



Notice of Rights and Options for Sexual Misconduct Incidents

Loyola University Maryland is committed to a learning and working environment free from sexual misconduct, including sexual harassment and sexual discrimination. Sexual misconduct is a form of sex discrimination prohibited by federal law, including Title IX, state law, and University policies. Violence or threats of violence of any kind, including sexual assault, dating violence, domestic violence, sexual exploitation, and stalking, will not be tolerated. Reports of such offenses, including acquaintance rape and other types of sexual assault, are taken very seriously. This document provides a list of rights and options whether the incident occurs on or off campus.

The complete Loyola University Maryland policy on sexual misconduct is contained in the “Harassment and Discrimination Policy and Procedures” and is available online at www.loyola.edu/departments/title-ix/policy.

- The University is committed to providing a fair, prompt, equitable and impartial investigation and resolution process from the initial investigation to the final result. If a complaint is pursued, then parties to a complaint have the right to present documents, names of witnesses, and other evidence to the investigator. Investigations and disciplinary processes are conducted by investigators and hearing board members who are trained annually and who do not have a conflict of interest or bias for or against the parties involved in the incident. All parties will be treated with dignity, respect and sensitivity by officials of the University during all interactions regarding these matters.
- Confidential resources are available for support on campus. Students may access professional counselors in the Counseling Center at 410-617-2273; health services providers in the Student Health Center at 410-617-5055; clergy offering pastoral care at 410-617-2444; and Melissa Lees, Sexual Violence Prevention, Education and Response Coordinator, in the Women’s Center at 410-617-6769. These resources are not required to report the incident and will keep the information confidential. Employees can call the Employee Assistance Program 24 hours a day at 1-800-765-0770. Additional resources for counseling and assistance, both on and off campus, are listed in this document.
- To encourage reporting, a student who reports sexual misconduct, either as a complainant or a third-party witness, will not be subject to disciplinary action by the University for their own personal involvement with alcohol and/or drugs at or near the time of the incident unless the involvement was reasonably likely to place the health or safety of another individual at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol and/or other drugs.
- Title IX prohibits retaliation and University officials will take steps to prevent retaliation and take strong responsive action if retaliation occurs. If retaliation occurs, you may contact the Title IX Coordinator or Title IX Deputy Coordinators located at the end of the document.
- Disciplinary action may be limited if confidentiality is requested. However, the University will pursue other steps to limit the effects of the alleged harassment and prevent its reoccurrence.

Additionally, the University has to evaluate other factors, such as, the responsibility to provide a safe and non-discriminatory environment for all community members when determining next steps.

- There are interim measures that may be offered to reporting parties (“complainants”), responding parties (“respondents”), and other necessary parties regardless of whether the victim chooses to report the crime to Public Safety or local law enforcement, which may include but are not limited to: counseling; no contact order; relocating residence hall assignments; restricting access to certain campus buildings; 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; visa and immigration assistance; medical leaves of absences including information on financial impacts; interim suspension for the alleged respondent; and other measures for safety as necessary. These requests should be made through the appropriate Title IX Coordinator.
- Reports of sexual assault may not be resolved through mediation or informal resolution.

Privacy and discretion will be exercised in every incident. If a complainant requests privacy or asks that the complaint not be pursued, the University will take all reasonable steps to investigate and respond to the complaint, consistent with the request. If a request that the complainant’s name or other identifiable information not be disclosed to the alleged respondent, the University’s ability to respond may be limited.

Each party may disclose information to persons who need to know it in order to participate in or administer the process, and/or to provide support and assistance. Parents or guardians of students will not be contacted by the University except at their request or in the case of a health and safety emergency. University officials are required to document the reports of sexual misconduct for general Clery Act statistics. There will be no personally identifiable information about the complainant shared in that report. If the University is required to notify the community of the incident, including recording the assault in the campus crime log, no identifying information will be included, to the extent permissible by law.

Medical Recommendations: It is strongly encouraged that the complainant seek medical assistance in cases of sexual assault or misconduct. Maryland regulations provide that the Sexual Assault Forensic Examination (SAFE) be performed free of charge if seen within 120 hours of the alleged offense.

- Public Safety can provide transportation to Mercy Hospital located on 300 St. Paul Street in the Emergency Department at 410-332-9477, which is designated as the city’s sexual assault and domestic violence treatment center. Mercy has trained nurses who perform the SAFE program and will provide victim services, including treatment of injuries and steps to address concerns of pregnancy and/or sexually transmitted disease. An on-call University staff member may also accompany and assist a student at the hospital.
- It is recommended that the complainant not take a shower or wash or discard clothing they were wearing at the time of the assault. All clothing (including underwear) should be put into a paper bag and brought to the hospital.
- A complainant does not have to decide whether or not to file charges before obtaining a forensic

exam. The exam is free and the evidence will be retained for one year and one day in Baltimore City. If they wish to remain anonymous, they can have the exam listed as a Jane Doe/John Doe name for confidentiality. Having a forensic exam is an important step to preserve evidence for a criminal offense if criminal charges are filed.

