

**BOWIE STATE UNIVERSITY POLICY ON EQUAL OPPORTUNITY ANTI-HARASSMENT AND
NONDISCRIMINATION (Hereinafter, “the Policy”)**

I. PURPOSE

Bowie State University shall not discriminate against any individual on the basis of race, color, religion, age, ancestry or national origin, sex, sexual orientation, disability, marital status or veteran status. This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Bowie State University community whose acts deny, deprive, unreasonably interfere with or limit the education or employment, residential and/or social access, benefits, and/or opportunities of any member of the Bowie State University community (faculty, staff and student), guest, or visitor on the basis of that person’s actual or perceived protected characteristic(s), is in violation of this Policy.

Accordingly:

- All policies, programs, and activities of Bowie State University are and shall be in conformity with all pertinent Federal and state laws of nondiscrimination including, but not limited to: Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, the Equal Pay Act of 1963, the Age Discrimination Act, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, Federal Executive Order No. 11375, and Article 49B of the Annotated Code of Maryland. This commitment applies in all areas and embraces faculty, staff, and students.
- Equal opportunity of access to academic and related programs shall be extended to all persons. Bowie State University shall have as its firm objective equal opportunity in recruitment and hiring, rate of pay, all other promotions, training, retention and dismissals, for all employees and applicants for employment. The University will stress equal access for employees and applicants for employment to all programs and services provided by the University both on and off campus. The University will also provide equal opportunity and an atmosphere of nondiscrimination with respect to women and members of minority groups in all its operations. In addition, the University shall promote equal opportunity and equal treatment through a positive and continuing Affirmative Action Program.
- BSU makes and will continue to make, reasonable accommodations to promote the employment of qualified individuals with disabilities and disabled veterans, unless such accommodations would impose an undue hardship on BSU’s business. In accordance with public law, BSU’s plan of affirmative action for individuals with

disabilities and covered veterans will be available for inspection in the Human Resources Department, during regular business hours, upon request. These accommodations are covered under VI-1.03 Policy on Reasonable Accommodations.

- In adherence to the BSU's Affirmative Action Plan (AAP), all personnel actions or programs that affect qualified individuals with disabilities or covered veterans, such as employment, promotion, demotion or transfer, recruitment, advertising, termination, rate of pay or other forms of compensation and selection for training, will be made without discrimination based on the individual's physical or mental disability or veterans' status. Employment decisions at BSU are based solely on job-related criteria.
- The AAP includes an audit and reporting system which, among other things, measures the effectiveness of the AAP. All managers and supervisors will take an active part in BSU's AAP to ensure that all qualified employees with disabilities, covered veterans and prospective employees are considered and treated in a non-discriminatory manner with respect to all employment decisions. Furthermore, BSU will solicit the cooperation and support of all employees for BSU's policy and AAP.
- In addition, employees and applicants will not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in, or may have engaged in, activities such as filing a complaint, assisting or participating in an investigation, compliance review or hearing, or opposing any act or practice made unlawful, or exercising any other right protected by Section 503 of the Rehabilitation Act of 1973, as amended or the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended.

II. APPLICABILITY & SCOPE

This Policy is only applicable to alleged incidents that occur after August 1, 2024. For alleged incidents of sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of reporting the alleged incident apply. Applicable versions of those policies and procedures are available from the Title IX Coordinator.

This Policy applies to all faculty, employees, students, and other individuals participating in or attempting to participate in Bowie State University's program or activities, including education and employment.

This Policy prohibits all forms of discrimination on the basis of the protected characteristic(s) listed in the Notice of Nondiscrimination. The Equal Opportunity, Anti-Harassment and

Nondiscrimination Procedures may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this Policy.

This Policy applies to Bowie State University's education programs and activities (defined as including locations, events, or circumstances in which the Recipient exercises substantial control over both the Respondent and the context in which the conduct occurred), circumstances where Bowie State University has disciplinary authority, and to misconduct occurring within any building owned or controlled by a Bowie State University-recognized student organization. A Complainant does not have to be a member of the Bowie State University community to file a Complaint, at the discretion of the Administrator.

This Policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to Bowie State University's education program or activities. Bowie State University may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial Bowie State University interest.

A substantial Bowie State University interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
3. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
4. Any situation that substantially interferes with Bowie State University's educational interests or mission.

