



LOYOLA
UNIVERSITY MARYLAND

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 are prohibited and 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 for complainants (reporting parties) and respondents (responding parties) who are collectively referred to as “parties” in this document.

The revised policy on sexual misconduct is contained in the Harassment and Discrimination Policy and Procedures for Students and for Employees and is available online at www.loyola.edu/departments/title-ix/policy.

- The University is committed to providing a prompt, fair, equitable, and impartial investigation and grievance process from the formal complaint to the final outcome. If a formal complaint is filed, then the parties to a complaint have the right to present documents, names of witnesses, and other evidence to the investigator(s). Investigations and grievance proceedings are conducted by investigators and decision-makers who are trained annually and who do not have a conflict of interest or bias for or against the parties involved in the incident. The preponderance of the evidence or “more likely than not” standard is used in the grievance proceedings. All parties will be treated with dignity, respect, and sensitivity by officials of the University. A respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the applicable grievance process.
- Once a formal complaint is filed, the matter may be resolved through an informal resolution process where trained staff provide remedies and interventions without proceeding to an investigation and adjudication. This process requires that all parties to the complaint agree to the use of informal resolution, and either party may decide not to proceed with or to end informal resolution in favor of formal resolution at any time. Informal resolution will not be used for student complaints against employees. Reports of sexual assault may not be resolved through mediation or informal resolution.
- 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 may be accessed without a report of the incident, and the information provided will be confidential. Employees may 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, contact the appropriate Title IX Coordinator located at the end of the document immediately.
- **Supportive measures** are available for complainants, respondents, and other necessary parties regardless of whether the victim chooses to report the crime to Public Safety or local law enforcement. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge and can include actions deemed necessary to protect the well-being of the individuals involved in cases of sexual misconduct, as well as the educational environment of the University community. These supportive measures may include but are not limited to: counseling, no contact orders, 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, changes to work locations, leaves of absences, visa and immigration assistance, transportation assistance and escorts to and from campus locations, increased security and monitoring of certain areas, and other measures for safety as necessary. Additionally, the University may act to remove a respondent entirely or partially from its education program or activities on an emergency basis. See section 8.8.12 *Emergency Removal and Administrative Leave* under the Harassment and Discrimination Policy and Procedures.

Privacy and discretion will be exercised in every incident. If a complainant requests confidentiality and does not want to disclose their identity to the respondent, the University may not be able to pursue charges of sexual misconduct unless the complainant is willing to be identified in a formal complaint.

However, the University may pursue other steps by evaluating other factors, such as, the responsibility to provide a safe and non-discriminatory environment for all community members when determining next steps. See section 8.8.10 *When a Complainant Does Not Wish to Proceed* in the Harassment and Discrimination Policy and Procedures.

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. According to Maryland regulations, Sexual Assault Forensic Examination (SAFE) available free of charge within 15 days of the alleged offense. It is recommended the complainant have an exam within 120 hours of the incident as evidence can only be collected through a SAFE during this time.

Public Safety can provide transportation to Mercy Hospital located on 300 St. Paul Street, Baltimore, Maryland 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 to file criminal charges before obtaining a forensic exam. The exam is free, and the evidence will be kept in a secured locker indefinitely. There is no statute of limitations on filing a criminal complaint in Baltimore City. If they wish to remain anonymous, they can have the exam listed as a Jane Doe/John Doe for confidentiality. Having a forensic exam is an important step to preserve evidence for a criminal offense if criminal charges are filed.
- While the SAFE program is not available at the Student Health Center, students may schedule appointments for health-related concerns by calling 410-617-5055 and meet with a healthcare provider in the office. The office is in Seton Court 02A, and all appointments are private and confidential.

