

University of Baltimore

II-7.1 Sexual Misconduct Policy

Updated on July 20, 2018

General Nondiscrimination Statement

The University of Baltimore (“UB” or “University”) does not discriminate on the basis of - and prohibits discrimination against any member of the University community on the basis of - sex, gender, race, religion, age, disability, national origin, ethnicity, sexual orientation, gender identity, or other legally protected characteristics in its policies, programs, activities or employment practices; this includes inquiries regarding Title IX of the Education Amendments of 1972 as amended (“Title IX”), Title VII of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973. Inquiries or concerns regarding discrimination should be reported immediately to one of the following: Inquiries or complaints regarding sexual misconduct and other gender based discrimination, including pregnancy, sexual orientation and gender identity, should be directed to the Title IX Coordinator, Anita Harewood, Vice President, Office of Government and Public Affairs, Academic Center, Room 114, phone: 410.837.4533, T9@ubalt.edu, or to the Office of Community Life, Academic Center, Room 112, phone: 410.837.4755, T9@ubalt.edu, or the Office of Human Resources, Charles Royal Building, Third Floor, 410.837.5410, T9@ubalt.edu. Sexual misconduct and other gender based discrimination reports will be handled under the following policy and procedures: <http://www.ubalt.edu/policies/administrative/II-7.1.pdf>.

Inquiries or complaints regarding other forms of discrimination such as complaints of discrimination on the basis of race, religion, age, disability, national origin, ethnicity, or other legally protected characteristics, should be directed to the following offices: For inquiries or complaints against students, contact the Office of Community Life, Academic Center, Room 112, 1420 N. Charles St., 410.837.4755; for inquiries or complaints against faculty or staff, contact the Office of Human Resources, 1319 N. Charles Street, Charles Royal Building, 3rd Floor, 410.837.5410.

Policy Statement

I. POLICY PURPOSE

In accordance with Title IX, the University of Baltimore is committed to creating a university setting that is safe from Sexual Misconduct, all types of which are forms of sex and gender-based discrimination. The University specifically prohibits Sexual Misconduct, which includes, but is not limited to, sexual violence, dating violence, domestic violence, sexual exploitation, sexual coercion, sexual intimidation, and stalking. The University actively seeks to:

- Prevent issues of Sexual Misconduct by educating, training and providing resources to raise awareness of these issues;
- Recognize, respond and provide support to those who have experienced Sexual Misconduct to include the pursuit of formalized agreements with a State designated rape crisis center and local law enforcement. UB also endeavors to identify, respond and provide support in a way that eliminates Sexual Misconduct, prevents its recurrence and addresses its effects.

This University has jurisdiction over, and this Policy applies to, complaints of Sexual Misconduct in connection with any UB office or regional center education programs or activities, including, but not limited to, Sexual Misconduct: (1) in any UB facility or on any UB property or location under UB's control; (2) in connection with any UB sponsored, recognized or approved program, visit or activity, regardless of location; (3) that impedes equal access to any UB education program or activity or adversely impacts the employment of a member of the UB Community; or (4) that otherwise threatens the health or safety of the UB Community. Nothing in this Policy is intended to supersede or conflict with any state or federal compliance obligations. The University will investigate Complaints under this Policy, and as necessary, take steps to eliminate prohibited conduct, prevent its reoccurrence and address its effects.

Retaliation for participating in any matter and in any process under this Policy is also a form of sex or gender-based discrimination prohibited by this Policy. UB Community Members are required at all times to participate in good faith in any proceeding or matter related to this Policy. This participation includes, but is not limited to, all activities in connection with filing, reporting, investigating, or resolving an alleged violation of this Policy; opposition to policies, practices, or actions that a UB Community Member has a good faith and reasonable belief are in violation of the policy; providing assistance to another UB Community Member in filing or reporting an alleged violation of this policy. Good faith activity does not include retaliatory and/or unlawful activities such as acts or threats of violence.

II. OVERSIGHT OF SEXUAL MISCONDUCT POLICY & COMPLAINTS

As part of UB's commitment, and in compliance with applicable law and policy, the University has designated a Title IX Coordinator to provide oversight and coordination on issues surrounding compliance with Title IX and the Violence Against Women Reauthorization Act of 2013. The Title IX Coordinator is responsible for ensuring that appropriate standards and requirements are met to afford reporting and responding parties' prompt and equitable resolution of complaints under this Policy, and for educating the University community. The Title IX Coordinator will review all cases periodically to look for potential patterns or systemic concerns and will implement remedies when necessary. The Title IX Coordinator is:

Anita Harewood
Vice President, Government and Public Affairs
Office of Government and Public Affairs
1420 N. Charles Street, Academic Center, Room 114
410.837.4533
T9@ubalt.edu

There is a Title IX Compliance Coordinator who will assist with the processing of Title IX casework. The Title IX Compliance Coordinator is:

Suzanne Tabor
Director, Government Relations and Public Policy
Office of Government & Public Affairs
1420 N. Charles St., Room 114
410.837.4533
T9@ubalt.edu

The Office of Community Life manages the process to address complaints where the responding party's primary status is a University student. For reporting purposes, please contact the Office of Community Life:

Pavan Purswani
Acting Assistant Director
Office of Community Life
1420 N. Charles Street, Academic Center, Room 112
410.837.4755
T9@ubalt.edu

The Office of Human Resources manages the process to address complaints where the responding party's primary status is a University employee or University contractor. For reporting purposes, please contact the Office of Human Resources:

Sally Reed
Acting Assistant Vice President and Chief Human Resources Officer
Office of Human Resources
1319 N. Charles Street, Charles Royal Building, 3rd Floor
410.837.5410
T9@ubalt.edu

Individuals with inquiries or complaints concerning the application of Title IX may also contact an outside agency as follows:

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

III. POLICY APPLICABILITY

A. **Sexual Misconduct - Stalking, Domestic Violence, Dating Violence, Sexual Harassment, Sexual Assault, Sexual Violence, Sexual Exploitation, and Sexual Intimidation**

The University reaffirms the principle that its students, faculty, and staff have a right to be free from all types of Sexual Misconduct. Sexual Misconduct generally represents a failure in ethical behavior and will not be condoned or tolerated as it subverts the mission of the University and may affect the careers, educational experience, and/or well-being of students, faculty, and staff.

The University of Baltimore prohibits all types of Sexual Misconduct, including, but not limited to, stalking, domestic violence, sexual harassment, sexual assault, sexual coercion, sexual violence, dating violence, sexual exploitation, and sexual intimidation, and the University shall take appropriate measures to protect faculty, staff, students and visitors from such actions. The University will process all complaints of Sexual Misconduct, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an educational program or activity or had continuing effects on campus or in an off-campus education program or activity. Retaliation for participation in any matter related to this Policy is prohibited.

B. Definitions – For purposes of this Policy, the following definitions apply:

1. **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. Incapacitation may result from sleep, unconsciousness, temporary or permanent mental or physical disability, involuntary physical restraint, and the influence of alcohol, drugs and other medications. *See also Policy Definitions section, Incapacitation.* 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 the 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. It is the responsibility of the person who wants to engage in sexual activity to ensure that he/she has the consent of the other to engage in the activity.
2. **Domestic Violence** means violence committed by a current or former spouse or intimate partner of the reporting party, by a person with whom the reporting party shares a child in common, by a person who is cohabitating with or has cohabitated with the reporting party as a spouse or intimate partner, by a person similarly situated to a spouse of the reporting party, or by any other person against an adult or youth reporting party protected from those acts by domestic or family violence laws of Maryland. Types of domestic violence may include: physical violence, coercion, threats, intimidation, isolation, or other forms of emotional, sexual, or economic abuse directed toward a person who is or has been in a relationship described herein.
3. **Good Faith** means honesty and sincerity of intention when reporting acts of Sexual Misconduct. Allegations of Sexual Misconduct are very serious and could cause great harm. This Policy shall not be used to bring baseless, frivolous or malicious complaints or reports against a member of the UB community. Disciplinary action may be taken against any person who files a complaint or reports Sexual Misconduct under this Policy that is not made in good faith.
4. **Incapacitation** means an individual who is incapacitated is unable to give Consent to sexual contact. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the prime causes of Incapacitation. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is incapacitated, and therefore, unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:
 - Making decisions about the potential consequences of sexual contact;
 - Appraising the nature of one's own conduct;
 - Communicating Consent to sexual contact; or
 - Communicating unwillingness to engage in sexual contact.

5. **Interim Measures** means reasonably available steps that UB may take to protect the parties while a Sexual Misconduct investigation is pending. Interim Measures may include, but are not limited to, change in academic arrangements, class section, changing office responsibilities, alternative work schedule or location for employees, interim suspension, and contact restrictions among the parties and others pending resolution.
6. **Investigator** means Title IX trained individual appointed to receive and review a complaint in accordance with the established policy and procedures, assist with Interim Measures, as appropriate, handle the processing of matters related to the complaint, and participate in the issuance of the final outcome and decision.
7. **Relationship/Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Types of relationship violence may include: physical violence, coercion, threats, intimidation, isolation, or other forms of emotional, sexual, or economic abuse directed toward a person who is or has been in a relationship.
8. **Reporting Party** means an individual complainant who reportedly experienced Sexual Misconduct regardless of whether that individual participates in the disclosure or review of that report by the University at any point.
9. **Responding Party** or Respondent means an individual who has been accused of Sexual Misconduct as described herein.
10. **Responsible Employee** includes any employee who (1) has the authority to take action regarding Sexual Misconduct; (2) is an employee who has been given the duty of reporting sexual misconduct; or (3) is someone another individual could reasonably believe has this authority or duty to report sexual misconduct. Responsible employees at the University of Baltimore include: the Title IX Coordinator(s) and Investigator(s), faculty and instructors, University administrators, all exempt employees and non-confidential employees in supervisory roles, University law enforcement and other University first responders. Responsible Employees must report allegations of Sexual Misconduct to the University's Title IX Coordinator(s) or Investigator(s) within 24 hours of receiving such information. If an individual reports an instance of Sexual Misconduct to a Responsible Employee, confidentiality or anonymity cannot be guaranteed, although the Responsible Employee can make a reasonable effort to disclose information on a need-to-know basis.
11. **Retaliation** means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or University of Baltimore, or University System of Maryland policy, or because an individual has made a complaint, assisted, or participated in any manner in an investigation, proceeding or hearing related to sexual misconduct. Retaliation includes retaliatory harassment.
12. **Sexual Assault**
 - i. ***Sexual Assault I. – Non-Consensual Sexual Intercourse***
Any act of sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth to genital contact.