For disciplinary action to be issued under this Policy, the Respondent must be a Bowie State University faculty member, student, or employee at the time of the alleged incident and at the time the alleged incident is reported to Bowie State University. If the Respondent is unknown or is not a member of the Bowie State University community, the Administrator will offer to assist the Complainant in identifying appropriate institutional and local resources and support options, and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). Bowie State University can also assist in contacting local or institutional law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving Bowie State University through third-party contracts are subject to the policies and procedures of their employers

When the Respondent is enrolled in or employed by another institution, the Administrator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Administrator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to Bowie State University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational environment, those effects can often be addressed remedially by the Administrator if brought to their attention.

III. DEFINITIONS

The following definitions apply to the Nondiscrimination Policies and Procedures:

1. **Advisor.** Any person chosen by a party, or appointed by the institution, who may accompany the party to all meetings related to the Resolution Process and advise the party on that process.
2. **Administrator.** The person with primary responsibility for overseeing and enforcing the Nondiscrimination Policy and Procedures. As used in these policies and procedures, the "Administrator" may be the Director of the Office of Equity Compliance or the Assistant Director of the Office of Equity Compliance/Title IX Coordinator. The use of "Administrator" also includes their designee(s).
3. **Appeal Decision-maker.** The person or panel who accepts or rejects a submitted appeal request, determines whether any of the grounds for appeal are met, and directs responsive action(s), accordingly.
4. **Complainant.** A student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, or retaliation under the Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination or harassment or under the Policy and who was participating or attempting to participate in Bowie State University's education program or activity at the time of the alleged discrimination, harassment or retaliation.
5. **Complaint.** An oral or written request to Bowie State University that can objectively be understood as a request for Bowie State University to investigate and make a determination about the alleged Policy violation(s).
6. **Confidential Employee.**
7. An employee whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or

8. An employee whom Bowie State University has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, or retaliation. If the employee also has a duty not associated with providing those services, the employee's confidential status only applies with respect to information received about discrimination, harassment, or retaliation in connection with providing those services; or
9. An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, or retaliation. The employee's confidential status only applies with respect to information received while conducting the study.
10. **Day.** A business day when Bowie State University is in normal operation. All references in the Policy to days refer to business days unless specifically noted as calendar days.
11. **Decision-maker.** The person or panel who hears evidence, determines relevance, and makes the Final Determination of whether Policy has been violated and/or assigns sanctions.
12. **Education Program or Activity.** Locations, events, or circumstances where Bowie State University exercises substantial control over the context in which the discrimination, harassment, and/or retaliation occurs and also includes any building owned or controlled by a student organization that Bowie State University officially recognizes.
13. **Employee.** A person employed by Bowie State University either full- or part-time, including student employees when acting within the scope of their employment.
14. **Final Determination.** A conclusion by the standard of proof that the alleged conduct did or did not violate Policy.
15. **Finding.** A conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a "finding of fact").
16. **Gender Identity or Gender Expression.** A person's actual or perceived gender identity, self-image, appearance, behavior, or expression, regardless of whether that identity, self- image, appearance, behavior, or expression is different from that traditionally associated with the person's gender at birth.
17. **Informal Resolution.** A resolution agreed to by the Parties and approved by the Administrator that occurs prior to a Final Determination in the Resolution Process.
18. **Investigation Report.** The Investigator's summary of all relevant evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.
19. **Investigator.** The person(s) authorized by Bowie State University to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report.
20. **Knowledge.** When Bowie State University receives Notice of conduct that reasonably may constitute sexual harassment, discrimination, or retaliation in its Education Program or Activity.
21. **Mandated Reporter.** A Bowie State University employee who is obligated by Policy to share Knowledge, Notice, and/or reports of discrimination, harassment, and/or retaliation with the Administrator.^{24,25}

22. **Nondiscrimination Team.** The Administrator, any deputy coordinators, and any member of the [Resolution Process Pool](#).
23. **Notice.** When an employee, student, or third party informs the Administrator of the alleged occurrence of discriminatory, harassing, and/or retaliatory conduct.
24. **Parties.** The Complainant(s) and Respondent(s), collectively.
25. **Pregnancy or Related Conditions.** Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.
26. **Protected Characteristic.** Any characteristic for which a person is afforded protection against discrimination and harassment by law or Bowie State University Policy.
27. **Relevant Evidence.** Evidence that may aid a Decision-maker in determining whether the alleged discrimination, harassment, or retaliation occurred, or in determining the credibility of the Parties or witnesses.
28. **Remedies.** Typically, post-resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to Bowie State University's Education Program and Activity.
29. **Resolution Process.** The investigation and resolution of allegations of prohibited conduct under this Policy, including Informal Resolution and Administrative Resolution.
30. **Respondent.** A person who is alleged to have engaged in conduct that could constitute discrimination based on a protected characteristic, harassment, or retaliation for engaging in a protected activity under this Policy.
31. **Sanction.** A consequence imposed on a Respondent who is found to have violated this Policy.
32. **Sex.** Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
33. **Sexual Orientation.** The identification, perception or status of an individual as to homosexuality, heterosexuality or bisexuality. Discrimination on the basis of sexual orientation is prohibited by state and federal law
34. **Student.** Any person who has gained admission.
35. **Title IX Coordinator.** At least one official designated by Bowie State University to ensure ultimate oversight of compliance with Title IX and Bowie State University's Title IX program. References to the Coordinator throughout the Policy may also encompass a designee of the Coordinator for specific tasks.

