

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

## **I. POLICY AND PURPOSE**

Bowie State University (the “University”) is committed to providing a safe and nondiscriminatory environment for the entire university community. The University does not discriminate based on gender, gender expression, gender identity, sex or sexual orientation in admission, employment, or any of its programs and activities. Sexual harassment, sexual assault, and other categories of sexual misconduct are forms of sex discrimination prohibited under this Policy and under federal and state discrimination laws. In accordance with Title IX of the Education Amendments of 1972 (“Title IX”), the federal law that prohibits discrimination on the basis of sex in federally funded educational programs and activities, the Violence Against Women Reauthorization Act of 2013 (“VAWA”), Title VII of the Civil Rights Act of 1964 (“Title VII”), and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), this policy is designed to provide prompt, equitable and impartial investigation and resolution of incidents of Prohibited Conduct.

The University strictly prohibits any form of sexual harassment or other sexual misconduct and complies with all state and federal laws. The University promotes safe and healthy interactions wherein each of its members is responsible for maintaining an environment free from sexual harassment and other sexual misconduct. The University must take steps to prevent the occurrence of sexual harassment and other sexual misconduct and remedy its discriminatory effects. Any employee or student at Bowie State University found in violation of this policy will be subject to disciplinary action by the University and may be subject to criminal prosecution.

The purpose of this policy is to: 1. Define prohibited conduct; 2. Describe how to report or make a complaint of sexual harassment or sexual misconduct; 3. Identify available resources for sexual harassment and other sexual misconduct assistance, prevention and education for the campus community.

This policy is not intended to curtail rights guaranteed by the United States Constitution. The University is committed to its educational mission, including academic discourse and freedom. This policy does not limit classroom teaching and/or scholarly research, publication and discourse regarding gender and sexual-

related topics or material relevant to course content or subject matter.

Inquiries concerning the University's application of Title IX may be referred to the University's Title IX Coordinator or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both. The University's Title IX Coordinator may be contacted via email, phone, or in person at:

Title IX Coordinator  
Thurgood Marshall Library, Suite 247  
301-860-4511  
TitleIXCoordinator@bowiestate.edu

This Policy replaces BSU VI-1.20 Policy on Sexual Harassment and BSU VI-1.30 Policy on Sexual Assault in their entirety.

## **II. EDUCATION**

Education is a key element of this policy. The University will provide education and information, as appropriate, to students, faculty, and staff to enhance understanding and increase awareness of the University's sexual harassment and other sexual misconduct policy and complaint grievance procedures. The University will provide sufficient, periodic training for employees and those involved in the investigation and resolution of complaints. Additionally, as required by Maryland state law, all university employees are required to complete at least two (2) hours of Sexual Harassment in the Workplace Prevention training six (6) months after the employee's initial start date and every two (2) years following. The University will inform the BSU community of any mandatory education requirements, including the Sexual Harassment in the Workplace Prevention training, via the University email system and posted on the website.

Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, students, and other members of the college community, including contractors, about the proper way to recognize and address complaints involving a violation of this policy; (d) preventing issues that this policy addresses, and; (e) identifying the necessary steps for preventing sexual harassment, sexual misconduct and addressing their effects

### III. APPLICABILITY AND SCOPE

#### A. Individuals covered and protected by this Policy

Employees and students are required to comply with this Policy. The Policy also applies to contractors and third parties within the University's control.

#### B. Jurisdiction

- **Sexual Harassment**

This policy applies to sexual harassment committed against a person in the United States within a Bowie State University educational program or activity.

- **Other Sexual Misconduct**

This Policy applies to sexual misconduct other than sexual harassment on University property and/or at University- sponsored events or programs. The University enforces this policy in instances that pose a potential threat to the health and/or safety of a member of the university community or negatively affect the education or employment of members of the university community.

### IV. DEFINITIONS

For the purposes of this policy, the following terms have the definitions provided herein. Please note that some of these terms as they appear in other contexts, such as in criminal or legal proceedings, may differ from the policy definitions.

