

located within 24 hours of the initial report made to the University and after a residence hall room search, a review of closed circuit cameras, the student's access control card, class attendance, email and social network sites, and discussions with friends and roommates. Parents and/or guardians will be notified when reliable information about their son or daughter is available and within 24 hours of the initial report. Public Safety and or Student Life will notify Baltimore Police when the student has been missing for more than 24 hours as required by law.

If there is reason to believe a student may be missing, students, faculty and employees should contact the Office of Public Safety (410-617 5911). Students and employees can also report students who they believe are missing to the Dean of Students Office (410-617-2842) or office of Student Life (410-617-5081).

All students are required to provide the University with updated permanent and local address and emergency contact information on a yearly basis or when changes occur. Student residents have the option to register a confidential contact person they want notified in case they are determined to be missing for 24 hours. Students are advised about the option to register a contact person during the housing selection process. All students attempting to register for on-campus housing will be notified, on an annual basis of this policy as part of the housing selection processes. They will have the option provide or change their missing person contact information. All information provided concerning this subject will remain on file and be considered accurate until the student voluntarily provides different information. For students under the age of 18, who are not emancipated, the notification will be made to the student's custodial parent or guardian and any other designated contact person within 24 hours. This information will be maintained confidentially and will be accessible only to authorized campus officials and disclosed to law enforcement personnel in furtherance of a missing person investigation.

In cases where a student has not designated a contact, the student's emergency contacts will be used. The student development division will work in conjunction with the department of public safety and the missing student's family and friends to ensure all efforts are made to locate them and preserve their safety and wellbeing. The University will cooperate with all law enforcement agencies involved in a search for a missing student as prescribed by law. This policy will be administered in accordance with FERPA and the Higher Education Opportunity Act of 2008.

I. Harassment and Discrimination Policy and Procedures

Policy

Loyola University Maryland does not discriminate on the basis of race, sex, color, national or ethnic origin, age, religion, disability, marital status, sexual orientation, gender identity, genetic information, military status, or any other legally protected classification in the administration of any of its educational programs and activities or with respect to admission or employment. Prohibited discrimination includes harassment on the basis of a protected classification and harassment based on participation in any "protected activity." Complaints of domestic violence, dating violence, stalking (whether or not based on a protected classification), and sexual exploitation are also addressed under this policy.

¹ Loyola students and employees who are studying or teaching off-campus (e.g., semester abroad) or are on a leave of absence (e.g., medical leave, sabbatical) remain covered by this policy.

Discrimination, harassment, domestic violence, dating violence, stalking, and sexual exploitation are inconsistent with Loyola's commitment to excellence and respect for all individuals. Loyola is also committed to protecting the academic freedom and freedom of expression of all members of the University community. This policy shall be applied in a manner that protects the academic freedom and freedom of expression of all parties to a complaint. Academic freedom and freedom of expression include but are not limited to the expression of ideas, however controversial, in the classroom, residence hall, and, in keeping with different responsibilities, in workplaces elsewhere in the University community.

Scope

This policy prohibits discrimination, harassment, domestic violence, dating violence, stalking, and sexual exploitation of students, employees or program participants of Loyola University Maryland by anyone on University property or at University-sponsored activities. This policy applies to situations in which the person alleging a violation (the "complainant") or the person accused of a violation (the "respondent") is an employee, student, or program participant of Loyola University Maryland.¹

Allegations against student employees in their capacity as employees are resolved through this policy by the director of student life and the director of human resources generalist services.

Allegations against students in their capacity as students are resolved through the student conduct process rather than under this policy. The Community Standards can be found at

<http://www.loyola.edu/department/studentlife/studentconduct>.

Allegations involving individuals who are not current employees or students of Loyola (e.g., applicants for admission or employment, alumni, independent contractors, vendors, recruiters) are addressed on a case-by-case basis using an appropriate procedure as determined by the human resources office.

Harassment other than on the basis of a protected classification is also prohibited by University policy and may be the subject of a complaint using the Grievance Policy and Hearing Procedures (Section 8.18 of the Staff and Administrator Policy Manual).

Compliance

The designated official to ensure Loyola's compliance with Title IX of the Education Amendments of 1972, as amended, which prohibits sex discrimination including sexual harassment and sexual violence, is Kathleen M. Parnell, Assistant Vice President for Human Resources, 5000 York Road, Suite 200, Baltimore, MD 21212, Phone: 410-617-2354, Email: kmparnell@loyola.edu.

