



## **06-01.60 – POLICY ON SEXUAL MISCONDUCT**

### **I. Policy Statement**

Towson University (“University”) is committed to providing a working, learning, and living environment free from Sexual Misconduct, assault, harassment, or any form of discrimination based on sex, sexual orientation, or gender-related identity. Sexual Misconduct is a form of discrimination prohibited by state and federal laws (including Title IX of the Education Amendments of 1972 as amended (“Title IX”), the Campus SaVE Act, and Title VII of the Civil Rights Act of 1964 as amended), may constitute criminal activity, and is a form of Sex Discrimination in violation of the University’s Non-Discrimination Policy ([Policy No. 06-01.00 - Prohibiting Discrimination on the Basis of Race, Color Religion, Age, National Origin, Sex and Disability](#)). Sexual Misconduct is a broad term describing a range of behavior, including the Prohibited Conduct defined below (i.e., Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Sexual Violence, Relationship Violence, Sexual Exploitation, Sexual Intimidation, Stalking, etc.). Sexual Misconduct is prohibited and will not be tolerated.

The University endeavors to foster a climate free from Sexual Misconduct through training, education, and prevention programs, as well as by following policies and procedures that promote prompt reporting. This also means the University works to investigate and resolve reports or complaints of Sexual Misconduct in a reasonably prompt timeframe. It will also take prompt action to effectively address and work to prevent Sexual Misconduct.

Retaliation against someone for participating in the University’s procedures regarding Sexual Misconduct is prohibited. This includes any form of Retaliation (e.g., intimidation, threats, harassment, and/or other adverse action taken or threatened) against any individual who (i) has been the victim or alleged perpetrator of Sexual Misconduct, (ii) reports or files a complaint alleging a violation of the Policy, and/or (iii) cooperates or participates in the Investigation of such allegations (including providing information, assisting, or testifying).

Members of the University Community found to have violated this Policy will be subject to disciplinary action in accordance with the University’s Policies and Procedures. A violation of this Policy may constitute professional misconduct and/or moral turpitude under the Towson University Policy on Appointment, Rank and Tenure of Faculty, and/or gross misconduct and/or moral turpitude under Towson University’s Policy on Separation for Regular Exempt Employees.

The Title IX Coordinator, who works in the University’s Office of Inclusion & Institutional Equity (“OIIE”), administers this Policy and coordinates the University’s efforts to carry out its responsibilities under Title IX. OIIE receives reports of Sexual Misconduct and conducts Investigations. No employee (other than law enforcement) is authorized to investigate or resolve

reports of Sexual Misconduct without the involvement of the Title IX Coordinator. Please report allegations of Sexual Misconduct or possible violations of this Policy to OIIE or Title IX Coordinator:

Leah Cox  
Vice President and Interim Title IX Coordinator  
Office of Inclusion & Institutional Equity  
Towson University  
Administration Building, Room 214  
8000 York Road  
Towson, Maryland 21252  
(410) 704-0203  
<https://www.towson.edu/inclusionequity/>

Online reporting form available at:

[https://towson-advocate.symplicity.com/titleix\\_report/index.php/pid697187?](https://towson-advocate.symplicity.com/titleix_report/index.php/pid697187?)

## **II. Applicability**

The University has jurisdiction over Title IX complaints made in connection with University programs and activities. This Policy applies to all members of the University Community, including students, faculty, and staff. It also applies to University guests, contractors, and other third parties acting for or on behalf of the University. The University may amend this Policy from time to time. Further, the Title IX Coordinator with the approval of the General Counsel, may from time to time make revisions and updates to this Policy to comply with applicable laws, regulations and governmental guidance and any amendments thereto.

This Policy applies to Sexual Misconduct that:

- Occurs on University property or at any University facility;
- Happens in connection with a University sponsored, recognized, or approved program or event;
- Impedes equal access to any University education program or activity or has the effect of creating a hostile education or employment environment for a member of the University Community; or
- Threatens the health or safety of any member(s) of the University Community.

Nothing in this policy supersedes or replaces any obligations imposed by federal law or state law and/or policy (such as the USM Policy on Sexual Misconduct (Policy VI-1.60)).

## **III. Definitions**

- A. **“Anonymous Complaints”** means complaints of sexual misconduct filed anonymously with the Title IX Coordinator, meaning that the individual filing the complaint does not identify themselves. Anonymous reporters are encouraged to speak with the Title IX Coordinator or an investigator so as to understand the potential limitations for an investigation being conducted based on an anonymous report.
- B. **“Coercion”** includes but is not limited to conduct that intimidates, constitutes an express or implied threat of physical or emotional harm (i.e., one that would reasonably place an individual in fear of immediate or future harm), unreasonably pressures (whether by force or threat), or otherwise serves to unreasonably compel someone to engage in Sexual Contact. Examples of Coercion include, but are not limited to causing the deliberate Incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the Sexual Contact; threatening to harm oneself if the other party does not engage in Sexual Contact; or threatening to disclose an individual’s sexual orientation, Gender Identity or Expression, sexual expression, or other personal sensitive information if the other party does not engage in the Sexual Contact.
- C. **“Confidential Employee”** is: (1) any employee who is a licensed medical, clinical, or mental-health professional (i.e., physicians, nurses, physicians’ assistants, psychologists, psychiatrists, professional counselors, and social workers (and those performing services under their supervision) (“Health Care Providers”)) or pastoral care providers acting in their professional role in the provision of services; (2) any employee providing administrative, operational and/or related support for such Health Care Providers in their performance of such services or providing individual intake, advocacy, and referrals to clinical and counseling services; and (3) any individual acting in an approved confidential role as so designated by the Title IX Coordinator. A Confidential Employee will not disclose information obtained from patients, clients, or persons otherwise counseled or treated to the Title IX Coordinator or others without the individual’s permission except as provided for or required by law.
- D. **“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 and reasonable judgment. Consent may be expressed either by affirmative words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity. Consent may be withdrawn at any time. Consent cannot be obtained by force, threat, Coercion, fraud, manipulation, reasonable fear of injury, intimidation, or through the use of one’s mental or physical helplessness or incapacity. Consent cannot be implied based upon the mere fact of a previous consensual dating or sexual relationship. Consent to engage in sexual activity with one person does not imply Consent to engage in sexual activity with another.
- E. **“Gender Expression”** refers to how a person represents their gender identity, such as through behavior, clothing, hairstyles, voice, body characteristics etc.