**A. "Actual Knowledge"** means notice of sexual harassment or allegations of sexual harassment to Bowie State University's Title IX Coordinator or any Bowie State University official who has authority to institute corrective measures on behalf of the University.

**B. "Administrative Investigation"** refers to the investigations conducted by University personnel in response to a complaint alleging a violation of this policy.

**C. "Complainant"** refers to an individual alleged to be a victim of sexual harassment or other sexual misconduct.

**D. "Confidential"** refers to communication between two parties where one party, based on their professional status, has the ability to ensure the communication between the two parties is legally protected as private.

**E. "Consent"** means a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Only a person who has the ability and capacity to exercise free will and make a rational, reasonable

judgment can give consent. Consent may be expressed either by words and/or by actions, as long as those words and/or actions create a mutually understandable agreement to engage in specific sexual activity. It is the responsibility of the person(s) who wants to engage in sexual activity to ensure that they have consent from the other party. The party deemed as consenting must be capable of providing consent. Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether there is consent or whether prior consent is withdrawn, it is essential that the participants stop the activity until the confusion is resolved. Further:

- Lack of protest or resistance is not consent. Silence, in and of itself, is not consent. For that reason, relying solely on non-verbal communication can lead to misunderstanding.
- Previous relationships, including past sexual relationships, do not imply consent to future acts.
- Consent to one form of sexual activity cannot automatically imply consent to other forms of sexual activity.
- Consent to engage in sexual activity with one person cannot automatically imply consent to engage in sexual activity with a different person or an additional person.
- Agreement or submission obtained by use of physical force, threats, intimidating behavior, or coercion is not consent. Coercion is pressuring another person into sexual activity.

**F. “Consensual Relations”** means sexual or intimate relationships between consenting adults.

**G. “Employee”** refers to faculty and staff employed by the University.

**H. “Force”** means the use of threat, intimidation, coercion or physical violence to engage in sexual activity with an individual against their will.

**I. “Formal Complaint”** means a document signed and filed by a Complainant or the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation. At the time of filing a complaint, a Complainant must be participating in or attempting to participate in a Bowie State University education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by email or any additional method designated by Bowie State University.

**J. “Hostile”** refers to the actions, communication or behavior of a University community member that makes it impossible for another member of the University community to perform their job functions or to access the University’s educational programs. The determination of whether conduct is “hostile” is based on the severity, persistence, or pervasiveness of the behavior, and is evaluated based upon both the

subjective (the Complainant's) and an objective (reasonable person's) perspective.

**K. "Incapacitated"** means that a person's decision-making ability is impaired such that they lack the capacity to understand the "who, what, where, why, or how" of their sexual interaction. Incapacitation may result from sleep or unconsciousness, temporary or permanent mental or physical disability, involuntary physical restraint, or the influence of alcohol, drugs, medication, or other substances used to facilitate Sexual Harassment or Other Sexual Misconduct.

**L. "Supportive Measures"** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before, after, or in lieu of filing a formal complaint. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties, the safety of Bowie State's educational environment, or to deter sexual harassment and other sexual misconduct.

**M. "Respondent"** refers to the individual alleged to be the perpetrator of conduct that could constitute sexual harassment or other sexual misconduct.

**N. "Title IX Coordinator"** refers to the individual designated by the University to oversee the University's response to sexual harassment and other sexual misconduct reports and complaints. The Title IX Coordinator also identifies and addresses any patterns or systemic problems revealed by such reports and complaints. Their role includes investigating complaints of violations of this Policy, reviewing content of training for students, faculty, and staff pursuant to this Policy, and conducting such training in collaboration with other university offices. The Title IX Coordinator ensures that appropriate policies and procedures are in place for responding to complaints of sexual harassment and other sexual misconduct against faculty, staff, and students, and works with local law enforcement to ensure coordinated responses to related cases.

