and well-being of the parties and/or the community pending the outcome of the investigative and adjudicative processes. Interim protective measure may include the following:

- **No Contact Order.** A no contact order is an official University directive that serves as notice to an individual that they must not have verbal, electronic, written or third party communications with another individual. A no contact order may also be obtained from the Borgerding District Court of Maryland located 5800 Wabash Avenue, Baltimore, Maryland 21215 or Eastside District Court located 1400 East North Avenue, Baltimore, Maryland 21213. See the Court Commissioner. Violators of a no contact order are subject to arrest and detention.
- **For Students.**
Academic accommodations such as assistance in transferring to another section of a lecture or laboratory, assistance in arranging for incompletes, leaves or withdrawal from campus or rearranging class schedules, and
Housing accommodations such as facilitating changes in on-campus housing location to alternate housing, assistance in exploring alternative housing off-campus, and
Employment accommodations such as arranging for alternate University employment, different work shifts, etc. and
Transportation and parking accommodations
- **For Employees:**
Employment accommodations, both the complainant and the respondent may request a temporary reassignment, if appropriate, to other work duties and responsibilities or other

work locations, or other work groups/teams or alternative supervision/management.
Transportation and parking accommodations

Other measures available to the parties also include the availability of counseling, health, mental health services, victim advocacy, legal assistance contained within this policy.

COMPLAINT PROCEDURES

- Complaints against students. Complaints against students based on a violation of this policy will be reviewed also in accordance with the Code of Student Conduct.
- Complaints Against Staff and Faculty. Complaints against staff and faculty based on a violation of this policy will be reviewed also in accordance with the University System of Maryland Board of Regents Bylaws, Policies and Procedures and CSU Office of Human Resources employee policies.
- Complaints Against Third Parties. If a member of the University community (student, staff or faculty) is subjected to sexual misconduct by a third party, the matter should be reported to the Title IX Coordinator. For example, the matter may be referred to law enforcement with a request that a formal letter be issued to the third party denying access to the University's buildings or grounds for acting in a manner that disrupts or disturbs the normal educational functions of the institution. The University is authorized to deny campus access to a third party engaged in disruptive behaviors under Maryland State law. (See Maryland Annotated Code, Education Article, §§26-101, 102)
- This policy shall be prominently displayed and posted online at the CSU web site located www.coppin.edu. Student and new employee orientations shall include a copy of this policy as well. A copy of the Sexual Misconduct Complaint Form may be found on the CSU web site as well. Additionally, to encourage the accessibility of this policy a brochure will be developed for distribution to the various academic, student and administrative offices.

SANCTIONS

All violations of the Sexual Misconduct Policy may result in suspension, dismissal, expulsion and the termination of employment.

AMMESTY FOR STUDENTS WHO REPORT SEXUAL MISCONDUCT

The University recognizes that a student who is under the influence of alcohol and/or drugs at the time of an incident may be hesitant to report sexual misconduct because of the threat of discipline sanctions for his/her own violation of the Code of Student Conduct. In this context, a student who reports sexual misconduct will not face disciplinary charges under the Code of Student Conduct whether as a complainant or third party witness.

Steps to Take Following a Sexual Assault

- Seek a safe place. When a feeling of safety has been achieved, stay warm. It is important to stay warm by wrapping up in a blanket or coat. This will help recovery from shock and make it less likely that physical evidence is disturbed. Seek medical attention,

regardless of the decision to report the incident to campus law enforcement officials; it is important to take care of your emotional needs. Professional counseling may be beneficial.

- **Preserve Evidence.** Valuable evidence can be obtained from the victim and their clothing. Every effort should be taken to save anything that might contain the offender's DNA. Therefore the victim should not bathe or shower, wash his/her hands, brush his/her teeth, urinate or defecate, change clothes, clean up the crime scene or move anything the offender may have touched.
- **Seek medical attention.** It is important to seek medical attention immediately. A medical examination will ensure appropriate medical treatment, including testing for pregnancy or sexually transmitted infections. You may also obtain a Sexual Assault Forensic Exam (SAFE). Such an exam allows for the collection of evidence and can ensure any physical evidence is preserved in the event of a report to law enforcement. A SAFE exam may be obtained within 72 hours after an assault. See Mercy Hospital Forensic Nurse Examiner Program, page 12.

