

27. Requests for approval, by recognized student organizations, University employees or departments, to advertise on and off-campus events, activities, or personalities, via any electronic or print mediums, must be submitted to the Scheduling Office prior to the actual placement or ordering of such advertising.
28. Distribution of handbills must be authorized by the Scheduling Office or the specific facilities manager/coordinator affected, in advance. Only recognized student organizations or university departments, advertising on-campus events, will be considered.
29. On- or off-campus advertising and/or announcements must NOT bear the name of Howard University, Howard, Bison or any other name under license by Howard University, without prior approval by the Licensing Office. In addition, use of the term “official” is not permitted without proper approval.
30. Showcase reservations may be for a two-week period, maximum. Recognized student organizations may reserve a showcase twice a semester. Approval to post on showcases is at the discretion of the facilities coordinator, or the Scheduling Office, for cases in the Blackburn Center.
31. Flyers and posters are to be distributed on campus only. Off-campus advertising is not permitted. This includes the announcement of events on Radio/TV and in non-University publications. Exceptions to this rule may be granted by the Scheduling Office and coordinated in conjunction with the University Relations Office.

Note: These guidelines are subject to change without notice.

HOWARD UNIVERSITY POLICY

Policy Number: 400-005 Governance, Risk and Compliance

Policy Title: (INTERIM) TITLE IX POLICY ON PROHIBITED SEXUAL AND GENDER-BASED HARASSMENT AND VIOLENCE AND OTHER FORMS OF INTERPERSONAL VIOLENCE

Responsible Officers: Provost and Chief Academic Officer

Title IX Officers

Responsible Offices: Office of the Provost and Chief Academic Officer

Title IX Office

Effective Date: November 13, 2017 (Revised Policy – Issued as Interim)

January 18, 2017 (Revised Policy)

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March 9, 2016 (Revised Policy)

May 31, 2015 (Revised Policy)

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August 11, 2011 (Updated Title IX Contacts) June 5, 1999 (Original)

I. POLICY STATEMENT

Howard University (the “University”) is committed to ensuring compliance with Title IX of the *Education Amendments of 1972*, as amended, the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*, as amended by the *Violence Against Women Reauthorization Act of 2013 (VAWA)*, Title VII of the *Civil Rights Act of 1964* and related authority.

To that end, the University reaffirms its commitment to providing educational and employment opportunities free from harassment and discrimination based upon sex, gender, gender expression, gender identity, sexual orientation, or marital status; sexual violence; dating violence, domestic violence; stalking; and retaliation. In furtherance of this commitment, the University strives to maintain an environment in which all members of the University community are: (a) judged and rewarded solely on the basis of ability, experience, effort, and performance; and (b) provided conditions for educational and employment pursuits that are free from sexual and gender-based harassment and violence, other forms of interpersonal violence, stalking, and retaliation.

Sexual and gender-based harassment, discrimination and violence, dating violence, domestic violence and stalking (collectively referred to in this Policy as “Prohibited Conduct”) are violations of federal law and District of Columbia, Maryland, and Virginia law. Such conduct can result in physical and psychological harm to individuals, while corrupting the positive work and academic environment the University strives to maintain. Therefore, Prohibited Conduct committed by any member of the Howard University community, including students, staff, faculty, administrators, contractors, and third parties, shall not be tolerated under any circumstance. Such conduct is strictly prohibited under both Title IX and Title VII, and by this University policy.

The University considers the forms of Prohibited Conduct defined in this policy to be extremely serious matters. In accordance with federal law, the University has a legal obligation to investigate or otherwise respond to all reports of Prohibited Conduct. This obligation arises when designated University employees (known as Responsible Employees) receive direct or indirect notice that Prohibited Conduct may have taken place.

Additionally, making a good faith report of Prohibited Conduct is a protected civil rights activity. As such, retaliation against a Complainant, Title IX Officer, administrator, faculty member, employee, student, witness, or any individual involved in any aspect of the complaint or investigative process under this policy is strictly prohibited and will be sanctioned accordingly.