## **V. PROHIBITIONS**

### **A. Sexual Harassment I**

1. Sexual Harassment I means conduct on the basis of sex that satisfies one or more of the following:
2. An employee conditioning a provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
3. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the education program or activity; or
4. Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

- a. An employee conditioning a provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the education program or activity; or
- c. Sexual Assault, Dating Violence, Domestic Violence or Stalking.
  1. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of the interaction between the persons involved in the relationship.
  2. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth complainant protected from those acts by domestic or family violence laws of Maryland.
  3. **Sexual Assault** means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation:
    - a. Sex Offenses: 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 includes unlawful sexual intercourse.
      - Rape: the carnal knowledge of a person, without the consent of the victim, including instances where the Victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity
      - Sodomy: oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
      - Sexual Assault with an Object: The use of an object or instrument to unlawfully penetrate, however slight, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving

consent because of their age or because of their temporary or permanent mental or physical incapacity.

- Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - b. Incest: non-forcible sexual intercourse between persons related to each other within the degrees wherein marriage is prohibited by law.
  - c. Statutory Rape: non-forcible sexual intercourse with a person who is under the statutory age of consent.
4. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

## **B. Other Sexual Misconduct**

1. Other Sexual Misconduct is an umbrella term that includes Sexual Coercion, Sexual Exploitation, Sexual Intimidation, Sexual Harassment II (Non-Title IX Sexual Harassment), and all prohibitions listed as Sexual Harassment I. Sexual Misconduct may also include the prohibitions under Sexual Harassment I when the conduct alleged meets a definition of Sexual Harassment I but for other reasons the conduct cannot be resolved through the Grievance Process and Procedures for Instances of Sexual Harassment I.

a. Sexual Coercion means the use of unreasonable pressure in an effort to compel another individual to initiate or continue sexual activity against the individual's will. A person's words or conduct is sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether to engage in sexual activity. Coercion includes but is not limited to intimidation, manipulation, threats of emotional or physical harm and blackmail.

b. Sexual Exploitation means taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of any other than the exploited person.

c. Sexual Harassment II (non-Title IX Sexual Harassment) means unwelcome sexual advances, unwelcome requests for sexual favors, or other verbal or physical conduct of a sexual or gender-based nature, including:

1. conduct occurring against a person, whether inside or outside of the United States;

2. conduct committed outside of the scope of a Bowie State University

educational program or activity, when;

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, evaluation of academic work, or participation in an educational program or activity, or;

b. Submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation related decisions affecting that individual or;

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, or residential or social environment.

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2. Submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation related decisions affecting that individual or;

d. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, residential or social environment.

### **C. RETALIATION**

1. Retaliation means intimidating, threatening, coercing, or discriminating against any individual with the purpose of interfering with any right or privilege secured by law or Bowie State University policy relating to Sexual Harassment or Other Sexual Misconduct. Retaliation includes such conduct as described herein against an individual because they make a report or complaint, testify, assist, or participate in any manner in an investigation, proceeding, or hearing related to sexual harassment or other sexual misconduct. Retaliation also includes filing charges against an individual for Code of Conduct violations that do not involve sex discrimination, sexual harassment or other sexual misconduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment or other sexual misconduct, with the purpose of interfering with any right or privilege secured by Title IX, Title VII, or any Bowie State University policy.

Any person committing retaliation is subject to disciplinary action independent of any sanction or supportive measure imposed because of the underlying sexual harassment or other sexual misconduct allegation. Promptly report retaliation to the Title IX Coordinator.

## VI. IMMEDIATE AND ONGOING ASSISTANCE

It is important that individuals who experience sexual harassment and/or other sexual misconduct practice self-care and stay safe following an assault. If you have experienced sexual misconduct or are assisting someone who experienced sexual misconduct, or have been adversely affected by allegations of sexual misconduct, a variety of on campus and community resources, listed in Appendix A, are available to you. These listed resources offer support services including, on campus local and national crisis centers; health and mental health care options; legal services; and/or victim advocacy. An individual may choose to access any one of the listed resources regardless of the person's decision to report or not report to the University or to law enforcement.

