

# **Towson University in Northeastern Maryland Annual Campus Security and Fire Safety Report 2024**

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**Public  
Safety**



## Table of Contents

|             |                                                                                                                                               |              |                                                                                    |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------------------------------------------------------------------|
| <b>1.00</b> | <b>INTRODUCTION</b>                                                                                                                           | <b>7.00</b>  | <b>REGISTERED SEX OFFENDER INFORMATION</b>                                         |
| <b>2.0</b>  | <b>HARFORD COMMUNITY COLLEGE<br/>DEPARTMENT OF PUBLIC SAFETY</b>                                                                              | <b>8.0</b>   | <b>SUBSTANCE ABUSE</b>                                                             |
| <b>2.1</b>  | Enforcement Authority                                                                                                                         | <b>8.1</b>   | HCC Smoke and Tobacco-Free Campus Policy                                           |
| <b>2.2</b>  | Mission Statement                                                                                                                             | <b>8.2</b>   | Towson University Alcohol Policy                                                   |
| <b>2.3</b>  | Allied Police Support                                                                                                                         | <b>8.3</b>   | Towson University Drug Policy                                                      |
| <b>3.0</b>  | <b>REPORTING CRIMINAL ACTIVITY</b>                                                                                                            | <b>8.4</b>   | Enforcement                                                                        |
| <b>3.1</b>  | Limited Voluntary/Confidential Reporting                                                                                                      | <b>8.5</b>   | Education                                                                          |
| <b>3.2</b>  | Emergencies                                                                                                                                   | <b>8.6</b>   | Alcohol Education                                                                  |
| <b>3.3</b>  | Procedures                                                                                                                                    | <b>9.00</b>  | <b>ENVIRONMENTAL HEALTH &amp; SAFETY</b>                                           |
| <b>3.4</b>  | Campus Security Authorities                                                                                                                   | <b>10.0</b>  | <b>EMERGENCY PREPAREDNESS<br/>EMERGENCY RESPONSE AND EVACUATION<br/>PROCEDURES</b> |
| <b>3.5</b>  | Staff and Faculty Disciplinary Referrals                                                                                                      | <b>10.1</b>  | Evacuation Procedures                                                              |
| <b>3.6</b>  | Annual "Clery Notice" Distribution – Towson University                                                                                        | <b>10.2</b>  | Fire or Explosion                                                                  |
| <b>3.7</b>  | Daily Crime Log                                                                                                                               | <b>10.3</b>  | Fire Alarm                                                                         |
| <b>4.0</b>  | <b>CRIME PREVENTION</b>                                                                                                                       | <b>11.0</b>  | <b>CAMPUS FACILITIES ACCESS AND SECURITY</b>                                       |
| <b>4.1</b>  | Escort Services                                                                                                                               | <b>11.1</b>  | Campus Access                                                                      |
| <b>4.2</b>  | Theft Prevention                                                                                                                              | <b>11.2</b>  | Access to Facilities                                                               |
| <b>5.00</b> | <b>CRIME ALERTS</b>                                                                                                                           | <b>11.3</b>  | Parking Facilities                                                                 |
| <b>6.0</b>  | <b>DOMESTIC VIOLENCE, DATING VIOLENCE,<br/>SEXUAL ASSAULT, STALKING &amp;<br/>HARASSMENT PREVENTION</b>                                       | <b>12.00</b> | <b>MISSING STUDENT NOTIFICATION</b>                                                |
| <b>6.1</b>  | Programs to Promote Awareness of and to Prevent Rape,<br>Acquaintance Rape, Domestic Violence, Dating<br>Violence, Sexual Assault, & Stalking | <b>13.0</b>  | <b>TOWSON UNIVERSITY ILLEGAL WEAPONS<br/>POLICY</b>                                |
| <b>6.2</b>  | How to be an Active Bystander                                                                                                                 | <b>13.1</b>  | HCC Weapons and Violence Prohibitions                                              |
| <b>6.3</b>  | Risk Reduction                                                                                                                                | <b>14.0</b>  | <b>CRIME STATISTICS</b>                                                            |
| <b>6.4</b>  | Reporting Procedures                                                                                                                          | <b>14.1</b>  | Crime Statistics - 3 Year Comparison                                               |
| <b>6.5</b>  | Lead Title IX Investigator                                                                                                                    | <b>14.2</b>  | Reporting Locations                                                                |
| <b>6.6</b>  | Victim Procedures                                                                                                                             | <b>15.0</b>  | <b>HATE/BIAS CRIMES &amp; INCIDENTS</b>                                            |
| <b>6.7</b>  | Disciplinary Process                                                                                                                          | <b>15.1</b>  | Clery Act Reporting Hate Violence                                                  |
| <b>6.8</b>  | Protective Orders                                                                                                                             | <b>15.2</b>  | Hate Crime Statistics - 3 Year Comparison                                          |
|             |                                                                                                                                               | <b>16.0</b>  | <b>Title IX Regulations Effective August 1, 2024</b>                               |

### ***Non-Discrimination Statement***

*Towson University's policies, programs, and activities comply with federal and state laws and University System of Maryland policies prohibiting discrimination on the basis of race, color, religion, age, national origin, sex, disability, sexual orientation, and gender identity or expression and veteran status.*

## 1.00 INTRODUCTION

The Federal Student Right-to-Know, Crime Awareness and Campus Security Act now cited as the “Jeanne Clery Campus Safety Act,” (Clery Act ) as amended by the Higher Education Opportunity Act of 2008, requires institutions of higher learning to prepare, publish, and distribute a report concerning certain campus crime and fire statistics, as well as policies concerning security, personal safety, fire safety, emergency response and missing on-campus residential students, on an annual basis through appropriate publications, mailings or computer networks to all current students and employees, and all prospective students and prospective employees upon request. This publication contains the annual report concerning specific campus crime and arrest statistics as well as information about campus policies and practices intended to promote awareness, campus safety and security.

Copies of this report may be obtained by visiting the Administrative Office at Towson University in Northeastern Maryland, 510 Thomas Run Rd., Bel Air, MD 21015 or from the Towson University Office of Public Safety, 8000 York Rd. Towson Md. 21252 or by visiting the Towson University Office of Public Safety Web page located at:

<http://www.towson.edu/publicsafety/>

## 2.0 HARFORD COMMUNITY COLLEGE DEPARTMENT OF PUBLIC SAFETY



In September 2014, Towson University opened its doors in Harford County, Maryland on the Harford Community College campus. Towson University has entered into a contractual agreement with Harford Community College (HCC), whereby HCC’s Department of Public Safety will provide physical security, investigative services, public safety education, first aid, and other assistance to students, employees, and visitors to **Towson University in Northeastern Maryland (TUNE)**.

The HCC Department of Public Safety is committed to maintaining a safe environment for all students, employees, and visitors on HCC property.

The HCC Department of Public Safety has the primary responsibility for serving the safety and security needs of the campus community. In meeting this responsibility, all campus buildings and facilities are patrolled and inspected regularly to ensure a safe and comfortable academic environment where learning is the central focus. Located on the first floor of the Library, the Public Safety staff is on duty 24 hours a day, 365 days a year.

No community can be completely risk-free in today's society. Safety and security are everyone's responsibility. Therefore, the collective efforts of students and staff in collaboration with the Department of Public Safety are necessary. Students, staff, and visitors are partners in maintaining an environment that is safe and conducive to the learning process. Everyone is asked to be alert, security conscious, and involved.

## **2.1 Enforcement Authority**

HCC employs Special Police Officers who are commissioned with powers of arrest and the enforcement of criminal and motor vehicle laws on campus. Most incidents on campus are investigated by HCC Special Police Officers. A close working relationship is also maintained with the Harford County Sheriff's Office. The Harford County Sheriff's Office may be called upon for assistance when warranted or upon request of the victim.



Towson University encourages any member of the TUNE community who is the victim of a crime on campus, or who witnesses a crime on campus, to promptly call the HCC Department of Public Safety at **443-412-2272** or the Harford County Sheriff's Office at **911**. Towson University's policies encourage accurate and prompt reporting of all crimes to HCC Public Safety or local law enforcement when the victim of a crime elects to report the incident or is unable (physically or mentally) to make such a report.

## **2.2 Mission Statement**

Harford Community College's Department of Public Safety is committed to maintaining a safe environment for all students, employees, and visitors on College property. The Department of Public Safety provides physical security, investigative services, public safety education, first aid, and other assistance in a professional and courteous manner.

## **2.3 Allied Police Support**

A memorandum of understanding for the coordination of law enforcement responsibilities between the Harford Community College and the Harford County Sheriff's Office has been established. This document clarifies and affixes law enforcement responses to emergencies, investigation of certain crimes, and jurisdictional boundaries.



## **3.0 REPORTING CRIMINAL ACTIVITY**

All suspected criminal offenses should be reported to the Public Safety Office either by telephone (call **2272** from any campus phone, or **443-412-2272** from any outside phone), or in person.

The Public Safety Office is located in the lower level of the Library, and Public Safety staff officers are on duty 24/7. In addition to reporting offenses to the Public Safety office, students, faculty, and visitors may also report offenses to the HCC Student Development office by calling 443-412-2142, 443-412-2345, or 443-412-2233.

All members of the campus community may report crimes directly to the Harford County Sheriff's Office.

## **3.1 Limited Voluntary/Confidential Reporting**

Towson University encourages anyone who is a crime victim or witness to promptly report the incident to the police when the victim of such crime elects or is unable (physically or mentally) to make such a report. Because police reports are public records under state law, law enforcement agencies cannot hold reports of a crime in confidence. Confidential reports for the purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities.

Professional and pastoral counselors are exempt from certain reporting requirements when they are acting within the scope of their professions. The university encourages counselors and clergy; if and when they deem it appropriate, to tell the people they counsel about how to report crimes on a voluntary, confidential basis to any Campus Security Authority (CSA).

In keeping with federal guidelines, it is the policy of Towson University that all crimes specified by the Federal Student Right-to-Know, Crime Awareness and Campus Security Act now cited as the “Jeanne Clery Campus Safety Act,” (Clery Act) as amended by the Higher Education Opportunity Act of 2008 reported to any campus security authority must be relayed to the HCC Department of Public Safety. Professional and pastoral counselors are exempt from this requirement when they are acting in their official capacities.

### **3.2 Emergencies**

Anyone who is the victim or witness of a crime or emergency on campus should **immediately** call Public Safety at **443-412-2272**. Fire and medical emergencies should be reported by calling **911** from any telephone, including cellular. The HCC Department of Public Safety has staff on duty and available to assist 24 hours a day, every day of the year.

### **3.3 Procedures**

A uniformed special police officer is dispatched to conduct an initial investigation, gather information, and seek physical evidence whenever a crime is reported. The investigating officer attempts to determine the basic facts by questioning all persons involved in the incident as well as any witnesses. Basic and necessary questions, including home address, telephone number, and date of birth, are asked. Please bear in mind that the special police officer, by asking detailed questions, is attempting to solve the crime and apprehend anyone responsible for the crime. The crime scene (area where the incident occurred) must not be disturbed in order to preserve physical evidence such as fingerprints. Each member of the university community is asked to be observant and to pay attention to descriptions of persons including clothing worn and vehicles, including license plate numbers. Any suspicious person observed in or around your classroom, office, or work area should be reported to Public Safety **immediately at 443-412-2272**.

### **3.4 Campus Security Authorities**

The Clery Act mandates that institutions disclose statistics for crimes reported to local police agencies and crimes reported to Campus Security Authorities (CSAs). The intent of including non-law enforcement personnel as CSAs is to acknowledge that many individuals, and students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

A Campus Security Authority is:

- A campus law enforcement unit;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus security department, such as an individual who is responsible for monitoring entrance into school property, such as an access monitor;
- An individual or organization specified in a school’s campus security statement as the individual or organization to which students and employees should report criminal offenses; and
- An official of a school who has significant responsibility for student and campus activities including, but not limited to, student discipline and campus judicial proceedings.

Although we encourage the reporting of campus criminal activity directly to HCC Public Safety, in some instances members of the campus community may choose to file a report with one of the other campus security authorities. CSAs should immediately report any reportable incident to Towson University Police by downloading and completing a “[Clery Incident Report](#)” form. CSA reports must provide sufficient details to allow proper classification and reporting of the offense to the Department of Education. Send completed reports to the TUPD at the main campus by email, fax, or U.S. mail. The university police also send annual letters to CSAs to solicit any reportable crimes. The university’s list of CSAs is updated annually.

### **CSAs – Towson University in Northeastern Maryland**

- HCC Public Safety
- Executive Director, TUNE
- Director, Student Services, TUNE
- Operations Manager, TUNE
- Office of Inclusion and Institutional Equity (Towson)
  - Vice President
  - Title IX Coordinator
  - Title IX Investigators
- Office of Student Accountability & Restorative Practices (Towson)
  - Director
  - Associate & Assistant Directors

### **3.5 Staff and Faculty Disciplinary Referrals**

Regardless of criminal prosecution decisions, all criminal cases involving students are referred by the TUPD to the university's Office of Student Accountability & Restorative Practices. When there is evidence that a student has committed a crime on campus, disciplinary actions at the university may proceed whether or not criminal charges involving the same incident have been adjudicated or dropped. See also the [Towson University Code of Student Conduct](#).

### **3.6 Annual Clery Notice Distribution – Towson University**

The Towson University “Clery Notice” is distributed by email every October to all current students and employees. The “Clery Notice” is also available through various web sites and printed in several campus publications to ensure wide dissemination and satisfy federal law mandates.

This table summarizes various “Clery Notice” compliance mechanisms.

| <b>Distribution Method</b>                | <b>Current Students</b> | <b>Prospective Students</b> | <b>Current Employees</b> | <b>Prospective Employees</b> |
|-------------------------------------------|-------------------------|-----------------------------|--------------------------|------------------------------|
| TU Web Site – Home Page                   | X                       | X                           | X                        | X                            |
| TU Admissions Web Site                    | X                       | X                           |                          |                              |
| TU Brochure – Transferring to TU          | X                       | X                           |                          |                              |
| TU Student Catalogue                      | X                       |                             |                          |                              |
| TU Office of Public Safety Web Site       | X                       | X                           | X                        | X                            |
| TUPD Web Site                             | X                       | X                           | X                        | X                            |
| TUPD – Hard Copy (Upon Request)           | X                       | X                           | X                        | X                            |
| TU Environmental Health & Safety Web Site | X                       | X                           | X                        | X                            |
| TU Office of Human Resources Web Site     | X                       | X                           | X                        | X                            |
| TU OHR Employment Application             |                         |                             | X                        | X                            |
| TU OHR New Employee Packet                |                         |                             |                          | X                            |
| TU Daily Digest – Annual Announcement     | X                       |                             | X                        |                              |
| TU Annual (Oct.) All-Campus Email         | X                       |                             | X                        |                              |
| TU Events & Conference Guest Guide        | X                       |                             | X                        |                              |



**3.7 Daily Crime Log** - A daily log of all criminal offenses reported on the campus is maintained by the HCC Public Safety and is available for public inspection between the hours of 8 AM and 4 PM, Monday through Friday, excluding holidays when the college is closed. The Daily Crime Log is posted at the window of Public Safety for students to view. Copies are available upon request. The Public Safety office is located on the first floor of the Library.

Public Safety may withhold information from the daily crime log if releasing the information would jeopardize an ongoing criminal investigation, the safety of an individual, cause a suspect to evade detection or flee, and/or result in the destruction of evidence.

The Department of Public Safety's crime log covers at least the most recent 60-day period, and it is open for public inspection during normal business hours. Printed crime log information dating back more than 60 days will be made available for inspection within two business days of a request.

#### **4.0 CRIME PREVENTION**

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of Towson University and Harford Community College to inform students and staff in a timely manner of any criminal activity or security problem that may pose a reasonable threat to their physical safety.

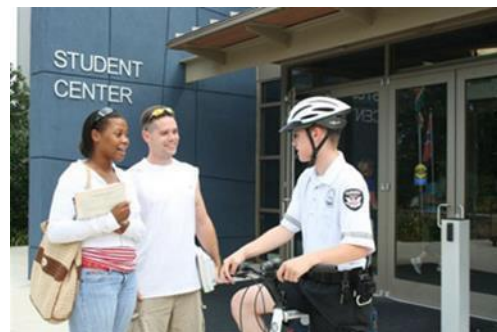
HCC College Life sponsors crime awareness/prevention programs including forums on self-defense and lectures on prevention of date rape. Notices of scheduled events are posted on OwlNet, placed in the student newspaper, and published in other schedules of events.

