

occurs off campus by or against members of our community or sexual misconduct that does not meet the definition of sexual harassment to be covered by this Policy.

Although consensual relationships will normally be outside the scope of this policy, Stevenson has other policies prohibiting consensual relationships between employees and students. When two parties have consented at the outset to a romantic or sexual involvement, such consent does not preclude a charge of sexual harassment for subsequent unwelcome conduct of a sexual nature. Moreover, especially when the relationship is between persons in unequal positions, the relationship may be perceived in different ways by each of the parties to it, as well as coworkers and fellow students, especially in retrospect.

II. TITLE IX AND THE ROLE OF THE TITLE IX COORDINATOR

Title IX Statement

It is the policy of Stevenson University to comply with Title IX of the Education Amendments of 1972, which prohibit discrimination (including sexual harassment and sexual violence) based on sex in the University's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. Stevenson University does not discriminate, and is required by Title IX not to discriminate, in such a manner. The requirement not to discriminate in Stevenson University's education program or activity extends to admission and employment.

Title IX Coordinator

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

Publication of Policy and Procedures

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

III. DEFINITIONS

A. Actual Knowledge: notice of sexual harassment or allegations of sexual harassment to Stevenson University's Title IX Coordinator.

B. Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

C. Consent: is an affirmative decision to engage in mutually acceptable sexual activity given by clearly and mutually

or activity. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX and other laws.

N. Title IX Coordinator: The Vice President of Human Resources is Stevenson's Title IX Coordinator for students, faculty, staff, and administration. The contact information for the Title IX Coordinator is as follows:

David C. Jordan
Stevenson University
1525 Greenspring Valley Road
Stevenson, MD 21153
443-334-2176
dcjordan@stevenson.edu

IV. WHAT TO DO AFTER A SEXUAL ASSAULT

Immediately after an assault, the victim is strongly encouraged to do the following:

A. Get out of physical danger. The victim should go to a safe place, call a friend, family member, the room of the Resident Assistant, or the Wellness Center (if during weekday business hours). The victim also may choose to call 911 or refer to other sources of support described in this policy.

B. Report the assault to Campus Security. Campus Security contact information is as follows:

1. Owings Mills Campus: Ratcliffe Community Center, Front Entrance, (100 Campus Circle, Owings Mills, MD 21117); phone number: 443-352-4500.
2. Greenspring Campus: phone numbers: 410-486-7000 (during standard business hours; ask for Security); 443-352-4500 (available 24 hours).

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

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

D. Preserve important information. Write down as much as can be remembered about the circumstances of the assault, including a physical description of the assailant. If the alleged perpetrator was unknown to the victim, try to remember any helpful details that may lead to their

identification, such as scars or other marks, jewelry, dress, language, approximate height and weight in comparison to that of the victim, vehicle description, and tag number. Write these down as soon as possible, and include the date and time of writing.

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

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

2. **Sexual Assault Forensic Exam.** If there has been a sexual assault, the victim is strongly encouraged to immediately get a free Sexual Assault Forensic Exam (S.A.F.E.) at the Greater Baltimore Medical Center in Towson (6701 North Charles Street, Towson, Maryland 21204, 443-849-3323 or after business hours 443-849-2226) or another similar facility such as Mercy Hospital in Baltimore, no later than five (5) days after the assault. Campus Security will coordinate transportation to the hospital for the S.A.F.E. examination, if requested. For more information about the S.A.F.E. examination, contact a Residence Life Staff Member or call Turnaround's 24-hour hotline at 443-279-0379. Even if the victim is undecided whether to make a police report, evidence may still be collected in a S.A.F.E. examination, and it will be held under an anonymous name for at least 20 years, giving the victim an opportunity to decide.

F. Obtain Counseling and/or Other Advocacy Services. Mental Health Counselors and Health Care Professionals located in the Stevenson University Wellness Center (443-352-4200) are available to provide confidential counseling and support to student victims and can assist them in evaluating the options available. After normal business hours, students wishing to speak to a professional in the Wellness Center may do so by simply contacting Campus Security and requesting that a counselor from the Wellness Center contact them. Employees may contact BHS, the University's Employee Assistance Program, by calling 800-327-2251. Students may contact Fonemed for 24/7 assistance at 800-245-4691.

Crisis counseling is also available from TurnAround, Inc., which provides counseling and support services to victims of domestic violence and sexual assault. Legal assistance and victim advocacy services may also be accessed by contacting the Sexual Assault Legal Institute (SALI) which is a program of the Maryland Coalition Against Sexual Assault (MCASA).

Contact information for each organization is provided below:

Wellness Center
Stevenson University
Caves Building

TurnAround
24-hour Crisis Hotline
443-279-0379

MCASA
Sexual Assault Legal Institute
877-496-7254 or

E. Emergency Removals: The University may elect to remove a respondent from an education program or activity if the University conducts an individualized safety and risk analysis and determines the respondent poses an imminent threat to the physical health or safety of anyone justifying removal so long as the threat arises from the allegations of sexual harassment. Respondents who are removed under this provision may immediately challenge this removal by appealing to the Vice President of Student Affairs. Stevenson may also place a non-student employee respondent on administrative leave during the pendency of the grievance process.

