



## **VI-1.60(A) POLICY ON SEX DISCRIMINATION AND OTHER SEXUAL MISCONDUCT**

(Approved on an interim basis October 2014; Amended and approved October 21, 2015; Amended and approved September 2019; Amended and approved on an interim basis August 14, 2020; Amended and approved by the President November 2, 2021; Amended and approved by the President on July 30, 2024.<sup>1</sup>)

### **POLICY**

#### **I. Purpose**

Coppin State University (University) is committed to providing a learning and working environment free from all forms of Sex Discrimination<sup>2</sup> through training, education, and prevention programs that promote prompt reporting and response, and that eliminates the Sex Discrimination, prevents its recurrence, and addresses its effects. Sex Discrimination violates the core mission and values of the University and creating an environment free from discrimination is the responsibility of all members of the campus community. The University is also committed to upholding academic freedom and free speech on campus and does not condone behavior which violates these principles.

The purpose of this Policy and its accompanying Procedures is to define Sex Discrimination, and other Prohibited Conduct such as Retaliation, and provide for the procedures and standards in investigating and resolving Complaints. This Policy also identifies resources and other programs for individuals experiencing sexual assault or other types of sex-based harm.

This Policy applies to all reports of Prohibited Conduct occurring on or after the effective date. Where the date of the alleged Prohibited Conduct precedes the effective date of this Policy, the definitions of misconduct and the Procedures in existence at the time of the alleged incident(s) will be used.

#### **II. Definitions**

For purposes of this Policy and accompanying Procedures, the following definitions apply:

**“Advisor”** means a person chosen by a Party to provide advice and consultation to that Party, in accordance with this Policy and Procedures. An Advisor may be an attorney or another individual. An Advisor cannot be a witness or provide evidence in a case.

**“Appellate Hearing Officer”** means an individual designated to review decisions concerning responsibility and sanctions, based on the Respondent’s status as a student, staff member, or faculty member. Appellate Hearing Officers shall have had no previous involvement with the substance of

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<sup>1</sup> This amendment is effective on August 1, 2024.

<sup>2</sup> Capitalized terms are defined in this Policy in the Definitions and Prohibited Conduct sections.

the Complaint.

**“Complainant”** is an individual who is alleged to have been subjected to Sex Discrimination who is a student or employee or who was participating or attempting to participate in the Education Program or Activity at the time of the alleged Sex Discrimination, whether or not that individual initiated the Complaint.<sup>3</sup>

**“Complaint”** means an oral or written request to the Institution that objectively can be understood as a request to investigate and make a determination about alleged Sex Discrimination or Prohibited Conduct.

**“Confidential Employees”** are (1) employees whose communications are privileged<sup>4</sup> or confidential under Federal or State law; (2) employees whose communications are specifically designated as confidential for the purpose of providing services related to potential Sex Discrimination; or (3) employees who are conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination, but the employee’s confidential status is only with respect to information received while conducting the study.<sup>5</sup>

**“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 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 who wants to engage in sexual activity to ensure that the person has Consent from the other party, and that the other party is capable of providing Consent.

- Lack of protest or resistance is not Consent. Nor may silence, in and of itself, be interpreted as 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 sexual acts.
- Consent to one form of sexual activity cannot automatically imply Consent to other forms of sexual activity.
- 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 has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved.
- Consent cannot be obtained by use of physical force or Sexual Coercion.
- An individual who is Incapacitated is unable to give Consent.

**“Education Program or Activity”** of the University includes all operations of the University in the

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<sup>3</sup> A parent, guardian, or other authorized legal representative with the legal right to act on behalf of the Complainant may also file a Complaint on behalf of a Complainant.

<sup>4</sup> The employee’s confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.

<sup>5</sup> Each Institution’s Notice of Nondiscrimination (as defined in Section II.D) and policy shall conspicuously publish the names of all Confidential Employees, except any employee whose confidential status is only with respect to their conducting an institutional review board-approved human subjects research study designed to gather information about Sex Discrimination.

United States, including but not limited to, all conduct<sup>6</sup> over which the University exercises disciplinary authority and all conduct that occurs in any building owned or controlled by a student organization that is officially recognized by the University. The University will address a sex-based hostile environment under its Education Program or Activity even when some conduct alleged to be contributing to the hostile environment occurred outside the University’s Education Program or Activity or outside the United States.

**“Employees with Authority”** are employees, other than Confidential Employees, who have authority to institute corrective measures or who are responsible for administrative leadership, teaching, or advising.

**“Hearing Officer”** means a trained University faculty or staff member or third-party contractor designated to preside over the Hearing and has decision-making and sanctioning authority within the adjudication process.

**“Incapacitated”** means an individual’s decision-making ability is impaired such that the individual is incapable of understanding the “who, what, where, why, or how” of their sexual interaction/encounter. A person may be Incapacitated if they are asleep, unconscious, coming in and out of consciousness, being physical restrained by another person or device (e.g., handcuffs, rope, tape), or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a temporary or permanent mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the primary causes of Incapacitation. Being “drunk” or “high”, by most individuals’ understanding, is not the same as being Incapacitated. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs results in a person being unable to:

1. make decisions about the potential consequences of sexual contact;
2. evaluate one’s own conduct;
3. communicate to another person, Consent to sexual contact; or
4. communicate an unwillingness to another person to engage in sexual contact.