APPEAL OF HEARING DECISION TO THE PRESIDENT

Either party may request an appeal in writing to the President of the University of a decision rendered by the hearing officer/hearing committee, where a procedural error occurred, unavailable relevant evidence that could significantly impact the outcome of a case or where a sanction is substantially disproportionate to the findings. An appeal must be filed within ten (10) days of the decision of the hearing officer/committee.

CAMPUS SAFETY

E-911

Any person who dials "911" from any campus phone will instantly be connected to the Baltimore City Police Department, E-911 System and the Coppin State University Police Department and will simultaneously receive an emergency alert with the building and location. An officer will be immediately dispatched to that location. The E-911 system is an emergency alert system that identifies the specific location of the caller and directory telephone number.

Blue Light Emergency Phones

Blue Light Emergency Phones are located throughout the campus. The red phone is for emergencies. When you press the red button, you activate the blue light at the top of the pole which will light up. There will be a brief pause followed by a dispatcher's voice. At that point state the emergency. A campus officer will be dispatched to your location. The dispatcher will remain on the line until the officer arrives.

Walking Escort Service

University Police provide 24 hour escort service for anyone who feels unsafe while walking on campus.

(410) 951-3900

On Campus Counseling Resources

Coppin State University, Center for Counseling and Student Development
Millard Tawes Building, 1st Floor

Contact Person: Michelle Reynolds, Director
(410) 951-3939
mreynolds@coppin.edu

Christopher Thomas, Asst. Director
(410) 951-3959
cthomas@coppin.edu

Office of Public Safety
Coppin state University
PEC Building, 2nd Floor
Contact Person: Lt. Lawrence Ames,
Operations
(410) 951-6984
lames@coppin.edu

Off Campus Counseling Resources

Turn Around Domestic Violence Center and Services
Baltimore City
2300 North Charles Street
Baltimore, Maryland 21218
(410)377-8111
24 Hour Hotline: (443) 279-0379
<http://www.turnaroundinc.org/>

Turn Around Domestic Violence Center and Services
Baltimore County
401 Washington Avenue, Suite 400
Baltimore, Maryland 21204
(410) 377-8111
24 Hour Hotline: (443) 279-0379
<http://www.turnaroundinc.org/>

House of Ruth
2201 Argonne Drive
Baltimore, Maryland 21218
(410) 889-0840
24 Hour Helpline: (410) 889-7884
<http://www.hruth.org/get-help.asp>

Confidential Resources

Maryland Coalition against Sexual Assault
<http://www.mcasa.org/for-survivors/maryland-rape-crisis-and-recovery-centers-r/>

Maryland Network Against Domestic Violence
<http://mnady.org/>

National Domestic Violence Hotline

<http://www.thehotline.org/>

LGBTQ Survivors of sexual and Domestic Violence

http://mnadav.org/_madvWeb/wp-content/uploads/2011/08/LGBT-DV-MD-State-Law-Handout.pdf

Maryland Domestic Resources by County

<http://www.aardvarc.org/dv/states/d=mddy.shtml>

Male Survivors of rape and sexual abuse, Advocacy Project

<http://www.pandys.org/malesurvivors.html>

Rape, Abuse and Incest National Network

<http://www.rainn.org>

U.S. Department of Justice

<http://www.justice.gov/ovw/sexual-assault>

Department of Education, Office of Civil Rights

<http://www2ed.gov/about/offices/list/ocr.index.html>

Memorandum of Understanding with local Authorities and Hospitals

- MOU Concerning Law Enforcement Jurisdiction and Coordination of Services Between CSU Department of Public Safety and the Baltimore Police Department
- Mercy Hospital Forensic Nurse Examiner Program (provides care to victims of sexual, domestic, child, elder and institutional violence).
Mercy Hospital
301 St. Paul Street
Baltimore, Maryland 21202
Contact: Debra Holbrook
(410) 332-9465
- Mercy Family Violence Response Program (provides confidential services to patients and employees who are victims of violence, abuse and neglect, sexual assault and vulnerable adult abuse. They offer counseling, crisis intervention, safety planning, danger assessment, counseling etc.)
Mercy Medical Center
301 St. Paul Street
Baltimore, Maryland 21202
Contact: Tania Araye
(410) 332-9470
- University of Maryland, Pediatrics Department (if the victim is under age 12)
22 South Greene Street