ii. Sexual Assault II. – Non-Consensual Sexual Contact

Any intentional touching of the intimate parts of another person, causing another to touch one's intimate parts, or disrobing or exposure of another without consent. Intimate parts may include genitalia, groin, breast, or buttocks, or clothing covering them, or any other body part that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

13. **Sexual Coercion** means an act of using unreasonable pressure in an effort to obtain Consent for sexual activity. Coercion arises after the victim clearly communicates verbally or non-verbally the intent to stop or refrain from sexual activity.
14. **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.
15. **Sexual Harassment** is any unwelcome sexual advance, unwelcome request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when: (1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a University of Baltimore program or activity; (2) Submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation related decisions affecting an individual; or (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe, persistent or pervasive to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, residential or social environment.
16. **Sexual Intimidation** means (1) threatening to sexually assault another person; (2) gender or sex-based stalking, including cyber-stalking; or (3) engaging in indecent exposure.
17. **Sexual Misconduct** is an umbrella term that includes dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment, sexual intimidation, sexual violence, and stalking.
18. **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.
19. **Sex and Gender-Based Stalking** means engaging in a course of sex and/or gender based conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.
20. **UB Community Members** means all University Employees and includes all full-time, part-time, visiting and adjunct faculty and instructors, UB administrators and staff, UB regular and contractual employees, contractors, UB students, alumni, volunteers, and third parties (such as vendors and consultants) under UB control.
21. **University Employee** means all full-time, part-time, visiting and adjunct faculty and instructors, all UB administrators and staff, regular and contractual employees and contractors, vendors and consultants under University contract.

C. Procedures for the Resolution of Sexual Misconduct Complaints

The University of Baltimore has adopted procedures to provide prompt and equitable resolution of Sexual Misconduct complaints involving students, faculty and staff and third parties having business with the University (i.e. contractors, vendors, etc.), as well as to take reasonable steps to prevent recurrence of any sexual misconduct and remedy discriminatory effects on the reporting party and others, if appropriate.

Complaints covered under these procedures are those in which the alleged action(s) is prohibited by state law, federal law, University System of Maryland policy and/or University of Baltimore policy and where the alleged action(s) involves students, faculty, staff and/or third parties as noted above. A reporting party's rights to a prompt and equitable resolution of complaints made under the University's procedure will not be affected if the reporting party also chooses to pursue other legal remedies, including those initiated by filing a complaint with the responsible federal department or agency. The rules governing this procedure are intended to encourage the early and constructive consideration of concerns, while at the same time protecting the substantive rights of interested persons, meeting appropriate due process standards, and assuring that the University of Baltimore complies with applicable state and federal regulations.

1. Reporting

The University will respond to claims of Sexual Misconduct. An individual who has experienced Sexual Misconduct is not required to try to resolve the matter themselves. Students should contact the Office of Community Life for allegations involving a University student respondent(s). Employees should contact the Office of Human Resources for allegations involving a University Employee respondent(s). The Title IX Coordinator and Compliance Coordinator, located in the Office of Government and Public Affairs, can be contacted for any reported allegation and can direct a reporting party to the appropriate individual to provide assistance. *See Policy section, Oversight of Sexual Misconduct Complaints, for contact information.* Sexual Misconduct may also be reported to a University Responsible Employee.

Any victim or witness of Sexual Misconduct is encouraged to report the incident and may also choose to contact law enforcement and/or medical personnel, as needed and as soon as possible following the incident to receive guidance in the preservation of evidence needed for proof of criminal assaults and the apprehension and prosecution of assailants. Through its concurrent Jurisdiction and Mutual Aid Agreement with the Baltimore City Police Department, the University of Baltimore Police Department may have access to the Baltimore City Police resources upon request and as appropriate.

Any acts of Retaliation, including but not limited to intimidation, threatening, coercing, or discriminating against an individual because of that individual's complaint or participation in any process under this policy, is prohibited and is subject to adjudication through the University's conduct process and/or through legal and employment processes.

2. Investigation & Resolution

When a Sexual Misconduct complaint is brought, this policy assures the reporting party and the responding party an adequate, reliable and impartial investigation and resolution of the complaint, including the following rights:

- The reporting party and the responding party are entitled to the same opportunity to have an advisor of their choice during the University's process and to be accompanied to a related meeting or proceeding by an advisor of the party's choice, including an attorney at the expense of the party. However, the advisor may not participate in an investigation under this policy except to (1) observe any portion of investigation in which the party who selected him or her participates, and (2) advise the party who selected him or her. An advisor may not have a speaking role during any investigation or adjudication proceeding and may be excused from any meeting or proceeding if the advisor fails to comply in a non-speaking role.
- Both the reporting party and the responding party will have the opportunity to present witness names and evidence for consideration during an investigation;
- Both the reporting party and the responding party are informed of the outcome of the University's investigation that followed an allegation of Sexual Misconduct, to the extent allowed under applicable federal and Maryland law;
- The reporting party and the responding party will be treated with dignity, courtesy, and professionalism; and
- While the offense must be reported according to federal reporting mandates and Maryland law, and while the University may proceed with a matter despite a party's request for confidentiality or to proceed in a specific way in certain cases, the reporting party's requests for confidentiality and resolution options will be upheld to the greatest extent possible.

Timeframe

The University endeavors to conduct an informal resolution or a full investigation, and to notify both parties of the outcome within 60 calendar days from the date a report is made to the University. This timeframe does not include the appeal process.

There may be exceptional circumstances under which the University is unable to meet the 60-day timeframe. In such cases, the University will notify the Reporting Party and the Respondent.