**“Informal Resolution”** means a broad range of conflict resolution strategies, including, but not limited to, mediation, Respondent acknowledgement of responsibility, negotiated interventions and remedies, and/or restorative justice practices.

**“Investigator”** means a trained University faculty or staff member or third-party contractor designated to conduct an impartial, fair, and unbiased investigation into an alleged violation of this Policy.

**“No Contact Order”** means an official directive that serves as notice to an individual that the individual must not have verbal, electronic, written, or third-party communications with another individual.

**“Parental Status”** means the current, potential, or past status of an individual who is, with respect to

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<sup>6</sup> Such conduct may occur in-person or through the use of technology such as e-mail, texts, social media applications, etc.

any person who is under the age of 18, or who is over the age of 18 but incapable of self-care because of a disability: (1) a biological, step, adoptive, or foster parent; (2) a legal custodian or guardian; (3) in loco parentis; or (4) actively seeking legal custody, guardianship, visitation, or adoption of any person who is under the age of 18, or who is over the age of 18 but incapable of self-care because of a disability.

**“Pregnancy or Related Conditions”** means the current, past, or potential presence of any of the following conditions:

- Pregnancy, childbirth, termination of pregnancy, or lactation.
- Recovery from pregnancy, childbirth, termination of pregnancy, or lactation.
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation.

**“Party”** means the Complainant or the Respondent (collectively, the “Parties”).

**“Preponderance of Evidence”** means that it is more likely than not that a Policy violation has occurred.

**“Prohibited Conduct”** means any conduct that is listed in Section V of this Policy.

**“Relevant”** means related to the allegations of Sex Discrimination under investigation as part of the grievance procedures. Questions are Relevant when they seek evidence which may aid a Hearing Officer in determining whether the alleged Sex Discrimination occurred. Evidence is Relevant when it may aid a Hearing Officer in determining whether the alleged Sex Discrimination occurred.

**“Remedies”** are measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to the University’s Education Program or Activity limited or denied by Sex Discrimination. These measures are provided to restore or preserve that person’s access to the University’s Education Program or Activity after the University determines that Sex Discrimination occurred.

**“Respondent”** means an individual alleged to be the perpetrator of conduct that may constitute Sex Discrimination.

**“Responsible Employee”** means a University administrator, supervisor, a member of the Public Safety Department, the President’s Cabinet (including staff in the Office of the President), Enrollment Management and Student Affairs division (including resident assistants, desk assistants, student workers in the Eagle Achievement Center, including Orientation Leaders, Tutors, and Student Mentors), Athletic Department (including coaches and athletic trainers), Academic Affairs division (including faculty and administrative staff), Administration and Finance division (including directors and administrative staff), Institutional Advancement division, and first responders who are not confidential resources, and are obligated pursuant to this Policy to report the Prohibited Conduct to the Title IX Coordinator.

**“Sex Discrimination”** means exclusion from participation in or being denied the benefits of any Education Program or Activity of an Institution on the basis of sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, and Pregnancy or Related Conditions. Sex-Based

Harassment is a form of Sex Discrimination.

“**Sanctions**” means disciplinary and other consequences imposed on a Respondent who is found to have violated this Policy.

“**Student**” means a person who has gained admission to the University.

“**Support Person**” means a person chosen by the Complainant or Respondent to provide emotional, logistical, or other kinds of assistance. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the Party in a way that does not disrupt or cause any delay. A Support Person shall not be an active participant or a witness, and the Parties must speak for themselves.

“**Supportive Measures**” mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or the Respondent to:

1. Restore or preserve that Party’s access to the University’s Education Program or Activity, including measures that are designed to protect the safety of the Parties or the University’s educational environment; or
2. Provide support during the University’s grievance procedures.

Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact applied to one or more Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, training and education programs related to Sex-Based Harassment, and other similar measures.

### **III. Applicability**

This Policy prohibits Sex Discrimination, Other Sexual Misconduct, and Retaliation under federal and state discrimination laws, including Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act (Title VII).

This Policy applies to all members of the campus community, including Students, faculty, and staff. It also applies to contractors and other third parties who are engaged in any University Education Program or Activity, or who are otherwise interacting with the University, including, but not limited to volunteers, vendors, and visitors. All University members are prohibited from engaging in or assisting or abetting another’s engagement in Sex Discrimination, Other Sexual Misconduct, or Retaliation.

This Policy is consistent with University System of Maryland Policy VI-1.60. To the extent any provision of this Policy conflicts with any other University policy, this Policy controls. Prohibited Conduct under this Policy may also be sex discrimination in violation of *VI-1.00(B) Coppin State University Non-Discrimination Policy and Procedures*. However, this Policy and Procedures supersedes *VI-1.00(B) Coppin State University Non-Discrimination Policy and Procedures* with

respect to allegations of Prohibited Conduct addressed by this Policy. The University will respond to reports and Complaints of Prohibited Conduct in accordance with this Policy and Procedures.