Baltimore, Maryland 21201
(410) 328-6720

- *Bmoresafe app* (provides available resources, what to expect after you have been abused or assaulted and gives you back the power of choice.)
<http://www.bmoresafemercy.org/>

GOVERNMENT AGENCIES THAT ADDRESS COMPLAINTS OF SEXUAL MISCONDUCT

Complaints of sexual misconduct may also be filed with:

Equal Employment Opportunity Commission

City Crescent Building
10 S. Howard Street, Third Floor
Baltimore, Maryland 21201
Phone: 1-800-669-4000
Facsimile: 410-962-4270
TTY: 1-800-669-6820
Website: <https://egov.eeoc.gov/eas/>

Maryland Commission on Civil Rights

William Donald Schaefer Tower
6 Saint Paul Street, Ninth Floor
Baltimore, Maryland 21202-1631
Phone: 410-767-8600
Facsimile: 410-333-1841
TTY; 410-333-1737
Website: <http://mccr.maryland.gov/>
E-mail: jcole@mccr.state.md.us

It is important to note that in order to protect the legal rights and remedies available to a complainant, a complainant must comply with certain time limits and deadlines. Affected persons should contact the relevant agencies to verify the time limits. Failure to meet required deadlines may result in a loss of rights to seek a legal remedy.

APPENDIX A

CONDUCTING AN INVESTIGATION REQUIREMENTS AND PROCEDURES

For the purposes of this document, the term “investigation” refers to the process the University will use to resolve sexual misconduct complaints. This includes the fact-finding investigation and any hearing and decision-making process the University uses to determine: (1) whether or not the conduct occurred and (2) if the conduct occurred, what actions the University will take to end the sexual violence, eliminate the hostile environment and prevent its recurrence, which may include imposing sanctions on the perpetrator and providing remedies for the complainant and broader student population.

- A. All proceedings will include a prompt, fair and impartial investigation and result. The University will provide the respondent and complainant equitable rights during the investigative process.
- B. All complaints of sexual misconduct shall be presented to the Title IX Coordinator for investigation and appropriate disposition.
- C. Mediation between the complainant and the respondent is not an appropriate resolution in sexual assault cases.
- D. Initiating an investigation:
 1. Immediately upon receipt of a complaint, the Title IX Coordinator will communicate with the complainant to determine and implement reasonable interim measures, if necessary. Absent good cause, within three(3) business days of receipt of a report of sexual misconduct the Title IX Coordinator or designee shall attempt to get a written statement from the Complainant that includes information related to the circumstances giving rise to the complaint, dates of the alleged occurrence(s) and names of witnesses if any. The complainant should be encouraged to complete a complaint form and submit a detailed written report of the alleged incident.
 2. When the complainant chooses not to provide a written complaint, the Title IX Coordinator or designee will still investigate and take appropriate action.
 3. Both before and during the pendency of the investigations, the Title IX Coordinator shall consult with the Complainant and consider what, if any, interim measure may be necessary.
 4. Complaints made anonymously or by a third party will be investigated to the same extent possible.
 5. After consultation with the University General Counsel, Office of Legal Affairs, if the Title IX Coordinator determines that the complaint contains an allegation of sexual misconduct, the Title IX Coordinator shall follow the procedures set forth in this policy to investigate the allegations made in the complaint.
 6. The Title IX Coordinator shall appoint a trained person to investigate the allegations made in the complaint.
 7. Only one person shall be identified as the investigator for a complaint.
 8. Investigations shall be conducted by officials who do not a conflict of interest or bias for or against the complainant or respondent.