- F. **“Gender Identity”** refers to each person’s deeply held sense, knowledge, or experience of their own gender.
- G. **“Hearing Officer”** is a person identified by the Office of Student Conduct & Civility Education (“OSCCE”) to make decisions regarding responsibility for alleged violations of the Code of Student Conduct.
- H. **“Incapacitation”** is a state where an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (e.g., to understand the “who, what, when, where, why and/or how” of the sexual interaction) and/or is physically helpless. Examples may include individuals who are asleep, unconscious, or otherwise unaware that the sexual activity is occurring. The use of alcohol or other drugs does not, in and of itself, negate a person’s ability to give Consent. However, a level of intoxication can be reached, short of losing consciousness, in which a person’s judgment is so impaired that they become incapacitated and thus are not capable of giving Consent. The impact of alcohol and drugs varies from person to person, and evaluating Incapacitation requires an assessment of how the consumption of alcohol and/or drugs impact an individual’s:
  - i. Decision-making ability;
  - ii. Awareness of consequences;
  - iii. Ability to make informed judgments; and/or
  - iv. Capacity to appreciate the nature and the quality of the act.

Because the use of alcohol and other drugs can have a cumulative effect over time, a person who may not have been incapacitated at the beginning of sexual activity may become Incapacitated and therefore unable to give effective Consent as the sexual activity continues. Evaluating Incapacitation also requires an assessment of whether a Responding Party, or a sober, reasonable person in the Responding Party’s position, knew or should have known, that the Reporting Party was Incapacitated. If the person who wants to engage in sexual activity is too intoxicated to judge another’s communications about Consent, that person has an obligation to cease the activity. A person’s responsibility for obtaining Consent is not diminished by use of alcohol and/or other drugs. Being intoxicated or impaired by drugs or alcohol is never an excuse for Sexual Harassment, Sexual Violence, Stalking or intimate partner violence and does not diminish one’s responsibility to obtain Consent.

- I. **“Interim Measures”** means reasonably available steps, instituted on a case-by-case basis, to protect the University Community.
- J. **“Investigation”** means a prompt, thorough, and impartial assessment of available evidence related to an allegation of Sexual Misconduct conducted by a University employee or designee in response to a report or complaint of Sexual Misconduct made pursuant to this Policy. The purpose of an Investigation is to determine whether there has been a violation of this Policy using the “preponderance of the evidence” standard, as defined herein. A finding of a violation of the Policy may

result in disciplinary action against the Responding Party.

- K. **“Investigator”** are those individuals designated by OIIE to investigate allegations of violations of this Policy.
- L. **“Notice of Investigation”** is a communication provided to the Reporting Party and Responding Party notifying them that the University will conduct an Investigation into an alleged violation of this Policy. It will inform these parties of the “who, what, when, and where” of the alleged misconduct to the extent they are known.
- M. **“Responsible Employee”** is a designation given to certain University employees, all of whom have a duty to report sexual misconduct that they learn of to the University’s Title IX Coordinator. A Responsible Employee is defined as any employee who has the authority to redress sexual misconduct, has the duty to report sexual misconduct to the Title IX Coordinator, or are employees whom a student reasonably believes has this authority or duty, and is *not* a Confidential Employee. Responsible Employees must promptly report all known relevant information to the Title IX Coordinator, including the name of the complainant, respondent, and any witnesses and any other relevant facts, including the date, time, and location of the misconduct. Responsible Employees include, without limitation:
- i. Title IX Coordinator;
  - ii. OIIE staff;
  - iii. University administrators;
  - iv. Non-Confidential Employees acting in their supervisory roles;
  - v. Faculty members;
  - vi. Athletic coaches;
  - vii. University law enforcement;
  - viii. Housing and Residence Life staff;
  - ix. Orientation leaders assisting incoming students; and
  - x. Other non-confidential first responders.
- N. **“Reporting Party”** refers to an individual who has been subjected to conduct that may constitute prohibited conduct under this Policy. A Reporting Party may include, but not be limited to, a member of the University Community (including groups, organizations, and teams) and individuals not affiliated with the University.
- O. **“Responding Party”** refers to the individual alleged to have engaged in prohibited conduct under this Policy.
- P. **“Sexual Misconduct”** is prohibited conduct at the University and an umbrella term that includes Intimate Partner/Dating Violence, Relationship Violence, Domestic Violence, Sexual Exploitation, Sexual Harassment, Sexual Intimidation, Sexual Violence, and Stalking. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by any

person, regardless of Gender Identity, and can occur between people of the same or different sex or sexual orientation. Prohibited conduct which violates this Policy includes activity that meets the following definitions:

1. **“Dating Violence”** means violence or abusive behavior against an intimate partner (romantic, dating, or sexual partner) that seeks to control the partner or has caused harm to the partner (the harm may be physical, verbal, emotional, economic, or sexual in nature). The existence of such a relationship shall be determined based on consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.
2. **“Domestic Violence”** means violence committed by someone who is (a) a current or former spouse or intimate partner of the Reporting Party; (b) a person with whom the Reporting Party shares a child in common; (c) cohabitating with or has cohabitated with the Reporting Party as a spouse or intimate partner; (d) a person similarly situated to a spouse of the Reporting Party; or (e) an adult or youth Reporting Party protected from those acts by domestic or family violence laws of Maryland.
3. **“Sexual Assault”** means any offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation’s Uniform Crime Reporting Program (<https://ucr.fbi.gov/>). It also includes the following:
  - a. **“Sexual Assault I”** means any act of Sexual Intercourse with another individual without Consent.
  - b. **“Sexual Assault II”** means any act of Sexual Contact without Consent. This includes any intentional touching of the intimate parts of another person, causing another to touch one’s intimate parts, disrobing or exposure of another, or attempted Sexual Intercourse. 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.
4. **“Relationship Violence”** means a broad range of behaviors, including Sexual Assault, physical abuse, and other acts, threats, or patterns of abusive behavior of a physical or sexual nature by one partner intended to control, intimidate, manipulate, humiliate, frighten, coerce, or injure the other. These acts may be directed toward a spouse, an ex-spouse (also referred to as “Domestic Violence”), or by a current or former intimate partner (also referred to as “Dating Violence” or “Intimate Partner Violence”).

5. **“Retaliation”** means coercing, discriminating against, harassing, intimidating, or threatening any individual for the purpose of interfering with any right or privilege secured by law or policy promulgated by USM and/or the University 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.
6. **“Sex Discrimination”** occurs when unequal treatment on the basis of sex, gender, or gender identity is sufficiently serious to unreasonably interfere with or limit an individual’s opportunity to participate in or benefit from a University program or activity, or that otherwise adversely affects a term or condition of the individual’s employment or education. Sex Discrimination includes, but is not limited to, Sexual Harassment, Sexual Violence, and any other Sexual Misconduct.
7. **“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. Examples of Sexual Exploitation include but are not limited to prostitution; using any kind of photographic or recording device to capture, post and/or publish images of a person’s intimate parts and/or of a sexual act without the Consent or knowledge of the involved party; intentionally or unintentionally publishing, recreating, or reproducing images of a person’s intimate parts or of a sexual act without the knowledge or Consent of the party involved; voyeurism; inducing Incapacitation for the purpose of Sexual Exploitation or of having sex with the incapacitated person (regardless of whether Sexual Exploitation and/or sexual activity actually takes place); and/or knowingly transmitting a sexually transmitted infection to a partner without their Consent.
8. **“Sexual Harassment”** is any unwelcome sexual advance, unwelcome request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when: (i) 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 University program or activity; (ii) 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 (iii) 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).

Examples of Sexual Harassment include harassment through public or private insult, sexually suggestive comments concerning a person's body or behavior, and/or sexual demands; subtle or overt pressure to comply with sexual demands; undue and unwanted remarks about another person's clothing, body, sexual activities, sexual preferences, or sexual orientation; unwelcome flirting, teasing, jokes, or gestures that are sexual in nature; unwanted kissing, touching, pinching, patting or brushing another's body or clothing; unwanted kissing, touching, pinching, patting or indecent exposure of one's own private body parts; unwanted communications of a sexual nature verbally, in writing, by telephone, computer, or by other means; requests or demands for sexual favors accompanied by implied or overt threats or promised rewards (e.g., grades, references or awards (for students) or assignments, promotions or discipline (for employees)); and repetitive unwanted invitations to meet or communicate.

9. **“Sexual Intimidation”** means (i) threatening to sexually assault another person; (ii) gender or sex-based Stalking, including cyber-Stalking; or (iii) engaging in indecent exposure.
10. **“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.
11. **“Stalking”** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For purposes of this definition, (i) 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 any action, method, electronic device, or other means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property; (ii) substantial emotional distress means a significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and (iii) reasonable person means a reasonable person under similar circumstances and with similar identities to the Reporting Party.

Q. **“Sexual Intercourse”** means vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth to genital contact.

R. **“Support Person”** Both the Responding Party and Reporting Party are entitled



to be accompanied by a Support Person in meetings related to the investigative and disciplinary process. This includes informational meetings, Investigation meetings, conduct resolution meetings, and University hearings. A Support Person is someone who provides support, guidance, and/or advice to the individual. However, a Support Person cannot speak on behalf of the individual, directly participate in the proceedings, or submit any written requests (including appeals) on behalf of the individual. The Support Person also cannot serve as a witness in the context of a Title IX Investigation. A Support Person may be a family member, friend, faculty member, staff member, attorney, or other advisor/supporter. Should a Support Person not adhere to these expectations or attempt to play a direct and/or active role in any proceedings, the Hearing Officer or staff member, at their discretion, may order the excusal of the Support Person.

- S. **“University Community”** is defined to mean University students, faculty, staff and third parties (visitors, volunteers, applicants for admissions or employment, vendors and contractors).

## **VIII. Reporting Sexual Misconduct**

### **A. Reporting to the Police**

Individuals who suffer or witness an incident involving Sexual Misconduct are encouraged to report the incident to law enforcement. Reporting to law enforcement does not preclude an individual from also reporting the incident to the University. Reports made to the University and law enforcement may be pursued simultaneously, though the outcome of one Investigation does not determine the outcome of the other. In addition, University Police may defer to another law enforcement agency (typically city or county law enforcement) based on the nature and location of the incident.