IV. COMPLIANCE

Nondiscrimination Team Contacts

Bowie State University has appointed the Nondiscrimination Team, comprised of the following individual(s), to coordinate Bowie State University's compliance with federal, state, and local civil rights laws and ordinances:

For discrimination and harassment allegations [not based on sex or disability]:

Jasmyn Lucas, Esq.

Assistant Director/Title IX Coordinator

Office of Equity Compliance

Thurgood Marshall Library, Suite 247

14000 Jericho Park Road

Bowie, MD 20715

301-860-4511

eeo@bowiestate.edu/jlucas@bowiestate.edu

<https://bowiestate.edu/about/administration-and-governance/legal-and-government-affairs/office-of-equity-compliance/>

For sex discrimination and sex-based harassment allegations:

Jasmyn Lucas, Esq.

Assistant Director/Title IX Coordinator

Office of Equity Compliance

Thurgood Marshall Library, Suite 247

14000 Jericho Park Road

301-860-4511

TitleIXCoordinator@bowiestate.edu/jlucas@bowiestate.edu

<https://bowiestate.edu/about/administration-and-governance/legal-and-government-affairs/office-of-equity-compliance/>

For disability-based allegations:

Adonna Green, MBA, Esq.

Director

Office of Equity Compliance

Thurgood Marshall Library, Suite 247

14000 Jericho Park Road

301-860-3442

agreen@bowiestate.edu

<https://bowiestate.edu/about/administration-and-governance/legal-and-government-affairs/office-of-equity-compliance/>

Additional Nondiscrimination Team members

Jasmine Johnson, J.D.

Deputy Title IX Coordinator

Office of Equity Compliance

Thurgood Marshall Library, Suite 247

Jjohnson@bowiestate.edu/TitleIXCoordinator@bowiestate.edu

Julia Peterson

Administrative Assistant

Office of Equity Compliance

Thurgood Marshall Library, Suite 247

Jmesquitapeterson@bowiestate.edu

Collectively, these individuals are responsible for providing comprehensive nondiscrimination education and training; coordinating Bowie State University's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related procedures to ensure an education and employment environment free from discrimination, harassment, and retaliation.

Bowie State University recognizes that allegations under this Policy may include multiple forms of discrimination and harassment as well as violations of other Bowie State University policies; may involve various combinations of students, employees, and other members of the Bowie State University community; and may require the simultaneous attention of multiple Bowie State University departments. Accordingly, all Bowie State University departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable Bowie State University policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination, harassment, or retaliation.

External Contact Information

Concerns about Bowie State University's application of this Policy and compliance with certain federal civil rights laws may also be addressed to:

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

OCR District Office
Philadelphia Office
Office for Civil Rights
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
FAX: 215-656-8605; TDD: 800-877-8339
Email: OCR.Philadelphia@ed.gov

EEOC Field Office
GH Fallon Federal Building
31 Hopkins Plaza, Suite 1432
Baltimore, MD 21201
Phone
[1-800-669-4000/410-801-6685](tel:1-800-669-4000/410-801-6685) / BFContact@eeoc.gov
Fax
[443-992-7880](tel:443-992-7880)
TTY
[1-800-669-6820](tel:1-800-669-6820)
ASL Video Phone
[844-234-5122](tel:844-234-5122)

Maryland Commission on Civil Rights
William Donald Schaefer Tower
6 Saint Paul Street, Suite 900
Baltimore, MD 21202-1631
Main: 410.767.8600
Toll free: 1.800.637.6247
Maryland Relay 7-1-1
Fax: 410.333.1841
Office hours: Monday through Friday, 9:00am – 5:00pm

V. EQUAL OPPORTUNITY, ANTI-HARASSMENT AND NONDISCRIMINATION

A. Notice of Nondiscrimination

Bowie State University seeks to comply with all federal, state, and local laws, regulations, and ordinances prohibiting discrimination in public post-secondary education institutions.