The HCC College Life and HCC Wellness Office sponsor crime awareness/prevention programs from which information can be obtained. Notices of scheduled events are posted on bulletin boards throughout the campus, published in the Harford Owl, and advertised in other schedules of events. Programs include forums on self-defense and lectures on prevention of rape, acquaintance or date rape, and other forcible and non-forcible sex offenses. Campus facilities to be used for these programs are available and accessible to students and staff during the College's normal operating hours.

In the event of a campus emergency, HCC may activate the emergency notification system, HCC *AlertMe*. Students must keep their contact information updated through OwlNet.

#### **4.1 Escort Services**

The HCC Department of Public Safety operates an escort service at all times for use by any person concerned about his or her safety while on campus. To request to be escorted on campus, contact the Department of Public Safety, and remain in a well-lit or populated area while waiting for the Public Safety Officer. Escort services may be arranged by calling the Department of Public Safety 443-412-2272.



#### **4.2 Theft Prevention**

Theft is the most common crime problem on college campuses. Students should take reasonable and prudent precautions to safeguard their persons and property, be watchful and cautious for suspicious persons and circumstances, and be aware of their surroundings and the presence of people they do not know. Never leave valuables unattended. HCC Public Safety offers free engraving to any member of the HCC/TUNE community. Members may have valuables such as electronics, bicycles, etc., engraved with

a driver's license or other identifying number to facilitate the recovery of property that is lost or stolen.

## **5.00 Timely Warnings & Emergency Notifications**

Harford Community College is committed to providing students and employees with timely and accurate information about credible threats to their health or safety while on campus. The Office of Public Safety is to receive all reports of potential threats from both internal and external sources. Once a potential threat is identified, public safety officials will assess the scope and credibility of the threat. Depending on the nature of the report, Public Safety's assessment may include an on-scene inspection by Public Safety or Campus Operations or consultations with external sources such as law enforcement, health officials, Harford County's Department of Emergency Services, and public utilities. Once the threat has been determined to be credible, the Department of Public Safety will determine the scope of the threat.

Depending on the immediacy of the danger and taking into account the safety of the campus community, Public Safety will, alone or with input from Marketing and President's Staff, craft an emergency message. Public Safety will, without delay, send the emergency notification to members of the campus community impacted by the threat. In a rare situation, Public Safety may consider delaying a notification if it is believed that the notification may compromise efforts to respond to, contain, or otherwise mitigate the emergency. Depending on the nature and scope of the threat, the emergency notification will be sent using one or more of the following methods of communication: text, email, telephone, Facebook, twitter, internal and external speakers, electronic signage, and website postings. Notifications will be updated as pertinent information becomes available. Public Safety will follow the same procedures regardless of whether the threat calls for the notification to be communicated to the entire campus community or solely to individuals within targeted areas of the campus.

Timely warnings are distinguished from emergency notifications in that, as defined by the Clery handbook, timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. HCC will issue a timely warning for crimes committed on campus that are reported to the Department of Public Safety or come to the attention of HCC through local law enforcement and are considered by HCC to represent a serious and/or continuing threat to students and employees. Timely Warnings will be distributed in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

Emergency notifications (*AlertMe*) will be issued when it is determined that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. *AlertMe* will be activated without delay upon verification of an incident that meets the above criteria so long as issuance does not compromise efforts to respond to, contain, or otherwise mitigate the emergency.

Registering for emergency notification through *AlertMe* is required by entering personal information through OwlNet. *AlertMe* will send phone, e-mail, and text alerts to information provided by students and employees.

In order to receive emergency messages through HCC's *AlertMe* notification system, TUNE students must keep their contact information updated through OwlNet.

The decision to alert will be based upon information known at the time of the incident. The authority to alert is limited to Harford Community College staff that is trained to operate the emergency notification system including, but not limited to:

- VP and AVP for Student Development;
- AVP for Operations;
- VP Finance, Operations, Government Relations, and;
- VP for Marketing, Development and Community Relations (as appropriate)



- HCC Public Safety Staff

A follow-up message is required after activation of the initial alert when the situation or threat is cleared or as updates are appropriate on the situation.

The methods for dissemination of the emergency alert include:

- Emergency Notification Line – Call 443-412-2322 for a recorded message.
- The Harford Community College website: [www.harford.edu](http://www.harford.edu)
- Harford Community College Email
- Building Notices: Signs at building entrances and doors throughout the buildings.
- WHFC 91.1 FM: Tune in for updates.
- Route 22 Electronic Sign
- Computer Message – For all users logged into the campus network
- Campus Voice Mail Broadcast (Employees only)
- Public Address Broadcast for Quad Area
- Public Address Message from Campus Vehicle
- Word of Mouth from Harford Community College Employees
- Social Media (Facebook and Twitter)

For more information on *AlertMe*: [Campus Safety | Harford Community College](#)

## 6.0 DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING AND HARASSMENT PREVENTION

Towson University [06-01.60 Policy on Sexual Misconduct](#) was adopted in 2017 and recently updated on August 14, 2020, as part of the TU and USM commitment to provide a working and learning environment free from sexual misconduct, including sexual and gender-based harassment, sexual violence and assault, dating violence, domestic violence, sexual exploitation and sexual intimidation, stalking, and hate violence. This policy applies to alleged incidents that occurred prior to August 1, 2024. The updated policy that applies to alleged incidents that occurred on or after August 1, 2024 is in section **16.0**.

Towson University (the “University”) is committed to providing a working and learning environment free from “Sexual Misconduct” (which includes sexual and gender-based harassment, specifically sexual assault, dating violence, domestic violence, stalking, sexual exploitation, and sexual intimidation.) The University prohibits and will not tolerate any form of Sexual Misconduct. Sexual Misconduct is a form of sex discrimination prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 as amended (“Title IX”) and Title VII of the Civil Rights Act of 1964 as amended, and may constitute criminal activity.

The University endeavors to foster a climate free from all forms of Sexual Misconduct as described above through training, education, prevention programs, through policies and procedures that promote prompt reporting, prohibit Retaliation, and promote timely, fair, and impartial investigation and resolution of Sexual Misconduct cases in a manner that eliminates the Sexual Misconduct, prevents its recurrence, and addresses its effects. All University community members are subject to this policy, regardless of sex, sexual orientation, gender identity and gender expression. This includes all students, faculty, and staff of the University (including regional centers), as well as third parties and contractors under University control. This policy applies to Sexual Misconduct in connection with any University education programs or activities, including Sexual Misconduct: (1) in any University facility or on any University property; (2) in connection with any University sponsored, recognized or approved program, visit or activity, regardless of location; (3) that impedes equal access to any University education program or activity or adversely impacts the employment of a member of the University community; or (4) that otherwise threatens the health or safety of a member of the University

community. Nothing in this policy is intended to supersede or conflict with any federal compliance obligation.

A violation of this policy may constitute professional misconduct and/or moral turpitude under the Towson University Policy on Appointment, Rank and Tenure of Faculty, and/or gross misconduct and/or moral turpitude under Towson University's Policy on Separation for Regular Exempt Employees.

These university departments contribute greatly toward these efforts.

- Office of Inclusion and Institutional Equity (410-704-0203)
- Office of Student Accountability and Restorative Practices (410-704-2057)
- Counseling Center (410-704-2512)
- Center for Student Diversity (410-704-2051)
- Towson University Police Department (410-704-4444)

It is important that students, faculty, and staff understand these terms as defined in Towson University policies:

**Consent:** Consent means a knowing, voluntary, and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. Consent must be given by a person with the ability and capacity to exercise free will and make a rational and reasonable judgment. Consent may be expressed either by affirmative words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity. Consent may be withdrawn at any time. Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation, or through the use of one's mental or physical helplessness or incapacity. Consent cannot be implied based upon the mere fact of a previous consensual dating or sexual relationship. Consent to engage in sexual activity with one person does not imply Consent to engage in sexual activity with another. In order to give effective Consent, one must not be mentally or physically incapacitated (e.g., by alcohol or drugs, unconsciousness, mental disability).

The State of Maryland does not have a specific definition of consent in relation to sexual assault; however, the Maryland Annotated Code of Criminal law states: Maryland Criminal Article 3-301 notes to render Consent, one must not be mentally incapacitated or physically helpless (e.g. by alcohol or drugs, unconsciousness, mental disability).

The definition of consent as set forth in its sexual misconduct policy is used by the University in investigating and adjudicating allegations of sexual misconduct pursuant to its sexual misconduct policy.

**VAWA:** Violence against Women Act affords additional rights to campus victims of sexual assault, domestic violence, dating violence and stalking.

**Domestic Violence:** Federal law definition: Domestic Violence is defined as a felony or misdemeanor crime of violence committed—

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

The State of Maryland does not have a specific law defining domestic violence; however, it does provide relief for a protective or peace order under the Maryland Family Article.

**Domestic Violence:** Maryland Family Law Article 4-501 defines "Abuse" as any of the following acts:

- an act that causes serious bodily harm;
- an act that places a person eligible for relief of imminent serious bodily harm;
- assault in any degree;
- rape or sexual offense under §§ 3-303 through 3-308 of the Criminal Law Article or attempted rape or sexual offense on any degree
- false imprisonment; or
- stalking under § 3-802 of the Criminal Law Article.

Those eligible for relief from the abuse if you are:

- the current or former spouse
- a cohabitant, meaning person who has had a sexual relationship with the abuser and resided with the abuser in the home for a period of at least 90 days within 1 year before the filing of the petition;
- a person related to the respondent by blood, marriage, or adoption;
- a parent, stepparent, child, stepchild or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;
- a vulnerable adult;
- an individual who has a child in common; or
- an individual who has had a sexual relationship within 1 year before the filing of the petition.

**Dating Violence:** Federal law definition: 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 complainant. 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 or interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of domestic violence. For the purposes of this definition— Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

There is no Maryland law definition of dating violence (it is not distinguished from general crimes of violence, such as assault).

**Stalking:** Federal Law Definition: Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in

which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Maryland law definition of Stalking: Stalking means a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear: (1) (i) of serious bodily injury; (ii) of an assault in any degree; (iii) of rape or sexual offense as defined by Sections 3-303 through 3-308 of the Criminal Law Article of the Maryland Code or attempted rape or sexual offense in any degree; (iv) of false imprisonment; or (v) of death; or (2) that a third person likely will suffer any of the acts listed in item (1) above.

Code of Student Conduct definition of Stalking: To follow or otherwise contact another person repeatedly so as to put that person in fear for his or her life or personal safety.

- **Sexual Assault** : An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
  - **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

**Maryland Law Definition of Sexual Assault:** The actions constituting sexual assault are set forth in Title 3, Subtitle 3 of the Criminal Law Article of the Annotated Code of Maryland and include, but are not limited to, the following acts committed by an acquaintance or stranger ("Actor"): Rape forcible sodomy, or forcible sexual penetration, however slight, of another person's anal or genital opening; touching of an unwilling person's intimate parts (defined as genitalia, groin, breast, or

buttocks, or clothing covering them); or, forcing an unwilling person to touch another's intimate parts. To constitute sexual assault these acts must be committed either by force, threat, intimidation, or through the use of the victim's mental or physical helplessness of which the Actor was aware or should have been aware.

#### **Towson University's Sexual Misconduct Policy Definitions:**

- **Sexual Assault I:** Non- Consensual 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.
- **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.
- **Sexual Exploitation:** The act of taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.
  - Examples of Sexual Exploitation include: prostitution; using any kind of photographic or recording device to capture, post and/or publish images of a person's intimate parts and/or of a sexual act without the Consent or knowledge of the involved party/ies; intentionally or unintentionally publishing, recreating, or reproducing images of a person's intimate parts or of a sexual act without the knowledge or Consent of the party/ies involved; voyeurism; inducing incapacitation for the purpose of Sexual Exploitation or of having sex with the incapacitated person (regardless of whether Sexual Exploitation and/or sexual activity actually takes place); and/or knowingly transmitting a sexually transmitted infection to a partner without their Consent.
- **Sexual Harassment:** 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 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 or pervasive to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, residential or social environment.
  - Examples of Sexual Harassment include: harassment through public or private insult, sexually suggestive comments concerning a person's body or behavior, and/or sexual demands; subtle or overt pressure to comply with sexual demands; undue and unwanted remarks about another person's clothing, body, sexual activities, sexual preferences, or sexual orientation; unwelcome flirting, teasing, jokes, or gestures that are sexual in nature; unwanted kissing, touching, pinching, patting or brushing another's body or clothing; unwanted kissing, touching, pinching, patting or indecent exposure of one's own private body parts; unwanted communications of a sexual nature verbally, in writing, by telephone, computer, or by other means; requests or demands for sexual favors accompanied by implied or overt threats or promised rewards (e.g., grades, references or

awards (for students) or assignments, promotions or discipline (for employees)); repetition of unwanted invitations for dates.

- **Retaliation:** Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or USM and/or the University policy relating to Sexual Misconduct, or because an individual has made a report, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to Sexual Misconduct. Retaliation includes retaliatory harassment.
- **Bystander Intervention:** Defined as help provided to a person in need by a bystander. Bystander intervention involves exercising safe and positive options to prevent harm or intervene when another person is at risk of being victimized. See Section 9.02 below for information on how to be an active bystander.

### **6.1 Programs to Promote Awareness of and to Prevent Rape, Acquaintance Rape, Domestic Violence, Dating Violence, Sexual Assault, and Stalking.**

The university offers a variety of education and prevention programs throughout the year which are aimed at preventing domestic violence, dating violence, sexual assault, stalking, harassment, and hate violence. A central repository for all campus educational programs relating to sexual assault, domestic violence, dating violence and stalking has been established in the Office of Equity Compliance (OEC). All faculty, staff, or student groups providing or sponsoring such programs are responsible for forwarding program information to the Assistant Vice President of OEC.

The university's programs to prevent dating violence, domestic violence, stalking and sexual assault are comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, university, community, and societal levels

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. Our programs are regularly assessed for their relevance and value in addressing the needs of the university community.

#### **Primary Prevention and Awareness Programs**

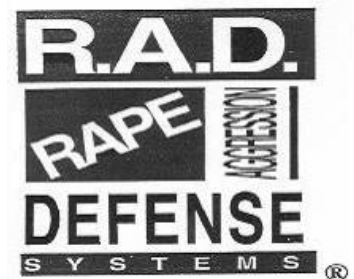
- **The Sexual Misconduct Continuum:** All incoming freshman, transfer, international, and graduate students receive The Sexual Misconduct Continuum training program. The program, adapted to each group, delivers information on risk reduction, sexual assault, harassment, dating violence, and stalking through a multi-media and interactive presentation. The program defines consent, bystander intervention, and retaliation in detail and informs students of the consequences of inappropriate behavior. Students are also informed of the resources that are available to them should they or a friend ever be

victimized.

- **New Employee Orientation:** New employee orientations are conducted regularly by the Office of Human Resources (OHR).
- **Office of Student Accountability and Restorative Practices:**
- Specific process for sexual misconduct adjudication outlined through the Procedures for the Resolution of Sexual Misconduct Complaints Involving Student Respondents, including victim appeal process.
- Specific process for sexual misconduct adjudication outlined through the Procedures for the Resolution of Sexual Misconduct Complaints Involving Student Respondents, including victim appeal process. **Sexual Assault Response Team:** A detective assigned to the Operations Squad, meets every two months with the Sexual Assault Response Team (SART). SART is a multidisciplinary interagency team of individuals working collaboratively to provide services for the community by offering specialized sexual assault intervention services. Teams are specialized to fit the needs of each community and generally have goals of increasing reporting and conviction for sexual assaults and countering the experience of sexual trauma with a sensitive and competent response. Typically, teams consist of key responders such as advocates, law enforcement officers, forensic examiners (e.g.; SANE/SAFE/FNE), crime lab personnel, and prosecutors.
- **Training for Faculty and Staff:** Online sexual misconduct training for all faculty and staff.
- **Office of Inclusion & Institutional Equity:** Provides training for students and faculty on diversity, inclusion and equity. The Title IX Coordinator oversees programs and workshops that involves engaging the campus community on topics of sexual misconduct, discrimination, harassment, hate and bias. OEC has mandatory programs for incoming students, such as E-checkup, that provides education on alcohol, tobacco, drug prevention and sexual violence prevention.
- **Combatting Underage Drinking Coalition:** TU Counseling Center and TUPD partner with the Baltimore County Department of Health and many other organizations as members of the Combating Underage Drinking Coalition. This effort focuses on affecting policies and practices associated with underage drinking.
- **SHAPE Committee:** The TU Sexual Harassment Assault Prevention and Education (SHAPE) Committee is a multi-disciplinary group of campus organizations, including Residence Life, Counseling Services, Campus Activities, Women's Studies and the Police Department. The committee makes policy recommendations and collaborates to develop sexual assault prevention material and awareness education programs.

