

SEXUAL MISCONDUCT/TITLE IX POLICY

I. PURPOSE, PROHIBITED CONDUCT, SCOPE AND JURISDICTION

Purpose

Stevenson University believes that members of the Stevenson University community have the right to be free from acts of sexual misconduct. The University is committed to providing a safe and non-discriminatory learning and working environment. Accordingly, by this Policy, all members of the Stevenson community and all visitors, regardless of sex, gender, sexual orientation, gender identity, or gender expression are advised a sense of community, fostering learning, instilling in Stevenson is committed to providing prompt and equitable resolution of all complaints of sexual misconduct.

Prohibited Conduct

This policy prohibits sex-based discrimination, sex-based harassment, sexual assault, rape, and other forms of sexual misconduct which are defined within this policy. Sex-based discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Scope and Jurisdiction

This policy applies to all sexual misconduct occurring under Stevenson's education program oim4 0 Tc 0 TDgrC

asserting or otherwise participating in claims of sex discrimination. Stevenson University does not discriminate, and is required by Title IX not to discriminate, in such a manner. The requirement not to discriminate in Stevenson University's education program or activity extends to admission and employment.

Title IX Coordinator

To implement this Policy, Stevenson has identified a Title IX Coordinator, whose duties include oversight of Stevenson's compliance on campus with Title IX of the Education Amendments of 1972. The Title IX Coordinator is responsible for receiving reports and carrying out Stevenson's Title IX responsibilities, addressing patterns or systemic problems revealed by complaints, and ensuring the following: the Policy is well publicized; employees are trained on the Policy; students are notified of the Policy; complaints of violations of the Policy are investigated; and any appeals of Policy violations are handled in a fair, equitable, and appropriate manner.

Publication of Policy and Procedures

The Title IX Coordinator is responsible for the publication of the Policy to all students, faculty, staff, and administration and is responsible for its review by all employees and students. The Policy will be maintained on Stevenson's external web site, Stevenson's SUNow Portal, and distributed via campus email. It is the responsibility of all students and employees to review, understand, and comply with the Policy.

III. DEFINITIONS

Complainant: A student or employee who is alleged to have been subjected to conduct that could constitute sex-based discrimination, sex-based harassment, or any other form of sexual misconduct under Title IX; OR a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex-based discrimination, sex-based harassment, or any other form of sexual misconduct under Title IX and who was

consent. Consent to one form of sexual activity does not imply consent to other forms of sexual

limits or denies a person's ability to participate in or benefit from Stevenson's education program or activity; or

- Sexual assault, dating violence, domestic violence, or stalking on the basis of sex as defined in the Clery Act and the Violence Against Women's Act (VAWA).

Sexual Assault: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual Assault means any actual, attempted, or threatened sexual act or sexual contact with another person without that person's consent. Rape is a form of sexual assault.

Sexual Misconduct: An umbrella term for all acts which constitute violations of this Title IX policy, including but not limited to sex-based discrimination, sex-based harassment, sexual assault, rape, stalking, dating violence, and domestic violence.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a

The victim also will be advised of their right to file a complaint with the police and to seek a Protective/Peace Order from the local court. The Director of Campus Safety or the Campus Safety Shift Supervisor can assist in contacting the police or pursuing a Peace Order. Filing a report with Stevenson does not prevent filing a police report or seeking a Peace Order.

C. Preserve physical evidence. If there has been a sexual assault, removal of clothes or bathing or cleaning up in any way may destroy essential evidence. Therefore, to preserve evidence, the victim should not shower, bathe, go to the bathroom, douche, smoke, eat, drink or brush teeth or hair, or change clothes or bedding before going to the hospital or medical facility. Save all clothing worn at the time of the assault; if the victim has changed clothes, do not wash them and bring them to the hospital or medical facility. Do not disturb anything in the area where the assault occurred.

D. Preserve important information. Write down as much as can be remembered about the circumstances of the assault, including a physical description of the assailant. If the alleged perpetrator was unknown to the victim, try to remember any helpful details that may lead to their identification, such as scars or other marks, jewelry, dress, language, approximate height and weight in comparison to that of the victim, vehicle description, and tag number. Write these down as soon as possible, and include the date and time of writing.

E. Obtain medical attention and forensic examinations. Victims may receive care at a local hospital, urgent care facility, or through their personal physician, and can obtain a free exam to preserve forensic evidence.

1. Medical Care. Students may also seek medical care -and make confidential reports - at the Stevenson University Wellness Center during open business hours (443-352-4200). A nurse practitioner or physician will conduct an examination for physical injuries, discuss emergency contraception, and test for STIs. No fees will be charged by the Wellness Center. The Wellness Center will not perform a forensic examination or evidence collection. When a complainant makes a report of a sexual misconduct to a doctor, nurse or counselor in the Wellness Center, the report is kept confidential and will not be disclosed unless directed otherwise.