University Police can assist individuals in reporting an incident of Sexual Misconduct. University Police are also Responsible Employees under this Policy and will forward the report to OIIE, regardless of whether the incident constitutes a crime under the law. Information on how to contact University Police can be found in Appendix B.

### **B. Reporting to the University**

All 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. The University also accepts Anonymous Complaints.

The University will promptly respond to reports of Sexual Misconduct and take appropriate action consistent with this Policy and associated procedures. The University may extend the time frames set forth in this Policy and Procedure for good cause. Exceptions to these time frames may vary for a number of reasons, including, but not limited to, depending on the complexity of the

Investigation, volume of evidence, access to and/or responsiveness of relevant parties (including witnesses), the number of witnesses involved, and/or number of issues on appeal.

Deciding whether to report and choosing how to proceed are personal decisions. When reporting an incident, a Reporting Party does not need to decide whether to request any particular course of action. Choosing to report and deciding how to proceed after making the report is a process that unfolds over time. The University makes every effort to respect a Reporting Party's input about how they would personally like to proceed. Resources are available to support an individual regardless of the course of action ultimately pursued.

1. Timeliness

The University does not impose an affirmative time limit by which individuals must report Sexual Misconduct or any related violation. However, if too much time has passed since the incident occurred, the delay may result in loss of relevant evidence and witness testimony, impairing the University's ability to respond and take appropriate action.

2. Obligations of Responsible Employees

A Responsible Employee should, within 48 hours after becoming aware of an allegation of Sexual Misconduct, make a report to OIIE. That office then takes action to address the situation consistent with this Policy (and associated procedures). Failure by a Responsible Employee to promptly report an incident of Sexual Misconduct brought to their attention may result in discipline consistent with the University's policies and procedures.

**C. Other Reporting Options**

Inquiries or complaints concerning the application of Title IX or the University's handling of sexual misconduct complaints may be referred to the Department of Education's Office of Civil Rights:

U.S. Department of Education Office for Civil Rights Philadelphia Office  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107  
(215) 656-8541  
[OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

Employee complaints may also be referred to the U.S. Equal Employment Opportunity Commission ("EEOC") and the Maryland Commission on Civil Rights. *See Appendix B.*

#### **D. Filing a Complaint**

The individual who has reported the experienced Sexual Misconduct, whether a University student, University employee, or third party has the right to choose whether or not to file a complaint resulting in a Title IX Investigation. Upon receiving a report of Sexual Misconduct, OIIE shall contact the relevant individual(s) to offer support resources, schedule an optional, in-person meeting in order to discuss Interim Measures, and explain options regarding how to proceed.

In situations where the University determines that a report raises a significant risk to public safety, the University may proceed with an Investigation even where the Reporting Party chooses not to proceed or participate in the Investigation. The University will communicate this decision to the Reporting Party.

#### **E. Good Faith Requirement**

Reports or complaints of Sexual Misconduct must be made in good faith because they are serious and have the potential to cause great harm if made without justification. Accordingly, it is a violation of the Policy and Procedure for an individual to make a complaint or report in bad faith or without justification. An individual found to have made a complaint or report in bad faith or without justification may be subject to disciplinary or other action.

### **IV. Reports Involving Minors or Suspected Child Abuse and Neglect**

Towson is committed to protecting the safety and welfare of children who come in contact with the University Community. *See* 06-01.50 – Policy on the Reporting of Suspected Child Abuse and Neglect. Procedures to file a report can also be found in that policy.

The President has designated the TUPD Police Chief to receive oral and written reports of suspected child abuse or neglect from employees, students, and others at the institution. If you have any concerns or doubts as to whether to report an incident, feel free to direct any questions to Child Protective Services or consult with the TUPD Chief of Police at 410-704-3383. During non-business hours, contact the Towson University Police Department via the non-emergency telephone number 410-704-2134.

### **V. Responsible Executive and Office**

Responsible Executive: Title IX Coordinator

Responsible Office: Office of Inclusion and Institutional Equity (OIIE)

### **VI. Notice of Nondiscrimination**

#### **A. Content**

The University will publish a notice of nondiscrimination that contains the following content:

1. Title IX prohibits the University from discriminating on the basis of sex in its education program and activities;
2. Questions about the administration of Title IX at the University should be directed to the institution's Title IX Coordinator or the United States Office for Civil Rights ("OCR") (information on the OCR can be found in Appendix B, as it may be amended from time to time, and on the OIIE website); and
3. The Title IX Coordinator's and other relevant OIIE staff member's title, office address, telephone number and email address. The University's web site shall be kept up to date with the name of its current Title IX Coordinator.

**B. Dissemination of Notice**

The notice will be widely distributed to all students, employees, applicants for admission and employment, and other relevant persons. The notice must be prominently displayed on the University's web site and at various locations throughout its campus, and must be included in publications of general distribution that provide information to students and employees about the University's resources and policies. The notice should be available and easily accessible on an ongoing basis.

**VII. University Action Upon Notice of Alleged Sexual Misconduct**

Once the University receives notice of an allegation of Sexual Misconduct, it will take prompt action, in accordance with its internal procedures (<https://www.towson.edu/inclusionequity/titleix/>), to investigate or otherwise try to determine what occurred. This obligation applies to reports of Sexual Misconduct regardless of whether a parallel law enforcement Investigation or action is pending or whether a formal complaint is filed.

The University strives to issue decisions regarding whether the reported conduct constitutes Sexual Misconduct within a reasonable period of time. The University should document circumstances which impact its ability to complete an investigation or issue a decision.