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 in the Humanities Building room 150, by phone at 410-617-CARE (2273) and is available for all students. You can also access REACT on-line at www.loyola.edu/counselingcenter.
- Melissa Lees, Sexual Violence Prevention, Education and Response Coordinator, is a confidential resource for students and is in the Women's Center (Seton Court 04A) at 410-617-6769.
- Employees may call the Employee Assistance Program 24 hours a day at 1-800-765-0770.
- Off campus local resources in the Baltimore area that offer counseling and support include TurnAround, Inc. (sexual assault and domestic violence support services) at 443-279-0379 (24-hour helpline) or Hopeworks in Howard County (24-hour hotline) at 410-997-2272.
- National confidential resources (available 24/7) include, but are not limited to: RAINN (Rape, Abuse & Incest National Network) which operates the National Sexual Assault Hotline at 1-800-656-HOPE (4673) and an [online chat with a trained staff member](#); and National Domestic Violence Hotline at 1- 800-799-7233 or TTY at 1-800-787-3224 with an [online chat option](#).

Options for Reporting: Reports involving sexual harassment, sexual assault, domestic violence, dating violence and stalking can be made to a Title IX Intake Officer who will meet with complainants and other reporting parties to review their rights, resources, and reporting options both on and off campus, including offering supportive measures, regardless of whether a formal complaint is filed. A list of Intake Officers and their contact information is located toward the end of this document. Reports may also made to any Title IX Coordinator/Deputy listed at the end of this document.

All reports involving sexual harassment, sexual assault, domestic violence, dating violence and stalking made to mandated reporters such as members of Public Safety and Student Life staff will automatically be referred to the appropriate Title IX Coordinator, and a complainant may pursue a formal complaint through the student conduct process for student respondents and the disciplinary procedures for employee respondents. This referral to the appropriate Title IX Coordinator or designee is made even if the complainant chooses not to pursue on-campus grievance proceedings. Further, complainants may file a complaint with local law

enforcement for criminal prosecution. They can enact both processes, as they are different and can proceed at the same time. They can proceed with one process and not the other. They can decline to engage in either process.

The University may need to inform and notify the community via a Timely Warning email. The purpose of the warning is to aid in the prevention of similar crimes by enabling community members to protect themselves from incidents that represent a serious or continuing threat to students and employees. These notices will not include personally identifying information. For examples of Timely Warning 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. Reports may also be submitted through the [online sexual assault reporting system](#). Reports that are submitted online will not be considered formal complaints under the Title IX Grievance Process.

Disciplinary Procedures for Students and Employees:

- **Presumption of Innocence for Respondents:** A respondent who participates in an on-campus grievance proceeding is considered “not responsible” for the alleged conduct until a determination of responsibility is made at the conclusion of the applicable grievance process. A respondent is entitled to supportive measures as outlined above to preserve access to the University’s education program, activity, or work environment. A respondent is also entitled to advisors of choice to support and accompany them through any meeting or hearing (see section on “Advisors of Choice” below).

- **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 and Gender-Based Misconduct Policy of the Community Standards outlines the procedures for the adjudication of these incidents and is online at <https://www.loyola.edu/department/student-conduct/community-standards>.
 - If a student experiences a sexual assault, they can call Public Safety 410-617-5911 (emergency) or 410-617-5010 (non-emergency) 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, or a member of the Counseling Center, will respond and speak with the student and other third parties.

 - **Potential sanctions for Student Respondents:**
 - Violations of the sexual and gender-based misconduct policy are serious, and the range of status sanctions includes the following for student cases: 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, and Expulsion. The range of additional sanctions includes the following: Alcohol and drug screening/education/treatment, athletics department notification, civility hours, continuation/modification of supportive measures, core advisor notification, educational project, fine, loss of room selection privileges, mentoring with an administrator, parental/guardian notification, periodic drug testing, postponement of activity participation and conferring of honors and degrees, reflection with Campus

Ministry or a Jesuit, relocation to another residence, restitution, restorative practices referral, restricted access or privileges, restricted contact, senior week restrictions, social restrictions, student development assessment and evaluation, and written reprimand.