The designated official to ensure Loyola's compliance with Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap/disability, is Katsura Kurita, Assistant Vice President for Student Development, 4501 N. Charles Street, Baltimore, Maryland, 21210, Phone: 410--617-5646, Email: kkurita@loyola.edu.

Complaints may also be filed with the U.S. Department of Education, Office of Civil Rights (www.ed.gov).

This policy, the following Procedures for Resolution of Complaints, and the Community Standards are only part of Loyola's effort to prevent discrimination and harassment, domestic violence, dating violence, stalking, and sexual exploitation in our community. In addition to spelling out steps for making and resolving complaints, the University is also committed to programs of education and prevention.

Definitions

Dating violence encompasses a broad range of behaviors, including sexual assault, physical abuse, and other forms of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant and where the existence of such a relationship is determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Maryland, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic violence laws of Maryland.

Harassment means unwelcome verbal, written or physical conduct based on a protected classification (race, sex, color, national or ethnic origin, age, religion, disability, marital status, sexual orientation, gender identity, genetic information, military status, or any other legally protected classification) that has the purpose or effect of unreasonably interfering with an individual's work or education (including living conditions) or that creates an intimidating, hostile or offensive environment.

Sexual assault includes any sexual act or sexual contact without consent, including intercourse; oral sex; unwanted touching of an intimate body part of another person such as sexual organs, buttocks, or breasts; or an attempt of any of the above. Rape is a type of sexual assault. For purposes of this definition, "consent" means an affirmative indication of a voluntary agreement to engage in the particular sexual act or conduct in question. Consent for one sexual act or conduct does not constitute consent to all sexual acts or conduct. Consent can be withdrawn at any time, and once withdrawal of consent has been expressed, sexual activity must cease. Consent cannot be obtained through the use of force, threat, intimidation, or coercion. Consent cannot be given by someone who is not able to effectively communicate or to understand the nature of the conduct being engaged in as a result of incapacitation due to consuming drugs or alcohol or for any other reason (including but not limited to being unconscious, asleep, or otherwise unaware that sexual activity is occurring.) Incapacitation may also exist because of a physical, mental or developmental disability. Silence or absence of resistance on the part an individual does not constitute his or her consent. For more information on the University's response to sexual assault, refer to the Annual Security Report found at <http://www.loyola.edu/departments/publicsafety/reporting/annual-security-report>.

Sexual exploitation means taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited. Examples include but are not limited to non-consensual photography, video, or audio recording sexual images or activity, distributing images of sexual activity without consent, allowing others to observe a consensual sexual act without the prior knowledge or consent of all involved parties, and voyeurism.

Sexual harassment is a form of harassment with specific distinguishing characteristics. It consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or education; or
- submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting an individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or education (including living conditions), or creating an intimidating, hostile or offensive environment.

Sexual misconduct includes sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking. Additional procedures and information specifically related to sexual misconduct are outlined below in the Sexual Misconduct section of this policy.

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.

Retaliation

It is a violation of Loyola's harassment and discrimination policy to retaliate against any person for making an allegation or participating in an investigation of an alleged violation of this policy. A complaint of retaliation may be pursued using the steps set forth in this policy. When necessary, the University will monitor student grading or faculty/staff reappointment, tenure, promotion, merit review, or other decisions in order to ensure that prohibited retaliation does not occur. The University reserves the right to take immediate measures to prevent violations pending the outcome of any proceedings under this policy.

Knowingly Filing False Complaints

Knowingly filing a false complaint of harassment, discrimination, retaliation, domestic violence, dating violence, or stalking is a violation of this policy. Employees who knowingly file a false complaint are subject to disciplinary action.

Intentional Breaches of Confidentiality

Participants in this process, including the complainant and respondent, witnesses, investigators, supervisors/department chairs or their designees, and University officers may be directed to maintain appropriate confidentiality regarding the proceedings in order to protect the integrity of the investigation, to protect the privacy rights of the individuals involved, or for other valid reasons, provided that a complainant or respondent may not be required to maintain confidentiality as to the outcome of the investigation. Any questions regarding confidentiality, including who has a "need to know" in a particular case, should be directed to human resources.

A complaint alleging an intentional breach of confidentiality may be pursued using the procedures set forth below. Such a breach may also constitute an act of retaliation. A breach of confidentiality may void the outcome of any previously agreed-upon resolution to a complaint.