- *For more full information on Procedures, see Complaint Procedures.*

3. Amnesty Policy for Students

The safety and security of the University Community is the University's primary concern. Except for situations of mandatory intervention for substance abuse, a student conduct violation for alcohol and drug use will not apply to a student reporting party(s) or witness who report a Sexual Misconduct matter to the University or law enforcement, if the University determines that:

- the violation occurred during or near the time of the alleged Sexual Misconduct;
- the student reporting party or witness made the report of Sexual Misconduct in Good Faith; and
- the violation was not an act that was reasonably likely to place the health and safety of another individual at risk.

The University may initiate an educational discussion or pursue other educational assistance remedies regarding alcohol or other drugs, as necessary.

D. Confidentiality

The University works collaboratively with a reporting individual to establish the appropriate parameters of confidentiality, and in each case makes every effort to operate with discretion and maintain the privacy of individuals involved. Requests for confidentiality will be evaluated in the context of the institution's responsibility to provide a safe and secure environment. The Title IX Coordinator(s) and Investigator(s), where necessary, have the authority to evaluate and make decisions regarding requests for confidentiality.

The University cannot, in every case where it is requested, ensure confidentiality, nor can it ensure that it will not pursue an investigation or resolution of a case. All reports of Sexual Misconduct received, including confidential reports, are to be included in the University's annual disclosure of crime statistics (Annual Security Report), in accordance with the federal law, Crime Awareness and Campus Security Act of 1990 ("Clery Act"). In its Annual Security Report, the University can exclude identifying information about the parties as permitted by law.

A request for confidentiality will be weighed against the following factors: the seriousness of the alleged conduct; whether there have been other complaints about the same individual; the University's responsibility to provide a safe working and learning environment and the responding party's right to receive information about the allegation(s) and other appropriate factors as set forth in guidance from the Office of Civil Rights.

If a reporting party requests confidentiality or fails to cooperate in an investigation and adjudication, reasonable steps to investigate and respond to the complaint will still need to be taken. However, the University's ability to issue certain Interim Measures, investigate the complaint and respond to the complaint may be limited by the request for confidentiality or the lack of cooperation. The University will maintain as confidential accommodations or protective Interim Measures provided to the reporting party, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodation or protective Interim Measure.

E. Confidential Resources

UB offers access to confidential resources and counseling. These select professional counselors are exempt from the University's mandatory requirement to report alleged Sexual Misconduct that they become aware of in their official positions, other than to comply with federal crime reporting requirements as explained above.

Exceptions to a confidential resource's ability to maintain complete confidentiality may occur in certain situations where disclosure is required by law, for example, when an individual reports incidents of child abuse, or where there is an imminent health or safety threat.

Confidential Resources

[INOVA Student Assistance Program](#)

[844-523-3363](#)

www.inova.org/studentassist

[Username: UBSA](#)

[Password: UBSA](#)

F. Record Keeping

The University will keep records of actions taken under this policy including, but not limited to, records of any reports of sexual misconduct, proceedings, investigations, resolutions of complaints, training activities, and related surveys. Records of incidents and investigations shall be kept in accordance with the University's records retention schedule.

G. Support for Parties Involved

The University is aware that the parties involved, or witness to, Sexual Misconduct may be uncertain, confused, or unaware of certain procedures or investigative processes available to him or her and possibly unfamiliar with the medical, emotional, trauma, and counseling support groups and services that are available. In addition, because Sexual Misconduct may constitute both a violation of UB Policy and a crime, a reporting party may also report incidents of Sexual Misconduct to the campus police or other appropriate law enforcement agency.

In order to provide resources and to help alleviate the concerns of involved individuals, services are available that can provide support to mentor individuals or witnesses through the various processes or services. An individual having the need for assistance or information may at any time contact:

Available On-Campus Services include:

Office of Community Life

1420 N. Charles Street, Academic Center, Room 112
410.837.4755
communitylife@ubalt.edu

Office of Human Resources

1319 N. Charles Street, Charles Royal Building, Third Floor
410.837.5410
hr@ubalt.edu

University of Baltimore Police Department

1319 N. Charles Street, Charles Royal Building, First Floor
410.837.4444
ubpolicedepartment@ubalt.edu

INOVA Student Assistance Program

[844.523.3363](tel:844.523.3363)
www.inova.org/studentassist
[Username: UBSA](#)
[Password: UBSA](#)

INOVA Employee Assistance Program

800.346.0110
877.845.6465 (ITD for hearing impaired)

Available Off-Campus Services include:

Local Crisis Centers for Sexual Assault and Intimate Partner Violence with Hotlines and Trained Advocates Offer Confidential Support and Information

TurnAround, Inc. (Rape Crisis Center)

24-hour Helpline: 443.279.0379

www.turnaroundinc.org

House of Ruth (Intimate Partner Violence)

24-hour Legal Clinic: 1.888.880.7884

24-hour Hotline: 410.889.7884

National Domestic Violence Hotline

1.800.799.SAFE (7233)

Maryland Network Against Domestic Violence Statewide Helpline

1.800.MD.HELPS (1.800.634.3577)

INOVA Student Assistance Program

[844.523.3363](tel:844.523.3363)

www.inova.org/studentassist

[Username: UBSA](#)

[Password: UBSA](#)

INOVA Employee Assistance Program

800.346.0110

877.845.6465 (ITD for hearing impaired)

Medical Attention, Hospitals Offering a SAFE Exam (Sexual Assault Forensic Evidence):

Campus personnel will cooperate to assist a victim of Sexual Misconduct to obtain appropriate medical attention, including providing assistance to summon emergency personnel for transportation to the nearest designated hospital.

