

PROCEDURE FOR THE RESOLUTION OF SEXUAL MISCONDUCT COMPLAINTS INVOLVING FACULTY RESPONDENTS

I. Purpose

These procedures set forth Towson University's ("University" or "TU") administrative response to allegations or occurrences of Sexual Misconduct under the [06-01.60- Policy on Sexual Misconduct](#) ("Policy"). Please refer to the Policy for all definitions. These Procedures provide for participation by both the Reporting Party and Responding Party to any incident of alleged Sexual Misconduct and also recognize their right to decline to participate in that process, including, without limitation, an Investigation.

Sexual Misconduct is an umbrella term that includes Dating Violence, Domestic Violence, Sexual Exploitation, Sexual Harassment, Sexual Intimidation, Sexual Violence, and Stalking. The University takes steps to prevent the occurrence of Sexual Misconduct, fairly investigate allegations of Policy violations, and remedy discriminatory effects that may occur. Information about University programs that can identify resources for victims as well as promote awareness and prevention of Sexual Misconduct are available at www.towson.edu/TitleIX.

II. Reporting

A. Reporting to the University

The University must receive notice to respond effectively and prevent Sexual Misconduct in the University community. Please report or file a complaint of Sexual Misconduct against a Faculty member, or Third Party in the following ways:

1. Contact the Title IX Coordinator at the Office of Inclusion & Institutional Equity:
 - a. Online:

https://towson-advocate.symplcity.com/titleix_report/index.php/pid985046?
 - b. In-person or via regular mail:

Administrative Building (AD 214)
7720 York Road
Towson, Maryland 21252
 - c. Telephone: (410) 704-0203; or
 - d. Email: titleix@towson.edu
2. Report to a Responsible Employee within the University community, who must then, consistent with the Policy, inform the Title IX Coordinator (or designee). A Responsible Employee includes all University administrators, supervisors in non-confidential roles, faculty members, campus police, coaches, athletic

trainers, resident assistants, and non- confidential first responders. Responsible Employees who learn of reports or allegations of Sexual Misconduct will promptly notify the Title IX Coordinator (or designee).

As described above, you may submit reports online, verbally or in writing. No particular method or format is required. Your report should include as much pertinent information as possible (e.g., the time and place of the incident, a complete description of what occurred, the identity or a description of the Responding Party (if known), the names of potential witnesses (if known), etc.). You may also report a Title IX violation anonymously. Such anonymous reporting may limit the University's ability to address the alleged Policy violation, to prevent it reoccurrence or to reduce its effects.

Upon receipt of any report, the Title IX Coordinator will make an immediate assessment of the risk of harm to the parties or to the University community and will take steps necessary to address any risks. These steps may include working with other campus offices to facilitate Interim Measures designed to promote the safety of the parties and the University community.

The University recognizes that while Responsible Employees have a duty to report Title IX violations, an individual's decision whether to report Sexual Misconduct and participate in an Investigation is a personal decision that may evolve over time. While prompt reporting is strongly encouraged, there is no time limit for reporting Sexual Misconduct. The Title IX Coordinator will coordinate with appropriate University departments and offices to provide support and assistance to each Reporting Party in making important decisions related to reports of Sexual Misconduct. Consistent with the goal of safety for all community members, the University works to respect a Reporting Party's autonomy in making their own personal decisions after reporting Sexual Misconduct. While a complaint of Sexual Misconduct may be filed at any time; delay in reporting may limit the ability of OIIE to comprehensively investigate a complaint of Sexual Misconduct. When appropriate, the University, in consideration of the safety and wellbeing of the campus community, the University, through the OIIE, retains the right to initiate an Investigation on its own, independent of any individual's decision or request about how they would prefer the University proceed.

B. Right to Report or Decline to Report to Law Enforcement

The University encourages those in an emergency situation, including when they have experienced or witnessed Sexual Misconduct, to call 911. A person who has experienced or witnessed Sexual Misconduct may also choose to make a report to the University to pursue resolution under these Procedures or make a report. Contact Towson University Police ("TUPD") at (410) 704-4444 or other local law enforcement.

In appropriate circumstances, the Title IX Coordinator can assist someone with the notification process. A Reporting Party/person who reports to law enforcement is strongly encouraged to also report to the University/Title IX Coordinator. This allows the University to pursue appropriate and timely action. Please do not assume that law enforcement will necessarily notify University officials. Reporting to police and/or pursuing criminal charges are separate and distinct processes. The University's process is not a law enforcement proceeding or civil or criminal legal proceeding.