Bowie State University does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of actual or perceived:

- Age
- Color
- Disability (physical or mental)
- Ethnicity
- Familial Status
- Gender expression
- Gender identity
- Genetic information (including family medical history)
- Marital status
- National origin (including ancestry)
- Pregnancy or related conditions
- Race
- Religion
- Residence
- Sex
- Sexual orientation
- Source of income
- Veteran or military status (including disabled veteran, recently separated veteran, active-duty, wartime, or campaign badge veteran, and Armed Forces Service Medal veteran)
- or any other protected characteristic under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process within the institution, with the Equal Employment Opportunity Commission, and/or other human/civil rights agency.

Bowie State University will promptly and effectively address any such discrimination of which it has Knowledge/Notice using the resolution process in the Equal Opportunity, Anti-Harassment and Nondiscrimination Procedures.

Notwithstanding this Policy, Bowie State University reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment,

or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct may be addressed through an alternate employee, faculty and student policies with respect to professionalism and/or community standards. Where no apparent policy violation has occurred, responses to such conduct may include respectful conversation, remedial actions, education, effective Alternative Resolution and/or other Informal Resolution mechanisms.

B. Mandated Reporting and Confidential Employees

All Bowie State University faculty and employees (including student-employees), other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately, although there are some limited exceptions. Supportive measures may be offered as the result of such disclosures without formal Bowie State University action.

Additionally, if an employee or staff member has reason to believe or know that a student is pregnant, they are required to provide the student with contact information for the Title IX Coordinator. Once a student or the student's representative notifies the Title IX Coordinator of their pregnancy, the Title IX Coordinator will inform them of their rights to accommodations under this and the related [Bowie State University VI-1.06 Policy on Pregnant and Parenting Students](#).

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details ***must*** be shared with the Administrator.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or Policy violations, and these employees will immediately pass Notice to the Administrator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe Bowie State University's reporting options for a Complainant or third party (including parents/guardians when appropriate):

1. Confidential Employees

To enable Complainants to access support and resources without filing a Complaint, Bowie State University has designated specific employees as Confidential Resources. Those designated by Bowie State University as Confidential Resources are not required to report actual or suspected discrimination, harassment, or retaliation in a way that identifies the Parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or Bowie State University official unless a Complainant has requested the information be shared.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Employees:

- Counselors and Staff in Counseling Services (when serving in their designated role)
- Medical Staff in the Henry Wise Wellness Center

Designated Confidential Employees for Bowie State University :

- Sexual Assault Health Educator
- Director of International Student Services
- Director of the LGBTQ Resource Center

Institutional counselors or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who have confidentiality as described above, and who receive Notice within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

Failure of a Mandated Reporter, as described above in this section, to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of Bowie State University Policy and can be subject to disciplinary action for failure to comply/failure to report.

A Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

In addition, Complainants may speak with individuals unaffiliated with Bowie State University without concern that Policy will require them to disclose information to the institution without permission:

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

C. Supportive Measures

Bowie State University will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to Bowie State University's education program or activity, including measures designed to protect the safety of all Parties and/or Bowie State University's educational environment and/or to deter discrimination, harassment, and/or retaliation.

The Administrator promptly makes supportive measures available to the Parties upon receiving Notice/Knowledge or a Complaint. At the time that supportive measures are offered, if a Complaint has not been filed, Bowie State University will inform the Complainant, in writing, that they may file a Complaint with Bowie State University either at that time or in the future. The Administrator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

Bowie State University will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair Bowie State University's ability to provide those supportive measures. Bowie State University will act to ensure as minimal an academic/occupational impact on the Parties as possible. Bowie State University will implement measures in a way that does not unreasonably burden any party.

As appropriate and available, supportive measures may include, but are not limited to:

- [Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact limitations (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Administrator

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Complaint under this Policy.

The Parties are provided with a timely opportunity to seek modification or reversal of Bowie State University's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Administrator. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the definition of supportive measures in § 106.2 of the federal Title IX Regulations. Bowie State University will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances change materially. Bowie State University typically renders decisions on supportive measures within seven (7) business days of receiving a request and provides a written determination to the impacted Party(ies) and the Administrator.

D. Online Harassment and Misconduct

Bowie State University policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on Bowie State University's education program and activities, or when they involve the use of Bowie State University networks, technology, or equipment.