Bowie State University strongly encourages individuals who have experienced sexual harassment or other sexual misconduct or those accused of sexual harassment or other sexual misconduct to preserve evidence. Appendix B offers information, resources and best evidence collection information.

## VII. REPORTING CONSIDERATIONS

### A. Who May Report Sexual Misconduct

The Complainant, a witness, or anyone with knowledge of an alleged violation of the University's Sexual Harassment and Other Sexual Misconduct policy may report a violation to the Title IX Coordinator at [TitleIXCoordinator@BowieState.edu](mailto:TitleIXCoordinator@BowieState.edu), via phone at 301-860-4511, in person in the Office of Equity Compliance located in suite 247 of the Thurgood Marshall Library, or online at [https://bowiestate-advocate.symplicity.com/titleix\\_report/index.php/pid754281?](https://bowiestate-advocate.symplicity.com/titleix_report/index.php/pid754281?). Individuals may also report to campus officials with authority to institute corrective action. Appendix C offers a list of all campus officials with authority to institute corrective action.

Individuals may also report directly to the Department of Education Office of Civil Rights (OCR) using their electronic complaint form at <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

Importantly, the University requires that ***all*** employees report allegations of violations to this policy to the Title IX Coordinator. This allows the University to offer supportive measures to all Complainants and ensures that the University provides students and employees an educational environment free from discrimination.

When the University has actual knowledge (see Section IV, A) of Sexual Harassment I in its educational program or activity against a person in the United States, the University is obligated to respond promptly in a manner that is not deliberately indifferent.

The University will address all incidents of Sexual Harassment and Other Sexual

Misconduct involving members of the university community. However, the student and employee disciplinary processes are only an option while the respondent student is enrolled at the university or the respondent employee is employed at the university.

## **B. Time Limitation for Reporting Sexual Misconduct**

The University does not have a time limit for reporting sexual harassment or sexual misconduct or invoking the Grievance Process. However, prompt reporting enhances the University's ability to investigate and gather relevant physical evidence, including obtaining witness testimony and taking necessary action. Additionally, the University's student disciplinary process is only an option while the Respondent student is enrolled.

The University also reserves the right to investigate complaints of sexual harassment and/or other sexual misconduct filed by former employees. The employee disciplinary process is only an option while the respondent employee is employed by Bowie State University.

## **C. Supportive Measures**

Supportive Measures are non-disciplinary, non-punitive, individualized services offered with the intent to provide parties the opportunity to partake in the University's educational program and activities free from discrimination. The University offers supportive measures as appropriate, as reasonably available, and without fee or charge to complainants and/or respondents. A party may receive supportive measures regardless of whether an individual files a formal complaint.

Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, no-contact orders between the parties, changes in work or housing locations, leaves of absence, and other similar measures.

Supportive Measures may also include assistance from the University in obtaining appropriate medical attention, including transporting a complainant to the nearest designated hospital. The designated hospital for the Bowie State University that offers the Sexual Assault Forensic (SAFE) Exam is University of Maryland Prince George's Hospital located at 3001 Hospital Drive, Cheverly, MD 20785.

The University, through the Title IX Coordinator, will engage in an interactive collaboration with the requesting party to determine which supportive measure(s) will best assist the party in maintaining participation in the University's educational program or activity.

Parties may request supportive measures in person at the Office of Equity Compliance or by emailing the Title IX Coordinator at [titleixcoordinator@bowiestate.edu](mailto:titleixcoordinator@bowiestate.edu). All requests and grants of Supportive Measures

will remain confidential to the extent possible.

