

CONFIDENTIAL
TO BE OPENED BY
ADDRESSEE ONLY

December 17, 2015

**MEMORANDUM TO MR. REGINALD ROBINSON
PROFESSOR, SCHOOL OF LAW**

FROM: Candi N. Smiley, Esq.
Deputy Title IX Coordinator

SUBJECT: Notice of Complaint Made Pursuant to the Howard University Title IX (Student) Policy on Prohibited Sexual Harassment and Gender Based Discrimination in Education Programs and Activities

Please be advised that the Deputy Title IX Coordinator recently received a complaint from two Howard University students, alleging that you engaged in conduct that, if true, may violate the Howard University Title IX (Student) Policy on Prohibited Sexual Harassment and Gender-Based Discrimination in Education Programs and Activities. A copy of the policy is enclosed for your reference and review.

Upon receipt of such complaints, Federal law mandates that the University conduct an investigation into these allegations in order to determine whether University Policy has been violated. Accordingly, we have commenced such an investigation and shall conduct a thorough review of the allegations in a fair and impartial manner and with due regard for the rights of all concerned.

The Allegations

The complaint presented to the Deputy Title IX Coordinator contain the following allegations:

1. During the Fall of 2015 you committed acts of sexual harassment against several students
2. During the Fall of 2015 you committed acts of gender-based discrimination against several students.

The policy requires that complaints be processed confidentially, "to the fullest extent practicable and consistent with the University's need to investigate and take corrective action" It is imperative that you keep all aspects of this complaint confidential and you are prohibited from

discussing, with anyone, any of the information contained in this letter or any of the accompanying documentation.

Standards

The Title IX Policy provides in relevant part that:

With respect to academic programs and activities, the term “sexual harassment” shall mean unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a basis for any decision affecting the terms or conditions of participation in any such program or activity or status in an academic course; or**
- (2) Such conduct has the purpose or effect of unreasonably interfering with a student’s educational right, privilege, advantage, or opportunity; or**
- (3) Such conduct is so pervasive or severe that it creates an intimidating, hostile, or offensive environment for learning and has no reasonable relationship to the subject matter of the relevant course of instruction.**

With respect to academic programs and activities, the term gender-based discrimination ” shall mean any intentional or unintentional act that results in an individual being excluded from participation in, denied the benefits of, or subjected to discrimination under any academic, extracurricular, research, occupational training, other education program or activity based upon the individual’s gender.

The charges will be “sustained” if it is found that the important facts contained in an allegation are more likely true than not and that those facts violate one or more of the above standards. In the event that the charges are “sustained”, appropriate disciplinary measures will be taken and handed down accordingly.

If, on the other hand, the important facts contained in an allegation are not determined to be true, or if it is determined that the standards have not been violated, the allegation is “not sustained.” However, please note, an individual may be sanctioned for violating other University policies and/or for engaging in inappropriate behavior, even if the sexual harassment allegations are “not sustained”.

Investigation and Decision

The Title IX Coordinator is tasked with overseeing the investigative process. It is the responsibility of the Title IX Coordinator to ensure that the Deputy Title IX Coordinator investigates the factual allegations of the complaint under the procedures of the Policy. The Title IX “Decisional Authority” is the person or persons who will review the final Report of Investigation and who will ultimately determine whether the Policy has been violated and, if so, what disciplinary measures are appropriate under the circumstances. The decision of the Title

IX Decisional Authority is the final administrative action of the University and is not subject to appeal.

Your Rights

You are presumed innocent of the charges unless and until there is a final administrative finding of culpability or an admission, by you, that the charges made against you are true.

As the “subject” of the complaint, you have the right to be informed of the complaint and to submit a written response to the charges. That written response may be as long as you deem appropriate and should contain only those relevant statements and materials that you reasonably believe support your view of the important facts.

In addition to addressing the important facts in the allegations, you may also provide a written analysis of whether, in your opinion, the facts support a finding that you have violated the standards contained in the Policy. **PLEASE NOTE: your response must be submitted to me within 7 calendar days of receiving this notification.**

Finally, you will also be afforded the opportunity to verbally present your position to the Deputy Title IX Coordinator during a personal interview.

It is your decision whether you wish to seek the advice and assistance of your own legal counsel to help present your position during the investigation. The University will not reimburse you for legal fees or the costs associated with retaining the services of a personal attorney. In addition, it would be inappropriate for University counsel to represent you personally during the investigation, and you should not ask University counsel to do so or to provide you with personal legal advice.

If you elect to have your personal counsel present during your interview, you may do so, however, your counsel will not be permitted to ask any questions, to answer questions for you or to make statements on your behalf. Finally if your counsel is present at the interview, it is likely that University counsel will also be present.

After the Decisional Authority makes a final decision, you will be notified of that decision and any remedial measures that apply.

