

06-01.00 – POLICY PROHIBITING DISCRIMINATION

I. Policy Statement

Towson University (“TU” or “University”) prohibits Discrimination on the basis of race, color, national origin, religion, disability, age, sexual orientation, gender (including pregnancy-related medical conditions), gender identity or gender expression, and homelessness status that impedes equal access to any University education program or activity or that adversely impacts the working, learning, and living environment. The University further prohibits Retaliation against an individual who alleges a violation of this Policy or provides information about an alleged violation.

Should a student, faculty, staff or third party complain of Discrimination on the basis of a protected class, they may contact the University Police Department (“TUPD”), OIIE, or report online at www.towson.edu/reportit. TU will take appropriate action to address violations of this Policy. For example, University students or employees who violate this Policy may be subject to disciplinary action.

The University is committed to providing equal educational and employment opportunities in compliance with the University System of Maryland (“USM”) Policy on Affirmative Action and Equal Opportunity, VI-1.00. All University policies, programs, and activities shall conform to USM policies on non-discrimination and to similarly applicable federal and state laws, including but not limited to Titles VI and VII of the Civil Rights Act of 1964 as amended, Title IX of the 1972 Education Amendments, the Americans with Disabilities Act (“ADA”), and Section 504 of the Rehabilitation Act of 1973.

The University’s President has delegated authority to implement this Policy to the Vice President of Inclusion and Institutional Equity. Accordingly, the University establishes this Policy to (a) prohibit Discrimination, (b) establish the responsibilities of the Director of Inclusion and Institutional Equity/Fair Practices Officer (reporting directly to the Vice President of Inclusion and Institutional Equity) in connection with this Policy, (c) establish a complaint procedure to investigate allegations of Discrimination, and (d) ensure appropriate remedial action, such as discipline, for persons who violate this Policy.

II. Applicability

- A. This Policy prohibits Discrimination on the basis of an individual's membership in a Protected Class that has the effect of creating a hostile environment for a member of the University Community, impedes equal access to any University education program or activity, or adversely impacts the education or employment of a member of the University Community regardless of where the conduct occurred. Nothing in this Policy is intended to supersede or conflict with any federal or state compliance obligations.
- B. This Policy applies to students, faculty, staff, appointees, or third-parties who engage in conduct:
 - 1. In any University facility or on any University property;
 - 2. Connected to any University sponsored, recognized, or approved program, visit, or activity, regardless of location;
 - 3. Which adversely affects the University's pursuit of its mission or policies, regardless of location; or
 - 4. Which otherwise threatens the health or safety of any member of the University community, regardless of location.
- C. The following actions do not constitute Discrimination under this policy:
 - 1. Complying with federal, state, or local laws and regulations; providing separate housing or other facilities; establishing separate athletic teams when required by athletic conference regulations; or permitting political, religious, and ethnic/cultural clubs.
 - 2. Establishing bona fide job qualifications or qualifications required for the fulfillment of bona fide educational or other institutional goals. Complaints concerning the legitimacy of such qualifications may be the subject of other University policies or procedures.

III. Responsible Executive and Office

Responsible Executive: Vice President of Inclusion and Institutional Equity

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

IV. Definitions

For purposes of this Policy and Procedure, the following definitions apply:

- A. **"Alternative Resolution"** is a method to resolve a complaint by conference and conciliation.
- B. **"Discrimination"** is unequal treatment based on a legally protected status that (i) is sufficiently serious to interfere with or limit an individual's opportunity

to participate in or benefit from a University program or activity or (ii) adversely affects a term or condition of the individual's working, learning, and living environment at the University.