## D. Disclosure and Reporting Options

### 1. Confidential Disclosure Options/ Reports

The University encourages individuals to seek medical attention and support, along with information and counseling for incidents of sexual harassment and other sexual misconduct, whether or not they choose to make official reports. A person desiring that the details of an incident of Sexual Harassment or other Sexual Misconduct remain confidential should speak with individuals who have professional and legal responsibility to maintain confidentiality in communications. The Title IX Coordinator will maintain confidentiality unless there is any perceived imminent threat to health or safety, where an individual gives consent to share information, or if there are other bases for disclosure as required by law. If a Complainant chooses to file a formal complaint, the Title IX Coordinator cannot guarantee confidentiality; however, the Title IX Coordinator will protect the Complainant's privacy to the fullest extent of the law.

The following are confidential sources for assistance:

- a. Medical professionals in the Henry Wise Wellness Center (301-860-4170), <http://www.bowiestate.edu/campus-life/henry-wise-wellness-center/>
- b. Counselors and mental health professionals in Counseling Services (301-860-4164), <https://www.bowiestate.edu/campus-life/health-and-wellness/counseling-services/>
- c. Domestic Violence and Sexual Assault Center of UM Capitol Region Medical Center, Prince George's Hospital Center (240-677-2337/24 hours)
- d. Off-campus 24-hour Sexual Assault Hotline (1-800-656-HOPE)

For contact information for additional sexual assault and intimate partner violence community resources, please visit:

<https://bowiestate.edu/about/administration-and-governance/legal-and-government-affairs/university-policies/section-vi-general-administra/vi-140-sexual-misconduct/appendix-a.php>

### 2. Reports to the University/non-confidential disclosure options

Students, employees and third parties may report alleged Sexual Harassment and/or Other Sexual Misconduct to the Title IX Coordinator or any official with authority to institute corrective measures (see Appendix C). Additionally, if any employee has knowledge of a violation of this policy, the University ***requires*** that the employee report that information to the Title IX Coordinator (also see Section IX of this Policy). The Title IX Coordinator is responsible for accepting and processing complaints and reports of Sexual Harassment and Other

Sexual Misconduct by University students and employees. Students and employees may report alleged Sexual Harassment and/or other Sexual Misconduct to the Title IX Coordinator or any of the persons identified within Appendix C.

**Title IX Coordinator**

Office of Equity Compliance  
Thurgood Marshall Library  
(301) 860-4511

[TitleIXCoordinator@bowiestate.edu](mailto:TitleIXCoordinator@bowiestate.edu)

An individual making a non-confidential report to the University, who does not wish to share their name, does not wish for an investigation to take place, or does not want a formal resolution pursued, may make such a request to the Title IX Coordinator. The University evaluates such requests in light of the duty to ensure the safety of the campus and comply with legal obligations to provide a safe, non-discriminatory environment for the entire University community. In cases indicating pattern predation, threats, weapons, and/or violence, the University will likely be unable to honor a request for confidentiality.

In instances where the Complainant requests confidentiality and the circumstances allow the University to honor that request, the University will offer Supportive Measures to the Complainant and the community, but will not otherwise pursue formal action. In instances where confidentiality cannot be maintained, the University will make every effort to ensure the privacy of the person seeking confidentiality to the fullest extent possible under the law, and information will be shared with individuals who have a legitimate need to know. The University complies with all federal, state and local requirements for provision of privacy, reporting and intervention in sexual harassment and other sexual misconduct matters.

A complainant has the right, and can expect, to have reports taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through the grievance process. A complainant can also expect that the University will take any retaliation seriously.

3. Criminal reports to law enforcement

Persons are encouraged to report criminal concerns, including incidents of Sexual Harassment and/or Other Sexual Misconduct contained in Sections V and VI of this Policy, to the Department of Public Safety or other applicable law enforcement. Individuals are encouraged to immediately notify the Department of Public Safety or other applicable law enforcement to receive guidance in the

preservation of evidence needed for proof of criminal assaults and the apprehension and prosecution of assailants. The Title IX Coordinator, at a minimum, will inform students of the option to notify law enforcement. If the Complainant determines that they would like to notify law enforcement of their complaint, the Title IX Coordinator will assist the Complainant with identifying and contacting the appropriate law enforcement officials.