C. University's Obligation to Investigate

In certain situations, the University may determine that public safety concerns require it to investigate alleged Sexual Misconduct even if either the Reporting Party or Responding Party chooses not to participate in the Investigation. Before making this decision, the University will act in good faith to assess the relevant circumstances. The University will communicate its decision to conduct an Investigation to both parties.

D. Confidential Employees

As described in the Policy, a 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. Confidential Employees are not required to report any information regarding an incident of sexual misconduct to the Title IX Coordinator.

Confidential Employees should inform Reporting Parties of their right to file a report or complaint with the University and/or a separate complaint with campus or local law enforcement. They typically identify campus resources for counseling, medical, or professional support. Confidential Employees may assist with filing such reports or complaints. They can also explain that the Policy protects against retaliation and the University works to respond appropriately to it and prevent its recurrence.

III. Participation

Throughout the process, the Title IX Coordinator or designee, Investigator(s), and other University representatives will communicate and correspond directly with the parties, not a Support Person or attorney. The Parties are responsible for ensuring that Support Persons act consistent with the definition of a Support Person in the Policy. Parties are also responsible for making sure appropriate authorization exists (e.g., authorization related to the Family Educational Rights and Privacy Act ("FERPA")) for the University to communicate the non-party participation requirements below to any Support Person.

A. Right to Participate (or Not Participate)

Both the Reporting Party and Responding Party may participate or decline to participate in the process. The Title IX Coordinator and relevant University staff determine whether a response to a report of Sexual Misconduct, including, without limitation, an Investigation, will proceed without the participation by one or both parties. Lack of participation by a party does not preclude a finding of responsibility for a Policy violation or the imposition of disciplinary action.

B. Support Person

Throughout the process described below, a party may choose one (1) Support Person to accompany them (at their own expense) to meeting(s) or event(s) related to an Investigation and resolution of a complaint. The Policy defines the role and responsibilities of a Support Person.

Someone acting as a Support Person should understand their role and responsibilities. This includes reviewing and adhering to the Policy. While providing emotional support to a party, a Support Person must act with decorum, keep confidential matters private, not speak on behalf of the party, and follow reasonable requests related to the process.

C. Witnesses

Witnesses are individuals who have factual information about an alleged violation of Policy. The University expects them to provide true and accurate information. Anyone can be a witness if they have relevant information. Witnesses should understand that some evidence may not be deemed relevant to an alleged Policy violation and therefore excluded from consideration.

IV. Time Frame for Resolution

The University strives to resolve complaints of 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.

V. Outreach to the Reporting Party

Upon receipt of a report or complaint, OIIE will ensure that the Reporting Party is provided with a copy of the Policy, informed of their rights and responsibilities, and given the opportunity to participate in an Intake Meeting with the Title IX Coordinator or designee to discuss available options and resources.

VI. Initial Review of Report

Upon receipt of a report or complaint of Sexual Misconduct, the Title IX Coordinator or designee will conduct an Initial Review of the reported information. The Initial Review will determine whether the reported conduct constitutes a potential violation of the Policy, whether further action is warranted based on the reported conduct, and whether the University has jurisdiction over the parties.

Factors considered during an Initial Review include, but are not limited to:

- The nature and circumstances reported;
- The safety of the Reporting Party and of the University Community;
- Patterns of evidence or conduct as relevant to a safety assessment;
- A Reporting Party's expressed preference, if known, regarding forward action, including any request that no further action be taken;
- A Reporting Party's request for privacy or anonymity; and
- Assess conduct for possible referral to TUPD for a timely warning under the Clery Act.

At the conclusion of the Initial Review and, if applicable, the Intake Meeting, the Title IX Coordinator or designee will identify the appropriate next steps, including but not limited to, a determination that:

- The alleged conduct falls outside of the Policy on Sexual Misconduct, and no further action should be taken; or
- The alleged conduct falls outside of the Policy on Sexual Misconduct, but should be referred to another University administrator, such as the Office of the Provost; or
- The alleged conduct falls within the Policy, Interim Measures should be provided as appropriate, and/or the reported incident should be considered for Investigation, consistent with the factors described above; or
- Consistent with the information available and the request of the Reporting Party, no Investigation or adjudication/disciplinary process proceed and a request for Interim Measures be considered.