This policy is not designed to limit the academic freedom of University faculty. The University prides itself on affording faculty with a fair opportunity to teach, conduct research, and provide services to the community in a setting that allows the academic freedom necessary to cultivate a wide expanse of ideas and teaching methods. The University encourages the expression of such ideas and the use of such methods in a manner that is reasonably related to the subject matter of instruction, and provided that they are expressed or used in a manner that is consistent with this policy and the rights of students, faculty members, staff, and University community members.

The Title IX Coordinator is primarily responsible for implementing this policy and ensuring that all students and employees are adequately trained or otherwise made aware of their rights and responsibilities under this policy. While it is the responsibility of the University to disseminate this policy, it is the responsibility of each member of the University community to read the policy and become familiar with its provisions. The Chief Operating Officer shall ensure that appropriate notice of this policy and its contents are distributed to all University vendors and those seeking to do business with the University.

If the performance of a duty or responsibility under this policy creates an actual or apparent conflict of interest, or is a violation of another University policy, the General Counsel may reassign duties and/or responsibilities of such employees on a case-by-case basis to avoid such conflict or violation. The General Counsel will make all conflict of interest determinations.

This policy is issued as an interim policy which, consistent with the University's Policy on Policies, will remain in effect for up to six months, by which time it is expected that a final policy will be adopted.

RATIONALE

Title IX of the Education Amendments of 1972, as amended ("Title IX"), and its implementing regulations (34 CFR Part 106), prohibit any individual from being excluded from participation in, denied the benefits of, or subjected to discrimination under any education program or activity on the basis of sex or gender. In compliance with this federal law, it is the policy of the University not to discriminate on the basis of sex or gender in the education programs and activities that it operates. This prohibition against discrimination also extends to employment in education programs and activities and to admission to such programs and activities.

Further, this policy is designed to protect all University students, faculty members, employees and third parties from illegal and improper forms of harassment and discrimination. It provides students, faculty members, employees, and third parties with an opportunity to seek redress for conduct that may violate this policy and allows the University to reaffirm its commitment to providing educational and employment opportunities free from the negative effects of Prohibited Conduct. The University will respond to reports about Prohibited Conduct with measures designed to eliminate the conduct, prevent its recurrence, and remedy any adverse effects of the conduct on individuals, members of the campus community, or University-related programs or activities. In addition, the University may impose interim remedial or protective measures during an investigation to provide a Complainant with continued access to University programs and activities and protect individual and campus safety.

II. SCOPE (ENTITIES AFFECTED BY THIS POLICY)

This policy applies to all Howard University students, faculty members, and employees. It also applies to third parties (contractors and vendors doing business at and/or with the University, visitors, alumni and other non-members of the University community who are present on the University's campus, or participating in events or programs that are sponsored by or related to the University).

This policy applies to conduct that occurs both on and off of the University's campus, as described below. More specifically, this policy will apply in any instance where:

- The conduct occurs on-campus or on University property;
- The conduct occurs in the context of a University-related or sponsored educational program or activity, regardless of location (including travel, research, and internship programs);
- The conduct occurs through the use of University-owned or provided technology resources; or
- The conduct has a sufficient nexus to the University, such as continuing adverse effects or the creation or continuation of a hostile environment on campus.

The University uses the following terms in this policy to refer to the participants involved in the investigation or resolution of reported misconduct:

Complainant - An individual who is reported to have experienced Prohibited Conduct, regardless of whether the individual makes a report or seeks disciplinary action.

Respondent - An individual who has been accused of Prohibited Conduct.

Witness - An individual who may have information relevant to a report of Prohibited Conduct. A witness may be a student, an employee, or a third party.