Procedures for Resolution of Complaints

Introduction

The following Procedures provide for prompt, fair and impartial investigation and resolution of all reports of harassment and discrimination, sexual assault, domestic

violence, dating violence, stalking or sexual exploitation within the Scope of this policy, whether or not a formal or informal complaint has been made. Investigations will be conducted by officials who have received appropriate annual training. Loyola will undertake immediate and appropriate corrective action whenever it determines that a violation of this policy has occurred.

In considering a complaint under this policy, the following understandings shall apply:

- Harassment must be distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.
- The conduct alleged to violate this policy should be evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all the circumstances.
- Filing a complaint under this policy does not preclude an employee from filing a charge of employment discrimination with the EEOC, or Maryland Commission on Human Relations, within the time frames established by those agencies. Filing a complaint under this policy does not preclude a student or employee from filing a written complaint with the Department of Education's Office of Civil Rights within 180 calendar days of the date of the alleged discrimination.

Informal Intervention

Any member of the Loyola community who believes that he or she has experienced harassment, discrimination, sexual assault, domestic violence, dating violence, stalking, or sexual exploitation in violation of this policy is encouraged to report the incident(s) as soon as possible. A complainant may end the informal stage at any time and may initiate a formal complaint.

Options for Informal Resolutions

Discuss the situation with the assistant vice president for human resources or other designated individuals who are available through the following offices:

Undergraduate Students:

Office of Student Development
Dean of First-Year Students and Academic Services
Dean of Loyola College
Dean of the School of Education
Dean of the Sellinger School of Business and Management
Assistant Vice President Student Development and Title IX Deputy Coordinator
Assistant Vice President Human Resources and Title IX Coordinator

Graduate and Professional Students:

Dean of Loyola College
Dean of the School of Education
Dean of the Sellinger School of Business and Management
Director of Graduate Admission
Associate Vice President Graduate Studies
Assistant Vice President and Director Athletics
Assistant Vice President Student Development and Title IX Deputy Coordinator
Assistant Vice President Human Resources and Title IX Coordinator

Faculty:

Human Resources Office
 Office of the Vice President for Academic Affairs
 Associate Vice President for Academic Affairs and Diversity
 Deans
 Assistant Vice President Human Resources and Title IX Coordinator
 Title IX Deputy Coordinator for Faculty, Staff and Administrators

Staff and Administrators:

Human Resources Office
 Division Vice Presidents
 Assistant Vice President Human Resources and Title IX Coordinator
 Title IX Deputy Coordinator for Faculty, Staff and Administrators

Meet with the individual whose behavior is disturbing, discuss the situation, and make it clear that the behavior is unwanted. Such actions may be discussed with human resources in advance of the meeting. (Note: this option is not appropriate in cases of alleged sexual assault.)

Contact the supervisor/department chair or dean of the person whose behavior is disturbing and request assistance to stop the behavior.

For an informal interview, request assistance from the human resources office (ext. 2354).

The University also has three anonymous reporting methods:

- Silent Witness Form, found at <http://www.loyola.edu/department/publicsafety/silent-witness-form>
- EthicsPoint, found at <https://secure.ethicspoint.com/domain/media/en/gui/18799/index.html>
- Bias Related Behaviors Report, found at www.loyola.edu/reportbias

Assistance with Informal Interventions

Human resources may assist an individual who does not wish to file a formal complaint but who seeks informal intervention to end conduct that the person believes violates this policy.

Human resources, or another person designated by human resources, may discuss the alleged conduct with the respondent, remind him or her of University policies, and seek a commitment by the respondent to comply with these policies. In addition, appropriate disciplinary action may be taken, up to and including termination, depending on the nature and severity of the conduct and the respondent's overall work history.

After an informal intervention has concluded, human resources will collect and maintain all documentation concerning the complaint. Such a record will be kept in order to document that an informal complaint was made and that actions were taken in response to the complaint.

NOTE: Some forms of behavior that are disturbing to members of the Loyola community may not meet the definitions of behavior prohibited by this policy. Such behavior may, nonetheless, be prohibited by other policies, rules, or procedures. Questions about handling complaints under any other policies and procedures may be directed to deans and to human resources staff.

Initiating a Formal Complaint

Timeframe for Filing

Formal complaints of harassment or discrimination should be filed with human resources as soon after the offending conduct as possible, but no later than 180 calendar days after the most recent conduct alleged to violate this policy. Human resources may grant a reasonable extension of any other time period established in these guidelines; however, the 180 calendar day time limit for filing a formal complaint shall not be extended.