- **Employee Disciplinary Process (on-campus) and Potential Sanctions:** Violations of the Sexual and Gender-Based Misconduct policy are serious, and the sanctions will take into account the nature and severity of the violation, the respondent's employment record, and may include the following: mandatory assessment and compliance with treatment recommendations; prohibition of the respondent from participating in grading, honors, recommendations, reappointment and promotion decisions, or other evaluations of the complainant; written warning, 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; continuation/modification of supportive measures; or disciplinary probation, suspension or dismissal from the University.

To initiate a formal complaint against respondents who are employees, contact the Title IX Deputy for Faculty, Staff and Administrators in Human Resources at 410-617-1345 or any Employee Intake Officer. The process is outlined in the Harassment and Discrimination Policy and Procedures under section 8.8 Sexual and Gender-Based Misconduct Policy 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 or other local law enforcement depending on where the alleged crime occurred. Complainants also have the right to decline filing criminal charges.
 - 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 harassment, sexual assault, domestic violence, dating violence, stalking, and other forms of sexual misconduct are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, pictures, and other communications such as phone logs or other copies of documents that would be useful to investigators, decision-makers and/or law enforcement.
 - 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>. 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 or peace orders and/or to assist with the development of a safety plan.

- Information regarding legal assistance and attorneys who can help to secure a protective order or peace order, may be obtained by contacting the Maryland Coalition Against Sexual Assault (MCASA)'s Sexual Assault Legal Institute (SALI) at 301-565-2277 or toll-free at 1-877-496-SALI (7254). While the University does not recommend specific attorneys, parties may wish to use the referral service of the Maryland State Bar Association at 1-800-492-1964, or online at www.msba.org which can also provide referrals to attorneys for visa and immigration services, among other areas. The State's Attorney's office can be reached at 443-984-6096 or 443-984-6094 and is responsible for prosecuting sex crimes on behalf of the State of Maryland.
- **External Complaints (off-campus):** Complainants 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.
- **Advisors of Choice for Complainants and Respondents:** In matters involving sexual harassment, 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 on campus grievance 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 grievance process.

Advisors may not speak on behalf of the party at any meetings or interviews or through any written documents except for cross-examination during hearings that fall within the Title IX Grievance Process. Advisors should consult with the appropriate Title IX Coordinator regarding any questions that arise during the process. The Title IX Coordinator maintains a list of advisors who have been specifically trained in the policy and student conduct process. Advisors can be recommended upon request. The Title IX Deputy Coordinator for Faculty, Staff, and Administrators maintains a list of advisors who have been trained in the policy and employee processes. Employees of the University who serve as adjudicators for a particular incident are not able to serve as advisors to avoid a conflict of interest.

Students who are complainants or 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 for students regarding accessing counsel through MHEC can be found on the MHEC website, <https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings---Attorney-List.aspx>. 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. Students or employees may knowingly and voluntarily choose not to have legal counsel.

While the University does not recommend any specific attorneys, employees may contact the Maryland State Bar Association at 1-800-492-1964, or online at www.msba.org for referrals to attorneys who may serve as advisors for a fee.

- **Regular updates on the status of a complaint will be provided to both parties.** Once a formal complaint under the Sexual and Gender-Based Misconduct Process is made to the appropriate Title IX Coordinator, a prompt, equitable, and impartial process from the investigation to the final outcome will be completed within a timely manner that is transparent, provides timely notice of meetings, and equal access to information for both the complainant and respondent. Any delays in the process will be communicated to the parties in writing.

The complainant and respondent will receive weekly updates from the appropriate Title IX coordinator until the case has been fully resolved. Further, the complainant and respondent will concurrently be informed in writing of the outcome of the investigation, will be provided an opportunity to respond, in writing, to the Investigation Report, and will be notified in a timely manner of the date, time, and location of the hearing before hearing panel members or decision-makers who are trained and free of bias, along with the documents obtained during the investigation. At the conclusion of the hearing, both parties will be concurrently advised of the following result to a formal complaint:

- identification of the allegations allegedly constituting sexual harassment; a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of the University's conduct code to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant; and procedures and permissible bases for the complainant and respondent to appeal.

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.

Title IX Coordinator and Deputies

Title IX Coordinator:
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