Greater Baltimore Medical Center – Emergency Room	443.849.2226
Mercy Hospital	
Mercy Medical Center’s Forensic Nurse Examiner (FNE) and Sexual Assault Forensic Examiner (SAFE)	410.332.9494
Mercy Hospital – Emergency Room	
Ask for FNE/SAFE Nurse	410.332.9477

Criminal Reporting and Court Remedies:

University of Baltimore Police Department	410.837.4444
Baltimore City/County Police	911
Sexual Assault Legal Institute	877.496.7254
Baltimore City Protection Order Advocacy & Representation Project	410.783.0377
Baltimore County Protection Order Advocacy & Representation Project	410.887.3162

Individuals may also seek a protective order from the District Court in accordance with the provisions of Title 3, Subtitle 15 of the Courts and Judicial Proceedings of the Maryland Code, or a protective order or temporary protective order in accordance with Title 4, Subtitle 5 of the Family Law Article of the Maryland Code. Off-campus service providers' views, opinions, representations, programs and services are solely the responsibility and obligation of the service provider. The University of Baltimore assumes no liability for services rendered through off-campus programs.

H. Agreements with Local Law Enforcement and Rape Crisis Program

In accordance with state statute, UB has pursued formalized agreements with: (1) the local law enforcement agency that complies with the relevant provision of Title IX of the Education Amendments of 1972 and clearly states when a school will refer a matter to local law enforcement; and (II) a state designate rape crisis program, federally recognized sexual assault coalition, or both that formalizes a commitment to provide trauma-informed services to victims of sexual assault and improve the overall response to sexual assault by the institution of higher education.

Complaint Procedures

A. Reporting Sexual Misconduct Complaints – General

A student or employee who believes that he or she has experienced Sexual Misconduct should report the incident to the University as soon as possible. *See definition of Responsible Employee for more on reporting requirements.* Once UB knows, or reasonably should know, of possible Sexual Misconduct, it will take immediate and appropriate action to determine what occurred or to investigate. This obligation applies to Sexual Misconduct covered by this Policy regardless of whether a parallel law enforcement action is pending or regardless of whether a complaint has been filed. In certain circumstances, UB may need to delay temporarily the fact-finding portion of the Title IX investigation while the police are initially gathering evidence. If UB determines that Sexual Misconduct has occurred, it will take prompt and effective steps to eliminate the Sexual Misconduct, prevent its recurrence, and address its effects.

The University has appointed and trained individuals to serve as Investigators for reported incidents of Sexual Misconduct. In certain circumstances, the University may decide to retain the services of an external investigator who is trained on Title IX issues, investigations, policies and procedures.

1. For reported incidents where the responding party to the complaint holds primary status as a University student, reports can be made to the Title IX Coordinator(s), Investigator(s) or any Responsible Employee, including:

Pavan Purswani
Title IX Intake/Investigator
Office of Community Life
1420 N. Charles Street, Academic Center,
Room 112
410.837.4755
ppurswani@ubalt.edu

2. For reported incidents where the responding party to the complaint holds primary status as a University Employee or University contractor, reports can be made to the Title IX Coordinator(s) and Investigator(s), or a Responsible Employee, including any of the following individuals:

Sally Reed
Deputy Title IX Coordinator
Office of Human Resources
1319 N. Charles Street, Charles Royal
Building, 3rd Floor
410.837.5410
sreed@ubalt.edu

Rebecca Spence
Title IX Intake/Investigator
Office of Human Resources
1319 N. Charles Street, Charles Royal
Building, 3rd Floor
410.837.5410
rspence@ubalt.edu

3. Further, the Title IX Coordinator and Compliance Coordinator assist the Office of Human Resources and the Office of Community Life with the processing of Title IX casework. The following individuals are the Title IX Coordinator and Compliance Coordinator:

Anita Harewood
Title IX Coordinator
Office of Government and Public Affairs
1420 N. Charles Street, Room 114
410.837.4533
aharewood@ubalt.edu

Suzanne Tabor
Title IX Compliance Coordinator
Office of Government and Public Affairs
1420 N. Charles Street, Room 114
410.837.4533
stabor@ubalt.edu

An individual who is unsure of a responding party's primary status can report an incident to any of the Coordinators and Investigators who will assist with communication to the appropriate individual. If it is determined that the Respondent is not a UB Student, Employee or Contractor, a Title IX Coordinator(s) or Investigator(s) may determine the facts alleged and may decide to deny a third party access to University buildings and grounds, if appropriate pursuant to Md. Code Annotated, Education Article, Sections 26-101 and 26-102.

The Coordinator(s) and Investigator(s) will review the initial complaint to determine the type of action needed, if any, based on the alleged conduct. The Title IX Coordinator will determine the assignment of the Coordinator(s) and Investigator(s) when processing a formal Title IX complaint.

B. Process for Reporting and Reviewing Complaints – Student as Respondent

1) Process – General:

A student who believes that s/he has experienced Sexual Misconduct should report the incident as soon as possible to the Title IX Coordinator(s) or Investigator(s) or Responsible Employee. Students may also report an incident directly to the Office of Community Life, which responds to Sexual Misconduct matters and the investigation of complaints. *See Policy section, Oversight of Sexual Misconduct Complaints for contact information.* A non-student who believes that s/he has experienced a sexual offense committed by a student should also report the incident to the same individuals.