## Awareness Programs

- **Rape Aggression Defense Program:** The Rape Aggression Defense (R.A.D.) program is a comprehensive course that begins with awareness and prevention while progressing on to the basics of hands-on defense training. It teaches realistic self-defense tactics and techniques. R.A.D. is not a martial arts program. HCC, through an outside contractor, can provide this training upon request.
- In 2015 HCC offered the following awareness/education programs:
  - **Healthy Relationships** – A House of Ruth representative came to talk to students about relationship violence and abusive relationships.





- **Sex Signals** – A program on Sexual Assault Awareness
- **PowerUp! Orientation** – Mandatory session for new students that included an overview of sexual harassment and bullying
- **Anti-bullying Program** – A roundtable discussion with students
- **Love Day** – A poetry slam and monologue presented by HCC students on the topics of sexual abuse and dating violence

## 6.2 How to be an Active Bystander

Bystanders play a critical role in preventing sexual assault and relationship violence. They are people who observe violence or witness conditions that perpetuate violence. They are not directly involved, but have the choice to intervene, speak up, or do something about it. At TU, we want to promote a culture of community accountability where bystanders are actively engaged in preventing violence without causing further harm. Here are some ways to be an active bystander. Remember, if you or someone else is in immediate danger, dial 911.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this report for support in health, counseling, or with legal assistance.

## 6.3 Risk Reduction

Risk Reduction is defined as the application of protective measures to reduce the risk of victimization. With no intent to blame the victim and recognizing that only rapists are responsible for rape, here are some strategies to reduce one's risk of sexual assault or harassment.

- **Be aware of your surroundings.** Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Try to **avoid isolated areas**.
- **Walk with a purpose.** Even if you don't know where you're going, act like you do.
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be. If you feel unsafe, go with your gut and leave immediately.
- **Some things you can try to get out of an uncomfortable situation:**
  - Be true to yourself – don't feel obligated to do anything you don't want to do.
  - Have a code word with your friends or family so that you can communicate your discomfort without the person you are with knowing. Friends or family can then come to get you or make up an excuse for you to leave with them.
  - Lie. Make up a reason to leave.
- **Make sure your cell phone is with you**, that it is charged, and that you have cash money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to social gatherings, **go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. **If a friend seems out of it**, very intoxicated or is acting out of character, get him or her to a safe place immediately.

- **Don't leave your drink unattended** while dancing, talking, using the restroom. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it. Watch it being poured and carry it yourself. At parties, don't drink from punch bowls or other large, shared open containers.
- **If you suspect that you or a friend has been drugged,** call 911 immediately.
- 

Please call the HCC Department of Public Safety at 443-412-2041 for more information about campus safety or crime prevention services. Members of the TUNE community can take positive measures to prevent crime by being aware that crime does occur on and near campus.

### **Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the HCC Department of Public Safety or local law enforcement. For accommodations students and employees should contact the Title IX Office at 410-704-0203 or email [titleix@towson.edu](mailto:titleix@towson.edu).

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, below are the procedures that the University will follow:

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| <b>Incident Being Reported</b> | <b>Procedure Institution Will Follow</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Sexual Assault</b>          | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist reporting party with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to on and off campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" directive to accused party if deemed appropriate</li> <li>8. Institution will provide written instructions on how to apply for Protective Order</li> <li>9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li> <li>10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol> |
| <b>Stalking</b>                | <ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" directive to accused party if deemed appropriate</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Dating Violence</b>   | <ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" directive to accused party if deemed appropriate</li> </ol> |
| <b>Domestic Violence</b> | <ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" directive to accused party if deemed appropriate</li> </ol>    |

#### **6.4 Reporting Procedures:**

Harford Community College and Towson University will respond promptly, fairly, and decisively to all reports of sexual assault. Members affiliated with Towson University will be subject to Towson University's Code of Student Conduct and related disciplinary procedures when the alleged incident has

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occurred on campus or when the incident occurred off campus and materially affects the learning environment or operations of the College.

Harford Community College is compliant with the Jeanne Clery Campus Safety Act (The Clery Act) as amended in 1998, which requires all post- secondary institutions to publish and distribute certain information regarding campus crimes, including reports of campus sexual assault, sexual assault policies, and security programming to all current students, employees and to any applicant who so requests. Harford Community College shall make assistance available to those who have been affected by sexual assault through the Sexual Assault and Rape Counseling Center (SARC) located in Bel Air, MD.

We also strongly suggest that you:

- Get to a safe place;
- Call the police immediately;
- Regardless of whether you intend to prosecute, you are encouraged to obtain a medical evidentiary examination (SAFE Examination). In addition to medical assistance, important evidence can be collected that could aid in a future criminal prosecution. You always have the right to change your mind and not to pursue a criminal complaint.
- If safe to do so, take precautions so as not to destroy or tamper with any evidence that may be used in a criminal prosecution or administrative action. Evidence may include text, e-mail or voicemail messages, social networking postings, photographs, or written documents such as cards, notes, and letters.
- If you are not sure what to do, you can call the Rape Crisis Hotline at 410-828-6390 or The Maryland Coalition against Sexual Assault at 1-800-938-RAPE (7273). The advocate will provide you with options and you will not have to give your name;
- Do not bathe, shower, douche, change your clothes or disturb anything at the crime scene. Extremely valuable physical evidence can be obtained from you, your clothing and objects at the scene of the crime; and
- If you do not wish to make a report to the police, you are still encouraged to seek professional medical advice. It is important not to forget the possibility of sexually transmitted diseases and/or pregnancy.
- Victims have the option of reporting these incidents to Campus Security Authorities (CSA's) if they do not wish to report to the police.
- If the offense occurred off campus, Public Safety or CSA's can assist victims in notifying local law enforcement authorities if the victim so chooses.
- Victims do have the option of declining to notify such authorities.
- Public Safety or local law enforcement authorities can assist the victim by providing written information concerning the rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
- If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator at 410-704-0203 or [titleix@towson.edu](mailto:titleix@towson.edu). In addition, HCC Department of Public Safety can be contacted by calling, writing or coming into the office to report in person if the victim so desires (401 Thomas Run Rd, Belcamp Building Bel Air, Maryland 21014 or calling 443-412-2272). Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless if the reporting party chooses to pursue criminal charges.

- If the report is made to a member of the Towson University Policy Department or the institution's Title IX Coordinator, that person will explain to the victim their options about the involvement of law enforcement and campus authorities, including notification of the victim's option to notify proper law enforcement authorities, including on-campus and local police;
- Victims will also be advised of their option to be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and including notification of the victim's option to decline to notify such authorities;

### **Rights of Victims and the Institution's Responsibilities for Protective Orders, Peace Orders, and No Contact Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution**

Towson University complies with Maryland law in recognizing Protective Orders and Peace by enforcing the terms of the Order and serving the Order if applicable. Any person who obtains an order of protection from Maryland or any reciprocal state (Maryland recognizes Orders issued from all other 49 States) should provide a copy to Campus Police and the Office of the Title IX Coordinator. A complainant may then meet with Campus Police to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.) The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

The university may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the order.

When a student or employee reports to the university that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the university will provide the student or employee with a written explanation of the student or employee's rights and options, including the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred along with information about how the university will protect the confidentiality of victims and other necessary parties;

The University will provide written notification to students and employees about victim services within the university and in the community; provisions about options for, available assistance in, and how to request accommodations and protective measures; and an explanation of the procedures for institutional disciplinary action.

The University will also provide written notification of victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.

The University must make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

At the victim's request, and to the extent of the victim's cooperation and consent, university offices will

work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim (student or employee) should complete an online report to the Title IX Office or contact the Title IX Office at 410-704-0203 or email [titleix@towson.edu](mailto:titleix@towson.edu). The online report at [https://towson-gme-advocate.symplicity.com/titleix\\_report/index.php/pid190302?](https://towson-gme-advocate.symplicity.com/titleix_report/index.php/pid190302?) will include:

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

### ***On and Off Campus Services for Victims***

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Towson University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

## **Campus Resources**

### ***Employee Assistance Program Phone 1-800-346-0110***

Inova is a free self-referral and confidential services available to fall faculty and staff, and members of their household, to help with personal and professional problems that interfere with the successful management of work and family responsibilities. Services include confidential counseling, legal services, financial services, identify theft services, work life referral services, online resources including access to on-demand seminars (PDF), and more. Services are available 24 hours a day, 7 days a week by phone or online provide “towsonu” as the username and password when prompted.

### ***Office of Inclusion & Institutional Equity Phone: (410) 704-0203***

Provides private support for faculty and staff who have experienced sexual violence including interim measures and accommodations. The office investigates incidents of sexual violence involving members of the University community. Administration Building Suite 214.

### ***HCC Department of Public Safety: (443-412-2272)***

When called to respond to sexual violence, HCC Department of Public Safety and Harford County Sheriff's Office will respond. Harford County Sheriff's Office defines sexual violence crimes by Maryland law. Maryland law has different definitions of sexual violence than Towson University. Criminal cases in a court of law also use a beyond a reasonable doubt standard to determine if a law was broke.

## **Community Resources**

### ***TurnAround Inc. Phone: (443) 279-0379***

24hr Hotline or (410) 377-8111 to schedule an appointment Provides trained advocates for Baltimore County and Baltimore City that offer emotional, medical, and legal support and information 24-hours a day. They are a local organization that provides free and confidential immediate and ongoing counseling and advocacy for anyone impacted by sexual violence, including friends and family of victims/survivors.

### ***SARC: Phone (410) 836-8430***

Provides trained advocates for Harford County that offer victims, potential victims, and survivors of domestic violence, sexual violence, child abuse and stalking. All of SARC's services are offered in a confidential environment of trust and includes domestic violence program, sexual violence program, legal advocacy program, bed shelter, community outreach and education services and 24-hour helpline.

### ***VASPA Phone: 240-777-4357***

24-hr crisis line or 240-777-1355 weekdays Victim Assistance and Sexual Assault Program provides trained advocates for Montgomery County that offer victims information and referral, advocacy, crisis and ongoing counseling, support and compensation services for victims of crimes committed in Montgomery Country or who live in Montgomery County. Assistance is also provided to the victims' families and significant others.

### ***Center for Abused Persons Phone: 301-645-3336***

24-Hour Hotline or 301-645-8994 Is a private, non-profit agency providing the citizens of Charles County with crisis and on-going professional counseling; support services and emergency shelter for victims of domestic violence, sexual assault, and child abuse.

### ***Baltimore County Police Phone: 911***

Baltimore County Police define sexual violence crimes by Maryland law. Maryland law has different definitions of sexual violence than Towson University. Criminal cases in a court of law also use a beyond a reasonable doubt standard to determine if a law was broke.



***Greater Baltimore Medical Center (GBMC) Phone: (443) 849-3323 & Harford Memorial Hospital Phone: (443) 843-5000***

Provides free SAFE exams (sexual assault forensic evidence) that collects and preserves DNA evidence after a sexual assault. The evidence could be used if criminal charges are pursued. SAFE exams are available 24 hours, every day of the year. The exams are conducted at 6701 N. Charles Street Towson, MD. 21204 for GBMC and 501 S. Union Ave. Havre De Grace, Md. 21078.

***Mercy Medical Center Phone: (410) 332-9477***

Provides free SAFE exams (sexual assault forensic evidence) that collects and preserves DNA evidence after a sexual assault. The evidence could be used if criminal charges are pursued. Located at 345 St. Paul Place, Baltimore, MD.

***Maryland Legal Aid Phone: (410) 951-7777***

Provides free civil legal assistance to low-income individuals throughout the state of Maryland. This includes residents of rural and urban settings, disabled persons, children, seniors, farm workers, and those at risk of losing housing, custody, health and income maintenance.

***The People's Law Library of Maryland***

Research free and low-cost legal service providers in Maryland

***Maryland Office of the Public Defender Phone: (410) 767-8460***

Provides defense counsel to persons who cannot afford a private attorney

**State and National Resources**

***Rape, Abuse and Incest National Network (RAINN) Phone: 1-800-656-4673***

Operates the National Sexual Assault Hotline. Carries out programs to prevent sexual violence and help victims.

***National Domestic Violence Hotline Phone: 1-800-799-7233***

Highly trained advocates are available 24/7 to talk confidentially with anyone experiencing domestic violence, seeking resources or information, or questioning unhealthy aspects of their relationship.

***Maryland Coalition Against Sexual Assault (MCASA) Phone: 301-328-7023***

The coalition focuses on public policy, education activities, community outreach and technical assistance and legal services.

***Sexual Assault Legal Institute (SALI) Phone: 301-565-2277***

A program of MCASA that provides direct legal services for victims and survivors of sexual violence.

***National Coalition Against Domestic Violence***

The coalition does not provide direct services but have a referral site for other resources covering a wide variety of needs.

***National Sexual Violence Resource Center (NSVRC)***

The NSVRC does not provide direct services to sexual assault victims but rather supports those who do, such as coalitions, rape crisis centers, national, state and local agencies and allied programs.

***National Stalking Resource Center***

Provides multiple services including: training, technical assistance, website and an information clearinghouse. The Stalking Resource Center provides direct assistance to build the capacity of criminal

justice and victim services organizations to respond effectively to stalking.

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> Rape, Abuse and Incest National Network

<http://www.justice.gov/ovw> Department of Justice

<http://victimsofcrime.org> Center for Victims of Crime (Stalking Resource Center)

<http://ncadv.org/> National Coalition Against Domestic Violence

<https://www.ed.gov/about/ed-offices/ocr> Department of Education, Office for Civil Rights

### ***Confidentiality***

Victims may request that directory information on file with the university be withheld by contacting the Office of Registrar at 410-704-2701 or email at [recordsandregistration@towson.edu](mailto:recordsandregistration@towson.edu). The university will protect the confidentiality of victims and other necessary parties and will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the university to provide the accommodations or protective measures.

Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking is the preponderance of evidence standard.

Possible sanctions for rape, acquaintance rape, domestic violence, dating violence, other forcible or non- forcible sex offenses, or stalking following an on-campus disciplinary proceeding include censure, social probation, termination of residence contract, or suspension or expulsion from the university.

The university has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. These procedures include informing individuals about their right to file criminal charges as well as availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus. There are also remedies to prevent contact between a complainant and an accused party such as housing, academic, transportation and working accommodations, if reasonably available, regardless of whether or not the victim chooses to report the crime to campus police or local law enforcement.

## **6.5 Lead Title IX Coordinator:**

Towson University's lead Title IX Coordinator may be contacted by phone at: 410-704-0203 or by email at: [titleix@towson.edu](mailto:titleix@towson.edu) or by submitting an [on-line report](#).

Towson University employees who suspect or know of an incident of sexual misconduct, are required to offer resources to the student. They must also report the incident to the Title IX Coordinator or Deputy Title IX Coordinators. The university's procedures aim to provide prompt, fair and impartial investigation by specially trained professionals committed to protecting the community from further harm. For more information on the role of the Title IX Coordinator or on reporting incidents of sexual misconduct, refer to:

[www.towson.edu/titleix](http://www.towson.edu/titleix)

## **6.6 Procedures to Follow Should an Incident of Domestic Violence, Dating Violence, Sexual Assault and/or Stalking Occurs**

After the occurrence of an incident of sexual assault, dating violence or domestic violence, medical attention should be sought as soon as possible at Harford Memorial Hospital located on 501S. Union Ave, Havre De Grace, Md. 21078. In Maryland, evidence may be collected even if you chose not to make a report to law enforcement and you can have a "Jane or John Doe" exam conducted at the hospital. In Maryland, a "property-held" number is assigned to the evidence and is not be connected to the patient's identity. This is the State of Maryland's policy developed to be compliant with the 2005 federal Violence Against Women Act Reauthorization under which U.S. states may not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursed for charges incurred on account of such an exam, or both" 42 U.S.C. § 3796gg-4(d). It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

Due to the sophisticated investigative resources required to properly investigate certain sex crimes, the HCC Department of Public safety will work with the Harford County Sheriff's Office to investigate crimes of sexual assault.