This determination will be shared with the Reporting Party. As appropriate, the Title IX Coordinator and relevant University staff and administration will determine whether the response to a report, including, without limitation, an Investigation, will proceed regardless of the participation by one or both parties. A lack of participation by a party does not necessarily preclude a finding of a Policy violation or the imposition of appropriate disciplinary action.

VII. Intake Meeting

During the Intake Meeting, the Title IX Coordinator or designee will provide information about the Policy and these Student Procedures. The Title IX Coordinator or designee will also review the Reporting Party's rights and responsibilities associated with the process, including:

- Right to seek medical treatment, if applicable (e.g., SAFE exam);
- Right to file a report with law enforcement or decline to do so;
- Right not to be retaliated against (including the University's prohibition against retaliation);
- Right to request privacy and provide input about the University's forward action (including a potential investigation);
- Right to have a Support Person participate in the process consistent with the Policy; and
- Other additional rights and responsibilities based on the specific circumstances.

Based on the available information, the Title IX Coordinator will assess the Reporting Party's immediate safety and well-being and make appropriate referrals (e.g., to medical care, mental health counseling, etc.). The Reporting Party will receive information about community and campus resources and services. Interim Measures that are appropriate can be discussed and arranged. They will also have an opportunity to ask questions and seek additional information.

While the University cannot force a Reporting Party to meet with the Title IX Coordinator for an Intake Meeting, such a meeting enables the University to conduct a thorough Initial Review, described above, of the report/complaint and take appropriate action. Where a student does not

wish to meet with the Title IX Coordinator or designee, the University will proceed with assessing the report and determining whether additional action is necessary regardless of participation from the Reporting Party.

A. Requests for Privacy and Decision to Investigate

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 evaluates such requests for privacy in light of its responsibility to provide a safe and secure environment.

While Anonymous Complaints are considered and the University respects privacy considerations, there are situations in which the University must override a request for privacy in order to meet its obligations. The University also must necessarily weigh the safety of the University Community and other factors, as noted above, in determining whether to proceed with an Investigation.

The University will maintain a confidential record of reports of Sexual Misconduct and related evidence, documents, records, and information pertaining to the investigation and resolution of the complaints. The records will be maintained in accordance with applicable policies, procedures and legal requirements. Records may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

The University's ability to fully investigate and respond to a complaint may be limited if the Reporting Party requests that their name not be disclosed to the Responding Party or declines to participate in an Investigation. If a Reporting Party requests their name or other identifiable information not be disclosed and/or that no further action be taken, the Title IX Coordinator will seek to honor such requests, balancing the Reporting Party's wishes for privacy with the University's obligation to provide a safe and non-discriminatory environment for all members of the University community.

B. Interim Measures

Upon receiving a report of Sexual Misconduct, the Title IX Coordinator may impose Interim Measures to protect the University Community. After an initial report of Sexual Misconduct, OIIE shall, as appropriate, offer and implement reasonable Interim Measures. Interim Measures are reasonable actions 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.

The University applies Interim Measures as appropriate to ensure an individual's safety and well-being, as well as their ability to participate in campus academic and employment activities.

Interim measures are not intended to be punitive nor are they intended to be permanent resolutions.

The Title IX Coordinator manages and oversees the provision of Interim Measures on behalf of the University. The University will take appropriate, responsive, and prompt action to enforce Interim Measures and to respond to any reports about the inadequacy or failure of another Towson University community member to abide by the Interim Measures. Interim Measures may be withdrawn or amended.

1. Examples of Interim Measures

Possible Interim Measures may include actions from the following list, which is not intended to be exhaustive or limit the options available in a given case:

- Assistance with access or referral to counseling and medical services;
- Rescheduling of exams and assignments;
- Assistance with grading;
- Providing alternative course completion options;
- Arranging for class incompletes, a leave of absence, or withdrawal;
- University-imposed leave or suspension;
- Imposition of a campus “No-Contact Order”;
- Imposition of a campus “Denial of Access” issued by TUPD;
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections;
- Change in work schedule or job assignment.

2. Administrative Leave for Faculty

As noted above, a Faculty Responding Party may be placed on an Administrative Leave or may be restricted from University Property (Denial of Access) as an Interim Measure consistent with these Procedures. An “Administrative Leave” is defined consistent with applicable University policies and procedures outlining disciplinary actions against faculty.