VI. GRIEVANCE PROCEDURES FOR FORMAL COMPLAINTS OF TITLE IX SEXUAL HARASSMENT

Stevenson is committed to providing a prompt, fair, equitable, and impartial investigation and resolution to all formal complaints of sexual harassment that fall under this policy. Stevenson will ensure that the Title IX Coordinator, investigators, decision-makers and any person facilitating an informal resolution do not have a conflict of interest or bias for or against complaints or respondents generally or an individual complainant or respondent. Those wishing to initiate a formal complaint under this policy must submit a document to the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. This document must contain the complainant's physical or digital signature or otherwise indicate that the complainant is the person filing the formal complaint. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of Stevenson University.

Stevenson will strive to respect the wishes of a complainant who requests that the University not conduct an investigation. In determining whether to honor the request to not conduct an investigation, Stevenson will weigh the request against Stevenson's obligation to provide a safe, non-discriminatory environment for all students and employees, including the complainant. In limited instances, Stevenson may determine that it will undertake an investigation when the Title IX Coordinator, in their professional judgement, deems this is necessary to protect the welfare of the University community. If the Title IX Coordinator decides an investigation will be conducted against the wishes of the victim, the Title IX Coordinator will sign the formal complaint.

A. Initial Review of Formal Complaint: The Title IX Coordinator will review the formal complaint to determine if it may be investigated under this policy. The Title IX Coordinator must terminate the grievance process outlined within this policy if they determine that the conduct alleged by the complainant:

- would not constitute sexual harassment even if proved,
- did not occur against a person in the United States, or

After the filing of a formal complaint, the University *shall* dismiss complaints that meet one or more of the above criteria, and the University *may* dismiss a complaint on the following grounds: Complainant requests to withdrawal their complaint; the respondent is no longer enrolled or employed; or when specific circumstances prevent gathering evidence sufficient to reach a determination. If a formal complaint is dismissed, the Title IX Coordinator will promptly send written notice of the dismissal and the reason(s) for the dismissal to each party simultaneously.

Either party may appeal the University's dismissal of a formal complaint or any allegations contained in a formal complaint. See appeal section for further information on the appeal process.

B. Investigation of Formal Complaint. The investigation of a report of sexual harassment will begin promptly after the Title IX Coordinator (or designee) has reviewed the formal complaint and determined that it meets the criteria established for an investigation under this policy.

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

- information regarding who will be investigating the complaint, which will typically be one or more trained investigators;
- what to expect during the investigation process;
- a copy of their respective rights and options. (These rights and options documents may also be found at www.stevenson.edu/sexualmisconduct)

The complainant and the respondent are afforded equal procedural rights during the investigation. The investigation may include interviewing the complainant(s), respondent(s), witness(es), and other relevant individuals. The burden of gathering evidence and burden of proof rests on the University. Written notice will be sent to the respective party in advance of any investigative interviews or meetings that they are expected to attend. All investigatory interviews with the complainant, respondent, and witnesses shall be conducted in private with the pertinent investigators and/or other Stevenson administrators, if any, as determined by the investigators. The respondent will not be present for the complainant's interviews; the complainant will not be present for the respondent's interviews. During the investigation, the interviews, meetings, and other proceedings are not electronically recorded by Stevenson and may not be recorded by others. All parties will be treated with dignity, respect, and sensitivity by officials of the University throughout the investigation.

Presumption of Not Responsible

The respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Advisors/Legal Counsel

Complainants and respondents may be accompanied throughout the disciplinary proceedings, including the investigation, hearing and appeal process, by an advisor of their choice. Advisors may include, but are not limited to, a licensed attorney, an advocate supervised by an attorney, or

sent either in electronic format or hard copy. Each party will be given access to any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. (The personal notes of investigators are not evidence and will not be released). Such evidence will be sent either in electronic format or hard copy to the parties and their advisors. Each party will be provided at least 10 days to respond to this preliminary report after which the University will prepare a final investigative report. This final investigative report will be sent to both parties, and their advisors, and will fairly summarize relevant evidence. The final investigative report will be provided at least 10 days prior to a hearing. The Complainant and Respondent (and their advisors) may only share the investigative report for the purpose of receiving counsel or advice related to the Title IX process.

Prior or Current Sexual Conduct

The complainant's prior sexual behavior or conduct are neither relevant nor admissible during the investigation or hearing proceedings and will not be considered unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent. The fact that a complainant may currently have or had in the past a dating or sexual relationship with the respondent that was consensual is not sufficient by itself to constitute consent and does not preclude a determination that sexual misconduct occurred.