2. Sexual Assault Forensic Exam. If there has been a sexual assault, the victim is strongly encouraged to immediately get a free Sexual Assault Forensic Exam (S.A.F.E.) at the Greater Baltimore Medical Center in Towson (6701 North Charles Street, Towson, Maryland 21204, 443-849-3323 or after business hours 443-849-2226) or another similar facility such as Mercy Hospital in Baltimore, no later than five (5) days after the assault. Campus Security will coordinate transportation to the hospital for the S.A.F.E. examination, if requested. For more

Crisis counseling is also available from TurnAround, Inc., which provides counseling and support services to victims of domestic violence and sexual assault. Legal assistance and victim advocacy services may also

B. Confidential Report of Sexual Misconduct. As noted above, if a sexual assault or other form of sexual misconduct occurs, the student victim has the important option to make a confidential report to Stevenson's Mental Health Counselors and Health Care Professionals located in the Wellness Center, during open business hours (443-352-4200). *These reports will not be disclosed to the Title IX Coordinator without the victim's permission.* Confidential reports may be made by phone to Fonemed at 800-245-4691 (for students) and to BHS at 800-327-2251 (for employees), or the complainant may submit a report to Lighthouse, Inc. A report made through the reporting link on the Title IX web page will go to Lighthouse and then to the Title IX Coordinator. The complainant may remain anonymous and communicate with the Title IX Coordinator with Lighthouse as the intermediary.

C. Student Amnesty Policy and Bystander Intervention. Stevenson is committed to the safety and well-being of all of its students. As such, Stevenson has a variety of policies in place to help enhance the safety of the campus community. Stevenson encourages the reporting of sexual misconduct to the Title IX Coordinator. Sometimes, students may be reluctant to come forward and report an incident of sexual misconduct, or serve as a witness, because they are concerned that they may be charged with violating other campus policies, such as Stevenson's alcohol or drug policy. Therefore, for students who report an incident of sexual misconduct or who serve as witnesses to an incident of sexual misconduct, the University will not institute disciplinary sanctions for their own personal consumption of drugs or alcohol related to the incident as long as any such violations did not place the health or safety of any other person at risk. Stevenson may pursue other educational remedies regarding the use of alcohol and illegal drugs in order to protect the health and well-being of the student.

D. Notice. Once a report of alleged sexual misconduct is made to the Title IX Coordinator, the Title IX Coordinator (or designee) will promptly and confidentially contact the complainant to discuss the availability of various resources and measures. The Title IX Coordinator will also inform the complainant that these measures are available with or without the filing of a complaint. The Title Coordinator will also explain to the complainant the Title IX process. If the University is required to notify the campus community of an assault, including recording the assault in the campus crime log and the Annual Security Report, no identifying information about the complainant will be included, to the extent permissible by law.

E. Supportive Measures: Supportive measures will be offered by the Title IX Coordinator to the complainant whether or not the complainant requests an investigation. Supportive measures may not be punitive in nature. Supportive measures include, but are not limited to, the following: restriction on contact between the parties, arranging for an escort while moving between classes, changes to class schedules, alteration in campus employment or work-study arrangements, leaves of absence from the University, special transportation measures, change in position or supervisor, providing counseling services, academic support services such as tutoring. For employees, some of these measures may also be appropriate. Good faith efforts will be made to grant such requests if supportive measures are reasonably available and appropriate. However, Stevenson is obligated to comply with a student's reasonable request for a residential and/or academic situation change following an alleged sex offense. Stevenson will maintain as confidential any accommodations or supportive measures provided to the complainant to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or supportive measures.

If the complainant is unsatisfied with the Title IX Coordinator's decision to provide, deny, modify, or terminate supportive measures, they may appeal the decision to the Vice President of

B. Investigation of Complaint. The investigation of a report of sexual misconduct will begin promptly after the Title IX Coordinator has been requested to (or chosen to) begin an investigation, and reviewed the complaint and determined that it meets the criteria established for an investigation under this policy.

Both the complainant and respondent will receive written notice of the allegations, including details known at the time such as the identities of the parties, the conduct allegedly constituting sexual misconduct, and the date and location of the incident. Included in this notice will be the following:

information regarding who will be investigating the complaint, which will typically be one or more trained investigators; what to expect during the investigation process; a copy of their respective rights and options.

The complainant and the respondent are afforded equal procedural rights during the investigation. The investigation may include interviewing the complainant(s), respondent(s), witness(es), and other relevant individuals. The burden of gathering evidence and burden of proof rests on the University. Written notice will be sent to the respective party in advance of any investigative interviews or meetings that they are expected to attend. All investigatory interviews

each party, including audio/audiovisual recordings or transcripts of interviews. In cases where the complainant or respondent is a student (or was at the time the alleged misconduct occurred), each party will be allowed to review the audio/audiovisual recordings or transcripts of interviews and propose additional questions that the party wants asked of a party or witness. Questions that are deemed relevant and permissible will be asked by the decision-maker as requested, and included in a follow-up to the investigative report.

The decision-maker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and permissible. However, the decision-maker must not draw an inference about whether sex-based misconduct occurred based solely on a party's or witness's refusal to respond to such questions.