Maryland police departments offer individuals who report rape and sexual assault the opportunity to have SAFE exams (Sexual Assault Forensic Examination) regardless if they want to initiate or cooperate with an investigation into the incident. Harford Memorial Hospital is the

local health care facility that performs SAFE exams. Victims have SAFE exam options that are:

- SAFE exam with immediate police involvement;
- Medical examination only by an emergency department physician; and
- SAFE exam with a deferred reporting option (DRO) that will be explained by a Forensic Nurse Examiner.

## **6.7 Disciplinary Process - Domestic Violence, Dating Violence, Stalking, Sexual Assault**

**Proceeding:** Means all activities related to a non-criminal resolution of a university disciplinary complaint. Including but not limited to, fact-finding investigations, formal or informal meetings, and hearings.

**Result:** means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C.1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

University disciplinary proceedings will provide a prompt, fair, and impartial process in cases of alleged domestic violence, dating violence, sexual assault, and/or stalking from the initial investigation to the final result. The proceedings will be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Proceedings will be conducted by officials who do not have a conflict of interest or bias for or against the accuser or accused. The proceeding will be completed within reasonably prompt timeframes designated by the university's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. The process will be conducted in a manner that is consistent with the institution's policies and transparent to the accuser and accused. It will include timely notice of meetings at which the accuser or accused, or both, may be present and provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.

The University's disciplinary process is consistent with the university's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. The accuser and the accused are entitled to the same opportunities to have others present during a university disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. Proceedings will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. Both the accuser and the accused shall be simultaneously informed, in writing, of the any initial, interim and final decision of any university disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking.

## ***Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking***

### **Policy Statement Towson University**

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

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

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

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

The Title IX Coordinator, who works in the university’s Office of Equity Compliance (“OEC”), administers this Policy and coordinates the University’s efforts to carry out its responsibilities under Title IX. OEC receives reports of Sexual Misconduct and conducts Investigations. No employee (other than law enforcement) is authorized to investigate or resolve reports of Sexual Misconduct without the involvement of the Title IX Coordinator. Please report allegations of Sexual Misconduct or possible violations of this Policy to OEC or Title IX Coordinator:

Anthony Davis  
Title IX Coordinator and Civil Rights Investigator  
Office of Equity Compliance  
Administration Building, Room 2118  
8000 York Road Towson, Maryland 21252 (410) 704-2020

1. **Reporting:** All persons are encouraged to report Sexual Misconduct promptly in order to maximize the university's ability to obtain evidence, identify potential witnesses, and conduct a thorough, prompt, and impartial Investigation. The University also accepts Anonymous Complaints. The University will promptly respond to reports of Sexual Misconduct and take appropriate action consistent with this Policy and associated procedures. The university may extend the time frames set forth in this Policy and Procedure for good cause. Exceptions to these time frames may vary for a number of reasons, including, but not limited to, depending on the complexity of the 10 Investigation, volume of evidence, access to and/or responsiveness of relevant parties (including witnesses), the number of witnesses involved, and/or number of issues on appeal. Deciding whether to report and choosing how to proceed are personal decisions. When reporting an incident, a Reporting Party does not need to decide whether to request any particular course of action. Choosing to report and deciding how to proceed after making the report is a process that unfolds over time. The university makes every effort to respect a Reporting Party's input about how they would personally like to proceed. Resources are available to support an individual regardless of the course of action ultimately pursued.

The individual who has reported the experienced Sexual Misconduct, whether a university student, University employee, or third party has the right to choose whether or not to file a complaint resulting in a Title IX Investigation. Upon receiving a report of Sexual Misconduct, OEC shall contact the relevant individual(s) to offer support resources, schedule an optional, in-person meeting in order to discuss Supportive Measures, and explain options regarding how to proceed. In situations where the university determines that a report raises a significant risk to public safety, the university may proceed with an Investigation even where the Reporting Party chooses not to proceed or participate in the Investigation. The university will communicate this decision to the Reporting Party.

2. **Jurisdiction:** The university has jurisdiction over Title IX complaints made in connection with University programs and activities. This Policy applies to all members of the university Community, including students, faculty, and staff. It also applies to university guests, contractors, and other third parties acting for or on behalf of the university. The university may amend this Policy from time to time. Further, the Title IX Coordinator with the approval of the General Counsel, may from time to time make revisions and updates to this Policy to comply with applicable laws, regulations and governmental guidance and any amendments thereto.  
*The University has jurisdiction over Title IX Sexual Harassment complaints when it has actual knowledge of Sexual Harassment in an education program or activity against a person in the United States. This Policy applies to all of the University's education programs or activities, whether such programs or activities occur on-campus or off-campus. This Policy also applies to all members of the University Community, including students, faculty, and staff, and to University guests, contractors, and other third parties over which the University has substantial control.*

*In addition to allegations of Sexual Harassment falling within Title IX jurisdiction, the University may also address allegations of Sexual Harassment and OSM (e.g., Sexual Coercion or Sexual Exploitation) under this Policy affecting its students or employees that take place outside an "educational program or activity," take place outside the United States, or otherwise fall outside Title IX jurisdiction, including, but not limited to, providing supportive measures or pursuing disciplinary action for violating this Policy.*

*The University may amend this Policy from time to time. Further, the Title IX Coordinator with the approval of the General Counsel, may from time to time make revisions and updates to this Policy to comply with applicable laws, regulations and governmental guidance and any amendments thereto.*

3. **Notice and Next Steps:** Once the University receives notice of an allegation of Sexual Misconduct, it will take prompt action, in accordance with its internal procedures (<https://www.towson.edu/inclusionequity/titleix/>) to investigate or otherwise try to determine what occurred. This obligation applies to reports of Sexual Misconduct regardless of whether a parallel law enforcement Investigation or action is pending or whether a formal complaint is filed. The University strives to issue decisions regarding whether the reported conduct constitutes Sexual Misconduct within a reasonable period of time. The University should document circumstances which impact its ability to complete an investigation or issue a decision.

University action typically includes, as appropriate:

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

4. **A. Timeliness**

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

**B. Obligations of Responsible Employees**

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

5. **Prompt Action:** Once the University knows (or reasonably should know) of possible Sexual Misconduct, it will take prompt action, consistent with this Policy, to conduct an Investigation. This obligation applies to Sexual Misconduct covered by this Policy regardless of where the Sexual Misconduct allegedly occurred, whether a parallel law enforcement Investigation or action is pending, and whether a complaint is filed.
6. **Investigation Process:** The University investigates allegations of sex/gender-based harassment, discrimination, and/or Sexual Misconduct to determine whether the preponderance of the evidence indicates a Policy violation occurred. The preponderance of the evidence corresponds to an amount of evidence indicating a Policy violation is more than 50% likely. In such Investigations, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the University never assumes a Responding Party is in violation of University Policy. Investigations are conducted to take into account the totality of all evidence available, from all relevant sources.

7. **A. Student Sanctions:** Factors considered in sanctioning are defined in the Code of Student Conduct and other applicable Policies and Procedures. The university imposes sanctions consistent with the Code of Student Conduct. See <https://www.towson.edu/studentaffairs/policies/conduct.html>. With respect to Student Responding Parties, the Director of OSCCE, in accordance with the provisions of the Code of Student Conduct, is responsible for imposing disciplinary action. Failure to comply with sanctions may result in further disciplinary action.

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

- Verbal reminders;
- Mandatory training;
- Written reminders;
- Reassignment of duties;
- Unit transfers; • Letter of reprimand;
- Suspension without pay;
- Suspension pending charges of removal; and/or 17
- Termination.

Staff may grieve discipline imposed as a result of a violation of this Policy in accordance with their respective grievance rights. See USM Policies VII08.00 (Policy on Grievances for Nonexempt and Exempt Staff Employees) and VII-08.05 (Policy on Grievances for Regular Exempt Employees).

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

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

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

**Supportive Measures:** Upon receiving a report of Sexual Harassment or OSM, the Title IX Coordinator will promptly contact Reporting Party to discuss availability of supportive measures, consider Reporting Party's wishes with respect to supportive measures, and inform Reporting Party of the availability of supportive measures with or without the filing of a Formal Complaint. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter Sexual Harassment and OSM.



Supportive Measures provided to students may vary from those provided to employees, consistent with the University's policies and procedures, employment contracts, and bargaining agreements.

Examples of Supportive Measures MAY include, but are not limited to:

Assistance with access or referral to counseling and medical services;

Rescheduling of exams and assignments;

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.

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

Nothing precludes the University from removing a Responding Party from its education program or activity on an emergency basis, provided it undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and provides the Responding Party with notice and an opportunity to challenge the decision immediately following the removal. Nothing precludes the University from placing a non-student employee Responding Party on administrative leave during a grievance process.

### ***University-Initiated Protective Measures***

In addition to those protective measures previously described the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the Title IX Coordinator at 410-704-0203 or email [titleix@towson.edu](mailto:titleix@towson.edu).

The university will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the university against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

There will be simultaneous notification, in writing, to both the accuser and the accused, of the institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding.

The accused and the victim can appeal the results of the university disciplinary proceeding; of any change to the results that occurs prior to the time that such results become final; and when such results become final, as per the process outlined in the Code of Student Conduct.

Possible sanctions for rape, acquaintance rape, domestic violence, dating violence, other forcible or non-forcible sex offenses, or stalking following an on-campus disciplinary proceeding include censure, social probation, termination of residence contract, or suspension or expulsion from the university. For more information, see The Towson University Student Code of Conduct:

<https://www.towson.edu/about/administration/policies/06-01-60-policy-sexual-misconduct.html>

Counselors with Towson University are not considered Campus Security Authorities, when acting in their professional counseling roles and therefore, are not required to report statistics concerning incidents of sexual assault. Contact the Counseling Center (410-704-2512) for more information.

Please also refer to the Towson University and University System of Maryland policies that are located at the following links:

<http://www.usmd.edu/regents/bylaws/SectionVI/VI160.pdf>

and

<https://www.towson.edu/about/administration/policies/07-01-10-policy-substance-abuse-faculty-staff-students.html>

A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, will be provided with a written explanation of the student or employee's rights and options, as described above.

A university, agent of a university, or an officer, or its employees may not retaliate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this section.

Compliance with Department of Education 34 CFR 668.46 does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

## **6.8 Protective Orders**

Victims may also seek a peace order from the District Court in accordance with the provisions of Title 3, Subtitle 15 of the Courts and Judicial Proceedings Article 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. District Court location for incidents occurring in Harford County:

District Court of Maryland – Harford County  
2 South Bond Street  
Suite 100  
Bel Air, MD 21014-  
3737 410-836-4545  
Phone

Hours of Operation: 8:30 a.m. - 4:30 p.m. Monday through Friday except legal holidays District Court

Commissioner's Office—Harford County Maryland  
1030 North Rock Spring Avenue  
Bel Air, MD 21014  
410-638-4770 or 410-638-4771 Phone  
410-638-0740 Fax  
410-803-1815 Baltimore Line  
Hours of Operation: 24 hours - 7 days a week

Any victim who obtains a peace order, protective order, temporary protective order, or similar order issued by a civil or criminal court should notify the HCC Department of Public Safety and provide a copy of the order so they may take steps to enforce the order on campus. Victims may also contact the TU Office of Student Accountability & Restorative Practices at (410) 704-2057 to discuss options about no contact orders facilitated through Towson University.

Reports of all domestic violence, dating violence, sexual assault, and stalking made to Public Safety will automatically be referred to the TU Title IX Coordinator for investigation regardless of the complainant's decision to pursue or decline to file criminal charges.

## **7.00 REGISTERED SEX OFFENDER INFORMATION**

Various statutes, including the federal Campus Sex Crimes Prevention Act, requires higher education institutions issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders can be found. It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in the state at which the person is employed, carries on a vocation, volunteers their services, or is a student. Maryland sexual offender registration information, including registrants employed or enrolled at Maryland higher education institutions, can be found at:

<http://www.dpscs.state.md.us/sorSearch/>

## **8.0 SUBSTANCE ABUSE**

Towson University's complete policy on substance abuse for Faculty, Staff, and Students can be found at: <https://www.towson.edu/about/administration/policies/07-01-10-policy-substance-abuse-faculty-staff-students.html>

### **8.1 HCC Smoke and Tobacco-Free Campus Policy**

It is the policy of Harford Community College that the College is a smoke- and tobacco-free environment. The use of any type of tobacco product, smoking device or equipment, or any item that simulates smoking, is prohibited in all buildings and areas of the campus and off-campus sites supervised by the College. Violators are subject to a \$50 fine and/or disciplinary action.

### **8.2 Towson University Alcohol Policy**

Any person using alcoholic beverages while on Towson University or Harford Community College

property shall be responsible to all civil and university authorities for compliance with state and county laws and the University Alcohol Policy. It is illegal in the state of Maryland for anyone under the age of 21 to purchase, possess, or consume alcohol or to falsify or misrepresent his or her age to obtain alcohol. It is also illegal to possess alcohol in an open container on any street, lane, highway, or other thoroughfare within the Town of Bel Air (Harford County).

### **8.3 Towson University Drug Policy**

The use, possession, and/or sale of illegal drugs are violations of Towson University's Code of Conduct, the faculty contract, and the terms of employment of administrative, classified and contingent staff. Faculty, students, and employees who use, possess or sell illegal drugs are subject to criminal or civil prosecution as applicable and administrative disciplinary actions that may include mandatory counseling, suspension, or dismissal. For the purposes of referrals and arrests, possession of cannabis for anyone under the age of 21 is a civil violation; however, possession of cannabis on campus is a Towson University Policy Violation.

### **8.4 Enforcement**

The possession, sale, or furnishing of alcohol and illicit drugs on Towson University or Harford Community College property is governed by the Towson University Policy on Substance Abuse for Faculty, Staff, and Students, the University Code of Conduct, and state and federal laws. These laws are strictly enforced by campus and local law enforcement. Violators are subject to University disciplinary action, criminal or civil prosecution as applicable, fines and/or imprisonment.

### **8.5 Education**

Numerous drug and alcohol abuse prevention programs are presented each year through a cooperative effort of many university departments. Alcohol counseling and drug rehabilitation programs and referrals are available at the Towson University Counseling Center. See also:

<http://www.towson.edu/counseling/>

### **8.6 Alcohol Education**

Towson University has implemented a comprehensive prevention program to help our students make the safest, healthiest decisions possible. The university has adopted Alcohol Edu for College, a Web-based alcohol prevention program being used at more than 350 colleges and universities around the country. The program uses the latest prevention techniques and science-based research to educate students about the impact of alcohol on the mind and body whether or not the student drinks alcohol.

Every incoming first-year Towson University student will be asked to take Alcohol Edu for College and pass the course's final exam by a certain date and preferably before arriving on campus. Because it is available online, students need only a computer with Internet access and audio capabilities to take the course.

While Towson University is committed to making a difference with our students, we also understand that parents are the first line of defense against alcohol misuse and abuse. The university also makes the course available for parents to review to help them when having a discussion with their son or daughter about alcohol. We are confident that Alcohol Edu for College will help ensure our students' success at Towson University and in the future. More information on this program can be found at:

<https://www.towson.edu/counseling/events/>

## **9.00 ENVIRONMENTAL HEALTH AND SAFETY**

The HCC Environmental and Occupational Health office is responsible for planning, coordinating, and implementing the various safety programs that promote safe and healthful conditions for students, employees, and visitors. The contractual agreement between Towson University and HCC specifies that

HCC will perform various building maintenance duties. The sprinkler system will be tested on a quarterly basis. HCC will also provide for trash removal, pest control, and landscaping maintenance. HCC will work with the Harford County Health Department to ensure maintenance and testing related to wastewater management and domestic water systems in accordance with Maryland Department of the Environment (MDE) standards.

There are no on campus residence halls or housing facilities.