#### IV. Scope

This Policy applies to Prohibited Conduct committed by or against Students, faculty, staff and third parties when:

1. Conduct occurs on University premises, in any University facility, or on property owned or controlled by the University, including but not limited to, a building owned or controlled by a student organization that is officially recognized by the University, and conduct that is subject to the University's disciplinary authority;
2. Conduct occurs in the context of a University Education Program or Activity, including, but not limited to, University-sponsored academic, athletic, extracurricular, study abroad, research, online, or internship programs or activities; or
3. Conduct occurs outside the context of a University Education Program or Activity or outside the United States, but has continuing adverse effects on or creates a hostile environment for Students, employees or third parties while on University premises or other property owned or controlled by the University or in any University Education Program or Activity;

The University has no authority to investigate reported incidents involving members of the campus community that occurred prior to the individual being enrolled at or employed by the University when the incident did not occur on campus or otherwise in connection with a University Education Program or Activity. The University may, however, be able to assist individuals with Supportive Measures.

#### V. Prohibited Conduct

This Policy prohibits Sex Discrimination, Other Sexual Misconduct, and Retaliation as set forth below. Prohibited Conduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Prohibited Conduct can occur between people of the same or different sex, sexual orientation, or gender identity. Prohibited Conduct includes:

**A. Sex Discrimination** as defined in Section II of this Policy.

**B. Sex-Based Harassment** means sex discrimination and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other related conditions, that is prohibited by Title IX and satisfies one or more of the following:

1. **Quid Pro Quo Harassment**— An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
2. **Hostile Environment Harassment** - Unwelcome sex-based conduct that, based on totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from

the University's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. The degree to which the conduct affected the Complainant's ability to access the University's Education Program or Activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages, roles within the University's Education Program or Activity, previous interactions, and other factors about each party that may be Relevant to evaluating the effects of the conduct;
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other Sex-Based Harassment in the University's Education Program or Activity.

3. **Sexual Assault** means an offense classified as a sex offense in the uniform crime reporting system of the Federal Bureau of Investigation. Sex offenses are sexual acts directed against another person and include:

- a. **Non-Consensual Sexual Penetration**— Penetration, no matter how slight, of the genital or anal opening of the body of another person with any body part or object, or oral penetration by a sex organ 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.
- b. **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.
- c. **Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent.<sup>7</sup>

4. **Dating Violence:** 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 following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

5. **Domestic Violence:** 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 under the domestic or family violence laws of Maryland, or by any other person against an adult or youth

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<sup>7</sup> The age of consent in Maryland is 16. *See* Md. Code Ann., Crim. Law §§ 3-301 through 307.

Complainant protected from that person's acts under the domestic or family violence laws of Maryland.

6. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for their safety or the safety of others; or (2) suffer substantial emotional distress.

C. **Other Sexual Misconduct** means the following conduct:

1. **Sex-Based Harassment prohibited by Md. Code Ann., State Gov't § 20-601<sup>8</sup>** means unwelcome and offensive conduct, which need not be severe or pervasive, when the conduct is based on sex, sexual orientation, or gender identity or consists of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature; and
  - a. Submission to the conduct is made either explicitly or implicitly a term or condition of the employment of an individual;
  - b. Submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or
  - c. Based on the totality of the circumstances, the conduct creates a working environment that a reasonable person would perceive to be abusive or hostile.
2. **Sexual Coercion:** 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 are sufficient to constitute Sexual Coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Sexual Coercion includes but is not limited to intimidation, manipulation, express or implied threats of emotional or physical harm, and/or blackmail. Examples of Sexual Coercion include but are not limited to causing the deliberate Incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal sensitive information if the other party does not engage in the sexual contact.
3. **Sexual Exploitation:** 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.
4. **Sexual Intimidation:** Threatening behavior that is verbal and/or physical of a sexual nature directed at another person, such as threatening to sexually assault another person or engaging in indecent exposure.
5. **Attempted Sexual Assault:** An attempt to commit Sexual Assault.

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<sup>8</sup> This definition applies only to sex-based harassment of employees that does not constitute Sex-Based Harassment prohibited by Title IX. See Md. Code Ann., State Gov't §§ 20—601 through 20-611.



**D. Retaliation** means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has reported information, made a Complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Sex Discrimination. Retaliation includes bringing charges against an individual for violations of other institutional policies that do not involve Sex Discrimination but arise out of the same facts or circumstances as a Complaint, for the purpose of interfering with any right or privilege secured by Title IX.

## **VI. Reporting**

### **A. General**

Any person may report Prohibited Conduct at any time by contacting the Title IX Coordinator or Deputy Coordinators listed below (the Title IX Team), regardless of whether the reporting person is the Complainant.