University action typically includes, as appropriate:

- A. Outreach to the Reporting Party;
- B. Initial review;

- C. Intake meeting;
- D. Interim Measures;
- E. Notice to the Responding Party;
- F. Investigation;
- G. Hearing; and
- H. Notice of finding to both parties (including the right to appeal).

### **VIII. Resources and Immediate and Ongoing Assistance**

OIIE maintains a list of resources and procedures for immediate and ongoing assistance following an incident of Sexual Misconduct. They are available online at [<https://www.towson.edu/inclusionequity/titleix/sexualviolence/>] and include:

1. Information about existing confidential and non-confidential resources, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other resources available for individuals affected by Sexual Misconduct (both within the University and in the larger community) is available on OIIE's website. Such resources include, without limitation, Sexual Assault centers, victim advocacy offices, women's centers, health centers, nearby hospitals which offer SAFE exams and help in obtaining medical attention, including transporting the Reporting Party to the nearest designated hospital; and counseling for mental health resources by the University and off campus resources available, other victim service entities and/or the nearest State designated rape crisis program;
2. Information about options for, available assistance in, and how to request changes to academic, living, transportation and working situations, and/or other Interim Measures, as applicable, is available on OIIE's website. Interim Measures will be provided if requested and reasonably available;
3. When a student or employee reports to the University that they have experienced Sexual Misconduct, the Title IX Coordinator (or their designee) will provide the student or employee an explanation (available on OIIE's website) of their rights and options (e.g., options to notify law enforcement and/or campus authorities, including the right to be assisted by campus authorities in notifying such authorities; guidance in preservation of evidence; encouragement to obtain immediate medical help; obtaining and/or enforcing no contact and/or protective orders; etc.); and
4. Information on external options for reporting Sexual Misconduct, as they may be amended from time to time, including local law enforcement, the Equal Employment Opportunity Commission (for Title VII employment discrimination matters), the U.S. Department of Education's OCR. The relevant contact information for the aforementioned external reporting options are available as Appendix B (attached) and on OIIE's website.

## **IX. Preservation of Evidence**

Individuals who have experienced Sexual Misconduct should take steps to preserve evidence that may aid in any administrative action and/or criminal prosecution that may result. Examples of items that may serve as evidence include any recorded media such as voice mails, e-mails, text messages, Facebook or other social media messaging, and any other notes, writings, correspondence etc. that may be relevant to the case. Depending on the situation, clothing worn or other items which may serve as evidence should be preserved in their original state. Do not disturb the location where the alleged Sexual Misconduct occurred, as police may want to photograph the scene upon their arrival. Law enforcement may also want to photograph any injuries suffered by the parties. If any weapon was used or any object was used as a weapon, leave it in position and do not touch it until police arrive.

The University encourages any Reporting Party to get a prompt, hospital-provided Sexual Assault Forensic Exam (“SAFE”). SAFE procedures are offered free of charge at certain local hospitals (e.g., Mercy Hospital and Greater Baltimore Medical Center) and may be pursued anonymously. SAFE procedures focus on collecting evidence and typically involve a medical/forensic exam that includes a physical exam, genital exam, and collection of swabs and samples to preserve evidence. You can decline any portion of the exam you so choose. Evidence can be collected up to 120 hours after assault but the sooner it is done the more likely that useful evidence can be recovered. Prior to a SAFE exam, it is important not to bathe, shower, douche, or change one’s clothes. Additional information about SAFE procedures can be found in Appendix C.

### **A. Interim Measures**

Upon receiving a report of Sexual Misconduct, the Title IX Coordinator (in consultation with faculty members as may be necessary) may impose Interim Measures to protect the University Community. Interim Measures provided to students may vary from those provided to employees, consistent with the University’s policies and procedures, employment contracts, and bargaining agreements.

Examples of Interim Measures include, but are not limited to:

1. Allowing a student to take an incomplete or withdraw from a class without penalty;
2. Assisting students obtain counseling and/or healthcare resources;
3. Academic support resources (e.g., tutoring, etc.);
4. Moving a student to another lab/lecture section;
5. Moving a student to another residence hall;
6. Allowing a student to break a housing contract without penalty;
7. Changing a student/employee’s employment arrangements (e.g., schedule, location, responsibilities, etc.);
8. Allowing employees use of vacation days without prior approval; and/or
9. Arranging for escort resources.

Upon an initial report of Sexual Misconduct, OIIE shall, as appropriate, offer and implement reasonable Interim Measures. Interim Measures are offered on a case-by-case basis designed to support and meet the needs of the individuals involved relative to the specific allegations of Sexual Misconduct in order to ensure their safety so that they may continue to access their education and/or workplace. Interim Measures may be provided even if a Reporting Party does not ultimately file a complaint resulting in an Investigation.

If a Reporting Party does not file a complaint and Interim Measures are instituted, the time period during which the Interim Measures are provided shall be determined on a case-by-case basis within the discretion of OIIE.

**B. Notice of Charges to Responding Party**

The Responding Party will be given written notice of the charges against them and an opportunity to review the evidence to be used against them.

**C. Investigation**

Once the University knows (or reasonably should know) of possible Sexual Misconduct, it will take prompt action, consistent with this Policy, to conduct an Investigation. This obligation applies to Sexual Misconduct covered by this Policy regardless of where the Sexual Misconduct allegedly occurred, whether a parallel law enforcement Investigation or action is pending, and whether a complaint is filed.

**D. Due Process Rights of Reporting and Responding Parties**

The University provides fundamental fairness to all parties involved in the Title IX and/or disciplinary process. Among other things, the Reporting Party and Responding Party are provided notice of the charges and evidence, the right to present information and identify witnesses relevant to their case, and to appeal the findings and/or sanctions.