It is the goal of the Harford Community College to provide the safest environment possible, by complying with all Federal, State, and County safety and health regulations, as well as various College guidelines and protocols, including provisions contained within:

- Title 29 of the Code of Federal Regulations, Section 1910
- Title 09 of the Code of Maryland Regulations, Subtitle 12
- National Fire Protection Association, Life Safety Code 101

Towson University's Environmental Health and Safety (EHS) team will conduct fire drills once per semester at TUNE. Other items TU EHS will handle include:

- Emergency eyewash/shower inspection (annual)
- Fume hood inspection (annual)
- Training of TU staff
- Chemical Inventory
- Fire System Inspections: HCC is responsible for sprinkler system only at this time.
- Accident Investigation (as needed)
- AED inspection

## **10.0 EMERGENCY PREPAREDNESS**

### **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

Harford Community College maintains two written emergency response products that effectively prepare College employees to respond to the major and identifiable emergencies at varying levels: The *Emergency Operations Plan* provides an organizational and procedural framework for managing emergencies, with emphasis on preparedness and response. It provides more comprehensive guidance for preparing for and responding to emergencies at an administrative level. An abbreviated version of

this plan, called the *Emergency Operations Guide*, provides guidance for responding to emergencies at the division/department/unit level.

The *Emergency Operations Plan* provides for the coordination between Harford Community College, the local government, and other public agencies for the further protection of Harford Community College employees and property, as well as that of the surrounding community and environment. All emergencies cannot be avoided, but with the proper planning, orientation, and training, the probability of a safe and desired outcome can be enhanced. To review the complete *Emergency Operations Guide*:

<https://www.harford.edu/images/pdf-public-share/eog-quick-reference.pdf>

The Emergency Response and Evacuation Procedures are published annually in the Harford Community College student handbook, course schedule book, and Harford Community College website:

<https://www.harford.edu/images/pdf-public-share/eog-quick-reference.pdf>

Public Safety patrols the campus buildings and properties to ensure their safety. Evacuation procedures and interior safety zones are clearly posted within each building. Each classroom is equipped with a safety phone that can receive mass emergency messages.

The Bel Air Volunteer Fire Company has primary responsibility for incidents occurring on the HCC campus.

### **10.1 Evacuation Procedures**

Evacuation emergencies include fires; hazmat and explosions when evacuations are directed by emergency personnel; natural gas leaks; unplanned utility outages; bomb threats and other situations when emergency personnel direct buildings to be evacuated. Evacuations can range from a single building to a portion of campus or the entire campus. In the event of an area-wide or campus-wide evacuation, the HCC Department of Public Safety will coordinate with local government authorities to ensure that evacuation directions do not conflict with those of the surrounding jurisdiction. In the event of a fire or other evacuation emergency on campus, all persons in affected areas must evacuate immediately. Notification of a fire or other evacuation emergency is provided by a building fire alarm signal or internal voice emergency communication system depending on the building. Initial emergency notifications may also be followed by e-mail, text message (*AlertMe*), voice communication (external emergency speaker system), message board announcement, NetNotify (TU networked computer screen), or OwlNet (HCC networked computer screen).

When an alarm sounds, observe the following procedures

- Remain calm.
- Turn off motors, gas and laboratory equipment if applicable.
- Close all windows and doors.
- Using the nearest unobstructed exit - evacuate the room in an orderly manner.
- Move at least 100 feet from the building and do not block roadway, walkways, or fire hydrants.
- Re-enter building only when instructed to do so by the Department of Public Safety official on the scene.

### **10.2 Fire or Explosion**

In the event of a fire or explosion

- Pull the building alarm.
- Leave the building by the nearest exit.
- Call 911 and provide details on the location of the fire.
- Call Department of Public Safety at 443-412-2272 or on campus at ext. 2272 and provide details on the location of the fire.

### **10.3 Fire Alarm**

The signal for fire emergency is a continuously sounding bell/alarm. Each building has a separate fire alarm system. The systems are not tied to a central alarm. Building fire alarm boxes are located at the exits to all buildings.

## **11.0 CAMPUS FACILITIES ACCESS AND SECURITY ACCESS CONTROL**

Public Safety patrols the campus buildings and properties to ensure their safety.

### **11.1 Campus Access**

In accordance with the Education Article of the Maryland Code, Section 26-102, the president or her/his written designee may deny access to the buildings or grounds of the HCC to any person who: (a) is not a bona fide currently registered student or is not a current employee of the college and/or who does not have lawful business to pursue at the college, or (b) is suspended or expelled, or (c) acts in a disruptive manner.

All persons attending classes must be officially registered for those classes. Children (ages 12 and under) are not to be left unattended at any time, under any circumstances.

Campus facilities are accessible to students and staff during the college's normal operating hours. Facilities are opened and monitored during non-operating hours for scheduled special events. When the college is closed, buildings and facilities are secured and inaccessible.

Access to the college's athletic fields and gymnasium must be officially authorized. This policy applies to students as well as members of the public. Violators are subject to be fined and/or arrested for trespassing.

HCC has installed over 100 surveillance cameras throughout the campus to enhance safety and security. Cameras are not continually monitored; though live feeds are viewed intermittently and archived footage may be reviewed as needed. Additionally, emergency phone lines have been installed in all classrooms. The phones will dial directly to 911 or Public Safety by pressing the corresponding speed dial and should only be used in the event of an emergency. The phones cannot be used to manually dial a phone line and may not receive incoming phone calls.

## **11.2 Access to Facilities**

Hours of operation for the TUNE are: 8:00 a.m. to 8:30 p.m. Monday through Thursday, 8:00 a.m. – 4:00 p.m. Friday, and closed Saturday and Sunday.

## **11.3 Parking Facilities**

Parked cars can present opportunities for certain criminal activities, but drivers can do several things to significantly reduce the likelihood that their property will be victimized. Never leave a vehicle running, unlocked, keys in the ignition, or windows rolled down. Keep all valuables out of sight. Use security devices such as car alarms, steering wheel locks and devices such as fuel or electric cut-off switches. Drivers should have their vehicle keys in their hands when approaching their vehicles and look inside the vehicle before getting in. Parking lots are monitored by video cameras.

## **12.00 MISSING STUDENT NOTIFICATION POLICY**

This section applies to students residing in any university or privatized/affiliated housing (collectively "housing"). TUNE does not offer student housing.

## **13.0 TOWSON UNIVERSITY ILLEGAL WEAPONS POLICY**

Towson University's weapons policy, **06-01.11 – Weapons Prohibited**, prohibits the possession or control of any weapon on university property. Follow this link to the university's policy:

[\*\*06-01.11 – Weapons Prohibited | Towson University\*\*](#)

## **13.1 HCC Weapons and Violence Prohibitions**

All persons are prohibited from carrying a handgun, firearm, or weapon of any kind onto college property. Only persons affiliated with a law enforcement agency who are authorized to carry a weapon and possess government credentials are exempt from this prohibition.

Any and all forms of violence, threatening behavior, and/or verbal/non-verbal harassment that involve or affect Harford Community College or occur on the college campus or its satellites, off-site facilities or in any off-campus college event or location that could be considered an extension of the workplace(i.e., official travel) are prohibited. This includes threatening behavior, violent actions, and harassment by/against or between/among students, employees, supervisors, and visitors.



## 14.0 CRIME STATISTICS

The TUPD reports crime statistics to State and Federal authorities. **Clery Act** statistics are submitted to the US Department of Education. Uniform Crime Report (UCR) crime statistics are reported through the Maryland State Police, Criminal Justice Information System (CJIS) to the Federal Bureau of Investigation (FBI).

There are significant similarities and differences in the two crime reporting systems. Crime definitions are the same between the UCR and Clery Act systems. However, the Clery Act requires that certain student disciplinary referrals and incident data from Campus Security Authorities is reported.

The HCC Director of Public Safety gathers crime data from local police jurisdictions and Harford Community College Public Safety records, and compiles accurate annual crime statistics. These statistics are clearly publicly displayed at the office of Public Safety (located in the library), as well as published in the HCC course catalogue and on the HCC website's Public Safety page: <https://www.harford.edu/experience/safety.php>

### 14.1 Crime Statistics - 3 Year Comparison

The Harford County Sheriff's Department reports crime statistics for the HCC campus to State and Federal authorities. Clery Act statistics are submitted by HCC to the US Department of Education. Uniform Crime Report (UCR) crime statistics are reported by the Harford County Sheriff's Department through the Maryland State Police, Criminal Justice Information System (CJIS) to the Federal Bureau of Investigation (FBI).

There are significant similarities and differences in the two crime reporting systems. Crime definitions are the same between the UCR and Clery Act systems. However, the Clery Act requires that certain student disciplinary referrals and incident data from Campus Security Authorities is reported.

On occasion, law enforcement will receive a complaint that is determined through investigation to be false or baseless. In other words, no crime occurred. The Harford County Sheriff's Department utilizes UCR's definition of UNFOUNDED when determining that a reported crime did not occur and, therefore, should not be counted in our reported crime statistics. If the investigation reveals that no crime occurred nor was attempted, the incident will be categorized as UNFOUNDED. An example of an "unfounded" incident, would be:

*An hour after visiting the HCC bookstore, a student discovers that his wallet is missing and he reports to police that his wallet was stolen. The wallet is later recovered in the HCC lost and found department with all contents inside. The police conclude that the student had dropped his wallet.*



To review HCC's Clery Act crime statistics, follow this link and click on Annual Security Report:

<https://www.harford.edu/experience/safety.php>

| Clery Act Reportable Crimes & Incidents |                        | On-Campus |      |      | Student Residences <sup>(1)</sup> |      |      | Non-campus Property |      |      | Public Property |      |      |
|-----------------------------------------|------------------------|-----------|------|------|-----------------------------------|------|------|---------------------|------|------|-----------------|------|------|
|                                         |                        | 2022      | 2023 | 2024 | 2022                              | 2023 | 2024 | 2022                | 2023 | 2024 | 2022            | 2023 | 2024 |
| Murder & Non-Negligent Manslaughter     | Act. <sup>(2)</sup>    | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Unf. <sup>(3)</sup>    | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Negligent Manslaughter                  | Act.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Unf.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Rape                                    | Act.                   | 1         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Unf.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Fondling                                | Act.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 1    | 0    | 0               | 0    | 0    |
|                                         | Unf.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Incest & Statutory Rape                 | Act.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Unf.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Robbery                                 | Act.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Unf.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Aggravated Assault                      | Act.                   | 0         | 1    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Unf.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Burglary                                | Act.                   | 0         | 0    | 1    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Unf.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Motor Vehicle Theft                     | Act.                   | 0         | 0    | 4    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Unf.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Arson                                   | Act.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Unf.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Domestic Violence <sup>(4)</sup>        | Act.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 1    | 0               | 0    | 0    |
|                                         | Unf.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Dating Violence <sup>(4)</sup>          | Act.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Unf.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Stalking <sup>(4)(5)</sup>              | Act.                   | 1         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Unf.                   | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Illegal Weapons                         | Arrest                 | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Disciplinary Referrals | 3         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Drug Law                                | Arrest                 | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Disciplinary Referrals | 1         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
| Liquor Law                              | Arrest                 | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |
|                                         | Disciplinary Referrals | 0         | 0    | 0    | 0                                 | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    |

<sup>(1)</sup>Student Residence is non-applicable to TUNE as there are no residence halls at Tune.

<sup>(2)</sup>Act. = Actual, confirmed crime.

<sup>(3)</sup>Unf. = Unfounded crime. No crime was committed. Not reportable until 2014.

<sup>(4)</sup>These incidents were not reportable until 2013.

<sup>(5)</sup>Stalking as defined by current Clery reporting guidelines is significantly different from Maryland criminal statutes.

## 14.2 Reporting Locations

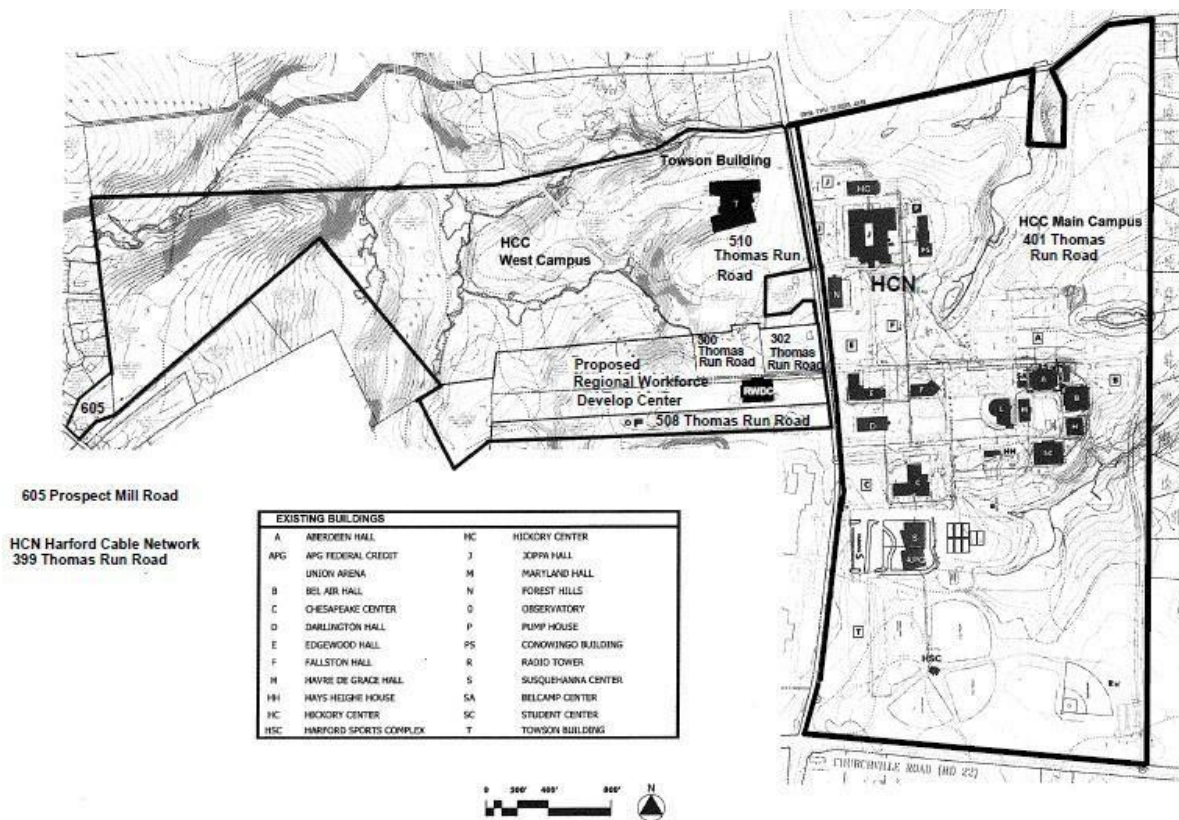
The Clery Act requires that statistics be reported according to where reportable incidents occurred. These locations are:

- **On-Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to campus that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes such as a food or other retail vendor.
- **Dormitories or other residential facilities** – N/A for the TUNE Campus.
- **Non-Campus Property:** Towson University does not currently have any non-campus property.
- **Public property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or **immediately adjacent** to and accessible from the campus.

Only those crimes reported in these areas that meet the Clery Act definition of **public property** are included in the yearly Clery Report. Public property roadways applicable to the TUNE campus include:

- Thomas Run Road
- East Churchville Road

**This map shows the Harford Community College Clery Reporting Geography**



## 15.0 HATE/BIAS CRIMES & INCIDENTS

The maintenance of a welcoming campus climate is essential to the university's ability to enroll, hire, and retain highly qualified students, faculty and staff. Therefore, the university takes an active role in promoting peace and harmony among diverse groups living, working, and studying within our campus community and to the extent possible, protecting students, faculty, staff, and visitors against incidents or criminal acts that would constitute hate/bias incidents or crimes.