Katsura Kurita, J.D./M.S.  
Title IX Coordinator  
Coppin State University  
Office of Title IX Compliance  
2500 West North Avenue  
Baltimore, MD 21216  
Physical Education Complex (PEC)  
Room 219/224  
Phone: (410) 951-6543  
Fax: (410) 951-1352  
TitleIXCoordinator@coppin.edu or kkurita@coppin.edu

Lisa Horne Early, Ph.D.  
Title IX Deputy for Employees  
Coppin State University  
Human Resources  
2500 West North Avenue  
Baltimore, MD 21216  
Physical Education Complex (PEC)  
Room 348  
(410) 951-3666  
learly@coppin.edu

Nichole Person, Ed.D.  
Title IX Deputy for Student-Athletes  
Coppin State University  
Department of Athletics  
2500 West North Avenue  
Baltimore, MD 21216  
Physical Education Complex (PEC)  
Room 306

The Title IX Coordinator is responsible for monitoring the Education Program or Activity for barriers to reporting information about conduct that reasonably may constitute Sex Discrimination and take steps reasonably calculated to address such barriers. The Title IX Coordinator leads, coordinates, and oversees the University's efforts regarding compliance, training, prevention programming, and educational programs. The Title IX Coordinator is available to meet with any Student, employee, or third party to answer any questions about this Policy. The Title IX Coordinator may delegate appropriate responsibilities under this Policy to other members of the Title IX Team or any other qualified representative under the Title IX Coordinator's supervision. The use of the term "Title IX Coordinator" in this Policy and Procedures will include any person to whom the Title IX Coordinator has delegated any responsibilities under this Policy or the accompanying Procedures.

The University's Title IX Team is comprised of the Title IX Coordinator, Deputy Title IX Coordinators, and may include representatives from Public Safety, Student Affairs, Academic Affairs, and Human Resources, and any other employees or third-party contractors to fulfill the University's obligations under this Policy, as appropriate. The Title IX Coordinator is responsible for coordinating, delegating, and supervising the activities of the Title IX Team.

Concerns of bias or a potential conflict of interest by any member involved in the resolution process should be raised with the Title IX Coordinator. Concerns involving bias or conflict of interest by the Title IX Coordinator will be addressed to the Chief of Staff to the President or designee.

All persons are encouraged to report Prohibited Conduct promptly to maximize the University's ability to obtain evidence, identify potential witnesses, and conduct a thorough, prompt, and impartial investigation. While there are no time limits to report Prohibited Conduct, if too much time has passed since the incident occurred, the delay may result in loss of Relevant evidence and witness testimony, impairing the University's ability to respond and take appropriate action.

## **B. Notification Requirements**

All Coppin State University employees must notify the Title IX Coordinator or provide Students or other persons with the contact information of the Title IX Coordinator under the following circumstances:

1. **Pregnancy or Related Conditions** – If a Student, or a person who has the legal right to act on behalf of the Student, informs any employee of the Student's Pregnancy or Related Conditions, the employee must provide that person with the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to ensure equal access and prevention of discrimination. Employees need not provide the Title IX Coordinator's contact information if the employee reasonably believes that the Title IX Coordinator has been notified.
2. **Sex Discrimination** – When an employee becomes aware of information about conduct that reasonably may constitute Sex Discrimination or Retaliation, they are required to take the following action based on their designation:

- a. **Confidential Employees** must inform any person who communicates information about conduct that may reasonably constitute Sex Discrimination that they are Confidential Employees, circumstances in which they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination, how to contact the Title IX Coordinator and how to initiate a Complaint, and that the Title IX Coordinator may be able to offer and coordinate Supportive Measures as well as initiate an informal resolution process or investigation under the procedures.
- b. **Employees with Authority** must notify the Title IX Coordinator when they obtain information about conduct that may reasonably constitute Sex Discrimination.
- c. **All Employees** who are not Confidential Employees or Employees with Authority shall either (1) notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex Discrimination or (2) provide the contact information of the Title IX Coordinator and information about how to make a Complaint to any person who provides the employee with information about conduct that may reasonably constitute Sex Discrimination.

### **C. Reporting to the Police**

Prohibited Conduct, particularly Sexual Assault, may be a crime. The University will assist Complainants who wish to report Prohibited Conduct to law enforcement authorities, including Public Safety 24 hours a day and 7 days a week. Representatives of the Office of Student Conduct and Residence Life are also available to assist students with reporting to Public Safety.

To report to Public Safety, please call 410-951-3911. Public Safety can also assist Complainants in notifying other law enforcement authorities in other jurisdictions, as appropriate; and can also assist with transportation to the nearest hospital for appropriate medical attention. In an emergency, regardless of where the incident occurred, **call 911.**<sup>9</sup> Complainants can also decline notifying Public Safety and/or local law enforcement.

Standards for a violation of criminal law are different from the standards for a violation of this Policy, and conduct may violate this Policy even if law enforcement authorities decline to prosecute. Complaints of Prohibited Conduct and related internal University processes may occur prior to, concurrent with, or following criminal proceedings off- campus.

### **E. Clery Act Compliance and Timely Warnings**

In handling Sex-Based Harassment reports, the University remains responsible for complying with the requirements of the Crime Awareness and Campus Security Act of 1990 (Clery Act) and

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<sup>9</sup> Calling 911 from a cell phone located on campus may ring to the central dispatch for Baltimore City, rather than University Police. The direct number for University Police is (410) 951-3911.

its amendments. The University must comply with Clery Act requirements, including crime recording and reporting requirements, where compliance is not otherwise achieved by actions under this Policy.