Although Bowie State University may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to Bowie State University, it will engage in a variety of means to address and mitigate the effects. These means may include use of the Resolution Process to address off-campus conduct whose effects contribute to limiting or denying a person access to Bowie State University's education program or activity.

Nothing in this Policy is intended to infringe upon or limit a person's rights to free speech. Any online posting or other electronic communication by students or employees, including technology-facilitated bullying, stalking, harassment, etc., occurring completely outside of the Bowie State University's control (e.g., not on Bowie State University networks, websites, or between Bowie State University email accounts) will only be subject to this Policy when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on/harm to the rights of others. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided.

E. Inclusion Related to Gender Identity/Expression

Bowie State University strives to ensure that all individuals are safe, included, and respected in their working and learning environments, regardless of their gender identity or expression, including intersex, nonbinary, transgender, agender, two-spirit, and gender-diverse students and employees. In upholding the principles of equity and inclusion, Bowie State University supports the full integration and healthy development of those who are transgender, transitioning, nonbinary, or gender-diverse, and seeks to eliminate any stigma related to gender identity and expression.

Discrimination and harassment on the basis of gender identity or expression are not tolerated by Bowie State University. If a member of the Bowie State University community believes they have been subjected to discrimination under this Policy, they should follow the appropriate reporting process described herein.

Concepts like misgendering and deadnaming may not be familiar to all but understanding them is essential to Bowie State University's goal of being as welcoming and inclusive a community as possible.

Misgendering or mispronouncing is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual. Deadnaming, along with misgendering, can be very traumatic to a person who is transgender, transitioning, nonbinary, or gender-diverse. Deadnaming means using someone's birth-assigned (cisgender) name, rather than the name they have chosen.

Both unintentional misgendering or deadnaming are usually resolved with a simple apology if someone clarifies their pronouns for you or clarifies their preferred, chosen name. Intentional misgendering or deadnaming is inconsistent with the type of community we hold ourselves out to be- in addition to being a form of outing, bullying or otherwise harassing an individual, either may constitute a Policy violation if the effect is greater than *de minimis* harm.

Bowie State University uses a number of interventions to address concerns that are raised related to gender-based harassment or discrimination, including problem-solving, intervention, confrontation, investigation, and Policy enforcement. When conflicts arise between the right of members of the community to be free from gender-identity discrimination and those exercising their right to religious freedom, Bowie State University will try to balance rights and interests to find mutually agreeable outcomes or compromises. When that is not possible, Bowie State University will offer remedial solutions or enforce its Policies while also respecting the rights of all members of its community.

F. Disability-based Grievances and Complaints

Grievances related to disability status and/or provision of accommodations are addressed using the procedures described in this document unless otherwise noted within alternate University policies (i.e. the process to request education accommodations through disability student services).

For details relating to disability accommodations in Bowie State University's Resolution Process, please refer to <https://bowiestate.edu/about/administration-and-governance/legal-and-government-affairs/office-of-equity-compliance/americans-with-disabilities-act/eo-reasonable-accommodations-plan-and-procedures.pdf>.

VI. PROHIBITED CONDUCT

The sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under Bowie State University Policy. When speech or conduct is protected by academic freedom¹ and/or the First Amendment, it will not be considered a violation of Bowie State University Policy, though supportive measures will be offered to those impacted. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

All offense definitions below encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Violation of any other Bowie State University policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

A. Discrimination

Discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's actual or perceived protected characteristic. Discrimination also includes

allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed.

Discrimination can take two primary forms:

1. Disparate Treatment Discrimination:

- Any intentional differential treatment of a person or persons that is based on an individual's actual or perceived protected characteristic and that:
 - Excludes an individual from participation in;
 - Denies the individual benefits of; or
 - Otherwise adversely affects a term or condition of an individual's participation in a Bowie State University program or activity.

2. Disparate Impact Discrimination:

- Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
 - Excludes an individual from participation in;
 - Denies the individual benefits of; or
 - Otherwise adversely affects a term or condition of an individual's participation in a Bowie State University program or activity.

B. Discriminatory Harassment

- unwelcome conduct on the basis of actual or perceived protected characteristic(s), that
- based on the totality of the circumstances,
- is subjectively and objectively offensive, and
- is so severe or pervasive,
- that it limits or denies a person's ability to participate in or benefit from the Bowie State University's education program or activity

C. Sex-based Harassment (Applicable under Title IX, Title VII, and the Fair Housing Act)

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex,³ including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

1. Quid pro quo:

- an employee agent, or other person authorized by Bowie State University,

- to provide an aid, benefit, or service under Bowie State University's education program or activity,
- explicitly or impliedly conditioning the provision of such aid, benefit, or service,
- on a person's participation in unwelcome sexual conduct.