University Community - this term refers to all members of the Howard University community including, but not limited to, students, faculty, administrative personnel, staff, members of the Howard University Board of Trustees and those who are conducting any type of business on any of the University premises (i.e., vendors and independent contractors) and individuals engaged and/or participating in educational or other activities hosted by, or affiliated with, the University.

If a member, or members, of the University Community commits an act in violation of this policy, the University will take appropriate measures under the circumstances to sanction those individuals, to mitigate against the potential for recurrence, and to discipline any member of the University Community who may have participated in such conduct, or may have failed to stop such conduct when they had the authority to do so.

If a third-party who is not within the control of the University, such as a student from another institution in a non-Howard study abroad program or a supervisor at an external clinical or training site, is alleged to have committed an act in violation of this policy, the University may be unable to investigate or impose discipline against that individual. However, the University will provide the Complainant with reasonable and appropriate remedial measures.

III. COORDINATION WITH OTHER POLICIES

This policy addresses discrimination on the basis of sex or gender as it relates to sexual and gender-based harassment and sexual assault, and other forms of interpersonal violence defined in more detail below. Other forms of sex discrimination (not based on harassment or violence), and discrimination and harassment based on race, color, nationality or ethnic origin, sex, age, or disability are governed by the Howard University Policy and Procedure on Equal Opportunity in Employment and Education Program and Activities.

In addition, the conduct of students, employees, and faculty are governed or impacted by the following:

600-01 Student Code of Conduct

600-02 Students Privacy Rights Policy (FERPA)

Clery Act Disclosure Policy (200-004)

Employee Handbook

Howard University Faculty Handbook (August 1993)

Where conduct involves the potential violation of both this policy and another University policy, the University may choose to investigate other potential misconduct under the procedures set forth in this policy provided that it does not unduly delay a prompt or equitable resolution of the report, or may elect to investigate and resolve other potential misconduct pursuant to the procedures in other applicable University policies.

IV. TITLE IX COORDINATOR

The Title IX Coordinator coordinates the University's compliance with Title IX and related provisions of the Clery Act (as amended by VAWA). The Title IX Coordinator oversees the University's centralized response to all reports of Prohibited Conduct to assure consistent implementation of this policy and ensure

compliance with federal and District of Columbia law. The Title IX Coordinator and designated staff will, among other steps:

- Communicate with all members of the University community regarding applicable law and policy and provide information about how individuals may access reporting and support options.
- Review applicable University policies to ensure institutional compliance with applicable federal and District of Columbia law.
- Monitor the University's administration of its own applicable policies, including record keeping, adherence to timeframes, and other procedural requirements.
- Conduct training regarding Title IX, related provisions of the Clery Act (as amended by VAWA), and Prohibited Conduct defined in this policy.
- Respond to any report regarding conduct that may violate this policy.

In this capacity, the Title IX Coordinator shall oversee the investigation and resolution of reported misconduct, direct the provision of any remedial and protective measures (including oversight of the failure to abide by an interim protective measure), and monitor the administration of any request for review of the finding.

The Title IX Coordinator may delegate responsibilities under this policy to designated administrators or external professionals who will have appropriate training and/or experience. When used in this policy, the term Title IX Coordinator may include a Deputy Title IX Coordinator or appropriate designee. The Title IX Coordinator is:

Candi N. Smiley
Administration Building
2400 6th Street, N.W., Suite 306
Washington, D.C. 20059
Phone: (202) 806-2561
Email: candi.smiley@howard.edu

The University also has two designated Title IX Investigators:

Marcus A. Winder
Administration Building
2400 6th Street, N.W., Suite 306
Washington, D.C. 20059
Phone: (202) 806-2573
Email: marcus.winder@howard.edu

Vanessa C. Love
Administration Building
2400 6th Street, N.W., Suite 306
Washington, D.C. 20059
Phone: (202) 806-2524

Email: vanessa.love@howard.edu

The Title IX Coordinator and Title IX Investigators are all Title IX Officers for the purposes of this policy.