If a report of Prohibited Conduct discloses a serious and ongoing threat to the campus community, Public Safety may issue a timely warning of the conduct in compliance with the Clery Act in the interest of the health and safety of the campus community. This notice will not contain any personally identifying information related to the Parties.

#### **F. Amnesty for Students Who Report Prohibited Conduct**

The University recognizes that a Student who is under the influence of alcohol and/or drugs when an incident of Sex-Based Harassment occurs may be reluctant to report the Sex-Based Harassment out of concern that the Student may face disciplinary actions for engaging in prohibited alcohol or drug use. As such, a Student who provides information about conduct which may be Sex-Based Harassment to the University or law enforcement, or who participates in an investigation either as a Complainant or witness, will not face disciplinary action for violating University drug and alcohol policies. This Amnesty provision applies only when the University determines that: (1) the drug/alcohol violation occurred during or near the time of the alleged Sex-Based Harassment; (2) the Student acted in good faith in reporting or participating as a witness; and (3) the violation was not likely to place the health or safety of another individual at risk.

### **VII. Pregnancy or Related Conditions**

**A. Nondiscrimination.** The University shall not discriminate on the basis of current, past, or potential Pregnancy or Related Conditions.

The University will not require any Student to provide certification that they are physically able to participate in a class, program, or activity, unless:

1. The certified level of physical ability or health is necessary for the class, program, or activity;
2. The University requires such certifications of all Students participating in the class, program, or activity; and
3. The information obtained through the certification is not used as a basis for prohibited discrimination.

**B. Student Modifications.** The University will provide reasonable modifications to policies, practices, or procedures for students experiencing Pregnancy or Related Conditions.

1. **Requesting Reasonable Modifications.** Students may request modifications for Pregnancy or Related Conditions by contacting the Title IX Coordinator (see Section VI.A of this Policy). The Title IX Coordinator may request documentation from the Student's medical provider which is necessary and relevant to determining what modifications are appropriate for the Student's needs. The Title IX Coordinator will initiate the interactive process, in consultation with the Student, faculty members, and any other necessary parties to determine reasonable modifications based on the Student's

individualized needs.

2. **Consideration of Reasonable Modifications.** A modification that would fundamentally alter the nature of the University's Education Program or Activity is not reasonable and will not be granted under this Policy. Depending on the unique needs of the Student, reasonable modifications may include, but are not limited to: breaks during class; a larger desk; rescheduling of tests or exams; excused absences; submitting work after a deadline missed due to pregnancy or childbirth; providing alternatives to make up missed work; incomplete grade; and break time to use lactation room
3. **Leaves of Absence.** Students experiencing Pregnancy or Related Conditions may take a voluntary leave of absence for a period of time determined by the Student's medical provider. Upon return from a leave of absence, the Student will be reinstated to the same academic status and (to the extent possible) extracurricular status that the Student held when the leave began.

**C. Employee Modifications.** The University will provide reasonable modifications for qualified employees with known limitations related to Pregnancy or Related Conditions.

1. **Requesting Reasonable Modifications.** Employees may request modifications for Pregnancy or Related Conditions by contacting the Title IX Coordinator (see Section VI.A of this Policy). The Title IX Coordinator may request documentation from the employee's medical provider which is necessary and relevant to determining what modifications are appropriate for the employee's needs. The Title IX Coordinator will initiate the interactive process, in consultation with the employee, supervisor, and any other necessary parties to determine reasonable modifications based on the employee's individualized needs.
2. **Consideration of Reasonable Modifications.** A modification which causes an undue hardship on the part of the University is not reasonable and will not be granted under this Policy. Depending on the unique needs of the employee, reasonable modifications may include, but are not limited to: a larger desk; elevator access; allowance for frequent bathroom breaks; temporary light duty; break time to use lactation room; flexibility to attend medical appointments due to pregnancy or related conditions; flexible work schedule and/or remote work, if appropriate; chair for a standing position; and allowing food and drink in workspace, as appropriate.
3. **Employee Leave.** The University shall consider employee leave if there is no other reasonable modification which will enable the employee to perform their essential job functions for the duration of a known limitation based on Pregnancy or a Related Condition. If an employee has no remaining paid leave pursuant to the University's employee leave policy on Annual, Holiday, Personal, and Sick Leave,<sup>10</sup> the University will consider unpaid leave as a possible modification, in consideration of the unique needs

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<sup>10</sup> This policy is available at: <https://www.coppin.edu/annual-holiday-personal-and-sick-leave>

and circumstances of the employee.

**D. Lactation Space.** The University provides a lactation space for all members of the campus community and visitors which may be used for expressing milk or breastfeeding, as needed. Designated lactation spaces are:

1. Parlett L. Moore Library, Room 306. A key to the room may be requested at the Front Desk.
2. Science and Technology Center, Room 112. Contact the Title IX Coordinator, by email at [TitleIXCoordinator@coppin.edu](mailto:TitleIXCoordinator@coppin.edu) or by phone at (410) 951-6543 for card access to the room.