- C. **"Gender Expression"** refers to how a person represents their gender identity, such as through behavior, clothing, hairstyles, voice, body characteristics etc.
- D. **"Gender Identity"** refers to each person's deeply held sense, knowledge, or experience of their own gender.
- E. **"Harassment"** is a form of Discrimination that encompasses unwelcome conduct based on a person's protected status. Harassment is severe and/or pervasive conduct that negatively affects the particular individual and also would negatively affect a reasonable person under the same circumstances. Harassment in violation of this Policy depends on the totality of the circumstances, including the nature, frequency, and duration of the conduct in question; the location and context in which it occurs; and the status of the individuals involved. When based on a person's protected status, Harassment may include, but is not limited to conduct, whether verbal, physical, written, graphic, or electronic that threatens, intimidates, offends, belittles, denigrates, or shows an aversion toward an individual or group. Examples include epithets, slurs, negative stereotyping, jokes, and/or nicknames that are offensive, denigrating, or demeaning.
- F. **"Investigation"** means a prompt, thorough, and impartial assessment of available evidence related to an alleged violation of this Policy conducted by a University employee or designee. The purpose of an Investigation is to determine whether there has been a violation of this Policy. A finding of a violation of the Policy may result in disciplinary action.
- G. **"Interim Measures"** means reasonably available steps, instituted on a case-by-case basis, to protect the University Community.
- H. **"Protected Class"** means a characteristic of a person which cannot be targeted for Discrimination. For the purpose of the University's Policies and Procedures, Protected Classes are defined by federal and state law, as they may be amended from time to time, and noted in Appendix A, attached hereto and incorporated by reference.
- I. **"Reporting Party"** refers to a member of the University Community who has been subjected to conduct that may constitute a violation of this Policy.
- J. **"Responding Party"** refers to the individual alleged to have engaged in prohibited conduct under this Policy.
- K. **"Retaliation"** means intimidating, threatening, coercing, or discriminating against 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 Discrimination, or because an individual has made a report, testified, assisted, or participated in any manner in an Investigation or proceeding related to Discrimination. Retaliation includes retaliatory harassment.

- L. **“Sexual Orientation”** is an enduring pattern of emotional, romantic and/or sexual attraction to men, women, both, or neither.
- M. **“Support Person.”** Both the Responding Party and Reporting Party are entitled to be accompanied by a Support Person in meetings related to the Investigation and/or disciplinary process. 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. 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, they may be asked to leave.
- N. **“University Community”** is defined to mean University students, faculty, staff, and third parties (including visitors, volunteers, applicants for admissions or employment, vendors, and contractors).

V. Notification of Policy Requirement

This Policy is available for public access on the University policy website at:
<https://www.towson.edu/about/administration/policies/general.html>

VI. Due Process Rights of the Parties

The University provides fundamental fairness and due process to the parties as indicated in the Procedures. *See* Procedures, Section I(F). This includes the right to notice, a fair Investigation, a chance to present relevant evidence, and to file an appeal.

VII. Standard of Review

The University investigates allegations of Discrimination based on the preponderance of the evidence standard. *See* Procedures, Section I(H).

VIII. Sanctions

Sanctions may be imposed upon students, staff, or faculty found to have violated the Policy. *See* Procedures, Section IV.

IX. Appeal

A party may appeal an OIIE finding regarding a violation of the Policy. The Vice President of Inclusion and Institutional Equity hears appeals and their decision is

final. *See* Procedures, Section IV.

Appeals of discipline or sanctions imposed as a result of a violation are handled by the appropriate University office. *See* Procedures, Section IV.

X. Privacy

The University supports an individual's general interest in privacy. Private information is sensitive or personal information that is not usually disseminated. A member of the University Community may request that private information not be disclosed to others. TU will evaluate requests for privacy in light of its responsibility to provide a safe and secure environment.

In certain situations, TU may 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 Discrimination. To the extent practicable, the University will notify individuals when private information will be disclosed, to whom it will be disclosed, and why.

XI. Confidentiality

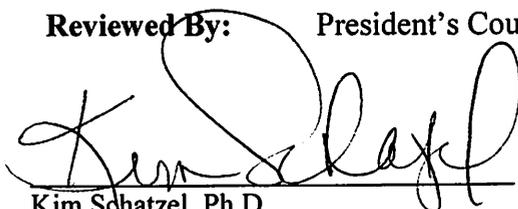
Confidential information cannot be disclosed without authorization or considered as part of OIIE's Investigation (and finding) and/or an appeal. The University will not make disclosures that violate confidentiality requirements. Failure to exercise care in the disclosure of confidential information may constitute a violation of the law or University policy.

Related Policies: USM Policy VI-1.00
USM Policy VI-1.05
TU Policy 06-01.60

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Reviewed By: President's Council


Kim Schatzel, Ph.D.
President


Date