9. If the complainant or respondent believes the assigned investigator has a conflict of interest, that party must submit a written explanation of the reason for the belief to the University's Provost. The explanation must be submitted within three (3) days business days, absent good cause of the time when the party knew or should have known the facts that would give rise to the alleged conflict of interest. The Provost will determine if the facts warrant the appointment of a different investigator and respond to the party in writing within three (3) business days, absent good cause. The decision of the Provost shall be final.

E. Components of the Investigation

1. Once the investigator receives the complaint, the investigator shall notify the complainant in writing of his/her rights and request a meeting.
2. The investigator shall also notify the respondent in writing of the complaint and his/her rights and request a meeting with the respondent.
3. The investigator shall notify the complainant and the respondent and all individuals interviewed during the investigation that retaliation is strictly prohibited and may be grounds for disciplinary action. In addition, the investigator shall advise all interviewees that they should contact the investigator immediately if they believe they are being retaliated against.
4. The investigation shall include interviews with both the complainant and respondent, unless either declines an in-person interview.
5. The complainant and respondent shall be provided with the same opportunities to have others present during an interview, including the opportunity to be accompanied by the advisor of their choice to any related meeting or proceeding.
6. The University will not limit the choice of advisor for either the complainant or respondent; however, the investigator may limit the participation of advisors during the investigation.
7. The investigation shall include interviews with relevant witnesses identified by the complainant and respondent or any other potential, relevant witness made known to the investigator via other means.
8. The investigation shall include the gathering and reviewing of any documentary, electronic, physical, or other type of relevant evidence.
9. The investigator is expected to request a list of relevant witnesses and evidence from complainant and respondent and take such into consideration.

The investigator shall not consider any evidence about the complainant's prior sexual conduct with anyone other than the respondent. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

Outcome of An Investigation and Determination of Appropriate Action

- A. Upon completion of the investigation, the investigator shall prepare a written report that includes the allegations made by the complainant, the response of the respondent, corroborating or non-corroborating statements of the witnesses, review of the other evidence obtained, and conclusions that may be drawn from the evidence gathered.
- B. It is the responsibility of the investigator to weigh the credibility of all individuals

interviewed and to determine the weight to be given to information received during the course of the investigation.

- C. The report shall be delivered to the appropriate decision maker.
 - 1. If the respondent is an employee, the decision maker shall be the Vice President of Administration and Finance.
 - 2. If the respondent is a student, the decision maker shall be the Provost and Vice President of Academic Affairs.
- D. After review of the report, the decision maker shall make a determination based on a preponderance of the evidence presented as to whether or not a violation of this policy occurred. The preponderance of the evidence refers to the standard of review in a judicial proceeding as related to the burden of proof. It is described as just enough evidence to make it “more likely than not” that the facts the claimant seeks to prove are true.
- E. The determination by the decision maker must be reviewed by the University General Counsel before dissemination to the parties.
- F. The decision maker’s determination shall be communicated in writing simultaneously to the complainant and respondent, along with notice to the parties of their right to request an institutional hearing on the determination that a policy violation did or did not occur.

IX. Timeframe for Conducting the Investigation

- A. Every reasonable effort shall be made to conclude the investigation and resolve the complaint within sixty (60) calendar days following receipt of the complaint. Within the sixty (60) day timeframe, absent good cause, it is expected that the investigator will conclude the investigation, that the investigator will present a report to the decision maker, and that the investigator will notify the parties in writing of decisions maker’s determination.
- B. If the investigator or decision maker determines that additional time is needed, both parties shall be notified in writing of the delay, the anticipated date that the investigation will be concluded, and the reasons for such delay.
- C. If either party determines that additional time is needed, that party shall request such in writing to the investigator. The written request for additional time shall include the reasons for the requested delay and the number of additional days needed. The investigator shall make every reasonable effort to respond to the request for additional time within two (2) business days following receipt of the request and shall notify both parties in writing as to whether or not the request is granted.