Counseling Services: Reports made to a licensed counselor, health care provider, or designated confidential advocate are confidential and will not be reported for investigation without the complainant's permission unless an imminent threat exists.

- The Counseling Center is located in Humanities 150 and students can reach them at 410-617-2273 (CARE). You can also access REACT on-line at www.loyola.edu/counselingcenter. Melissa Lees, Sexual Violence Prevention, Education and Response Coordinator, who is a confidential advocate, is located in the Women's Center at 410-617-6769.
- Employees can call the Employee Assistance Program 24 hours a day at 1-800-765-0770.
- Off campus resources that offer counseling and support include TurnAround (sexual assault and domestic violence support services) at 443-279-0379 (24 hour helpline), the House of Ruth (domestic violence only) 24 hours a day at 410-889-7884, or Hopeworks for Howard County (24 hour hotline) at 410-997-2272.

Options for Reporting:

All reports made to Public Safety and Student Life involving sexual assault, domestic violence, dating violence and stalking will automatically be referred to the appropriate Title IX Coordinator for investigation, and a complainant may pursue a complaint through the student conduct process for responding parties who are students. This referral to the appropriate Title IX Coordinator is made even if the complainant chooses not to pursue on-campus disciplinary charges. Further, complainants may file a complaint with local law enforcement for criminal prosecution depending on the location of the incident. They can enact both processes, as they are different and can proceed at the same time. Alternatively, they do not have to choose either process. The University does, however, have to take action to limit the effects of the alleged incident, prevent reoccurrence, and may need to inform and notify the community via a Timely Warning via email. The purpose of the warning is to aid in the prevention of similar crimes by enabling community members to protect themselves. These notices will not include personally identifying information. For examples of Timely Warnings messages, go to www.loyola.edu/department/title-ix/reporting-resources. Students may request that directory information on file be removed from public sources by request, in writing and on an annual basis, to the Records Office, Loyola University Maryland, 4501 N. Charles Street, Baltimore, MD 21210-2699. Reports may also be submitted through the online reporting system located at the following webpage: www.loyola.edu/department/title-ix.

- **Student Conduct Process (on-campus):** The student disciplinary process is managed by the Director of Student Conduct who is available to explain the conduct process. The sexual misconduct section of the Community Standards outlines the procedures for the adjudication of these incidents and is online at www.loyola.edu/department/studentlife/studentconduct. A student conduct decision is based on a preponderance of the evidence standard, i.e., “more likely than not to have occurred” standard.
 - If you experience a sexual assault, you can call Public Safety 410-617-5911 or 5010 and ask for an officer to respond or ask to be connected to the Student Life Assistant Director who is

“on call” if the incident involves a student. A Student Life representative and Melissa Lees, Sexual Violence Prevention, Education and Response Coordinator, will respond and speak with the student and other third parties.

- Once a request for on campus disciplinary process is made a prompt, fair, equitable, and impartial process from the investigation to the final result will be completed within a timely manner that is transparent, provides timely notice of meetings and equal access to information to both the complainant and respondent. This process will be conducted by officials without a conflict of interest or bias for each party and who receive annual training that protects the safety of the parties and promotes accountability.
- **Employee Complaint Process (on-campus):** To initiate a complaint against respondents who are employees, contact the Title IX Deputy for Faculty, Staff and Administrators in Human Resources at 410-617-1345. The process is outlined in Policy 8.6 of the Staff and Administrator Policy Manual.
- **Criminal Process and Preservation of Evidence (off-campus):** A complainant has the right to file a report with Baltimore City Police, Baltimore County Police or Howard County Police.
 - If a crime has occurred, the complainant has the right to file criminal charges with the appropriate law enforcement official. Public Safety can help to contact the appropriate law enforcement officials and work with the officials to pursue criminal charges against the alleged respondent.
 - If criminal charges will be filed, a Sexual Assault Forensic Examination (SAFE) is recommended and must be collected within 120 hours of the incident in order for it to be admissible in court. The SAFE program is used to medically evaluate the incident and collect evidence from the body. If the incident occurred on campus, then the Baltimore Police Crime Scene Unit may secure the site and collect evidence from student rooms, common areas and other areas that may produce evidence from the incident. Evidence collection is very important when pursuing criminal charges.
 - Complainants of sexual assault, domestic violence, dating violence, and stalking are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, and logs or other copies of documents that would be useful to University investigators, hearing board members or police.
 - The University’s Title IX website provides definitions for rape, domestic violence, stalking, and other sexual offenses under Maryland criminal law at www.loyola.edu/departments/title-ix.
 - The Maryland Judiciary provides information on how to file for a peace or protective order at <http://mdcourts.gov/courtforms/joint/ccdcvpo001br.pdf>. Information regarding legal assistance and attorneys who can help to secure a protective order or peace order, may be obtained by contacting MCASA’s Sexual Assault Legal Institute (SALI) at 301-565-2277 or toll-free at 1-877-496-SALI (7254). The University does not recommend particular private attorneys, but parties may wish to use the referral service of the Maryland State Bar Association at 800-492-1964, or online at www.msba.org which can also provide referrals to attorneys for visa and immigration services. The State’s Attorney’s office can be reached at 443-984-6096 or 443-984-6094 and is in charge of