A criminal investigation is independent of the University's administrative process and does not prevent an individual from proceeding with an administrative complaint of Sexual Harassment and/or Other Sexual Misconduct, as provided in this policy. Once in receipt of a complaint of sexual harassment or other sexual misconduct, the Department of Public Safety will inform the individual of their right to bring a complaint under the University's administrative process as described within this policy. Because legal standards for determining a violation of this policy differ for criminal and administrative violations, the outcome of the criminal investigative process is not determinative of whether there is a violation of this policy. The University will not wait until the conclusion of any criminal investigation to proceed with an administrative investigation, although there may be a temporary delay in concluding an investigation during an ongoing criminal process.

#### **E. Amnesty for Alcohol and Drug Violations**

The University's utmost concern is the health and safety of its community and it recognizes that parties under the influence of drugs/alcohol may be reluctant to seek assistance at the time of an incident due to threat of disciplinary sanction for violation of the Code of Student Conduct. Parties may be entitled to amnesty for alcohol or drug use related to Sexual Harassment and Other Sexual Misconduct. The University will not pursue student conduct action (except for a mandatory intervention for substance abuse) for a violation of Student Substance Abuse policy by a student who reports sexual harassment and/or sexual misconduct to the University or law enforcement or participates as a party/witness in a sexual harassment or other sexual misconduct matter if the University determines that (1) the violation occurred during or near the time of the alleged sexual harassment and/or sexual misconduct; (2) the student made the report of sexual harassment and/or sexual misconduct, or is participating in an investigation as a witness in good faith; and (3) the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.

#### **F. Rights of Complainants**

Complainants have certain rights when participating in the University's Grievance Process, including the right to have an advisor and/or support person present throughout the process. For a complete list of Complainant's rights, please review the University's Grievance Process and Procedures for Instances of Sexual Harassment and Other Sexual Misconduct.

## **G. Right of Respondents**

Respondents have certain rights when participating in the University's Grievance Process, including the right to have an advisor and/or support person present throughout the process. For a complete list of Respondent's rights, please review the University's Grievance Process and Procedures for Instances of Sexual Harassment and Other Sexual Misconduct.

# **VIII. UNIVERSITY EMPLOYEE OBLIGATIONS**

## **A. Reporting Sexual Harassment and Other Sexual Misconduct**

***The University requires that all employees, who are not confidential employees, report incidents of Sexual Harassment and/or Other Sexual Misconduct to the Title IX Coordinator.*** The Employee must report all relevant details of the incident:

1. Name of the Victim
2. Nature of the Incident
3. Name of the Accused
4. Date, Time, and Location of the Incident
5. Any other details the responsible employee may have

Within 24 hours of receiving a report of Sexual Harassment and/or Other Sexual Misconduct, the employee must immediately contact the Title IX Coordinator at 301-860-4511 or [TitleIXCoordinator@bowiestate.edu](mailto:TitleIXCoordinator@bowiestate.edu). Employees should also contact the Department of Public Safety at 301-860-4848 if it is an actual emergency, after-hours, or involves an imminent threat to health, safety or property.

For more information on how to handle disclosures of Sexual Harassment and Other Sexual Misconduct, please contact the Office of Equity Compliance.

## **B. Child Abuse and Neglect**

University System of Maryland Policy VI-1.50 – Policy on the Reporting of Suspected Child Abuse and Neglect, and Bowie State University Policy VI-3.00- Policy on Minors on Campus require that any employee who suspects that a minor child (under the age of 18) is the victim of abuse or neglect must, within 48 hours of disclosure or discovery, contact both a local law enforcement agency or social services agency and the University's Office of General Counsel. Direct questions to: [GeneralCounsel@bowiestate.edu](mailto:GeneralCounsel@bowiestate.edu).