2. **Hostile Environment Harassment:**

- unwelcome sex-based conduct, that
- based on the totality of the circumstances,
- is subjectively and objectively offensive, and
- is so severe or pervasive,
- that it limits or denies a person's ability to participate in or benefit from the Bowie State University's education program or activity

3. **Sexual Assault:**

Any sexual act, including Rape, Sodomy, Sexual Assault with an Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.⁴

a. **Rape:**

- Vaginal Penetration with a Respondent's body part,
- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental or physical incapacity

b. **Sodomy**

- Oral or anal penetration
- Of the Complainant by the Respondent
- With the Respondent's body part,
- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental or physical incapacity

c. **Sexual Assault with an Object**

- Respondent's use of an object or instrument

- to unlawfully penetrate, however slightly, the oral, genital or anal opening
- of the body of the Complainant,
- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental or physical incapacity

d. Fondling:

- The touching of the private body parts (breasts, buttocks, groin) of the Complainant by the Respondent
- or causing the Complainant to touch the Respondent's private body parts
- intentionally for a sexual purpose
- without the consent of the Complainant, including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental incapacity or physical incapacity.

e. Incest:

- Nonforcible sexual intercourse between persons who are related to each other
- within the degrees wherein marriage is prohibited by State of Maryland .

f. Statutory Rape:

- Nonforcible sexual intercourse with a person
- who is under the statutory age of consent of the State of Maryland.

4. Dating Violence:

- Violence⁵ committed by a Respondent,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant; **and**
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - length of the relationship
 - type of relationship

- frequency of the interaction between the Parties involved in the relationship.

5. Domestic Violence:

- Felony or misdemeanor crimes committed by a person who:
 - is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the state of Maryland or a person similarly situated to a spouse of the Complainant;
 - is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
 - shares a child in common with the Complainant; **or**
 - commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the state of Maryland.

6. Stalking:

- engaging in a course of conduct⁶ on the basis of sex, that is,
- directed at a specific person that would cause a reasonable person⁷ to:
 - fear for the person's safety, or
 - the safety of others; or
 - suffer substantial emotional distress.⁸

Sexual Misconduct

7. Sexual Exploitation:⁹

- an individual taking non-consensual or abusive sexual advantage of another, that does not constitute Sex-based Harassment as defined above.
- for their own benefit or for the benefit of anyone other than the person being exploited.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression

- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)
- Creating or disseminating images or videos of child sexual abuse material, even if synthetic
-

D. Sanction Ranges

- a. The range of sanctions for sex discrimination is warning through expulsion or termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- b. The range of sanctions for Quid Pro Quo harassment is warning through expulsion/termination. Sanctions can be assigned outside this range

- based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- c. The range of sanctions for Hostile Environment harassment is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
 - d. The range of sanctions for Rape is suspension through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
 - e. The range of sanctions for Sexual Assault with an Object is suspension through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
 - f. The range of sanctions for Sodomy is suspension through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
 - g. The range of sanctions for Fondling is warning through suspension (termination for employees). Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
 - h. The range of sanctions for Incest is warning through probation. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
 - i. The range of sanctions for Statutory Rape is warning through suspension (termination for employees). Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
 - j. The range of sanctions for Stalking is probation through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
 - k. The range of sanctions for Dating/Domestic Violence is probation through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
 - l. The range of sanctions for Sexual Exploitation is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
 - m. The range of sanctions for Retaliation is warning through expulsion/termination. Sanctions can be assigned outside this range

based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

E. Other Prohibited Conduct

1. Retaliation:

- Adverse action, including intimidation, threats, coercion, or discrimination,
- against any person,
- by Bowie State University, a student, employee, or a person authorized by Bowie State University to provide aid, benefit, or service under Bowie State University's education program or activity,
- for the purpose of interfering with any right or privilege secured by law or Policy, or
- because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process under the Equal Opportunity, Anti-Harassment, and Non-Discrimination Procedures, including an Informal Resolution process, or in any other appropriate steps taken by Bowie State University to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for Bowie State University to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under the Equal Opportunity, Anti-Harassment, and Non-Discrimination Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

2. Unauthorized Disclosure:¹⁰

- Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by Bowie State University; or
- publicly disclosing a party's personally identifiable information without authorization or consent.