The Title IX Coordinator(s) or Investigator(s) has jurisdiction to investigate and resolve complaints alleging Sexual Misconduct and related Retaliation and is empowered to issue findings and impose sanctions for any violations of the Student Code of Conduct directly related to the alleged Sexual Misconduct or any alleged Policy violations. Determination of responsibility and sanctions for related violations will be issued in the same or a separate notice of decision, as permitted by law. In Sexual Misconduct investigations, the procedures outlined in this Policy supersede the University's procedures for addressing Code of Conduct violations. The Title IX Coordinator(s) or Investigator(s) will consider and make decisions concerning the applicability of the University's Amnesty Policy, as appropriate. *See Policy section, Amnesty Policy for Students.*

- a) **Preliminary Meeting:** The Title IX Coordinator(s) or Investigator(s) will hold a preliminary meeting with a reporting party to discuss a Sexual Misconduct matter of concern and in accordance with the Process for Complaints outlined herein. The purpose of this meeting is to provide the reporting party with general information, outline the University's policy and procedures, provide various options for pursuing a complaint, and identify forms of support, as

appropriate. The Investigator(s) may gather relevant information from the reporting party during this meeting and may, at the meeting or thereafter, proceed with an investigation as requested by the reporting party or as directed by University practice.

- b) **Timeline:** Complaints of Sexual Misconduct should be initiated as soon as possible. However, there is no time limit for which an individual has to make a complaint or request an investigation; allowing more time to pass may have an impact on the University's ability to respond.
- c) **Interim Measures:** Interim Measures are reasonable steps UB may take to protect and support the safety of all involved parties while a Sexual Misconduct investigation is occurring. Such measures may include, but are not limited to, protective orders, no contact orders, and changing of academic, transportation, and working situations, if such accommodation is reasonably available. Contact the Office of Community Life at communitylife@ubalt.edu or 410-837-4755 with any requests for Interim Measures.

2) Reporting and Reviewing Complaints:

Once the complaint is reported, an alleged student violation of the Sexual Misconduct policy can be pursued as: (1) informal review and resolution, or (2) investigation and resolution, as set forth herein:

a) Informal Review and Resolution

The University encourages informal resolution options when the reporting party and responding party desire to resolve the situation cooperatively, or when inappropriate behavior does not rise to the level of violation of University policy, as determined by the Title IX Coordinator(s) or Investigator(s), but nonetheless is adversely affecting the University or educational environment. The process may include an inquiry into the facts, but typically does not rise to the level of a full investigation.

- i. **Participation:** The informal review process requires that the reporting party and responding party agree to participate and the alleged action cannot be significantly severe or threaten the health, safety or welfare of the parties or members of the University Community. Some reports of discrimination or harassment may not be appropriate for informal resolution. Complaints of sexual assault are not permitted to be remedied with informal resolution processes. *See Policy section: Investigation and Resolution.*
- ii. **Notice:** If the terms for pursuing an informal resolution are appropriate as determined by the Title IX Coordinator(s) or Investigator(s), notice will be given to the reporting party and responding party of the opportunity to participate in a meeting or other informal process on the matter.
- iii. **Terms:** The Title IX Coordinator(s) or Investigator(s) will set the terms of the interactions between parties to facilitate a resolution. If the either party declines or fails to participate in the meeting or subsequent process, or an agreement cannot be reached, either party can elect to end the informal process or pursue an investigation. At any time, the University can elect to proceed with a formal investigation when necessary to comply with University obligations.
- iv. **Resolution/Outcome:** Informal resolutions may include, but are not limited to, contact restrictions and separation of the parties. Situations that are resolved through informal resolution are usually subject to follow-up after a period of time to assure that resolution has been implemented effectively. Steps taken by the Title IX Coordinator(s) or Investigator(s) to help the

parties achieve informal resolution will be documented and sent to the parties concurrently, as a notice of outcome after resolution completion.

The reporting party is not required to attempt an informal resolution prior to pursuing an investigation.

b) Investigation and Resolution

In response to reports of discrimination or sexual misconduct in cases where the reporting party does not wish to engage in informal resolution, where informal resolution is not appropriate, or in cases where attempts at informal resolution are unsuccessful, the University may initiate a full investigation where appropriate.

- i. **Participation:** When filing to initiate a formal complaint and investigation, individuals are asked to provide information to the Title IX Coordinator(s) or Investigator(s), including, but not limited to the contact information of the person filing the complaint and a description of the alleged misconduct to include the following information:
 - reporting party's full name, phone number, and UB email address for official communication;
 - when and where the alleged conduct occurred;
 - the name(s) of the person(s) alleged to have violated the policy, if known;
 - description of the complaint
 - the names of any witnesses to the violation;
 - any relevant documentation that is available at the time of the report; and
 - any relief requested.
- ii. **Notice:** Within ten (10) calendar days of receiving a formal complaint or a University decision to proceed with an investigation of Sexual Misconduct, the University will notify the responding party, in writing, of the allegations and provide him/her with an opportunity to respond to the allegations made.
- iii. **Terms:** An investigation will be made of the complaint. The reporting party, responding party, and witnesses will be given the opportunity to submit relevant information during the investigation. If the Title IX Coordinator(s) or Investigator(s) has not already met with the reporting party, s/he will schedule a meeting. The purpose of this meeting is to provide the reporting party with a general understanding of these procedures and, if applicable, to identify forms of support or immediate intervention available to the reporting party, as appropriate, and to gather relevant information. The Title IX Coordinator(s) or Investigator(s) will also have a preliminary meeting with the respondent. The purpose of this meeting is to provide the responding party with a general understanding of these procedures and, if applicable, to identify forms of support available to the responding party, as appropriate, and to gather relevant information.