In cases involving an allegation of Sexual Misconduct against a faculty member, Administrative Leave may be initiated by the Provost, or a designee, in consultation with the Office of the Vice President and General Counsel and the Title IX Coordinator.

VIII. OIIE Investigation

A. Investigation Process

OIIE conducts an initial review of the report to determine whether (i) the University has jurisdiction over the alleged misconduct and/or Responding Party and (ii) the alleged misconduct may constitute a violation of the Policy. If the University has jurisdiction and the misconduct may constitute a violation, OIIE may conduct an Investigation.

An Investigation is an impartial, fact-gathering process. It is intended to provide the parties an opportunity to share their perspectives and identify information they believe relevant to the allegations. The Investigator interviews the parties and/or witnesses separately. They also gather physical evidence, such as documents, communications (including correspondence, email, text messages, social media, or other digital information), recordings (including audio and video), and other records, as appropriate and available.

1. Notice of Investigation

Prior to commencing any Investigation, the Title IX Coordinator or designee will provide a Notice of Investigation to both parties. This notice should include information which reasonably informs the parties of the “who, what, when, and where” of the alleged misconduct to the extent they are known. Such information generally includes, for example, the names of the parties; date, time and location of the incident; and a description of the nature of the alleged misconduct.

The Notice of Investigation also informs the parties of their rights under the Policy and these procedures. They each have a due process right to:

- a. A prompt, thorough, and impartial investigation, that is kept private to the extent practicable;
- b. A meaningful opportunity to be heard, including a chance to identify relevant witnesses and evidence;
- c. An opportunity to review and comment upon a preliminary investigatory summary (this document should include a summary of the statements and evidence shared by both parties as well as the names of and summaries of information provided by any witnesses);
- d. A notice, in writing, of the outcome of any investigatory or disciplinary proceeding in which Sexual Misconduct is alleged, the procedure for appealing the finding and/or sanction rendered by the University; and any final result of the disciplinary process;
- e. An opportunity to have a Support Person attend meetings associated with a report of Sexual Misconduct as provided in the Policy; and
- f. The ability to appeal any finding and/or sanctions.

The Notice of Investigation also informs the parties of their right to attend (separately) a meeting with a University-appointed Investigator. At this meeting, the parties may ask questions and learn more about the Investigation and associated adjudication processes. When a party does not attend a meeting with OIIE or the Investigator, the University may proceed with an Investigation.

2. Role of the Investigator

The Title IX Coordinator will designate an Investigator(s) to conduct a prompt, thorough, fair, and impartial investigation. An Investigator reviews the facts, conducts interviews of the parties and witnesses, collects relevant evidence, and prepares reports. In addition, the Investigator makes a determination whether the Responding Party is responsible for a Policy violation.

Investigators will interview and receive evidence from the parties and witnesses. Evidence is relevant when a reasonable person would likely accept the information as having probative value about the underlying allegations. An Investigator may exercise discretion in not interviewing a

witness or collecting a piece of evidence that is reasonably likely to lack relevance to the Investigation.

B. Special Considerations

Information related to the prior sexual history of either party is generally not relevant to the determination of a Policy violation. Accordingly, the University will not use an individual's sexual history for purposes of illustrating their character or reputation. However, prior sexual history between the parties may be relevant in very limited circumstances. For example, where there was a prior or ongoing consensual relationship between the parties and where Consent is at issue, evidence as to the parties' prior sexual history may be relevant to assess the manner and nature of communications between the parties and whether Consent occurred. The Investigator will determine the relevance of prior sexual history and inform the parties if information about the parties' prior sexual history is deemed relevant.

At OIIE's discretion, multiple reports may be consolidated in one investigation if the information related to each incident is relevant in reaching a determination. Matters may be consolidated where they involve multiple Reporting Parties, multiple Responding Parties, or related conduct involving the same parties, provided that it does not delay the prompt investigation and resolution of complaints.

C. Preliminary Investigative Report

At or near the conclusion of the Investigation, the Investigator will draft a written investigation report summarizing the information gathered (e.g., the "who, what, when, and where"). This report will also synthesize the areas of agreement and disagreement between the parties, witnesses, and/or other evidence.

Each party receives a reasonable opportunity to review and respond to the Preliminary Investigative Report. Upon receipt of notice to review the Preliminary Investigative Report, a party has three (3) business days to schedule an appointment to review that document. Except in extraordinary circumstances, the parties should provide their comments, additional information (including new evidence), and/or questions (about witnesses, evidence, etc.) to the Investigator within three (3) business days after their appointment. Evidence not submitted at this time may not be considered.