V. PROHIBITED CONDUCT

In determining whether alleged conduct constitutes Prohibited Conduct under this policy, the University will look at the entire record as a whole and consider the totality of the circumstances. This inquiry will examine information such as the nature of the conduct and the context in which the alleged incidents occurred. All determinations regarding whether a Respondent has engaged in Prohibited Conduct will be based upon a thorough and comprehensive review of the facts, and made on a case-by-case basis utilizing the preponderance of the evidence standard.

The following forms of conduct, including attempting to engage in such conduct, are expressly prohibited by this policy (“Prohibited Conduct”):

- A. Sexual Assault** – Any act of vaginal or anal intercourse or penetration, however slight, by a person’s penis, finger, other body part or object; oral-genital contact; or intentional touching of a person’s breasts, buttocks, groin, genitals, or other intimate parts without **Consent**. Touching may be over or under clothing and may include the Respondent touching the Complainant, the Respondent making the Complainant touch the Respondent or another person, or the Respondent making the Complainant touch the Complainant’s own body.
- B. Sexual Harassment** - Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:
- (1) submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person’s instruction, academic standing, employment or participation in any University program, activity, or benefit; or
 - (2) submission to, or rejection of, such conduct is used as a basis for evaluation in making academic or personnel decisions; or
 - (3) such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive, both subjectively and objectively, that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University’s educational, employment, residential, and/or campus experience.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

Examples of Sexual Harassment - The following examples are illustrative of conduct that, if proven, may be considered by the University to establish sexual harassment:

- (1) unsolicited, unwelcomed flirtations, advances, and/or propositions of a sexual nature;
- (2) insults, jokes, or anecdotes that belittle or demean an individual or a group's sexuality, gender, gender identity, gender expression, non-conformance with gender stereotypes, or sexual orientation;
- (3) unwelcomed sexually oriented gestures, verbal expressions, or comments of a sexual nature about an individual's body, clothing, or sexual experience;

- (4) inappropriate displays of sexually suggestive objects or pictures;
- (5) unnecessary and inappropriate touching, such as hugging, or brushing against an individual's body, patting, pinching,
- (6) suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments, status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation.

C. Gender-Based Discrimination or Harassment - Any intentional or unintentional act that results in an individual being excluded from participation in, denied the benefits of, or subjected to discrimination or harassment under any academic, extracurricular, research, occupational training, or other education program or activity, based upon the individual's gender, gender identity, gender expression, non-conformance with gender stereotypes, or sexual orientation. Gender-Based Discrimination or Harassment may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve contact of a sexual nature.

Gender-Based Harassment also includes harassment based upon the individual's gender, gender identity, gender expression, non-conformance with gender stereotypes, or sexual orientation when:

- (1) submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person's instruction, academic standing, employment or participation in any University program, activity or benefit; or
- (2) submission to, or rejection of, such conduct is used as a basis for evaluation in making academic or personnel decisions; or
- (3) such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive, both subjectively and objectively, that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University's educational, employment, residential and/or campus experience.

As used in this policy, gender, gender expression, gender identity, and sexual orientation are defined as follows:

Gender - The sex of an individual, male or female, based on reproductive anatomy.

Gender Identity - A person's self-conception of being a man or woman, boy or girl, transgender, or gender fluid.

Gender Expression - The physical manifestation of one's gender identity, usually expressed through clothing, grooming, mannerisms, chosen names, and social interactions that associate with the social definitions of masculinity and femininity, rather than birth sex.

Sexual Orientation - An individual's natural preference when developing emotional and/or sexual relationships with people of the same sex (homosexual relationships), opposite sex (heterosexual relationships), or either sex (bisexual relationships).

Examples of Gender-Based Discrimination or Harassment - Specifically, under this policy, in providing any aid, benefit, or service to a student, no person shall, on the basis of gender, gender identity, gender expression, non-conformance with gender stereotypes, or sexual orientation:

- (1) treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;