If the Responding Party is a University employee, then any employee misconduct Investigation procedures outlined in any University Policies and Procedures may apply. If either party is a student, please refer to the procedures implementing this Policy (and, as applicable the Code of Student Conduct).

**E. Standard of Review**

The University investigates allegations of sex/gender-based harassment, discrimination, and/or Sexual Misconduct to determine whether the preponderance of the evidence indicates a Policy violation occurred. The preponderance of the evidence corresponds to an amount of evidence indicating a Policy violation is more than 50% likely.

In such Investigations, legal terms like “guilt, “innocence” and “burdens of proof” are not applicable, but the University never assumes a Responding Party is in violation of University Policy. Investigations are conducted to take into account the totality of all evidence available, from all relevant sources.

**F. Notice of Outcome**

As permitted by law, the University will notify the parties concurrently, in writing, about the outcome of the complaint and whether or not the Policy has been violated. This includes changes that occur as a result of an appeal.

**G. Prompt Resolution**

If the University determines that a potential Policy violation has occurred, it will take prompt and effective steps to eliminate the Sexual Misconduct, prevent its recurrence, and address its effects.

**X. Sanctions**

**A. Student Sanctions**

Factors considered in sanctioning are defined in the University Code of Student Conduct and other applicable University Policies and Procedures. The University imposes sanctions consistent with the Code of Student Conduct. *See [https://www.towson.edu/studentaffairs/policies/documents/code\\_of\\_student\\_conduct.pdf](https://www.towson.edu/studentaffairs/policies/documents/code_of_student_conduct.pdf).*

With respect to Student Responding Parties, the Director of OSCCE, in accordance with the provisions of the Code of Student Conduct, is responsible for imposing disciplinary action. Failure to comply with sanctions may result in further disciplinary action.

**B. Staff Sanctions**

With respect to Staff Responding Parties, any disciplinary action or corrective measures will be imposed by the appropriate supervisor, in consultation with the Office of Human Resources, OIIE, and other relevant administrators, as needed. This may include the following:

- Verbal reminders;
- Mandatory training;
- Written reminders;
- Reassignment of duties;
- Unit transfers;
- Letter of reprimand;
- Suspension without pay;
- Suspension pending charges of removal; and/or



- Termination.

Staff may grieve discipline imposed as a result of a violation of this Policy in accordance with their respective grievance rights. *See* USM Policies VII-08.00 (Policy on Grievances for Nonexempt and Exempt Staff Employees) and VII-08.05 (Policy on Grievances for Regular Exempt Employees).

### **C. Faculty Sanctions**

With respect to Faculty Responding Parties, disciplinary action or corrective measures will be imposed by the appropriate supervisors, in consultation with the Office of the Provost, OIIE, the Office of Human Resources and other relevant administrators, as needed. This may include the following:

- Verbal reminders;
- Mandatory training;
- Reassignment of duties;
- Written reminders;
- Letters of reprimand or censure;
- Suspension with or without pay; and/or
- Termination.

A violation of this Policy may constitute professional misconduct and/or moral turpitude under the TU Policy on Appointment, Rank and Tenure of Faculty (Policy 02-01.00). Faculty may grieve discipline imposed as a result of a violation of this Policy in accordance with their respective grievance rights under the Responsibilities and Procedures of the Faculty Grievance and Mediation Committee and the Faculty Hearing Committee (Policy 02-04.00). <https://www.towson.edu/about/administration/policies/faculty.html>

## **XI. Appeals**

Either party may appeal the Investigation outcome and/or sanctions on the following grounds:

1. A procedural error or denial of due process rights;
2. New information that was not available at the time of the investigation and that could reasonably have affected the determination of sanction(s);
3. Evident bias in the University's Investigation and/or determination; and/or
4. Inconsistent, excessive or insufficiency of the sanction(s).

Mere dissatisfaction with a finding or sanction is not a valid basis for appeal.

Appeal procedures available at:

**XII. Legal Sufficiency Review**

The University will ensure that Sexual Misconduct cases undergo an appropriate legal sufficiency review by counsel prior to issuing any final outcome or appeal decision.

**XIII. Amnesty for Students Who Report Sexual Misconduct**

The University may offer amnesty for minor policy violations (such as underage drinking or recreational drug use) to encourage the reporting of Sexual Misconduct by both individuals who have experienced Sexual Misconduct and witnesses.

For example, the University may not take student conduct action (except for a mandatory intervention for substance abuse) for a violation of alcohol or drug use policies by a student who reports Sexual Misconduct to the University or law enforcement or participates in a Sexual Misconduct matter as a witness, if the University determines (i) that the violation occurred during or near the time of the alleged Sexual Misconduct; (ii) the student made the report of Sexual Misconduct, or is participating in an Investigation as a witness, in good faith; and (iii) the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.

**XIV. Clery Act Compliance**

In handling Sexual Misconduct reports, the University complies with the requirements of the Crime Awareness and Campus Security Act of 1990 (“Clery Act”) and its amendments. This includes its crime recording and reporting requirements.

**XV. MOU with Local Law Enforcement**

The University will pursue formalized agreements with (1) its local law enforcement agency and (2) a State designated rape crisis program and/or federally recognized Sexual Assault coalition. Agreements with law enforcement agencies must comply with Title IX and clearly state when the University will refer a matter to a local law enforcement agency. Agreements with rape crisis or Sexual Assault programs must formalize a commitment to provide trauma-informed resources to Reporting Parties of Sexual Misconduct.