C. Live Hearings

At the conclusion of the investigation, a live hearing will be scheduled. The hearing will be scheduled at least 10 days after the parties have received the final investigative report to ensure that each party, and their advisors, have sufficient time to prepare. The University will appoint either one or three decision-makers who will be responsible for conducting the hearing. In cases where the University appoints multiple decision-makers, one of the appointees will be identified as the chair. The decision-makers appointed to conduct the hearing will be different from those appointed to conduct the investigation.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. However, at the request of either party, the University will provide for the live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.

Each party has the right to be accompanied to the hearing (and any related meetings) by the advisor of their choice, who maybe, but is not required to be, an attorney. In the event that a party does not have an advisor of their choosing present during the hearing, the University will provide an advisor of its choosing. The advisor will be the only person permitted to ask the other party and any witnesses questions and follow-up questions.

The University will make available all evidence gathered during the course of the investigation so that the parties may refer to this evidence during the hearing. At the live hearing, the decision-maker(s) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor. Cross-examination will not be permitted by the party themselves. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) will not rely on any statement of that party or witness in reaching a determination regarding responsibility.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision maker (or in the case of multiple decision makers, the chair) must first determine whether the question is relevant and will explain any decision to exclude a question as not relevant. Questions pertaining to a complainant's prior sexual behavior or conduct will not be considered unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent. In addition, a party will not be compelled to waive a legally recognized privilege such as attorney-client or doctor-patient privilege. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness. Lastly, hearsay evidence that is not subjected to cross examination will also not be considered relevant.

The live hearing will be either recorded or transcribed and the decision as to which method will be used will rest with the University. The recording or transcription will be available to the parties for inspection and review.

D. Resolution and Discipline

Standard of Evidence

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

Written Decision

Upon completion of the hearing, the decision-maker(s) will issue a written determination regarding responsibility. The written decision will include the following:

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

Range of sanctions that may be imposed on a faculty or staff member following a determination of responsibility

Discipline for faculty and staff may include but is not limited to: written warnings, probation, demotion, suspension, or termination of employment.

E. Appeals

Written Appeal

Written appeals are permitted only as set forth in this section. The appeal may be submitted by the complainant or the respondent or both. Students may appeal the decision to the Vice President, Student Affairs. Faculty members may appeal the decision to the Executive Vice President, Academic Affairs. Staff members may appeal the decision to the Vice President with whom the staff member ultimately reports. If the staff member ultimately reports to the Vice President, Human Resources, an appeal may be made to the Executive Vice President, Academic Affairs. The administrator authorized in this section to decide the appeal is referred to herein as the "appeals official." The appeal request must be in writing and made within ten calendar (10) days of notification of the decision. For the purposes of this section, the date of notification shall be the date of the letter of notification.

Grounds for Appeal

The complainant and the respondent have equal appeal rights. Either party may appeal the University's determination regarding responsibility or the University's dismissal of a formal complaint or

that party of their right to respond in writing within ten (10) calendar days, and shall provide a copy of the appeal to the other party.

Decision

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

Final Determination

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

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

G. Timeframes. Stevenson strives to complete its grievance process in a timely manner. Stevenson will make reasonable efforts to complete an investigation and decision within 60 to 90 days. The time period will be affected by unusual or unexpected circumstances, witness availability issues, and the extent of the investigation. In addition, if the investigation involves multiple incidents or multiple complainants or respondents, the investigation may take longer. If the Title IX Coordinator (or designee) determines that cause exists for an extension of time, Stevenson will issue an extension and will provide notice in writing to the complainant and the respondent.

VII. INFORMAL RESOLUTION

In many instances, mediation or other informal resolution options may be useful in resolving concerns about allegations of discrimination prohibited by Title IX. Complainants who wish to resolve their concerns informally should bring them to the attention of the Title IX Coordinator.

Note: Informal resolution and/or mediation may not be deemed an appropriate means to resolve an allegation of sexual assault and will never be used if an employee sexually harassed a student.

A formal complaint must be filed with the Title IX Coordinator before an informal resolution process may be offered.

The Title IX Coordinator, or designee, will notify the parties of the option to voluntarily participate in an informal process in an effort to reach a voluntary resolution. The University will not require the parties to participate in an informal process.

If the complainant and respondent both voluntarily agree in writing to participate in an informal process that does not involve a full investigation and findings and if the Title IX Coordinator determines that the particular Title IX complaint is appropriate for such a process, the University may facilitate an informal resolution, including mediation, to assist the parties in reaching a voluntary resolution. The consent form that the parties will both be required to sign will include the following:

one that is free from discrimination on the basis of gender. Stevenson University also offers educational programs throughout the academic year for students, faculty and staff.

Resources pertaining to sexual assault prevention, sexual assault response, and other related topics may be found on the Title IX page of the university's website.

X. AMENDMENTS TO POLICY AND PROCEDURES

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

XI. QUESTIONS PERTAINING TO TITLE IX

The designated official at Stevenson University to ensure compliance with Title IX is David Ct51 0 0signed of