The 180-calendar-day statute of limitation on the filing of claims is intended to encourage complainants to come forward as soon as possible after the offending conduct and to protect respondents against complaints that are too old to be effectively investigated. There may, however, be sound reasons why a complainant does not come forward within 180 calendar days. Although such a complaint cannot be pursued under the formal complaint procedures, there may still be options for responding to such complaints through counseling or informal intervention. If sufficient evidence is available, an investigation can be undertaken by appropriate authorities to determine if the behavior constitutes misconduct under other conduct processes.

Written Complaint and Response

A formal complaint must be submitted in writing to human resources and signed by the complainant. This written complaint shall include the names of the complainant and the respondent and the details of the conduct alleged to violate this policy. Within five calendar days of receiving the written complaint, human resources will provide the respondent with a copy of the complaint. The respondent must submit to human resources a response to the charges within 14 calendar days. Upon receipt of the respondent's answer to the complaint, the human resources office shall forward a copy of the response to the complainant.

Investigation

Within five working days of receiving a copy of the response to the complaint, a designee of the human resources office will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of the policy occurred. During the investigation, the investigator will interview the complainant, the respondent, and any witnesses who may have direct relevant information to determine whether the conduct occurred and whether such conduct violated this policy. In cases of alleged sexual assault, dating violence, domestic violence, and stalking, both the complainant and the respondent shall have the same opportunities to be accompanied to any meeting or disciplinary proceeding by an advisor of their choice. In appropriate cases, including sexual misconduct investigations, interim measures may be put in place such as no contact orders, changes to work schedules/situations, interim suspension for the respondent, and other measures for safety as necessary.

Settlement Negotiation

Within seven calendar days of receiving a copy of the response to the complaint, human resources shall schedule a meeting with each of the parties, together or separately, to attempt to negotiate a settlement of the complaint; provided, however, that the parties will not be requested or permitted to meet together in sexual misconduct cases.

A settlement shall occur when the parties agree to a resolution of the complaint in writing. A resolution may include, but is not limited to, withdrawal of the complaint without the right to re-file it; an agreement by the respondent to terminate or not repeat specific conduct; an apology; or participation in counseling. Human resources shall review all settlements to ensure that the parties fully understand the terms. If there is any sanction agreed to as part of the resolution, the official responsible for implementing any such sanction must also agree to the settlement.

Finding, Determination, and Sanction

If a settlement is not reached within 30 calendar days of this initial meeting, human resources shall make a written determination, using a “preponderance of evidence” standard, which includes a finding of whether the conduct alleged in the complaint occurred and whether such conduct violated this policy. The written determination will be completed within five working days of the end of the settlement period, unless new information is brought forward during the negotiation period that requires further investigation. If human resources determines that the respondent violated this policy, human resources shall consult with the appropriate responsible individual to determine the sanction to be imposed by the University. Taking into account the nature and severity of the violation and the respondent’s employment record, sanctions may include: mandatory assessment and compliance with treatment recommendations; prohibition from participating in grading, honors, recommendations, reappointment and promotion decisions, or other evaluations of the complainant; letter of reprimand and a copy of the complaint and its disposition placed in the respondent’s personnel file; restrictions on the respondent’s access to University resources, such as merit pay or other salary increases for a specific period; written warning or probation; or suspension or dismissal from the University.

Human resources shall notify the complainant and the respondent simultaneously, in writing, of the determination. If it is determined that the policy was violated, the notice will include the sanction(s) to be imposed.

Responsible Official

In cases in which the respondent is a member of the faculty, the responsible official shall be the dean of the school or college to which the respondent belongs, or the vice president for academic affairs.

In cases in which the respondent is a non-faculty administrator or staff member, the responsible official shall be the appropriate vice president, or their designee. If the respondent is a non-faculty administrator or staff member in a division that reports directly to the president, the responsible official shall be designated by the president. If the respondent is the president, the responsible official shall be the Chairperson of the Board of Trustees.

In cases in which the respondent is a student employee (graduate or undergraduate); the responsible official shall be the appropriate vice president of the division or dean of the college in which the student is employed.

Appeals to the President

Note: In accordance with the scope of this Policy, this appeals procedure does not apply to allegations against students that are resolved through the student conduct process.

Within 14 days of receiving notice of the determination and the sanction, if any, the complainant or the respondent, or both, may file an appeal, in writing, to the president based on one or more of the following grounds:

- The determination is not supported by the evidence.
- Relevant new evidence that was not available for consideration prior to the determination has been discovered.
- The sanction is disproportionate to the offense.
- Procedural error(s) occurred that materially affected the outcome of the investigation.