**XVI. Training**

**A. Prevention and Awareness Education**

The University will develop and implement preventive education, directed toward both employees and students, to help reduce the occurrence of Sexual Misconduct. At a minimum, these educational initiatives must contain information regarding what constitutes Sexual Misconduct, definitions of Consent and prohibited conduct, the institution’s procedures, bystander intervention, risk reduction, and the

consequences of engaging in Sexual Misconduct. These educational initiatives shall be for all incoming students and new employees. Each institution also must develop ongoing prevention and awareness campaigns for all students and employees addressing, at a minimum, the same information.

### **B. Training for Persons Involved in Sexual Misconduct Cases**

All persons involved in responding to, investigating, or adjudicating Sexual Misconduct reports, including but not limited to, the Title IX Team, Responsible Employees, law enforcement, pastors, counselors, health professionals, and resident advisers, must have annual training in receiving, reporting and handling complaints of Sexual Misconduct; must be familiar with the institution's procedures; and must understand the parameters of privacy and confidentiality.

### **C. Public Awareness Events**

The University is not required to investigate incidents involving Sexual Misconduct shared by survivors during public awareness events such as "Take Back the Night." However, the University strives to make sure survivors are aware of any available resources and supports, as well as their option to request a University investigation of reports of sexual misconduct made at these events and their option to report the same to law enforcement.

## **XVII. Privacy**

A Reporting Party may request that their name or other information be kept private and not disclosed to alleged perpetrators or that no Investigation or disciplinary action be pursued to address the Sexual Misconduct, particularly in cases of Sexual Violence.

The University supports an individual's general interest in privacy and will maintain records in a discreet manner. However, there are situations in which the University must override a request for privacy in order to meet its obligations. The University will act reasonably and in good faith to limit such disclosures, maintain them in a secure manner, and only share them with individuals who are responsible for handling the University's response to the allegations of Sexual Misconduct. To the extent practicable, the University will notify individuals of the information that will be disclosed, to whom it will be disclosed, and why.

In addition, Responsible Employees must report allegations or reports of Sexual Misconduct to the Title IX Coordinator consistent with this Policy. Responsible Employees should inform the Title IX Coordinator of any requests for privacy when making their report.

## **XVIII. Confidentiality**

Confidential information cannot be disclosed without authorization. Confidential Employees are those who are generally exempt from reporting requirements. Examples include counseling center professionals, some health care providers, and clergy. Any

disclosures made to Confidential Employees are exempted from disclosure obligations under federal and/or state law. As a result, Confidential Employees will not disclose identifiable information to the University's Title IX Coordinator or to any other person/entity without Consent, unless a legal exception applies.

Exceptions to a Confidential Employees obligations may occur, for example, when they receive a report of child abuse or when disclosure is required to comply with a court order. As appropriate, Confidential Employees will inform those they counsel of procedures for reporting crimes on a voluntary, anonymous basis to the University Police for inclusion in the annual security report pursuant to the Clery Act.

More information regarding procedures related to confidentiality, including confidential resources, are available at Appendix C and at:

<https://www.towson.edu/inclusionequity/titleix/reporting.html>

## **XIX. Record-Keeping**

The University keeps records of Sexual Misconduct matters, including, but not limited to, records of any (1) complaints/reports of Sexual Misconduct; (2) Investigation, adjudication and resolution of complaints; (3) training (including, but not limited to, lists of trainees, dates of training, and training content); and (4) related surveys and reports. Records must be maintained in accordance with the University's Records Retention Schedule.

## **XX. Campus Sexual Assault Climate Survey**

At least every two (2) years, the University shall: (i) develop an appropriate Sexual Assault campus climate survey using nationally recognized best practices for research and climate surveys; and (ii) administer the Sexual Assault campus climate survey to students in accordance with the procedures set by the Maryland Higher Education Commission ("MHEC"). After completing the survey and consistent with MHEC procedures, the University shall submit to MHEC a report in accordance with the requirements set forth in Maryland Code Annotated, Education Article, Section 11-601(g).

## **XXI. Related Policies**

[Code of Student Conduct](#)

[Appointment, Rank and Tenure of Faculty](#) (TU Policy 02-01.00)

[Employment of Lecturers](#) (TU Policy 02-01.05)

[Disciplinary Actions for Employees](#) (TU Policy 07-05.25)

[Consensual Relations with Students](#) (TU Policy 07-06.30)

[Professional Conduct of Non-Exempt and Exempt Staff Employees](#) (USM VII-8.05)

[Prohibiting Discrimination on the Basis of Race, Color, Religion, Age, National](#)

[Origin, Sex and Disability](#) (TU Policy 06-01.00)  
[Prohibiting Discrimination on the Basis of Sexual Orientation or Gender Identity or Expression](#) (TU Policy 06-01.05)

**Effective Date:**

Amended August 21, 2018

## Appendix A

Leah Cox  
Title IX Coordinator (Interim)  
Vice President for Inclusion and Institutional Equity  
Telephone: 410-704-0203  
Email: lcox@towson.edu

Reports may also be filed online at [https://towson-advocate.symplcity.com/titleix\\_report/index.php/pid394156?](https://towson-advocate.symplcity.com/titleix_report/index.php/pid394156?)