X. Institutional Hearing

- A. Either party may request an institutional hearing on the determination that a policy violation did or did not occur by providing written notice of the request to the investigator within ten (10) business days of receipt of the decision maker’s decision.
- B. If a request is not received within ten (10) days, the decision maker’s determination is final.
- C. The hearing may be held before either a hearing officer or hearing committee. The President of the University shall determine whether to proceed with a hearing officer or

hearing committee and shall appoint individuals to serve in those capacities. The hearing officer and all hearing committee members shall receive, at a minimum, annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- D. If the complainant or respondent believes the hearing officer or any hearing committee member has a conflict of interest, that party must submit a written explanation of the reason for that belief to the provost. The explanation must be submitted within three (3) business days, absent good cause, of the time when the party knew or should have known the facts that would give rise to the alleged conflict of interest. The provost will determine if the facts warrant the appointment of a different hearing officer or committee member and respond to the party in writing within three (3) business days, absent good cause. The decision of the provost shall be final.
- E. If such a hearing is requested, every reasonable effort shall be made to conclude the hearing and resolve the appeal, including any appeal to the President within sixty (60) days following the University's receipt of the party's request for a hearing.
- F. The parties to the hearing may not engage in formal discovery.
- G. Each party is entitled to have an advisor of choice available; however the advisor may not participate in the proceedings.
- H. The University will not limit the choice of advisor for either the complainant or respondent.
- I. The complainant and respondent shall be timely notified in writing of all meetings relevant to the proceedings.
- J. The hearing officer or committee shall control the procedures of the hearing with due consideration given to the parties' requests related to procedures.
- K. The hearing officer or committee shall use a preponderance of the evidence standard when reaching a decision.
- L. Absent good cause, within five (5) business days of the close of evidence, the hearing officer or committee shall issue a written determination as to whether or not a violation of this policy occurred and the justification for this decision.
- M. Each party shall be simultaneously notified of the hearing officer or committee's decision in writing, which shall include notice of their rights to appeal the hearing officer or committee's decision to the President.

APPENDIX B TRAINING

All persons involved in implementing the University's grievance procedures (i.e. Title IX Coordinator, Title IX Team members and others who receive complaints, investigators and adjudicators must have training or experience in handling sexual misconduct complaints. Bi-annual training provided should include information on working with and interviewing persons subjected to sexual violence, information on particular types of conduct that would constitute sexual violence, the proper standard of review for sexual misconduct complaints (preponderance of the evidence; information on consent and the role drugs or alcohol can play in the ability to consent; the importance of accountability for individuals found to have committed sexual misconduct; the need for remedial actions for the perpetrator, complainant and university community; how to determine credibility, how to evaluate evidence and weigh it in an impartial manner, how to conduct an investigation and confidentiality; the effects of trauma and cultural awareness training regarding how sexual misconduct may impact students differently depending on their cultural backgrounds. All training provided the Title IX Coordinator and Title IX team members will be documented and the records maintained by the University.

Training Available to All Students

To ensure that all students understand their rights under Title IX, the University shall provide training through Turn Around regarding the sexual misconduct policy. The following topic must be covered in the training:

- Title IX and what constitutes sexual misconduct in accordance with the University's policy;
- The University's definition of consent including examples;
- How the University analyzes whether conduct is unwelcomed under Title IX;
- Reporting options, including formal reporting and confidential disclosure options and timeframes for reporting;
- The University's grievance procedures used to process sexual misconduct complaints;
- Disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions;
- Effects of trauma;
- The role of alcohol and drugs often play in sexual misconduct incidents, including the deliberate use of alcohol and/or other drugs to perpetuate sexual misconduct;
- How to report sexual misconduct to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and
- Title IX's protections against retaliation.

The training should also encourage students to report incidents of sexual misconduct. The training should also explain that students do not need to determine whether incidents of sexual misconduct created a hostile environment before reporting the incident. Also it is important to educate students about the persons on campus to whom they can confidentially report incidents of sexual misconduct. Sexual misconduct training is required of all students and is incorporated in new student orientation. Training is provided by Turn Around and is mandatory for all resident students. Training for students is also provided on campus by the Center for Counseling and Student Development.