3. Failure to Comply/Process Interference

- Intentional failure to comply with the reasonable directives of the Administrator/Investigator/Decision-maker or their designee in the

performance of their official duties, including with the terms of a no contact order

- Intentional failure to comply with emergency removal or interim suspension terms
- Intentional failure to comply with sanctions
- Intentional failure to adhere to the terms of an agreement achieved through informal resolution
- Intentional failure to comply with mandated reporting duties as defined in this Policy
- Intentional interference with the Title IX resolution process, including but not limited to:
 - Destruction of or concealing of evidence
 - Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
 - Intimidating or bribing a witness or party

Sanctions for the above-listed Civil Rights Offenses range from warning through expulsion/termination.

VII. CONSENT

As used in this Policy, the following definitions and understandings apply:

A. Consent

Consent is defined as:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is evaluated from the perspective of what a reasonable person would conclude are

mutually understandable words or actions. Reasonable reciprocation can establish consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to be kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is clearly communicated; non-verbal communication, including failure to return intimacy, pushing away from physical contact, or other changes in responsiveness during an act, may be valid indications of withdrawal of consent. If consent is withdrawn, sexual activity should immediately cease.

Neither silence nor the absence of resistance should be interpreted as consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Consent to some sexual contact (such as kissing or fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected. If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of sexual assault.

Proof of consent or non-consent is not a burden placed on either party involved in a Complaint. Instead, the responsibility remains with Bowie State University to determine whether its Policy has been violated. 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, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault.¹¹

B. Force and Coercion

Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me. I’ll do what you want.”).

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person’s consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved. Conduct does not constitute coercion unless it wrongfully impairs an individual's freedom of will to choose whether to participate in the sexual activity.

C. Incapacitation

Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of this Policy. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

D. Consensual Relationships between Bowie State University Community Members

Faculty who have or can reasonably expect to have Educational or Supervisory Authority over a student are prohibited from dating or engaging in a romantic or sexual relationship with that student. In addition to the inherent power imbalance of such relationships, there is the potential for conflicts of interest,

coercion, exploitation, and the perception of favoritism and advantage that can compromise the educational and professional development experiences of all students and the reputation and mission of the University.

Staff who have or can reasonably expect to have Supervisory Authority over a subordinate are prohibited from dating or engaging in a romantic or sexual relationship with that subordinate. In addition to the inherent power imbalance of such relationships, there is the potential for conflicts of interest, coercion, exploitation, and the perception of favoritism and advantage that can compromise the professional development experiences of the department and the reputation and mission of the University.

The University has a policy that explains its expectations and, in the limited instances in which such relationships are not prohibited, notice requirements regarding consensual relationships VII-2.15 Policy on Consensual Relationships. [\(See Appendix c\)](#) Where a complaint of a violation of the policy is filed and a power differential exists between two individuals in a relationship, a presumption of sexual harassment may follow.

VIII. GENERAL PROCEDURES

For a full description of the University's procedures for investigating reports of discrimination, please review the separate Procedural document located on the webpage for the Office of Equity Compliance. The following provides a general overview of the reporting and investigation process.

A. Standard of Proof

Bowie State University uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that Bowie State University will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s).

B. Reports/Complaints of Discrimination, Anti-Harassment, and/or Retaliation

A Report provides notice to Bowie State University of an allegation or concern about discrimination, harassment, or retaliation and provides an opportunity for the Administrator to provide information, resources, and supportive measures. A Complaint provides notice to Bowie State University that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Complaint. Reports or Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a Complaint with, or give verbal Notice directly to, the Administrator or to any member of the Nondiscrimination Team. Such a Complaint may be made at any time (including during non-business hours) by using the online reporting tool, telephone number, email address, or by mail to the office of the Title IX Coordinator or any other Nondiscrimination Team member listed in this Policy.
2. Submit online Notice at https://bowiestate-advocate.symplicity.com/titleix_report/index.php/pid234252?. Anonymous Notice is accepted, but the Notice may give rise to a need to try to determine the Parties' identities. Anonymous Notice typically limits the Recipient's ability to investigate, respond, and provide remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to Complainants who are the subject of anonymous Notice.