## C. Crime Reporting

All employees should contact the Department of Public Safety if there is an actual emergency or imminent threat to individual or community health, safety or property. If not already reported to the Title IX Coordinator, employees should contact the Department of Public Safety when they become aware of the potential for any of the crimes listed below, which occur on campus or on property immediately adjacent to campus:

1. Murder & Non-Negligent Manslaughter
2. Negligent Manslaughter
3. Robbery
4. Aggravated Assault
5. Burglary
6. Motor Vehicle Theft
7. Arson
8. Arrests for Weapon Violations
9. Arrests for Drug Abuse Violations
10. Arrests for Liquor Law Violations
11. Disciplinary Referrals for Weapon Violations
12. Disciplinary Referrals for Drug Abuse Violations
13. Disciplinary Referrals for Liquor Law Violations
14. Hate Crimes
15. Sex Offenses (Reporting sex offenses to the Title IX Coordinator satisfies
  - a. Sexual Assault
  - b. Stalking
  - c. Date Violence
  - d. Domestic Violence

Please refer to the Department of Public Safety's website at <https://bowiestate.edu/about/administration-and-governance/division-of-administration-and-finance/police-and-public-safety/>, for additional information regarding the crimes listed above, the University's legal reporting mandates and the University's current and past Annual Security Reports.

## **IX. COMPLAINT AND GRIEVANCE PROCEDURES**

### **A. Grievance Procedures for Complaints Involving Sexual Harassment I**

Complaints involving Sexual Harassment I will be resolved using the procedures set forth in the University's Grievance Process and Procedures for Instances of Sexual Harassment I.

### **B. Grievance Procedures for Complaints Involving Other Sexual Misconduct**

Complaints involving Other Sexual Misconduct will be resolved using the procedures set forth in the University's Grievance Process and Procedures for Instances of Other Sexual Misconduct.

### **C. Additional Resolution Procedures for Complaints Involving Employees and Applicants for Employment**

Complaints involving employees and applicants for employment are also subject to the laws and regulations governing fair employment practices. An applicant for employment or an employee may file a complaint alleging Sexual Harassment or Other Sexual Misconduct pursuant to this Policy, Title VII and/or the State's Fair Employment Practices law. For more information about employees' rights under Title VII and the State's Fair Employment Practices law, please review the University's Policy on Affirmative Action and Equal Opportunity.

## **X. DISCIPLINE AND SANCTIONS**

At the conclusion of the University's Grievance Process, Respondents may be subject to a range of disciplinary sanctions. The disciplinary sanctions for violation of this policy range from a verbal warning to expulsion/termination of employment.

The Bowie State University Employee Handbook, applicable collective bargaining agreements, Bowie State University Faculty Handbook, and Bowie State University Code of Student Conduct will provide guidance for the recommended discipline. Where there are conflicts or vague language in any of those policies related to the Grievance Process, this policy will control.

## **XI. APPEALS**

Parties may be entitled to a limited appeal of a determination made in response to a complaint filed pursuant to this policy. Please review the University Grievance Process and Procedures for Instances of Sexual Harassment and Other Sexual Misconduct for the specifics of this process.

## **XII. RECORDKEEPING**

The University will maintain all records related to a formal complaint, including all relevant evidence, the investigative report, the written determination regarding responsibility, the recording of the live hearing, the written determination regarding any appeals, any remedies provided to the Complainant, any sanctions provided to the Respondent, and any materials used to train the Title IX Coordinator, investigators, Hearing Officer(s), and any person who facilitates an informal resolution process, for a minimum of seven (7) years.

## **XIII. AMENDMENTS**

The University reserves the right to amend this Policy.