Reporting, investigating, and responding to hate/bias incidents and crimes is a crucial component in the development of a more tolerant society and a hate free campus environment. Those who believe they have witnessed or been the target or victim of a hate crime or a hate/bias motivated incident are encouraged to report the matter to the:

|                                                                        |                                 |
|------------------------------------------------------------------------|---------------------------------|
| <b>HCC Department of Public Safety</b>                                 | <b>443-412-2272 (emergency)</b> |
| <b>TU Center for Student Diversity</b>                                 | <b>410-704-2051</b>             |
| <b>TU OEC (Title IX Office)</b>                                        | <b>410-704-2020</b>             |
| <b>TU Office of Student Accountability &amp; Restorative Practices</b> | <b>410-704-2057</b>             |

Towson University encourages any member of the TUNE community who is the victim of, or witness to, an on-campus hate/bias crime or incident to promptly call the HCC Department of Public Safety at **443-412-2272**. Most incidents on campus are investigated by HCC Special Police Officers. The Harford County Sheriff's Office may be called upon for assistance when warranted or upon request of the victim. Towson University will conduct the administrative investigations of reported hate/bias incidents or crimes, as described in these related university procedures:

<https://www.towson.edu/about/administration/policies/06-01-20-policy-procedures-reporting-hate-crimes-bias-incidents.html>

[Hate/Bias Reporting Form](#)

### 15.1 Clery Act Reporting Hate Violence

Towson University complies with the Clery Act's requirements to report by geographic location and by category of prejudice, any of the hate violence statistics for specified crimes (Murder, Manslaughter, Sex offenses, Robbery, Aggravated Assault, Simple Assault, Burglary, Motor Vehicle Theft, Arson), and any other crime involving bodily injury reported to the local police agencies or to the campus security authority, that manifests evidence that the victim was intentionally selected because of the victim's actual or perceived:

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, such as skin color, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, such as Asians, blacks, whites, or
- **Gender:** A performed negative opinion or attitude toward a group of persons because those persons are male or female, or
- **Religion:** A performed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, such as Catholics, Jews, Protestants, atheists, or
- **Sexual Orientation:** A performed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex, e.g. gays, lesbians, heterosexuals, or
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non- conforming individuals

- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.
- **Disability:** A performed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury advanced age, or illness.

Amendments to the Clery Act that became effective in 2009 require the reporting of hate crimes involving:

- **Larceny (Theft):** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Vandalism (Destruction of Property):** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

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## 15.2 Hate Crime Statistics – 3 Year Comparison

| Clery Act Reportable<br>Hate Crimes                                                                                                                          | On Campus |      |      | Student<br>Residences <sup>(1)</sup> |      |      | Noncampus<br>Property |      |      | Public Property |      |      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------|------|--------------------------------------|------|------|-----------------------|------|------|-----------------|------|------|
|                                                                                                                                                              | 2022      | 2023 | 2024 | 2022                                 | 2023 | 2024 | 2022                  | 2023 | 2024 | 2022            | 2023 | 2024 |
| Murder & Non-Negligent Manslaughter                                                                                                                          | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Negligent Manslaughter                                                                                                                                       | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Rape                                                                                                                                                         | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Fondling                                                                                                                                                     | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Incest & Statutory Rape                                                                                                                                      | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Robbery                                                                                                                                                      | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Aggravated Assault                                                                                                                                           | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Burglary                                                                                                                                                     | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Motor Vehicle Theft                                                                                                                                          | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Arson                                                                                                                                                        | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Other Crimes Involving Bodily Injuries                                                                                                                       | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Larceny                                                                                                                                                      | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Simple Assault                                                                                                                                               | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Intimidation                                                                                                                                                 | 1RA       | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Disability                                                                                                                                                   | 0         | 0    | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| Vandalism                                                                                                                                                    | 0         | 1RA  | 0    | 0                                    | 0    | 0    | 0                     | 0    | 0    | 0               | 0    | 0    |
| (1) Student Residences is non-applicable to Tune as there are no residence halls at TUNE.                                                                    |           |      |      |                                      |      |      |                       |      |      |                 |      |      |
| Hate / Bias Codes: RA = Race; RE = Religion; NO = National Origin; SO = Sexual Orientation; G = Gender; E = Ethnicity; GI = Gender Identity, DA = Disability |           |      |      |                                      |      |      |                       |      |      |                 |      |      |

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## **16.0 Title IX Regulations Effective August 1, 2024**

### **06-01.60 – Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation**

This policy applies to all alleged incidents occurring on or after Aug. 1, 2024. All alleged incidents that occurred before then are subject to [06-01.60 – Policy on Sexual Harassment and Other Sexual Misconduct](#).

#### **I. Policy Statement:**

Towson University (“University” or “TU”) is committed to providing a working, learning, and living environment free from Sex Discrimination, Sex-Based Harassment, and Retaliation, which is prohibited by this Policy as well as state and federal laws (including Title IX of the Education Amendments of 1972 as amended (“Title IX”), the Campus SaVE Act, and Title VII of the Civil Rights Act of 1964 as amended), and may constitute criminal activity.

The University endeavors to foster a climate free from Sex Discrimination, Sex-Based Harassment, and Retaliation through training, education, and prevention programs, as well as by following policies and procedures that promote prompt reporting. This also means the University works to assess Reports, investigate, and resolve Complaints of Sex Discrimination, Sex-Based Harassment, and Retaliation in a reasonable timeframe. It will also take prompt action to effectively address and work to prevent Sex Discrimination, Sex-Based Harassment, and Retaliation.

The Title IX Coordinator, who works in the University’s Office of Equity Compliance (“OEC”), administers this Policy and coordinates the University’s efforts to carry out its responsibilities. OEC assesses Reports; conducts thorough, fair, and impartial investigations; and facilitates adjudication of Complaints of Sex Discrimination, Sex-Based Harassment, and Retaliation. No employee (other than law enforcement) is authorized to investigate or resolve reports of Sex Discrimination, Sex-Based Harassment, and Retaliation, without the involvement of the Title IX Coordinator. Please promptly report allegations of possible violations of this Policy to OEC or to the Title IX Coordinator/Designee via:

Towson University  
Office of Equity Compliance  
Administration Building, Suite 2118  
8000 York Road  
Towson, Maryland 21252  
Phone: (410) 704-2020  
Email: [titleix@towson.edu](mailto:titleix@towson.edu)

Online: [Title IX Incident Report](#)

#### **II. Applicability**

All students, faculty and staff of the University are subject to this Policy, in addition to third parties and contractors under the University’s control. This Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of Sex Discrimination, Sex-Based Harassment, and Retaliation occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply.

The University may amend this Policy from time to time. Further, the Title IX Coordinator, with the approval of the President, may make revisions and updates to this Policy from time to time in order to comply with applicable laws, regulations, governmental guidance, and any amendments thereto.

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

#### **III. Definitions**

- A. An “**Advisor**” is a person chosen by either the Complainant or Respondent who may be, but is not required to be, an attorney, who provides support, guidance, assistance, and/or advice to the Complainant or Respondent. More information regarding the roles and responsibilities of Advisors may be found in Section XI.F of this Policy and the [Grievance Procedures](#)
- B. “**Anonymous**” means a Report or Complaint of Sex Discrimination, Sex-Based Harassment, and/or Retaliation filed by someone who refuses to provide self-identifying information. Individuals who do not identify themselves are encouraged to speak with the Title IX Coordinator/Designee to understand the limitations of a potential investigation being conducted where reporting is anonymous.
- C. “**Burden of Gathering Evidence**” the burden is on the University — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination, Sex-Based Harassment, or Retaliation occurred by a preponderance of evidence.
- D. “**Complainant**” is an individual who is alleged to be the victim of conduct that could constitute Sex Discrimination, Sex-Based Harassment, or Retaliation who is a University student or employee or who was participating or attempting to participate in an Education Program or Activity of the University at the time of the alleged Sex Discrimination, Sex-Based Harassment, or Retaliation whether or not that individual initiated the Complaint.
- E. “**Complaint**” means an oral or written request to the University that objectively can be understood as a request to investigate and make a determination about alleged Sex Discrimination, Sex-Based Harassment, or Retaliation.
- F. “**Confidential Employees**” are (1) employees whose communications are privileged or confidential under Federal or state law; (2) employees whose communications are specifically designated as confidential for the purpose of providing services related to potential Sex Discrimination; or (3) employees who are conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee’s confidential status is only with respect to information received while conducting the study. A list of Confidential Employees may be found in Appendix A to this Policy.
- G. “**Consent**” means a knowing, voluntary, and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. It must be given by a person with the ability and capacity to exercise free will and make a rational and reasonable judgment. Consent may be expressed 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 also be withdrawn at any time by reasonable and clear communication. If consent is withdrawn, sexual activity should cease within a reasonably immediate time. Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation, or through the use of one’s mental or physical helplessness or incapacity. Consent cannot be implied based upon the mere fact of a previous consensual dating or sexual relationship. Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances.
- H. “**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 Complainant; and where the existence of such a relationship is determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.



- I. **“Decision Maker”** is a trained person who is charged with making evidentiary and factual decisions regarding responsibility for alleged violations of this Policy.
- J. **“Domestic Violence”** means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or by any other person against an adult or youth Complainant protected from those acts by domestic or family violence laws of Maryland.
- K. **“Education Program or Activity”** includes all operations of the University in the United States, including, but not limited to, all conduct over which the University exercises disciplinary authority and all conduct that occurs in any building owned or controlled by a student organization that is officially recognized by the University. The University must address a sex-based hostile environment under its Education Program or Activity even when some conduct alleged to be contributing to the hostile environment occurred outside the University’s Education Program or Activity or outside the United States.
- L. **“Employees with Authority”** are employees, other than Confidential Employees, who have authority to institute corrective measures or who are responsible for administrative leadership, teaching, or advising. Position titles of Employees with Authority may be found in Appendix B to this Policy.
- M. **“Exculpatory Evidence”** is evidence that tends to excuse, justify, or absolve the alleged responsibility of a Respondent with respect to allegations of this Policy.
- N. **“Gender Expression”** refers to how a person represents their gender identity, such as through behavior, clothing, hairstyles, voice, body characteristics, etc.
- O. **“Gender Identity”** refers to each person’s deeply held sense, knowledge, and/or experience of their own gender. Gender identity can correlate or differ from an individual’s assigned sex at birth.
- P. **“Grievance Procedures”** refers to the Grievance Procedures for the Resolution of Sex Discrimination, Sex-Based Harassment, and Retaliation allegations applicable to Complainants and Respondents under this Policy.
- Q. **“Hearing Officer”** is a trained Decision Maker, who cannot be the same person as the Title IX Coordinator or an Investigator, presiding over the live hearing and charged with making evidentiary and factual decisions regarding responsibility for alleged violations of this Policy.
- R. **“Incapacitation”** is a state where an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (e.g., to understand the “who, what, when, where, why and/or how” of the sexual interaction) and/or are physically helpless. Examples may include individuals who are asleep, unconscious, or otherwise unaware that the sexual activity is occurring. The use of alcohol or other drugs does not, in and of itself, negate a person’s ability to give Consent. However, a level of intoxication can be reached, short of losing consciousness, in which a person’s judgment is so impaired that they become incapacitated and thus are not capable of giving Consent. The impact of alcohol and drugs varies from person to person, and evaluating Incapacitation requires an assessment of how the consumption of alcohol and/or drugs impact an individual’s:
  - 1. Decision-making ability;
  - 2. Decision-making ability;



3. Ability to make informed judgments; and/or
4. Capacity to appreciate the nature and the quality of the act.

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

- S. **"Inculpatory Evidence"** is evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish responsibility.
- T. **"Investigation"** means a prompt, thorough, and impartial summary of available evidence related to an allegation of Sex Discrimination, Sex-Based Harassment, or Retaliation conducted by a trained University employee or designee in response to a report or complaint of Sex Discrimination, Sex-Based Harassment, or Retaliation made pursuant to this Policy. The purpose of an Investigation is to gather relevant evidence and facts regarding allegations of Sex Discrimination.
- U. **"Investigator"** means those individuals designated by the University to conduct an investigation of allegations of violations of this Policy.
- V. **"Notice of Allegation (NOA)"** is a communication provided to the Complainant and Respondent notifying them that the University will conduct an Investigation into an alleged violation of this Policy. It will inform these parties of the "who, what, when, and where" of the alleged misconduct to the extent they are known by the Title IX Coordinator. The NOA will also inform the parties about the Grievance Procedures and informal resolution process; the presumption of non-responsibility; that they may have an advisor and a support person; and that it is a violation of this Policy for an individual to make a formal or informal complaint or report in bad faith or without justification, or knowingly make false statements or knowingly submit false information during any investigation or proceeding under this Policy.
- W. **"Parental or Family Status"** means the current, potential, or past status of an individual who is (1) a biological, step, adoptive, or foster parent; (2) a legal custodian or guardian; (3) in loco parentis (acting in the place of a parent, custodian or guardian); or (4) actively seeking legal custody, guardianship, visitation, or adoption of any person who is under the age of 18, or who is over the age of 18 but incapable of self-care because of a disability.
- X. **"Pregnancy or Related Conditions"** means the current, past, or potential presence of any of the following conditions:
  1. Pregnancy, childbirth, termination of pregnancy, or lactation
  2. Recovery from pregnancy, childbirth, termination of pregnancy, or lactation
  3. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation

- Y. **“Presumption of Non-Responsibility”** means that the University will not treat the Respondent as responsible for a Policy violation until the University has objectively evaluated the evidence, and there has been a finding that a violation of this Policy has occurred at the conclusion of the grievance process as articulated in the Grievance Procedures. However, the University may approve an emergency removal of a Respondent, after an individualized safety and risk analysis, where the Respondent poses an immediate threat to the physical health or safety of the Complainant (or any other individual) prior to the conclusion of a grievance process (or even where no grievance process is pending). In such cases, the Respondent will receive notice and an opportunity to challenge the emergency removal decision pursuant to the appropriate procedures applicable to the student, faculty, or staff Respondent.
- Z. **“Private Body Parts”** include buttocks, genitals, anus, and breasts.
- AA. **“Relevant Evidence”** is both inculpatory and exculpatory evidence used to determine if the Respondent is responsible for a violation of this Policy. Evidence is relevant when a reasonable person would likely accept the information as having probative value about the underlying allegations. Questions are relevant when they seek evidence that may aid in showing whether the alleged conduct occurred, and evidence is relevant when it may aid a decision maker in determining whether the alleged conduct occurred. Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.
- BB. **“Respondent”** means an individual alleged to have engaged in conduct that could constitute Sex Discrimination, Sex-Based Harassment, or Retaliation.
- CC. **“Retaliation”** means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has reported information, made a Complaint, testified, assisted, participated or refused to participate in any manner in an investigation proceeding or hearing related to Sex Discrimination, Sex-Based Harassment, or Retaliation. Retaliation includes bringing charges against an individual for violations of other institutional policies that do not involve violation of this Policy but arise out of the same facts or circumstances as Complaint, for the purpose of interfering with any right or privilege secured by Title IX. Retaliation includes “peer retaliation” meaning retaliation by one student against another student.
- DD. **“Sexual Coercion”** means the use of unreasonable pressure in an effort to compel another individual to initiate or continue sexual activity against the individual’s will. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Coercion includes but is not limited to intimidation, manipulation, threats of emotional or physical harm, and blackmail. Examples of coercion include threatening to disclose another individual’s private sexual information, or threatening to harm oneself if the other party does not engage in the sexual activity.
- EE. **“Sexual Exploitation”** means taking non-consensual or abusive sexual advantage of another person for one’s own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited. Examples of Sexual Exploitation include but are not limited to prostitution; using any kind of photographic or recording device to capture, post and/or publish images of a person’s Private Body Parts and/or of a sexual act without the Consent or knowledge of the involved party; intentionally or unintentionally publishing, recreating, or reproducing images of a person’s Private Body Parts or of a sexual act without the knowledge or Consent of the party involved; voyeurism; inducing Incapacitation for the purpose of Sexual Exploitation

or of having sex with the incapacitated person (regardless of whether Sexual Exploitation and/or sexual activity actually takes place); and/or knowingly transmitting a sexually transmitted infection to a partner without their Consent.

FF. **“Sexual Assault”** means an offense classified as a sex offense in the Uniform Crime Reporting System of the Federal Bureau of Investigation. Sexual assault involves sexual acts directed against another person, including:

1. Forcible sex offenses — Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent, including:
  - a. Non-Consensual Sexual Penetration — penetration, no matter how slight, of the genital or anal opening of the body of another person with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - b. Forcible Fondling — The touching of the Private Body Parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
  - c. Stealthing — when one person engaged in Sexual Penetration removes a condom (or other prophylactic device) during sex without the other person's consent or lies about having put on a condom (or other prophylactic device) in the first place.
2. Nonforcible sex offenses — Unlawful, nonforcible sexual intercourse, including:
  - a. Incest — Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - b. Statutory Rape — Nonforcible sexual intercourse with a person who is under the statutory age of consent. The age of consent in Maryland is 16.