### **VIII. Description of Parties' Rights<sup>11</sup>**

Parties will be treated with dignity, respect, and sensitivity by University officials during all phases of the grievance process. The accompanying Procedures are designed to allow for a fair and impartial investigation, as well as prompt and equitable disciplinary proceedings and resolutions that provide an opportunity for the Parties to be heard.

**A. Notice.** Parties will be given timely written notice of:

1. The reported violation, including the date, time, and location, if known, of the alleged violation, and the range of potential Sanctions associated with the alleged violation;
2. Their rights and responsibilities under this Policy and information regarding other civil and criminal options;
3. The date, time, and location of each Hearing, meeting, or interview that the Party is required or permitted to attend;
4. The final determination made by the Hearing Officer regarding whether a Policy violation occurred and the basis for the determination;
5. Any Sanction imposed, as required by law; and
6. The right to appeal and a description of the appeal process.

**B. Procedures.** Parties will be entitled to participate in the investigation and adjudication of the Complaint in accordance with the Procedures. Parties will be provided with:

1. Access to the case file and evidence regarding the incident obtained by the University during the investigation or considered by the Hearing Officer(s);
2. An opportunity to be heard through the process and an opportunity to offer testimony at a Hearing;
3. An opportunity to submit evidence, witness lists, and suggest specific questions to be posed to the other Party during the investigation, or to the other Party at a Hearing;
4. An opportunity to review testimony electronically or in a way in which the Parties are not required to be in the physical presence of one another;
5. An opportunity to review and provide written responses to the draft investigation report;

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<sup>11</sup> See Md. Coe Ann., Educ. § 11-601.

6. An opportunity to participate at a Hearing without being required to be in the physical presence of the other Party;
7. An opportunity to appeal a determination and/or Sanction;
8. An opportunity to be assisted by a licensed attorney, an advocate supervised by an attorney, or a trained advocate throughout the disciplinary proceedings, including by the attorney or advocate:
  - a. Attendance at hearings, meetings, and interviews with the Party;
  - b. Private consultations with the Party during hearings, meetings, and interviews, except during questioning of the party at a hearing; and
  - c. Assistance with the Party's exercise of any right during the disciplinary proceedings; and
9. Notice to a presented in an appropriate and sensitive format, before the start of the resolution process, of:
  - a. The Party's right to the assistance of an Advisor, including an attorney or advocate;
  - b. The legal service organizations and/or referral services available to the Party; and
  - c. The Party's right to have a Support Person of the Party's choice at any Hearing, meeting, or interview.

Notwithstanding whether a student accesses an attorney paid for by the Maryland Higher Education Commission (MHEC), the presence of no more than two people, including a personal supporter of the Party's choice, an attorney, or an advocate, is permitted at any Hearing, meeting, or interview during the disciplinary proceedings.

#### **IX. Agreements with Local Law Enforcement and Sexual Violence Crisis Programs<sup>12</sup>**

The University has a Memorandum of Understanding (MOU) Concerning Law Enforcement Jurisdiction and Coordination of Services Between the CSU Department of Public Safety and the Baltimore Police Department. This agreement with the Baltimore Police Department complies with Title IX and clearly states when the University will refer a matter to a local law enforcement agency, in compliance with Federal and State laws. The University has an Agreement with TurnAround, Inc. which is the local sexual violence crisis center, and has formalized a commitment with TurnAround, Inc. to provide trauma-informed services to victims of sexual violence and to improve the University's overall response to sexual violence.

#### **X. Co-Occurring Criminal Action**

Proceeding with a University resolution of Prohibited Conduct under this Policy and accompanying Procedures is independent of any criminal investigation or proceeding. Reporting to law enforcement does not preclude a person from proceeding with a report or Complaint of Prohibited Conduct under this Policy. The University is required to conduct an investigation in a timely manner, which means, in most cases, the University will not wait until a criminal investigation or proceeding is concluded before conducting its own investigation, implementing Supportive Measures, and taking appropriate action.

However, at the request of law enforcement, the Title IX Coordinator may defer its fact-gathering until

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<sup>12</sup> See Md. Coe Ann., Educ. § 11-601.

the initial stages of a criminal investigation are complete. If such a written request is made by Public Safety, then the Complainant will be notified. In addition, when possible, in cases where there is a co-occurring criminal investigation by Public Safety, Baltimore City Police, or the local prosecutor's office, the Title IX Coordinator will work collaboratively and supportively with each respective agency within the abovementioned parameters. The Title IX Coordinator will communicate any necessary delays in the University's investigative process to both Parties in the event of a deferral.

## **XI. False Statements**

Knowingly making false statements or submitting false information under this Policy and accompanying Procedures is prohibited and may be subject to the sanctions set forth in this Policy.

## **XII. Legal Representation Fund for Student Title IX Proceedings**

Student Complainants and Student Respondents may elect to retain an attorney to serve as their Advisor, though assistance by an attorney is not required. The Maryland Higher Education Commission (MHEC) has developed resources to assist current or former Students in retaining an attorney to serve as an Advisor at no or low cost to the Student. MHEC provides a list of licensed attorneys who have indicated that they may represent Students in Title IX proceedings on a pro bono basis or for reduced legal fees. A Student's attorney may seek reimbursement of certain legal costs and fees from MHEC's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding. More information is available on MHEC's website under "Title IX Campus Sexual Assault Proceedings: Attorney List" at <https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings---Attorney-List.aspx>.