After preliminary meetings with the reporting party and the responding party, the Title IX Coordinator(s) or Investigator(s) will review all relevant information, meet with all individuals involved, and consider all relevant facts and circumstances, such as the nature of the conduct, the context in which the conduct occurred, and the history of the conduct involving the parties. Both parties shall have the opportunity to see evidence that is collected by the Title IX Coordinator or Investigator(s), including written statements made by a party or witness, unless such viewing is prohibited by law; these reviews shall occur before the Title IX Coordinator(s) or Investigator(s) makes a final determination. The complainant and respondent will each have an opportunity to respond to the evidence gathered unless prohibited by law.

All determinations regarding a violation of the policy will be made based on a “preponderance of the evidence” standard. The investigation will be completed within sixty (60) calendar days, unless doing so would compromise the integrity of the investigation process or other extenuating circumstances exist. This timeframe does not include the appeal process.

- iv. **Resolution/Outcome:** After the investigation is complete, the Coordinator(s) or Investigator(s) will make a decision regarding responsibility. The reporting party and responding party will receive a written notice of decision – a document summarizing the findings and conclusions. The findings will state one of the following conclusions:
1. No violation of University policy has occurred, and the student is found to be not responsible for the allegations made.
 2. There has been a violation of University policy, and the student is found responsible for one or more of the allegations made.

3) **Sanctions:**

If a conclusion is reached after a comprehensive investigation that there has been a violation of University policy, the Title IX Coordinator(s) or Investigator(s) will then make a determination of an appropriate sanction(s), and will notify the parties of that sanction, unless such disclosure is prohibited by law. The range of student sanctions for those found responsible for sexual misconduct includes, but is not limited to: reprimand, probation, temporary loss of privilege, permanent loss of privilege, removal from a university activity, withdrawal from a University course, reflection experience, completion of a reflection paper/project, completion of a service learning project, completion of a personal development experience, contact restrictions, deferred sanctions, suspension, dismissal, expulsion, or other sanctions as appropriate.

4) **Support for Reporting Party After Final Outcome of Investigation:**

If Sexual Misconduct is substantiated after investigation and the responding party is found responsible for the complaint, the range of potential remedies for the student found to be the injured party may include: taking appropriate measures to prevent the students involved in the violation from sharing classes or extracurricular activities; providing academic adjustments to allow the student to successfully complete classes or course work; arranging for the student to withdraw from a class or classes without academic or financial penalty; providing the student with available victim services, such as access to counseling and appropriate academic support services; and reviewing any disciplinary action against the student to see if there is a connection between the Sexual Misconduct and other misconduct that may have resulted in the student being disciplined.

5) **Appeal:**

The outcome of an investigation may be appealed by either party to the Appeals Officer in accordance with the appeal procedure outlined in this Policy. *See Policy section, Process for Appeal.*

C. Process for Reporting and Reviewing Complaints -- Employee as Respondent

1) **Process – General:**

A University Employee who believes that s/he has experienced Sexual Misconduct committed by a University Employee or individual contracted with the University should report the incident as soon as possible to the Title IX Coordinator(s) or Investigator(s), or Responsible Employee, or to the Office of Human Resources, which is responsible for responding to Sexual Misconduct matters and the investigation of complaints. *See Policy section, Oversight of Sexual Misconduct Complaints for contact information.*

2) **Process – Reporting and Reviewing Complaints:**

a) **Informal Review and Resolution**

The University of Baltimore encourages informal resolution options when the parties desire to resolve the situation cooperatively, or when inappropriate behavior does not rise to the level of violation of UB policy, as determined by the Title IX Coordinator(s) or Investigator(s) located in the Office of Human Resources, but nonetheless is adversely affecting the workplace or educational environment. Informal resolution may include an inquiry into the facts, but typically does not rise to the level of an investigation. Some reports of discrimination or harassment may not be appropriate for informal resolution. Complaints of sexual assault are not permitted to be remedied with informal resolution processes.

Resolution/Outcome: Informal resolution may include, but is not limited to, options such as referral to another University office or program, mediation, separation of the parties or referral of the parties to available counseling programs, informal and formal disciplinary action. Situations that are resolved through informal resolution are usually subject to follow-up after a period of time to assure that resolution has been implemented effectively. Steps taken by the Title IX Coordinator(s) or Investigator(s) to help the parties achieve informal resolution will be documented. The resolution will be documented and sent to the parties concurrently, as a notice of outcome after resolution completion.

The reporting party does not have to attempt informal resolution prior to pursuing an investigation.

b) **Investigation of Complaint**

In response to reports of discrimination or Sexual Misconduct in cases where the reporting party does not wish to engage in informal resolution, where informal resolution is not appropriate, or in cases where attempts at informal resolution are unsuccessful, an investigation will be initiated.