GG. **“Sex-Based Harassment”** means Sex Discrimination that satisfies one or more of the following:

1. Quid pro quo harassment — which refers to an agent, employee, or representative of the University conditioning the provision of an aid, benefit, or service of the University, either explicitly or implicitly, on an individual’s participation in unwelcome sexual conduct;
2. Hostile Environment Harassment:
  - a. Unwelcome sex-based conduct that, based on a totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it effectively denies a person equal access to the University’s Education Program or Activity; or
  - b. Unwelcome sex-based conduct, which need not be severe or pervasive, that consists of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature that, based on a totality of the circumstances, creates a working environment that a reasonable person would perceive as abusive or hostile.
  - c. “Dating Violence,” “Domestic Violence,” “Sexual Assault,” “Sexual Coercion,” “Sexual Exploitation,” or “Stalking.”

- HH. **“Sex Discrimination”** means exclusion from participation in or being denied the benefits of any Education Program or Activity of the University on the basis of sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, Pregnancy or Related Conditions, Parental or Family Status, and marital status. Sex-Based Harassment is a form of Sex Discrimination.
- II. **“Standard of Evidence”** The University investigates allegations of Sex Discrimination, Sex-Based Harassment, and Retaliation to determine whether the preponderance of the evidence indicates a Policy violation occurred. The preponderance of the evidence corresponds to an amount of evidence indicating a Policy violation is more than 50 percent likely to have occurred. This is the same standard of evidence that is used in other disciplinary proceedings at the University for allegations of Code of Student Accountability violations involving discrimination or harm to another individual. In such investigations and determinations, legal terms such as “guilt” and “innocence,” and the “formal rules of evidence” are not applicable. The University, however, never assumes a Respondent is responsible for the alleged conduct unless — following the process outlined in the [Grievance Procedures](#) — a violation of this Policy is found to have occurred by a preponderance of the evidence.
- JJ. **“Stalking”** means engaging in a course of conduct directed at a specific person based on sex that would cause a reasonable person to — (1) fear for their safety or the safety of others; or (2) suffer substantial emotional distress. For the purposes of this definition:
1. Course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
  2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.
- KK. **“Student”** means a person who has gained admission to the University.
- LL. **“Supportive Measures”** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, and without fee or charge to the Complainant or Respondent to (1) restore or preserve that party’s equal access to the Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or (2) provide support during the University’s [Grievance Procedures](#).
1. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact applied to one or more parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, training and education, and other similar measures.
  2. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair its ability to provide them.

3. The Title IX Coordinator/Designee is responsible for coordinating the effective implementation of Supportive Measures.
- MM. **“Support Person”** is someone other than an Advisor whose presence provides support to a party. Examples include, but are not limited to, a family member, friend, faculty member, or staff member. Both parties are entitled to be accompanied by one Support Person of their choosing in meetings and proceedings related to the investigative and grievance process. However, a Support Person cannot speak on behalf of the individual, directly participate in the proceedings, or submit any written requests (including appeals) on behalf of the individual. The Support Person also cannot serve as a witness during any meeting or proceeding under this Policy. Should a Support Person not adhere to these expectations or attempt to play a direct and/or active role in any proceedings, the Title IX Coordinator, Investigator, Hearing Officer or other Decision Maker, at their discretion, may order the excusal of the Support Person from any meeting or proceeding. More information regarding the roles and responsibilities of Support Persons may be found in the [Grievance Procedures](#).
- NN. **“University Community”** means University students, faculty, staff, and third parties (visitors, volunteers, applicants for admissions or employment, vendors and contractors).

#### **IV. Responsible Executive and Office:**

Responsible Executive: Title IX Coordinator

Responsible Office: Office of Equity Compliance (OEC)

#### **V. Notice of Nondiscrimination:**

##### **A. Content**

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

1. The University does not discriminate on the bases of sex in any Education Program or Activity it operates; Title IX prohibits the University from discriminating in such manner; and this requirement not to discriminate extends to admissions and employment;
2. Questions about the administration of Title IX at the University should be directed to the University’s Title IX Coordinator or the United States Office for Civil Rights (“OCR”);
3. The Title IX Coordinator’s and other relevant OEC staff members’ title, office address, telephone number and email addresses. The University’s web site shall be kept up to date with the name of its current Title IX Coordinator; and
4. Information on how to locate this Policy and associated Grievance Procedures, how to report information about conduct that may constitute Sex Discrimination, Sex-Based Harassment, or Retaliation, and how to make a Complaint about Sex Discrimination, Sex-Based Harassment, and Retaliation.

##### **B. Dissemination of Notice**

The notice will be widely distributed to all students, employees, applicants for admission and employment, and other relevant persons. The notice must be prominently displayed on the University’s web site and at various locations throughout its campus, and must be included in publications of general distribution that provide information to students and employees about the University’s resources and policies, including each handbook, catalog, announcement bulletin, and application that it makes available to persons entitled to notification. If necessary because of limitations in the format or size of any publication, the University may substitute a shortened statement that the University prohibits discrimination on the basis of sex and that

individuals may report concerns or questions to the Title IX Coordinator and provide the location of the full notice on the University's website. The University may not distribute or publish any statement that it treats applicants, students, or employees differently on the basis of sex, except as permitted by Title IX. The notice should be available and easily accessible on an ongoing basis.

## **VI. Reporting Sex Discrimination or Retaliation**

### **A. Monitoring.** The Title IX Coordinator must:

1. Monitor the Education Program or Activity for barriers to reporting information about conduct that reasonably may constitute Sex Discrimination; and
2. Take steps reasonably calculated to address such barriers.

### **B. Reporting to the Police**

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

University Police can assist individuals in reporting an incident of Sex Discrimination or Harassment. University Police will forward the report to OEC, regardless of whether the incident constitutes a crime under the law. Towson University Police ("TUPD") may be contacted at:

Main Office: General Public Safety Building Investigations Unit: Public Safety Building Administrative Hours: Monday - Friday, 8 a.m. - 5 p.m.

Patrol Operations Hours: 24 hours a day, seven days a week

Emergency Phone: (410) 704-4444

E-mail: [police@towson.edu](mailto:police@towson.edu)

### **C. Reporting to the University**

Making a report of Sexual Discrimination, Sex-Based Harassment, or Retaliation to the University means reporting allegations to the Title IX Coordinator by verbal or written report. All persons are encouraged to report Sex Discrimination, Sex-Based Harassment, or Retaliation promptly. Supportive Measures are available regardless of whether an investigation of the allegations is pursued. Reports can be made at any time (including during nonbusiness hours) by completing the Sex Discrimination report form provided below. Any person may report Sex Discrimination or Retaliation (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sex Discrimination or Retaliation in person), by email, by telephone, or any other means that results in the Title IX Coordinator receiving the person's report. Allegations of possible violations of this Policy may be reported to OEC or Title IX Coordinator at:

Office of Equity Compliance

Administration Building, Room 2118  
8000 York Road  
Towson, Maryland 21252  
(410) 704-2020

Or

Online reporting form.

The University does not impose an affirmative time limit by which individuals must report Sex Discrimination or Retaliation. However, if too much time has passed since the incident occurred, the delay may result in loss of relevant evidence and witness testimony. The University may also not be able to investigate allegations against Respondents who have never been or are no longer affiliated with the University.

The Title IX Coordinator will promptly respond to reports of Sex Discrimination or Retaliation and take appropriate action consistent with this Policy and the associated Grievance Procedures.

The University may extend the time frames set forth in this Policy and associated procedures for good cause. Exceptions to these time frames may vary for a number of reasons, including, but not limited to, the complexity of the Investigation, volume of evidence, access to and/or responsiveness of relevant parties (including witnesses), the number of witnesses involved, and/or number of issues on appeal.

In situations where the University determines that a report raises a significant risk to public safety, the University may proceed with an Investigation even where the Complainant chooses not to proceed or participate in the Investigation. The University will communicate this decision to the Complainant and Respondent. In matters where the University determines that it must move forward regardless of the Complainant's wishes, the Title IX Coordinator does not become a party to the matter.

**D. Other Reporting Options**

Inquiries or complaints concerning the application of Title IX or the University's handling of Sex Discrimination and Retaliation complaints may be referred to the Department of Education's Office of Civil Rights:

U.S. Department of Education Office for Civil Rights,

Philadelphia Office  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107  
Phone (215) 656-8541

TTD: 800-877-8339

[OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

Information is also available on [OCR's webpage](#).

Employee complaints may also be referred to the U.S. Equal Employment Opportunity Commission ("EEOC") and the Maryland Commission on Civil Rights. See Appendix C of this Policy for additional contact information.

- E. Employee Reporting Requirements** — All University employees must notify the Title IX Coordinator or provide Students or other persons with the contact information of the Title IX Coordinator under the following circumstances:

1. **Pregnancy or Related Conditions** — If a Student, or a person who has the legal right to act on behalf of the Student, informs any employee of the student's Pregnancy or Related Conditions, the employee must provide that person with the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to ensure equal access and prevention of discrimination. Employees need not provide the Title IX Coordinator's contact information if the employee reasonably believes that the Title IX Coordinator has been notified.
2. **Sex Discrimination** — When an employee becomes aware of information about conduct that reasonably may constitute Sex Discrimination or Retaliation, they are required to take the following action based on their designation:
  - a. **Confidential Employees** must inform any person who communicates information about conduct that may reasonably constitute Sex Discrimination that they are Confidential Employees, circumstances in which they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination, how to contact the Title IX Coordinator and how to initiate a Complaint, and that the Title IX Coordinator may be able to offer and coordinate Supportive Measures as well as initiate an informal resolution process or investigation under the Grievance Procedures.
  - b. **Employees with Authority** must notify the Title IX Coordinator when they obtain information about conduct that may reasonably constitute Sex Discrimination.
  - c. **All Employees** who are not Confidential Employees or Employees with Authority shall either (1) notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex Discrimination or (2) provide the contact information of the Title IX Coordinator and information about how to make a Complaint to any person who provides the employee with information about conduct that may reasonably constitute Sex Discrimination.

**F. Good Faith Requirement**

Reports or complaints of Sex Discrimination, Sex-Based Harassment, or Retaliation must be made in good faith because they are serious and have the potential to cause great harm if made without justification. Accordingly, it is a violation of the Policy for an individual to make a complaint or report in bad faith or without justification, or knowingly make false statements or knowingly submit false information during any investigation or proceeding. An individual found to have made a complaint or report in bad faith or without justification may be subject to disciplinary or other action.

**VII. Reports Involving Minors or Suspected Child Abuse and Neglect**

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

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

**VIII. University Action Upon Notice of Pregnancy or Related Conditions**

- A. Students.



1. The University must provide for reasonable modifications of the University's policies, practices, or procedures for Students experiencing Pregnancy or Related Conditions.
  - a. Each reasonable modification shall be based on the Student's individualized needs, in consultation with the Student.
  - b. A modification that would fundamentally alter the nature of the University's Education Program or Activity is not reasonable.
  - c. The University must allow the Student to voluntarily access any separate and comparable portion of the Education Program or Activity.
  - d. The University must allow the Student to take a voluntary leave of absence for a period of time determined by the Student's medical provider, or the period of time permitted by the University's policy, whichever is greater. Upon return from a leave of absence, the Student must be reinstated to the same academic status and (to the extent possible) extracurricular status that the Student held when the leave began.
  - e. The University may not require documentation for reasonable modifications unless it is necessary for the University to determine what reasonable modifications are needed or whether to take additional actions.
2. The University prohibits requiring a Student who is Pregnant or with a Related Condition to provide certification that the student is physically able to participate in a class, program, or activity, unless:
  - a. The certified level of physical ability or health is necessary for the class, program, or activity;
  - b. The recipient requires such certifications of all Students participating in the class, program, or activity; and
  - c. The information obtained through the certification is not used as a basis for prohibited discrimination. Each reasonable modification shall be based on the Student's individualized needs, in consultation with the student.
3. The University treats Pregnancy or Related Conditions in the same manner and under the same policies as any other temporary medical conditions with respect to medical or hospital benefits, services, or any other policies the University operates or participates in with respect to Students in the University's Education Program or Activity.

**B. Employees.**

1. The University must provide for reasonable accommodations for employees with known limitations related to Pregnancy or Related Conditions.
  - a. Each reasonable accommodation shall be based on the employee's individualized needs, in consultation with the employee, and in consideration of any medical documentation.
  - b. The University may request from the employee only the minimum documentation necessary to establish that the employee is experiencing Pregnancy or Related Conditions, and what adjustments are needed.
  - c. Reasonable accommodation may include temporary relief from essential functions of the employee's job, and in the case of an employee with insufficient accrued leave or no paid leave, voluntary leave of absence without pay.

- d. At the conclusion of any accommodation, the employee shall be reinstated to the same status as before the accommodation without decrease in compensation or loss of promotional opportunities or any other right or privilege of employment.
2. The University treats Pregnancy or Related Conditions in the same manner and under the same policies as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extension of leave, payment of disability income, accrual of seniority and any other benefit or service, reinstatement, and any other fringe benefit offered to employees by virtue of employment.

**C. Lactation Space.**

1. The University provides for a lactation space for all students, employees, and visitors, which may not be a bathroom, that is clean, shielded from view, free of intrusion from others, and may be used for expressing milk or breastfeeding as needed. More information may be found at [OEC's website](#).

**IX. University Action Upon Notice of Alleged Sex Discrimination, Sex-Based Harassment, or Retaliation**

Upon receipt of notice of an allegation of a violation of this Policy, the Title IX Coordinator will take prompt action, in accordance with the Grievance Procedures. This obligation applies to reports of violations of the Policy regardless of whether a parallel law enforcement Investigation or action is pending or whether a Complaint is filed.

- A. Upon receiving from an employee notification of conduct that may reasonably constitute Sex Discrimination, Sex-Based Harassment, or Retaliation, the Title IX Coordinator must:
  1. Treat the Complainant and Respondent equitably.
  2. Offer to coordinate Supportive Measures, as appropriate; and
  3. Notify the Complainant (of if the Complainant is unknown, the person who reported the information) of the University's Grievance Procedures.
- B. Upon notification by a **Complainant** or an **Employee** of conduct that may reasonably constitute Sex Discrimination, Sex-Based Harassment, or Retaliation, the Title IX Coordinator must:
  1. Initiate Grievance Procedures in response to a Complaint; or
  2. In the absence of a Complaint or the withdrawal of any of the allegations in a Complaint, determine whether to initiate a Complaint of Sex Discrimination, Sex-Based Harassment, or Retaliation in consideration of, at a minimum, the following factors:
    - a. Whether the Complainant has requested not to proceed with the Complaint;
    - b. The Complainant's reasonable safety concerns regarding initiating a Complaint;
    - c. The risk that additional acts of Sex Discrimination, Sex-Based Harassment, or Retaliation would occur if a Complaint is not initiated;
    - d. The severity of the alleged Sex Discrimination, Sex-Based Harassment, or Retaliation, including whether the discrimination, if established, would require the removal of the Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent recurrence;

- e. The age and relationship of the parties, including whether the Respondent is an employee;
  - f. The scope of the alleged Sex Discrimination, Sex-Based Harassment, or Retaliation, including information suggesting a pattern, ongoing Sex Discrimination, Sex-Based Harassment, or Retaliation, or Sex Discrimination, Sex-Based Harassment, or Retaliation alleged to have impacted multiple individuals;
  - g. The availability of evidence to assist a decision-maker in determining whether Sex Discrimination, Sex-based Harassment, or Retaliation occurred; and
  - h. Whether the University could end the alleged Sex Discrimination, Sex-Based Harassment, or Retaliation and prevent its recurrence without initiating grievance procedures.
- 3. If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct, as alleged, prevents the University from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint. If the Title IX Coordinator initiates a Complaint, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures.
  - 4. The Title IX Coordinator need not initiate a Complaint or consider the factors in paragraph 2 if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute Sex Discrimination, Sex-Based Harassment or Retaliation.
- C. **Emergency Removal.** The University may remove a Respondent from the University's Education Program or Activity on an emergency basis, provided that the University:
- 1. Undertakes an individualized safety and risk analysis;
  - 2. Determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Sex Discrimination justifies removal; and
  - 3. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Nothing precludes the University from placing a non-Student employee Respondent on administrative leave during a grievance process.