The president shall review the appeal based on the written record, without a hearing. The president may remand the case to human resources for further investigation and findings. Within 30 days of receipt of the last-filed appeal, the president shall render a final decision simultaneously, in writing, to the complainant and the respondent.

Sexual Misconduct

If you believe that you have been the victim of sexual misconduct on University property, at a University-sponsored event regardless of location, or in the administration of any of Loyola's educational programs or activities, you are encouraged to report the incident to one of the following individuals:

Title IX Coordinator for the University:

Kathleen Parnell, Assistant Vice President for Human Resources
5000 York Road
410-617-1350
kparnell@loyola.edu

Title IX Deputy for Students:

Katsura Kurita, Assistant Vice President for Student Development
110 Jenkins Hall
410-617-5646 (direct)
410-617-5171 (main)
kkurita@loyola.edu

Title IX Deputy for Faculty, Staff, and Administrators:

Maryalice Meister, Director for Human Resources Generalists Services
5000 York Road
410-617-1367
mlmeister@loyola.edu

Title IX Deputy for Public Safety and Crimes:

Timothy Fox, Director for Public Safety
5104 York Road
410-617-2853
tfox@loyola.edu

Reports of sexual misconduct also can be made to any “responsible employee,” defined as any University administrator, faculty member, campus police, coach, trainer, resident assistant, or non-confidential first responder who has the authority to take action to redress the sexual misconduct or whom a student could reasonably believe has such authority or duty. Campus Police and the student life on-call staff can be reached at 410-617-5010.

You will be asked to provide a statement to the University investigator(s). It is important to give as much information as possible because your statement will serve as the basis for further investigation of any case and any resulting proceedings. You will be provided with a written explanation of your rights and options including procedures victims should follow, information as to how Loyola University Maryland will protect confidentiality of victims and other necessary parties, notification about services available for victims within the University and in the community, options for available assistance and interim measures, and an explanation of the procedures for University disciplinary action. Pursuant to a policy developed by Student Life, students who report or witness sexual misconduct will not be subject to disciplinary action for the students’ own personal consumption of alcohol or drugs at or near the time of the incident. In such cases, the University may initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

The University encourages any individual who has been a victim of domestic violence, dating violence, sexual assault, or stalking to report the incident to the Baltimore City Police. The director of public safety or their designee can assist the victim in contacting the appropriate law enforcement officials and in working with these officials to pursue criminal charges against the alleged offender. Victims also have the option to decline to notify law enforcement authorities. Protective orders and peace orders may be sought through the court system. Baltimore City Police can be reached by calling 911.

Reports made to a licensed counselor, clergy acting in their pastoral role, or treating health care provider are confidential and will not be reported for investigation without your permission unless an imminent threat exists. For students, Loyola’s Counseling Center can be reached at 410-617-2273 and the Student Health Center can be reached at 410-617-5055. If you would like to seek counseling assistance off campus, you may contact TurnAround 24 hours a day at 443-279-0379, House of Ruth 24 hours a day at 410-889-7884, or the Sexual Assault /Domestic Violence 24-hour hotline for Baltimore and Carroll Counties at 410-828-6390.

Individuals are encouraged to seek medical assistance in cases of sexual misconduct. Upon request, campus police will provide transportation to Mercy Hospital, designated as one of the city’s rape treatment centers. This hospital is equipped to perform the Sexual Assault Forensics Exam (SAFE) and provide victim services. It is important to preserve evidence for proof of a criminal offense if charges may be filed.

Interim measures may be offered to an individual who has been subjected to sexual misconduct. These interim measures may include but are not limited to: no contact order, new housing assignment, changes to class schedules, assistance with rescheduling an academic assignment (paper, exam, etc.), tutoring support, changes to work schedules/situations, transportation assistance and escorts to and from campus locations, interim suspension for the respondent, and other measures for safety as necessary.

Monitoring

At the beginning of each academic year, human resources shall submit a written report to the president setting forth the number of informal and formal cases filed in the prior year, and which of these cases, if any, reached mediated solutions.

The report shall also specify the number of cases in which human resources made findings of violations of this policy, the types of violations, and the final disposition of the cases, including any disciplinary action taken. The cases shall be reported in a manner that protects the privacy of the parties. The president shall make the annual report available to all members of the University community.