- i. **Participation:** When filing to initiate a formal complaint and investigation, individuals will be asked to provide information to the Title IX Coordinator(s) or Investigator(s), including, but not limited to, the contact information of the person filing the complaint and a brief description of the alleged misconduct, including:

- when and where the alleged conduct occurred;
 - the name(s) of the person(s) alleged to have violated the policy, if known;
 - the names of any witnesses to the violation; and
 - the relief requested.
- ii. **Filing:** Any formal complaint should be filed within ten (10) days after the individual becomes aware of the claimed offense. There is no statute of limitations on the length of time an individual has to make a claim; however, allowing more time to pass may have an impact on the University's ability to respond.
- iii. **Notice:** Upon receiving the complaint, written notice will be provided to any person(s) alleged to have violated discrimination or Sexual Misconduct policies within ten (10) working days of receiving the complaint. In situations involving students, the Office of Community Life will be notified immediately upon receipt of the complaint.
- iv. **Terms:** An investigation will be made of the complaint. Reporting party, responding party, and witnesses will be given the opportunity to submit relevant information. If the Title IX Coordinator(s) or Investigator(s) has not already met with the reporting party, s/he will schedule a meeting. The purpose of the meeting is to provide the reporting party with a general understanding of the procedures and, if applicable, to identify forms of support or immediate intervention available to the reporting party, as appropriate, and to gather relevant information. The Title IX Coordinator(s) or Investigator(s) will also meet in a preliminary manner with the respondent. The purpose of this meeting is to provide the responding party with a general understanding of these procedures and, if applicable, to identify forms of support available to the responding party, as appropriate, and to gather relevant information.

After preliminary meetings with the reporting party and responding party, the Title IX Coordinator(s) or Investigator(s) will review all relevant information, meet with all individuals involved, and consider all relevant facts and circumstances, such as the nature of the conduct, the context in which the conduct occurred, and the history of the conduct involving the parties. Both parties shall have the opportunity to see evidence that is collected by the Title IX Coordinator(s) or Investigator(s), including written statements made by a party or witness, unless such viewing is prohibited by law; these reviews shall occur before the Title IX Coordinator(s) or Investigator(s) makes a final determination. All determinations regarding a violation of the policy will be made based on a "preponderance of the evidence" standard. The investigation will be completed within sixty (60) calendar days unless doing so would compromise the integrity of the investigation process or other extenuating circumstances exist. This timeline does not include the appeal process.

- v. **Interim Measures:** During the investigation, the University will take appropriate measures to encourage the safety and security of all involved parties to the greatest extent possible. Such measures may include protective orders, no contact orders, and changing academic, transportation and working situations, if such accommodation is reasonable and available

Resolution/Outcome: If, after the investigation, the Title IX Coordinator(s) or Investigator(s) concludes that there has been no violation of University policy, the Title IX Coordinator(s) or Investigator(s) will notify the reporting party and responding party that the investigation is closed. The reporting and responding parties will be notified, in writing, about the outcome of the complaint with a written notice of decision.

- vi. **Disciplinary Action:** If the Title IX Coordinator(s) or Investigator(s) determines that sexual misconduct has occurred, the Title IX Coordinator(s) or Investigator(s) will take steps to address the behavior and impose disciplinary action in accordance with applicable University policy and procedures. Disciplinary actions shall include, but not be limited to, reprimand, demotion, suspension without pay or recommendation for termination to prevent its recurrence. If the Title IX Coordinator(s) or Investigator(s) located in the Office of Human Resources determines that the complaint is false, all references to the complaint shall be expunged from the records of the responding party.

IV. PROCESS FOR APPEAL

The outcome of an investigation may be appealed by either the reporting or responding party.

- A. **Filing:** A party wishing to appeal the outcome of an investigation must submit a written request to the Appeals Review Officer, William Schnirel, located in the Academic Center, Room 113 (wschnirel@ubalt.edu; 410-837-5592) within five (5) business days after the date of the written notice of decision. If no appeal is submitted within the five-day period, the University's finding(s), sanction(s), disciplinary action(s), or corrective action(s) will be final.
- B. **Conditions:** A written request for an appeal must include an explanation of how one or more applicable conditions for appeal have been met. The sole conditions for an appeal are limited to the following:
 - 1) A procedural error or procedural omission occurred that significantly impacted the outcome of the investigation. A written summary inclusive of this error or omission and its potential impact on the decision must be included.
 - 2) Consideration of certain new evidence, unknown or unavailable during the original investigation, which could have substantially impacted the outcome of the investigation. A written summary inclusive of this new evidence and its potential impact on the decision must be included.
- C. **Notice:** The Appeals Review Officer will review the appeal and provide notice of the appeal to the non-appealing party, allowing the non-appealing party to respond up to five business days of receiving notice of the appeal. The non-appealing party's response, if provided, will be shared with the appealing party, which will complete the notice of appeal to parties.
- D. **Outcome:** The Appeals Review Officer will provide a written decision to the appealing party and non-appealing parties within ten (10) business days of the appeal or, if applicable, of receiving the non-appealing party's response, unless extenuating circumstances exist; this decision is the final outcome of the University's process.
- E. **Conflict of Interest:** If a conflict of interest exists for the Appeals Review Officer, the president of the University will designate an alternative individual to review the appeal and issue a decision. In this circumstance, additional time may be taken to issue the decision.
- F. **Request for Extension:** A reporting or responding party may request an extension of time to submit a request for an appeal due to demonstrated extenuating circumstances only. To do so, the request must be submitted to the Appeals Review Officer in writing within five (5) working days from the date of the written notice of decision. All other requirements for the appeal process apply.

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