prosecuting sex crimes on behalf of the State of Maryland. You may also contact Melissa Lees, Sexual Violence Prevention, Education and Response Coordinator, in the Women's Center at 410-617-6769 or Public Safety for assistance in securing a protective order and to develop a Safety Action Plan.

- **External Complaints (off-campus):** Reporting parties have the right to file complaints of sex discrimination with an external governmental agency. This may happen before, after or during an on-campus and/or off-campus grievance process. Complaints may be filed with the Office of Civil Rights, U.S. Department of Education, The Wanamaker Building, Suite 515, 100 Penn Square East, Philadelphia, PA 19107, telephone at 1-800-421-3481 or by email at OCR.Philadelphia@ed.gov.
- **The right to have advisors of choice to support and accompany you through the University's investigation and resolution of the complaint.** In matters involving sexual assault, stalking, dating violence, and domestic violence, the complainant and respondent may each have no more than two people, defined as advisors, present throughout the entire process. The advisor may be a personal supporter of the student's choice, a licensed attorney, an advocate, or an advocate supervised by an attorney. Advisors may assist a party with understanding the investigation process and preparing for meetings and interviews; attending meetings and interviews with the party; reviewing any statements prepared by the party; and providing assistance and support to the party as they move through the process. Advisors may not speak on behalf of the party at any meetings or interviews or through any written documents. Advisors should consult with the appropriate Title IX Coordinator regarding any questions that arise during the process. The Title IX Deputy Coordinator for Students maintains a list of advisors who have been specifically trained in the policy and student disciplinary process. Advisors can be recommended upon request. Employees of the University who serve as adjudicators or witnesses for a particular incident are not able to serve as advisors to avoid a conflict of interest. Student complainants and respondents may access attorneys paid for by the Maryland Higher Education Commission (MHEC) or who agree to participate on a pro bono (without charge) basis. Information regarding accessing lawyers through MHEC can be found on the MHEC website, <https://mhec.state.md.us>. Students may knowingly and voluntarily choose not to have an attorney. Attorneys may not be available through MHEC for complaints involving allegations solely based on sexual and/or gender-based harassment. The attorneys paid for by MHEC are not available for representation in a criminal or civil matter.
- **Regular updates on the status of a complaint will be provided to both parties.** The complainant and respondent will concurrently be informed in writing of the outcome of the investigation, and, if the incident is referred to the disciplinary process, both parties will be notified in a timely manner of the date, time, and location of the hearing along with the documents obtained during the investigation. Further, both parties will be concurrently advised of the following: a) the decision of the hearing board; b) procedures to appeal the decision; c) the outcome of an appeal; and d) when the results become final. The University will, upon written request, disclose to the victim of a crime of violence or a non-forcible sex offense, the results of any disciplinary proceeding against a respondent of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of the victim shall be treated as the victim.

Note that different procedures apply when an employee or faculty member is accused of sexual

harassment or sexual misconduct. Refer to the Harassment and Discrimination Policy and Procedures at www.loyola.edu/departments/title-ix/policy.

○ **Potential sanctions that may be imposed if the respondent is found responsible for a violation of sexual misconduct under University Policies.**

Violations of the sexual misconduct section are serious and the range of sanctions includes the following for student cases: written reprimand; fine; restitution; educational project; alcohol and drug screening/education/ treatment; civility hours; parental/guardian notification; restricted access or privileges; senior week restrictions; loss of room selection privileges; relocation to another residence; restricted contact; social restrictions; residence hall probation; disciplinary probation; deferred suspension from the residence halls; deferred suspension from the University; suspension from the residence halls; suspension from the University; expulsion; student development assessment and evaluation; periodic drug testing; postponement of activity participation and conferring of honors and degrees; mentoring with an administrator; Jesuit reflection; athletics department notification; core advisor notification; restorative practices referral; and continuation/modification of interim measures. For employees, the potential sanctions may include: mandatory assessment and compliance with treatment recommendations; prohibition of respondent from participating in grading, honors, recommendations, reappointment and promotion decisions, or other evaluations of the complainant; written 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; or disciplinary probation; suspension or dismissal from the University.

○ **Title IX Coordinators**

Title IX Coordinator for the University:
Kathleen Parnell
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