D. Final Investigative Report

After receiving input from the parties regarding the Preliminary Investigative Report, the Investigators will create a Final Investigative Report. The parties may request an opportunity to review this document at OIIE.

IX. Sanctions and Remedies for Complaints against Faculty

A. Sanctions

If an investigator finds that a Responding Party who is a faculty member is responsible for violating this Policy, the finding will be shared with the Office of the Provost to determine whether disciplinary action is appropriate. The Office of the Provost may issue sanctions consistent with applicable policies and procedures. Sanctions are determined on a case-by-case

basis and issued commensurate with the nature of the policy violation as well as the nature of the faculty member's employment relationship with the University.

B. Remedial or Protective Interventions for Reporting Party

As appropriate, upon completion of an Investigation and, if applicable, issuance of sanctions, the Title IX Coordinator, in consultation with appropriate University departments, will identify reasonable short-term and/or long-term remedies to address the effects of the conduct on the Reporting Party, prevent its reoccurrence, restore the Reporting Party's safety and well-being, and address the effects of this conduct in the educational workplace.

X. Appeals

Both parties have the right to appeal OIIE's finding. Such appeals are heard consistent with these Procedures and other applicable policies and procedures governing faculty discipline for serious misconduct. The decision of the Vice President of OIIE made on appeal is final.

In addition, a faculty member may appeal the imposition of sanctions. Such appeals are heard consistent with the [Policy on Appointment, Rank and Tenure of Faculty Members](#) and the [Faculty Grievance Procedures](#). Please contact the Office of the Provost or OHR with questions regarding appeals and/or grievances.

A. Grounds for Appeal

A party may appeal an investigator's finding of responsibility for a violation of Policy 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); and/or
3. Evident bias in the University's Investigation and/or determination.

B. Appeal Timeline

A party must submit their appeal in writing within ten (10) business days of the finding. Failure to appeal within the allotted time will render the original decision final and conclusive.

If an appeal is received by one party, the other party will be notified of the appeal submitted, will be able to review the written appeal and any supporting documentation submitted by the other party, and will have an opportunity to submit a written response to the appeal within ten (10) business days of the notification of the receipt of an appeal.

C. Appeal Format

All requests for appeals must be submitted in writing to OIIE (for appeals of a finding) or OHR (for appeals of a disciplinary action).

Office of Inclusion and Institutional Equity
8000 York Road, AD 214
Towson, MD 21252
titleix@towson.edu

Office of the Provost
8000 York Road, AD 311
Towson, MD 21252
provost@towson.edu

Office of Human Resources
8000 York Road, AD 101
Towson, MD 21252
(410) 704-2603 (fax)

The appeal must specifically state the basis for appeal and include relevant supporting documentation. The party appealing should address the central issue of the appeal directly, as irrelevant information will not be considered. If the appeal is a response to the other party's appeal, the appeal should act as a response, either in support or in opposition, to the central issues of the other party's appeal.

Decisions regarding appeals are typically made within fifteen (15) business days after receipt of all necessary documentation. The Responding Party and the Reporting Party will receive the decision of the appeal in writing. All decisions made by the Vice President of Inclusion and Institutional Equity are final.

XI. Final Outcome

After all appeal process has concluded (or when the time for an appeal has passed with no appeal submitted, whichever is later), the Office of the Provost will promptly notify the Reporting and Responding Parties, in writing, of the final outcome of the Sexual Misconduct complaint. The Office of the Provost will also notify the Title IX Coordinator of the Final Outcome.

XII. Records Retention

OIIE will maintain records of all reports/complaints, initial reviews, Interim Measures, Investigations, findings, and appeals under the Policy. OHR and/or the Office of the Provost will maintain disciplinary records for all cases that result in a finding of a Policy violation. All records are maintained consistent with University policy and state and federal law regarding student records retention.

XIII. Post-Resolution Follow up

After a sanction or remedy is issued the Title IX Coordinator may periodically contact the Reporting Party to determine whether additional remedies are necessary. The Reporting Party may decline future contact at any time. Any violation by a Responding Party of a sanction, Interim Measure and/or remedy imposed under the Policy and these Procedures should be reported to sanctioning department or division and/or the Title IX Coordinator.

The Reporting and Responding Party are encouraged to provide the Title IX Coordinator with feedback about their experience with the process and recommendations regarding ways to improve.