Revised: 12/12/2014; 08/28/2015; 06/20/2019; 08/12/2020

Replacement for: BSU Policy VI – 1.20 on Sexual Harassment

BSU Policy VI – 1.30 on Sexual Assault

Related Policies: USM Policy VI -1.60 on Sexual Misconduct

USM Policy VI-1.50 on the Reporting of Child Abuse & Neglect

## Appendix A

### ON-CAMPUS SUPPORT SERVICES AND RESOURCES

<b>Confidential</b>	<b>Non-Confidential</b>
Henry Wise Wellness Center 301-860-4171  Hours: 8am -6pm M-F	Title IX Coordinator Thurgood Marshall Library, Suite 247  301-860-4511
Counseling Services 301-860-4164  Hours: 8am – 6pm M-F	Coordinator of Student Conduct Henry Administration Building  301- 860-3394
	Campus Police 301-860-4040  Open 24 Hours
	Partners in Peace Henry Wise Wellness Center

### OFF CAMPUS SUPPORT AND RESOURCES

<b>Confidential</b>	<b>Non-Confidential</b>
Domestic Violence and Sexual Assault Center  301-618-3154  Hours: 8am -6pm M-F	Local Law Enforcement 911  Open 24 Hours
National Sexual Assault Hotline 1-800-656-HOPE	Maryland Coalition Against Sexual Assault  301-328-7023
National Domestic Violence Hotline 1-800-799-SAFE	
Lesbian, Gay, Bisexual, and Transgender National Hotline 1-888-849-4564	

Sexual Assault Legal Institute 301-565-2277	
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**EXTERNAL AGENCY RESOURCES**

U.S. Department of Education, Office for Civil Rights 400 Maryland Avenue, SW Washington, DC 20202
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Maryland Commission on Civil Rights 6 Saint Paul Street, Suite 900  Baltimore, Maryland 21202  410-767-8600
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Equal Employment Opportunity Commission Baltimore Field Office  31 Hopkins Plaza, Suite 1432  Baltimore, Maryland 21201  1-800-669-4000
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Prince George's County Police Department 601 SW Crain Highway  Upper Marlboro, Maryland 20774  301-352-1200 (non-emergencies; for emergencies dial 911)
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## **Appendix B**

### **TIPS FOR PRESERVING EVIDENCE OF A SEXUAL ASSAULT**

Regardless of whether an individual reports an incident of sexual misconduct to the University or law enforcement, the University strongly encourages individuals who have experienced sexual assault to preserve evidence to the greatest extent possible. Below are some tips on how to best preserve evidence.

- Seek medical attention immediately for a Sexual Assault Forensic Exam (SAFE). The nearest hospital to the University that performs SAFE exams is U.M. Prince George's Hospital Center, 3001 Hospital Drive, Cheverly, Maryland 20785
- Do not shower, bathe, brush your teeth, or change your clothes before seeking medical attention
- If you do change your clothes, store the clothing you were wearing during the assault in a paper bag or wrap them in a clean sheet (plastic containers/bags do not breathe and may render the evidence useless).
- Do not wash sheets, towels, etc. which may have evidence of the assault
- Do not delete any electronic communications relating to the assault including: text messages, emails, Facebook messages, or other social media messages

## **Appendix C**

### **OFFICIALS WITH AUTHORITY TO INSTITUTE CORRECTIVE MEASURES**

#### **University President**

301-860-3555

President@bowiestate.edu

Administration Building, Room 2000

#### **Title IX Coordinator**

301-860-4511

TitleIXCoordinator@bowiestate.edu

Thurgood Marshall Library, Suite 247

#### **Director of Student Conduct and Community Standards**

301-860-3394

jbrooks@bowiestate.edu

Administration Building, Room 2500

#### **Vice President of Student Affairs**

301-860-4406

dpjohnson@bowiestate.edu

Administration Building, Room

#### **Provost and Vice President of Academic Affairs**

301-860-3464

cbgoodman@bowiestate.edu

Administration Building,

#### **Vice President of Athletics**

301-860-3559

cdoughty@bowiestate.edu

Physical Education Complex, Room 118

**General Counsel**

301-860-3503

[kshaheed@bowiestate.edu](mailto:kshaheed@bowiestate.edu)

Administration Building, Room 2200