Reporting carries no obligation to initiate a Complaint, and in most situations, Bowie State University is able to respect a Complainant's request to not initiate a resolution process. However, there may be circumstances, such as pattern behavior, allegations of workplace sexual harassment, allegations of severe misconduct, allegations made by a student against a non-student employee, or a compelling threat to health and/or safety, where Bowie State University may need to initiate a resolution process. If a Complainant does not wish to file a Complaint, Bowie State University will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by giving Notice that allows Bowie State University to discuss and/or provide supportive measures, in most circumstances.

C. Time Limits on Reporting

There is no time limitation on providing Notice/Complaints to the Administrator. However, if the Respondent is no longer subject to Bowie State University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Administrator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

D. False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate Bowie State University policies.

E. Confidentiality/Privacy

Bowie State University makes every effort to preserve the Parties' privacy. Bowie State University will not share the identity of any individual who has made a Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.^{12,13} Additional information regarding confidentiality and privacy can be found in [Appendix D](#).

F. Unauthorized Disclosure of Information

Parties and Advisors are prohibited from unauthorized disclosure of information obtained by Bowie State University through the Resolution Process, to the extent that information is the work product of Bowie State University (meaning it has been produced, compiled, or written by Bowie State University for purposes of its investigation and resolution of a Complaint). It is also a violation of Bowie State University Policy to publicly disclose work product or a party's personally identifiable information without authorization or consent. Violation of this Policy is subject to significant sanctions.

G. Emergency Removal/Interim Actions/Leaves

Bowie State University can act to remove a student Respondent accused of Sex Discrimination or Sex-based Harassment from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Administrator and may be done in conjunction with the Behavioral Assessment Team using its standard objective violence risk assessment procedures. Employees are subject to existing procedures for interim actions and leaves.

H. Federal Timely Warning Obligations

Bowie State University must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the Bowie State University community.

Bowie State University will ensure that a Complainant's name and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

I. Amnesty

The Bowie State University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to give Notice to Bowie State University officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Bowie State University community that Complainants choose to give Notice of misconduct to Bowie State University officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, Bowie State University maintains a Policy of offering Parties and witnesses, who are students, amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by Bowie State University, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution. When determining to apply or not apply the University's amnesty policy, the Administrator will consider:

1. Whether the minor violation occurred during or near the time of the alleged sexual assault;
2. Whether the student is determined to have made the report of sexual assault or is participating in an investigation as a witness in good faith; and
3. Whether the violation was an act that was reasonably likely to place the health or safety of another individual at risk.

While no Party or witness will be sanctioned for minor policy violations that the University determines is covered under the amnesty policy, the University reserves the right to institute mandatory intervention for substance abuse for either party or witness at the Administrator's discretion.

a. Employees

Sometimes, employees are hesitant to report discrimination, harassment, or retaliation they have experienced for fear of getting in trouble themselves. Bowie State University may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

J. Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. Bowie State University will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

Sexual Assault

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement)
- Seeking medical treatment can be essential, even if it is not for the purposes of collecting forensic evidence.

Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
 - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
 - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and the Administrator, the importance of taking these actions will be discussed, if timely.

K. Federal Statistical Reporting Obligations

Certain institutional officials (those deemed Campus Security Authorities) have a duty to report the following for federal statistical reporting purposes (Clery Act):

1. All “primary crimes,” which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson.
2. Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
3. Violence Against Women Act (VAWA-based crimes), which include sexual assault, domestic violence, dating violence, and stalking
4. Arrests and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus or in the surrounding area, but no addresses are given) must be shared with Clery Coordinator for publication in the Annual Security Report and daily campus crime log. Campus Security Authorities include student affairs/student conduct staff, campus law enforcement/public safety/security, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

L. Independence and Conflicts of Interest

The Title IX Coordinator manages the Nondiscrimination Team and acts with independence and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. The members of the Resolution Pool are vetted and trained to ensure they are not biased for or against any party in a specific Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact Adonna Green, Director of the Office of Equity Compliance. Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Resolution Pool member should be raised with the Title IX Coordinator.

IX. REVISIONS OF THIS POLICY

This Policy succeeds previous policies addressing discrimination, harassment, sexual misconduct, and/or retaliation, though previous policies and procedures remain in force for incidents occurring before August 1, 2024. The Title IX Coordinator reviews and updates these policies and procedures regularly. Bowie State University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

X. RELATED POLICIES

Replaces:

VI- 1.00- Policy on Affirmative Action and Equal Employment

VI-1.05- Policy on Non-Discrimination on Sexual Orientation and Gender Identity

VI- 1.40- Policy on Sexual Harassment and Other Sexual Misconduct

This Policy is effective 8/1/2024.

Interim Pending Approval

Interim Pending Approval