## **XIII. Emergency Removals and Other Interim Measures**

### **A. Student Respondents**

An emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which might arise out of Prohibited Conduct. The University may remove a Student Respondent on an emergency basis from the University's Education Program or Activity when the University:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Sex Discrimination justifies removal; and
3. Provides the Student Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The University will not remove a Student Respondent from the University based solely on an accusation. The Student Respondent will be offered an opportunity to meet with the Title IX Coordinator to review the reliability of the information within five (5) days from the effective date of the emergency removal. However, there is no guarantee that the Student Respondent will be permitted to return to campus.

The University may also impose an interim disciplinary suspension on a Student Respondent in accordance with the *Code of Student Conduct* for reasons not arising from the alleged Prohibited



Conduct.

### **B. Employee Respondents**

The University in consultation with the Title IX Team, Public Safety, and any other necessary campus department may take interim measures for employee Respondents such as changing an employee's work responsibilities or work location or placing the Respondent on administrative leave during the resolution process. Such action may be appropriate when there is a legitimate concern that without interim measures: 1) the employee will engage in Prohibited Conduct while the investigation is ongoing, or 2) the employee would be unduly disruptive to University members or the University's Education Programs or Activities.

University members who are neither students nor employees may be removed from their University role or a University program as an interim measure during the investigation and adjudication process at the discretion of the University and in consultation with the Title IX Coordinator.

## **XIV. Consensual Relationships and Professional Conduct**

Sexual relationships that occur in the context of educational or employment supervision and evaluation present possible conflicts of interest. Relationships in which one Party maintains a supervisory or evaluative responsibility over the other also reflect an imbalance of power, leading to doubt as to whether such relationships are truly consensual. For these reasons, the University *strongly* discourages such relationships.

Because of the potential conflicts of interest, persons involved in consensual sexual relationships with anyone over whom the person has supervisory and/or evaluative responsibilities *must inform their supervisor(s)* of the relationship(s). Supervisory or evaluative responsibilities may be reassigned, as appropriate. While no relationships are expressly prohibited by this Policy, failure to self-report such relationships in a timely manner, as required by this Policy, may result in disciplinary action.

## **XV. Training**

### **A. Prevention and Awareness Education<sup>13</sup>**

The University will develop and implement preventive education, for all employees and Students, to help identify and reduce the occurrence of Sex Discrimination. At a minimum, these educational initiatives must contain information regarding what constitutes Sex-Based Harassment, definitions of Consent and Prohibited Conduct, the University's Procedures, bystander intervention, risk reduction, and the consequences of engaging in Sex-Based Harassment. These educational initiatives shall be for all incoming students and new employees. The University will also develop ongoing prevention and awareness campaigns for all students and employees addressing, at a minimum, the same information. Educational initiatives for employees shall comply with Md. Code Ann., State Pers. & Pens. § 2-203.1.

### **B. Employee Training**

The University will develop and implement training for all employees regarding the University's

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<sup>13</sup> See 34 C.F.R. § 668.46

obligations to address Sex Discrimination. All employees shall be trained upon hire, upon change of position, and annually thereafter. Training materials must not rely on sex stereotypes. The training will include: the scope of conduct that may constitute Sex Discrimination; the definition of Prohibited Conduct; and all applicable notification requirements (set forth in Section VI.B of this Policy) and responsibilities that apply to each employee's specific designation.

## **XVI. Recordkeeping for Sex Discrimination Complaints and Notifications**

The University will maintain for a minimum of seven (7) years, records of the following:

- A. Each Complaint of Sex Discrimination, records documenting the informal resolution process or grievance procedure, and the resulting outcome.
- B. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute Sex Discrimination, records documenting any action taken.
- C. All materials used for Title IX training of Students or employees.

## **XVII. Confidential Resources**

Confidential resources on and off campus assist Parties in navigating potential advocacy, therapy, counseling, and emotional support services. If a person desires to keep an incident of Prohibited Conduct confidential, the person should speak with confidential resources.

Disclosures or reports made to individuals or entities other than confidential resources may not be confidential. For instance, should a member of the campus community discuss an incident of Prohibited Conduct with a University administrator, supervisor, a member of the Public Safety Department, the President's Cabinet (including staff in the Office of the President), Enrollment Management and Student Affairs division (including resident assistants and desk assistants, student workers in the Eagle Achievement Center, including Orientation Leaders, Tutors, and Student Mentors), Athletic Department (including coaches and athletic trainers), Academic Affairs division (including faculty and administrative staff), Administration and Finance division (including directors and administrative staff), Institutional Advancement division, and first responders who are not confidential resources, those persons are deemed Responsible Employees and, as such, are obligated pursuant to this Policy to report the Prohibited Conduct to the Title IX Coordinator.