D. Resolution and Discipline

Standard of Evidence. The University will use the preponderance of evidence standard when determining if a violation of this policy occurred. This standard is also referred to as the "more likely than not" standard.

Written Decision. As soon as practicable, the decision-maker will issue a written determination regarding responsibility. The written decision will include the following:

- Identification of conduct code sections alleged to have been violated;

- A description of the procedural steps taken from the receipt of the complaint through the determination;

- Findings of fact supporting the determination;

- Conclusions about whether the alleged conduct occurred;

- Rationale for the result as to each allegation;

- Disciplinary sanctions (if any) imposed on the respondent;

- Remedies provided to the complainant; and

- The University's procedures and permissible bases for the parties to appeal

The written determination will be sent simultaneously to the parties.

Range of sanctions that may be imposed on a student following a determination of responsibility. The discipline or remedial action will be based upon the nature and severity of the offense, disciplinary history of the respondent, the impact of the conduct on the complainant and the community, whether the respondent is likely to engage in the conduct in the future, providing a remedy for any effects on a complainant or any other members of the community, and other mitigating or aggravating factors. Drug use or alcohol use are not mitigating factors. Discipline for students may include, but is not limited to, verbal or written warnings; loss of rights or privileges; requirement to attend coaching or training sessions or to receive counseling or other support; changes to the respondent's living arrangements; and academic, social or other probation, suspension, or expulsion from activities, residence halls, academic classes, programs, schools, or the University.

Range of sanctions that may be imposed on a faculty or staff member following a determination of responsibility Discipline for faculty and staff may include but is not limited to: written warnings, probation, demotion, suspension, or termination of employment.

E. Appeals

Written Appeal Written appeals are permitted only as set forth in this section. The appeal may be submitted by the complainant or the respondent or both. Students may appeal the decision to the Vice President, Student Affairs. Faculty members may appeal the decision to the Executive Vice President, Academic Affairs. Staff members may appeal the decision to the Vice President with whom the staff member ultimately reports. If the staff member ultimately reports to the Vice

President, Human Resources, an appeal may be made to the Executive Vice President, Academic Affairs. The administrator authorized in this section to decide the appeal is referred to herein as the “appeals official.” The appeal request must be in writing and made within ten calendar (10) days of notification of the decision. For the purposes of this section, the date of notification shall be the date of the letter of notification.

Grounds for Appeal The complainant and the respondent have equal appeal rights. Either party may appeal the University’s determination regarding responsibility or the University’s dismissal of a complaint or any allegations contained in a complaint. There is a presumption that the decision and any sanctions were properly made, and the only grounds for appeal that will be considered are: (1) A procedural irregularity that affected the outcome; (2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or (3) The Title IX Coordinator, investigators, or decision-maker(s) had a conflict of interest or bias that affected the outcome of the matter. The burden of proof during the appeal is on the party appealing.

Notice Upon receipt of the appeal, the appeals official shall notify the other party, in writing, informing that party of their right to respond in writing within ten (10) calendar days, and shall provide a copy of the appeal to the other party.

Decision The appeals official will review the written decision and any responses made by the parties, and may exercise the discretion to request further information or documents from the parties and/or the decision-maker(s) who issued the original decision and/or to meet with the parties. If the appeals official elects to meet with the complainant or respondent, a meeting will be held with each separately. A complainant or respondent who is invited to meet with the appeals official in connection with the appeal may bring an advisor as described above.

Final Determination The decision of the appeals official shall be Stevenson University’s final determination regarding the decision and the sanction. There are no further appeals. The appeals official will provide the complainant and the respondent with written notification of the outcome of the appeal which will be given at the same time and shall be delivered in the same manner. This notification will include (1) whether or not the original decision was changed or upheld, and (2) if the original decision was changed, a description of the changes, including any sanctions or discipline that the respondent has received or will receive to the extent that they pertain to the complainant.

F. Records. All records pertaining to the University’s response to complaints, including supportive measures and resolution materials, will be retained for seven years.

G. Timeframes. Stevenson strives to complete its grievance process in a timely manner. Stevenson will make reasonable efforts to complete an investigation and decision within 60 to 90 days. The time period will be affected by unusual or unexpected circumstances, witness availability issues, and the extent of the investigation.

resolve an allegation of sexual assault and will never be used if an employee sexually harassed a student.

The Title IX Coordinator, or designee, will notify the parties of the option to voluntarily participate in an informal process in an effort to reach a voluntary resolution. The University will

X. AMENDMENTS TO POLICY AND PROCEDURES

This policy is subject to change at any time. Such amendments shall be placed on Stevenson's website and the University's SUNow Portal.

XI. QUESTIONS PERTAINING TO TITLE IX

The designated official at Stevenson University to ensure compliance with Title IX is David C. Jordan, Vice President, Human Resources, who serves as the University's Title IX Coordinator (1525 Greenspring Valley Road, Stevenson, MD 21153, Phone: 443-334-2176, titleix@stevenson.edu). Questions concerning Title IX or the application of Title IX to Stevenson University may also be referred to the Office for Civil Rights (OCR) of the U.S. Department of Education, U.S. Depa