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

OEC maintains a list of resources and procedures for immediate and ongoing assistance following an incident of Sex Discrimination, Sex-Based Harassment, and Retaliation. They are available online at the [University website on Sexual Violence Prevention and Resources](#) and include:

- A. Information about existing confidential and non-confidential resources, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other resources available for individuals affected by Sex Discrimination or Sex-Based Harassment (both within the University and in the larger community) is available on [OEC's website](#). Such resources include, without limitation, Sexual Assault centers, victim advocacy offices, women's centers, health centers, nearby hospitals which offer Sexual Assault Forensic Exam ("SAFE") exams and help in obtaining medical attention, including

transporting the Complainant to the nearest designated hospital; and counseling for mental health resources by the University and off-campus resources available, other victim service entities and/or the nearest State-designated rape crisis program;

- B. Information about options for, available assistance in, and how to request changes to academic, living, transportation and working situations, and/or other Supportive Measures, as applicable, is available on OEC's website. Supportive Measures will be provided if requested and reasonably available;
- C. When a student or employee reports to the University that they have experienced Sex Discrimination, Sex-Based Harassment, or Retaliation the Title IX Coordinator (or their designee) will provide the student or employee an explanation (available on OEC's website) of their rights and options (e.g., options to notify law enforcement and/or campus authorities, including the right to be assisted by campus authorities in notifying such authorities; guidance in preservation of evidence; encouragement to obtain immediate medical help; obtaining and/or enforcing no contact and/or protective orders; etc.); and
- D. Information on external options for reporting Sex Discrimination and Sex-Based Harassment, as they may be amended from time to time, including local law enforcement, the Equal Employment Opportunity Commission (for Title VII employment discrimination matters), and the U.S. Department of Education's OCR. The relevant contact information for the aforementioned external reporting options are available at Appendix C of this Policy and on [OEC's website](#).

## **XI. General Provisions**

### **A. Preservation of Evidence**

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

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

### **B. Supportive Measures**

Upon receiving a report of Sex Discrimination or Retaliation, the Title IX Coordinator/Designee will promptly contact Complainant to discuss availability of supportive measures, consider Complainant's wishes with respect to Supportive Measures, and inform Complainant of the availability of Supportive Measures with or without the filing of a Complaint. Supportive Measures must also be made available to Respondents. Supportive Measures provided to students may vary from

those provided to employees, consistent with the University's policies and procedures, employment contracts, and bargaining agreements.

Examples of Supportive Measures MAY include, but are not limited to:

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

The University must provide the parties with a timely opportunity to seek, from an appropriate and impartial decision-maker, modification, or reversal of the decision to provide, deny, modify, or terminate Supportive Measures applicable to them. The impartial decision-maker must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision, if the impartial decision-maker determines that the initial decision to provide, deny, modify, or terminate the Supportive Measures was inconsistent with the definition of Supportive Measures. The University must also provide a party with the opportunity to seek additional modification or termination of a Supportive Measure applicable to them if circumstances change materially. The University must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of Supportive Measures provided to another party, unless necessary to provide the Supportive Measure, restore or preserve the party's access to the Education Program or Activity, or when an exception applies.

C. **Equitable Treatment.** Complainants and Respondents will be treated equitably by:

1. Providing remedies to a Complainant where a determination of responsibility for Sex Discrimination, Sex-Based Harassment, or Retaliation has been made against the Respondent, and by using procedures that comply with Title IX when investigating and adjudicating allegations of Sex Discrimination, Sex-Based Harassment, or Retaliation before the imposition of any sanctions or other actions that are not Supportive Measures against a Respondent (remedies must be designed to restore or preserve equal access to the University's Education Program or Activity);
2. Providing an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other Inculpatory and Exculpatory Evidence; and
3. Applying any provisions, rules, or practices used to investigate and adjudicate complaints under Title IX equally to both parties.

- D. **Evidence.** The University must provide any party and any party's Advisor with an equal opportunity to access relevant and not otherwise Impermissible Evidence. Where there is a live hearing, the parties must be permitted to review evidence in advance of the live hearing.
- E. **Impermissible Evidence.** The University may not elicit, consider, require, rely upon, allow, disclose, or otherwise use any of the Impermissible Evidence, regardless of whether they are relevant. More detailed information regarding what constitutes Impermissible Evidence may be found in the [Grievance Procedures](#).
- F. **Advisors and Support Persons**

All parties may have one Advisor of the party's choice, who may be, but is not required to be, an attorney, and one Support Person of the party's choice, at any meeting or proceeding during the grievance process. At no time may a party have more than two individuals (consisting of one Advisor and one Support Person) present with them at any meeting or proceeding. A party must provide the Title IX Coordinator with written notice of the full name and contact information (physical and email address) of their Advisor and/or Support Person.

Pursuant to Md. Code Ann., Educ. § 11-601, the Maryland Higher Education Commission (MHEC) maintains a list of attorneys willing to advise current and former Student parties (who were enrolled as a student at the University at the time of the incident that is the basis of the Complaint) pro bono or at reduced fees. Student parties may find more information at the MHEC Title IX Campus Sexual Assault Proceedings [website](#).

Neither Advisors nor Support Persons are allowed to affirmatively participate in any process articulated in this Policy or in the Grievance Procedures, except to the extent Advisors are permitted to question witnesses on behalf of a party during a live hearing. Should an Advisor or Support Person not adhere to the expectations set forth in this Policy and Grievance Procedures or attempt to play a direct and/or active role in any proceedings, the Title IX Coordinator, Investigator, Hearing Officer or other Decision Maker, at their discretion, may order the excusal of the Advisor or Support Person from any meeting or proceeding.

Notwithstanding the limit of one Advisor and one Support Person, nothing herein precludes a party from seeking reasonable accommodations, including, but not limited to, the presence of sign-language interpreters at all meetings and proceedings during the grievance process. In such cases, individuals serving in such capacity are not counted as an Advisor or Support Person.

The extent to which the Advisor and Support Person may participate in any meeting or proceeding is set forth herein and in the Grievance Procedures and applies equally to both parties. While a party is not required to have an Advisor or Support Person, if a party does not have an Advisor present at the live hearing, the University will provide, without fee or charge to that party, an Advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. A party is never permitted to personally conduct cross-examination of another party or any witnesses.

- G. **Dismissal of Complaints.** The basis for dismissal of Complaints may be found in the [Grievance Procedures](#).
- H. **Investigation of Complaints.** When investigating a Complaint and throughout the investigation and adjudication process, the University must:
  - 1. Ensure that the burden is on the University—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination, Sex-Based Harassment, or Retaliation occurred;
  - 2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other Inculpatory and Exculpatory Evidence;

3. Review all evidence gathered through the investigation and determine what evidence is relevant and what is Impermissible Evidence regardless of relevance; and
4. Provide each party with an equal opportunity to access the evidence that is relevant to the allegations of Sex Discrimination, Sex-Based Harassment, or Retaliation and not otherwise impermissible, in the following manner:
  - a. The University must provide an equal opportunity to access either the relevant and not Impermissible Evidence or a description of this evidence. If the University provides a description, it must further provide the parties with an equal opportunity to access the relevant and not otherwise Impermissible Evidence upon request of any party;
  - b. The University must provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence;
  - c. The University must take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the Grievance Procedure. Disclosure of evidence or information for purposes of administrative or litigation proceedings related to the Complaint is authorized.
- I. **Questioning of Parties and Witnesses.** The University must provide a process that enables the decision-maker to question parties and witnesses and adequately assess a party's or witness's credibility to the extent credibility is in dispute and relevant to evaluating one or more allegations of Sex Discrimination, Sex-Based Harassment, or Retaliation.
- J. **Informal Resolution Process** and requirements may be found in the [Grievance Procedures](#).
- K. **Prompt Resolution.** The University endeavors to conclude its investigation, grievance and appeal process for Complaints of Sex Discrimination, Sex-Based Harassment, or Retaliation within 180 days from receipt of Notice of the Complaint. However, this process may be delayed based upon the following non-exclusive reasons:
  1. Concurrent law enforcement activity;
  2. The need for an accommodation(s) for a party;
  3. Complexity of the case;
  4. The number of parties or witnesses involved;
  5. The development of new evidence that was previously unavailable;
  6. University closure or academic breaks;
  7. Medical emergencies; or
  8. Absence of a party, Advisor, Support Person or Witness.

Absence of a party does not mean a party, Advisor, Support Person or Witness can indefinitely delay the process by refusing to cooperate. While the University will attempt to accommodate schedules in order to provide parties with a meaningful opportunity to exercise their rights, the University may proceed to conclusion in the absence of a party after making reasonable attempts to accommodate schedules.

In an instance where the University anticipates the resolution of the process will be temporarily delayed or a party has requested an extension of time for good cause, the University will provide written notice to both parties of the delay or extension of time and the reasons for the action.

- L. **De minimus harm.** In circumstances where different treatment or separation on the basis of sex is permitted, the University prohibits different treatment or separation on the basis of sex in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, except as permitted by 20 U.S.C. §§ 1681 and 1686 and their corresponding regulations.

## **XII. Sanctions**

Specific procedures regarding Sanctions may be found in the [Grievance Procedures](#).

The University will not impose sanctions on a Respondent for Sex Discrimination, Sex-Based Harassment, or Retaliation unless there is a determination at the conclusion of the University's grievance process that the Respondent engaged in a violation of this Policy.

The University will not sanction a party, witness, or others participating in the process for making a false statement or engaging in consensual sexual conduct based solely on the University's determination whether or not Sex Discrimination, Sex-Based Harassment, or Retaliation occurred.

Depending on the severity of the Policy violation, examples of the range of sanctions for Students, Staff, and Faculty are provided below:

### **A. Student Sanctions ([Accountability Actions](#))**

1. Written Warning
2. Probation
3. Suspension
4. Expulsion
5. Withholding Degree
6. Other Actions, including limitation on residential or co-curricular engagement such as removal from or limitations on access to a specific residence hall, or a co-curricular program or activities.

### **B. Staff Sanctions**

1. Counseling;
2. Mandatory training;
3. Reassignment of duties;
4. Unit transfers;
5. Letter of reprimand;
6. Suspension without pay;
7. Suspension pending charges of removal; and/or



8. Termination.

**C. Faculty Sanctions**

1. Verbal reminders;
2. Mandatory training;
3. Written reminders;
4. Letters of counseling, concern, or censure;
5. Reassignment of duties;
6. Suspension with or without pay; and/or
7. Termination (regardless of tenure status).

**XIII. Appeals**

Complainants and Respondents may appeal the dismissal of a Complaint, a finding of a violation of the Policy, and/or a sanction consistent with the established appeal procedures described in the [Grievance Procedures](#).

**XIV. Amnesty for Students Who Report Sexual Discrimination, Sex-Based Harassment, or Retaliation**

The University may offer amnesty for minor policy violations (such as underage drinking or recreational drug use) to encourage the reporting of Sex Discrimination, Sex-Based Harassment, or Retaliation by both individuals who have experienced these Policy violations and witnesses.

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

**XV. Clery Act Compliance**

In handling reports under the Policy, the University complies with the requirements of the Crime Awareness and Campus Security Act of 1990 (“Clery Act”) and its amendments. This includes its crime recording and reporting requirements. Under certain circumstances, certain Confidential Employees may be required to share non-identifiable information with the University for Clery Act reporting purposes.

**XVI. MOU with Local Law Enforcement**

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

**XVII. Training**

**A. Prevention and Awareness Education**

The University will develop and implement preventive and awareness education, directed toward both employees and students, to help identify and reduce the occurrence of Sex Discrimination, Sex-Based

Harassment, or Retaliation. At a minimum, these educational initiatives must contain information regarding what constitutes Sex Discrimination, Sex-Based Harassment, or Retaliation definitions of Consent and prohibited conduct, the University's procedures, bystander intervention, risk reduction, and the consequences of engaging in prohibited conduct. These educational initiatives shall be for all incoming students and new employees. The University will also develop ongoing prevention and awareness campaigns for all students and employees addressing, at a minimum, the same information.

**B. All Employees**

The University will develop and implement training for all employees regarding the University's obligation to address Sex Discrimination, Sex-Based Harassment, or Retaliation. All employees shall be trained upon hire, upon change of position, and annually thereafter. Training materials must not rely on sex stereotypes. The training must include, at a minimum, the scope of conduct that may constitute Sex Discrimination, the definition of Sex-Based Harassment, and all applicable notification and information requirements that apply to each employee's specific designation (all employees, Confidential Employees, and Employees with Authority).

**C. Investigators, Decision-Makers, and individuals who are responsible for implementing grievance procedures or have the authority to modify or terminate Supportive Measures**

Investigators, Decision-Makers, and individuals who are responsible for implementing grievance procedures or have the authority to modify or terminate Supportive Measures must receive training on the topics required for all employees (above), as well as training on the following (to the extent of their responsibilities):

1. The University's responsibilities, including the scope of the University's Education Program or Activity and the University's obligations to address Sex Discrimination (see 34 C.F.R. § 106.44);
2. The University's Grievance Procedures (including how to conduct an investigation);
3. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
4. The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible (Impermissible Evidence) regardless of relevance; and
5. Issues related to dating violence, domestic violence, sexual assault, and stalking and conducting an investigation and hearing process that protects the safety of victims and promotes accountability.

**D. Facilitators of an Informal Resolution Process**

In addition to receiving the training required for all employees (above), facilitators of informal resolution processes must be trained on the rules and practices associated with the University's informal resolution processes, and on how to serve impartially, including by avoiding conflicts of interest and bias.

**E. Title IX Coordinator and Designees**

In addition to all of the training requirements for all of the categories above, the Title IX Coordinator and any designees must be trained in their specific responsibilities, the specific actions required to prevent discrimination and ensure equal access (see 34 C.F.R. §§ 106.40(b)(3), 106.44(f) and (g)), the University's recordkeeping system and recordkeeping requirements, and any other training necessary to coordinate compliance with Title IX.

## **XVIII. Privacy**

A Complainant may request that their name or other information be kept private and not disclosed to alleged Respondents or

that no Investigation or disciplinary action be pursued to address Sex Discrimination, Sex-Based Harassment, or Retaliation.

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

In addition, Employees must report allegations or reports of Sex Discrimination, Sex-Based Harassment, or Retaliation to the Title IX Coordinator consistent with this Policy. Employees should inform the Title IX Coordinator of any requests for privacy when making their report.

#### **XIX. Confidentiality**

Confidential information cannot be disclosed without authorization unless required by law or regulation. Confidential Employees are those who are generally exempt from reporting requirements. Examples include counseling center professionals, some health care providers, and clergy. Any disclosures made to Confidential Employees are exempted from disclosure obligations under federal and/or state law. As a result, Confidential Employees will not disclose identifiable information to the University's Title IX Coordinator or to any other person/entity without Consent, unless a legal exception applies.

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

More information regarding procedures related to confidentiality, including confidential resources, are available at the [University Sex Discrimination and Title IX website](#).

#### **XX. Recordkeeping**

The University will maintain, for seven (7) years, records of: (a) each Complaint of Sex Discrimination, records documenting the informal resolution process or grievance procedure, and the resulting outcome; (b) for each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute Sex Discrimination, records documenting any action taken; and (c) all materials used for Title IX training of students or employees.

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

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

#### **Related Policies:**

[USM Policy VI-1.60, Policy on Sexual Harassment](#)

[USM Policy VII-8.00, Policy on Grievances for Nonexempt and Exempt Staff Employees](#)

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

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

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

[TU Policy 02-04.00, Responsibilities and Procedures of the Faculty Grievance and Mediation Committee and the Faculty Hearing Committee.](#)

[TU Policy 06-01.00, Policy Prohibiting Discrimination](#)

[TU Policy 06-01.50, Policy on the Reporting of Suspected Child Abuse and Neglect](#)

[TU Policy 07-01.22, Separation for Regular Exempt Employees](#)

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

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

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