Unless there is a lawful basis for disclosure, such as reported child abuse or an imminent risk to health or safety, confidentiality applies when persons seek services from the following resources:

### **A. University Confidential Resources for Employees**

#### **Employee Assistance Program (EAP)**

#### **GUIDANCE RESOURCES**

**1-855-410-7628**

[www.guidanceresources.com](http://www.guidanceresources.com) (company ID: USMLifeResources)

24 hours a day, 7 days a week, all year long

Guidance Resources provides confidential assessment, referral, and counseling services as well as legal support to all University employees and members of their household at no charge.

Faculty and staff may consult with a counselor for many different reasons, including for issues relating to Prohibited Conduct.

## **B. University Confidential Resources for Students**

Coppin State University Center for Counseling and Accessibility  
Grace Hill Jacobs, Room 208  
Contact: Director of Counseling and Accessibility  
Phone: (410) 951-3939

The Center for Counseling and Accessibility provides counseling services to meet the mental health and developmental needs of students. Staffed by licensed counselors, the Counseling Center offers a variety of services to help students deal with issues in a confidential manner.

Coppin State University  
Community Health Center  
Health and Human Services Building, Room 131  
Contact: Director of Community Health Center  
Phone: (410) 951-4188

The Community Health Center is a primary care health clinic located on campus in the Health and Human Services Building. It provides readily accessible, low cost, confidential, and high quality of medical care to University Students, faculty, staff, and residents of the neighborhood surrounding the University.

## **C. Non-University Confidential Resources**

TurnAround, Inc. Sexual Assault/Domestic Violence Center - Baltimore Dity  
One North Charles Street, 1<sup>st</sup> Floor  
Baltimore, Maryland 21218  
Phone: (410) 837-7000  
**24 Hour Hotline:** (443) 279-0379  
<http://www.turnaroundinc.org/>

TurnAround, Inc. Sexual Assault/Domestic Violence Center - Baltimore County  
8503 LaSalle Road, 2<sup>nd</sup> Floor  
Towson, Maryland 21286  
Phone: (410) 377-8111  
**24 Hour Hotline:** (443) 279-0379  
<http://www.turnaroundinc.org/>

House of Ruth  
2201 Argonne Drive Baltimore, Maryland 21218  
Phone: (410) 889-0840  
**24 Hour Helpline:** (410) 889-7884  
<https://hruth.org/get-help/>

Maryland Coalition Against Sexual Assault  
<https://mcasa.org/survivors/after-sexual-assault>

Maryland Network Against Domestic Violence  
**24 Hour Helpline:** 1-800-799-7233  
<https://www.mnadv.org/>

National Domestic Violence Hotline  
**24 Hour Text:** Text “Start” to 88788  
<http://www.thehotline.org/>

LGBTQ Survivors of Sexual Violence  
<https://www.rainn.org/articles/lgbtq-survivors-sexual-violence>

Maryland Domestic Resources by County  
[https://health.maryland.gov/phpa/mch/Pages/IPV\\_Programs.aspx](https://health.maryland.gov/phpa/mch/Pages/IPV_Programs.aspx)

1 and 6 - Male Survivors of Rape and Sexual Abuse  
<https://1in6.org/about-1in6/>

Rape Abuse and Incest National Network (RAINN)  
<http://www.rainn.org>

Mercy Medical Center offers several programs and services for victims of sexual abused and assault.

- Mercy’s Forensic Nurse Examiner Program provides exams and information for victims of sexual assault and violence.

Mercy Medical Center  
301 St. Paul Street  
Baltimore, Maryland 21202  
(410) 332-9494  
<https://bmoresafemercy.org/for-patients/>

- Mercy’s Family Violence Response Program provides confidential services to victims of violence, abuse and neglect, sexual assault and vulnerable adult abuse. They offer counseling, crisis intervention, safety planning, danger assessment, counseling and other support services. The program can be reached at (410) 332-9470.

## **XVIII. Campus Sexual Assault Climate Survey**

At least every two (2) years, the University will (1) develop an appropriate Sexual Assault campus climate survey using nationally recognized best practices for research and climate surveys; and (2) administer the Sexual Assault campus climate survey to Students in accordance with the procedures set by MHEC. The University will submit to MHEC a report in accordance with the requirements set forth in Md. Code Ann., Educ. § 11-601(g).

## **XIX. External Government Agencies**

Employee complaints relating to Prohibited Conduct may be directed to:

**Equal Employment Opportunity Commission (EEOC)**

GH Fallon Federal Building  
31 Hopkins Plaza, Suite 1432  
Baltimore, MD 21201  
Phone: 1-800-669-4000  
Fax: 410-209-2221  
TTY: 1-800-669-6820  
Website: <https://www.eeoc.gov/filing-charge-discrimination>

**Maryland Commission on Civil Rights (MCCR)**

William Donald Schaefer Tower  
6 Saint Paul Street, Ninth Floor  
Baltimore, MD 21202-1631  
Phone: 410-767-8600  
Fax: 410-333-1841  
Maryland Relay: 7-1-1  
Website: <http://mccr.maryland.gov/> E-mail: [mccr@maryland.gov](mailto:mccr@maryland.gov)

Student or employee complaints relating to Prohibited Conduct may be directed to:

**Office for Civil Rights (OCR)**

U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Phone: 215-656-8541  
Fax: 215-656-8605  
TDD: 800-877-8339  
Website: [http://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)  
E-mail: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)