### **Title IX Team**

Erica Arrington  
Title IX & Civil Rights Investigator, Office of Inclusion and Institutional Equity  
Telephone: 410-704-0203  
Email: [earrington@towson.edu](mailto:earrington@towson.edu)

Tricia Brandenburg  
Deputy Title IX Coordinator for Athletics Equity  
Deputy Director of Athletics  
Telephone: 410-704-4177  
Email: tbrandenburg@towson.edu

Lauren Evens  
ADA, Civil Rights, and Title IX Compliance Specialist, Office of Inclusion and Institutional Equity  
Telephone: 410-704-0203  
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Renee McGlothlin  
Title IX & Civil Rights Investigator, Office of Inclusion and Institutional Equity  
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Alison Peer  
Deputy Title IX Coordinator  
Director, Office of Student Conduct and Civility Education  
Telephone: 410-704-2057  
Email: apeer@towson.edu

## Appendix B

### **U.S. Department of Education Office for Civil Rights**

Philadelphia Office for Civil Rights  
U.S. Department of Education, The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323

Phone: 215-656-8541  
Fax: 215-656-8605  
TTD: 800-877-8339  
Email: OCR.Philadelphia@ed.gov

Information is also available on OCR's webpage at  
<https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>.

If you wish to file a discrimination complaint with OCR, you can use the online complaint form available at <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

OCR also has a complaint portal at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>.

### **U.S. Equal Employment Opportunity Commission**

Baltimore Field  
Office City Crescent Building  
10 S. Howard Street  
Third Floor  
Baltimore, MD 21201  
Phone: 410-962-4270  
TTY: 1-800-669-6820

If you wish to file an employment discrimination charge with the EEOC, you may use the online complaint available at <https://www.eeoc.gov/field/baltimore/charge.cfm>

### **Towson University Police General Information**

Main Office: General Public Safety Building  
Investigations Unit: Public Safety Building  
Administrative Hours: Monday - Friday, 8 a.m. - 5 p.m.  
Patrol Operations Hours: 24 hours a day, seven days a week  
Emergency Phone: (410) 704-4444  
Business Phone: (410) 704-2505  
Fax: (410) 704-2976  
E-mail: [police@towson.edu](mailto:police@towson.edu)  
Mail: Towson University Police Department  
Towson University  
8000 York Road  
Towson, MD 21252-0001

**Baltimore City Police:**

For emergencies/crimes in progress: 911

Non-emergency police response: 311 or (443) 236-2220 option 2 if outside the city

Main number: (410) 396-2525

Homepage: <http://www.baltimorepolice.org>

Contact page: <http://www.baltimorepolice.org/contact-us>

**Baltimore County Police:**

For emergencies/crimes in progress: 911

Non-emergency police response: (410) 887-2214 / (410) 821-8887 (fax)

Mailing address:

Public Safety Building

700 E. Joppa Road

Towson, Maryland 21286

Email: [bcopd@baltimorecountymd.gov](mailto:bcopd@baltimorecountymd.gov)

Home page: <http://www.baltimorecountymd.gov/Agencies/police/>

**Harford County Police:**

For emergencies/crimes in progress: 911

Fax: 410-879-2782

Mailing address:

45 South Main Street

Bel Air, MD 21014

Main number: (410) 838-6600

Homepage: <https://harfordsheriff.org/>

**Montgomery County Police:**

For emergencies/crimes in progress: 911

Mailing Address:

Public Safety Headquarters

100 Edison Park Drive

Gaithersburg, MD 20878

Main number: (301) 279-8000

Homepage: <https://www.montgomerycountymd.gov/pol/>

**Washington County Police:**

For emergencies/crimes in progress: 911

Fax : (301) 733-5513

Main Address :

50 N Burhans Blvd.

Hagerstown, MD 21740

Main number : (301) 790-3700

Homepage : <http://www.hagerstownmd.org/141/Police>



## Appendix C

### **On-Campus**

*Towson University Counseling Center at Ward and West Hall*  
8000 York Road  
Towson, MD 21252-0001  
Phone: (410) 704-2512

*Towson University Health Center at Ward and West Hall*  
8000 York Road  
Towson, MD 21252-0001  
Phone: (410) 704-2466

### **Off-Campus**

*TurnAround, Inc.*

*Works to support survivors of domestic abuse and sexual assault through a variety of legal and social services.*

8503 LaSalle Rd., 2<sup>nd</sup> Floor  
Towson, MD 21286  
Phone: (410) 377-6806  
Email: [info@turnaroundinc.org](mailto:info@turnaroundinc.org)

*Greater Baltimore Medical Center Safe Program (offers SAFE exam)*

6701 N. Charles Street  
Baltimore, MD 21204  
Phone: (443) 849-3323

*Mercy Medical Center bMoreSafe (offers SAFE exam)*

345 St Paul Pl.  
Baltimore, MD 21202  
Phone: (410) 332-9494  
Email: [bMOREsafe@mdmercy.com](mailto:bMOREsafe@mdmercy.com)

*SARC – Sexual Assault/Spouse Abuse Resource Center*

20 N Main St.  
Bel Air, MD 21014  
Phone: (410) 836-8430  
Email: [info@sarc-maryland.org](mailto:info@sarc-maryland.org)

*VASAP – Victim Assistance and Sexual Assault Program*

1301 Piccard Drive  
Suite 4100  
Rockville, MD 20850  
Phone: (240) 777-4000  
Email: [vasap@montgomerycountymd.gov](mailto:vasap@montgomerycountymd.gov)

*CASA, Inc. – Citizens Assisting and Sheltering the Abused*

116 West Baltimore Street

Hagerstown, MD 21740

Phone: (301) 739-4990

*MCASA - Maryland Coalition Against Sexual Assault*

P.O. Box 8782

Silver Spring, MD 20907

Phone: (301) 328-7023

Toll Free: (800) 983-7273

[info@mcasa.org](mailto:info@mcasa.org)

*SALI - Sexual Assault Legal Institute*

P.O. Box 8782

Silver Spring, MD 20907

Phone: (301) 565-2277

Toll Free: (877) 496-7254

For information pertaining to confidential on and off-campus resources available to students at the University's various off-campus locations, please visit the OIIE website.