Rights of the Complainants

The University is committed to protecting individuals who come forward to complain of conduct that may violate the Policy. Students, faculty and staff members who believe that they have been subjected to sexual harassment in violation of any Howard University Policy are urged to come forward and file a complaint. It is a clear violation of our policies to reprimand, retaliate, or discriminate against any person, in any way, for initiating an inquiry or complaint, or for cooperating with an investigation.

WE EXPECT THAT YOU WILL COOPERATE WITH THIS INVESTIGATION AND NOT RETALIATE IN ANY FORM AGAINST AN INDIVIDUAL YOU MAY SUSPECT HAS FILED A COMPLAINT AGAINST YOU. THEREFORE, DO NOT ATTEMPT TO CONTACT ANY SUCH

INDIVIDUAL DIRECTLY, THROUGH FRIENDS, E-MAIL, OR TELEPHONE REGARDING A MATTER RELATED TO THE INVESTIGATION WHILE THE INVESTIGATION IS IN PROGRESS.

Furthermore, during the course of our investigation, you are not to communicate directly or indirectly with any employee or student about the allegations made against you. We want you to avoid even the appearance of any interference with the investigation.

Failure to abide by these requirements will result in disciplinary action regardless of whether the allegations that we are investigating are meritorious.

The University will keep an open mind and consider any and all information that you can supply to help us ensure that we reach a sound conclusion. In that regard, if you believe that there are specific individuals who may have relevant information that would tend to establish either the truth or falsity of the allegations, you are invited to submit those names (with accompanying addresses and telephone numbers) to us as soon as possible.

After the Decisional Authority makes a final decision, the complaining party will be notified of that decision. The complainant will also be notified of the disciplinary measures, if any are planned or taken.

Your Interview

In order to ensure that we reach a sound conclusion, we strongly advise, suggest, and recommend that you cooperate with the Deputy Title IX Coordinator once they contact you. Immediately upon being contacted by the Deputy Title IX Coordinator, we recommend that you schedule a time that you can be interviewed with regard to the allegations. If you do not consent to an interview, the complaint will be resolved without the benefit of your full participation in the process.

Additional Questions

It is strongly suggested that you read the enclosed Policy in its entirety before you respond to the charges. If you should have any questions regarding the interpretation of the Policy you are urged to put your questions in writing and submit them directly to the Deputy Title IX Coordinator, Candi N. Smiley, who can be reached via phone at (202) 806-2550 or via email at candi.smiley@howard.edu.

HOWARD UNIVERSITY POLICY

Policy Number:	400-005 Governance, Risk and Compliance
Policy Title:	TITLE IX (STUDENT) POLICY ON PROHIBITED SEXUAL HARASSMENT AND GENDER-BASED DISCRIMINATION IN EDUCATION PROGRAMS AND ACTIVITIES
Responsible Officers:	Provost and Chief Academic Officer Title IX Coordinator and Deputy Title IX Coordinator
Responsible Offices:	Office of the Provost and Chief Academic Officer Title IX Office
Effective Date:	May 31, 2015 March 12, 2015 Interim Policy August 11, 2011 (Updated) 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, and the *Violence Against Women Act*. To that end, the University reaffirms its commitment to providing students with educational opportunities free from sexual harassment and discrimination based upon gender, gender expression, gender identity, sexual orientation, or marital status. 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 pursuits that are free from gender-based coercion, intimidation, or exploitation.

Sexual harassment (hereinafter referred to as "harassment") and gender-based discrimination (hereinafter referred to as "discrimination") are violations of both federal and local law. They can result in physical and psychological harm to victims, while corrupting the positive work and academic environment the University strives to maintain. Therefore, harassment or discrimination on the part of any member of the Howard University community shall not be tolerated under any circumstance and is strictly prohibited under both Title IX (applicable to students) and Title VII (applicable to faculty and staff).

The University considers harassment and discrimination to be extremely serious matters. In accordance with federal law, the University has a legal obligation to investigate all allegations of harassment and discrimination. This obligation arises when the University knows with certainty or has reason to believe that sexual harassment or discrimination may have taken place. Upon learning of any such allegations, the University must use its best efforts to investigate all matters brought to the attention of a Title IX Officer or a Responsible Employee. Therefore, upon learning of potential prohibited activity, the University may take action to investigate an allegation even if the alleged victim does not file a formal written complaint.

Under this policy, every complaint submitted to the University, by or against a student, will be reviewed and investigated to the fullest possible extent. However, the submission of false,

spurious, or frivolous claims will result in the immediate consideration of disciplinary action, up to and including suspension or expulsion. Additionally, submission of a complaint alleging harassment or discrimination is considered to be a protected activity. As such, retaliation against a Complainant, Dean, Title IX Officer, administrator, faculty member, witness or individual involved in any aspect of the investigative process under this policy is strictly prohibited and will be sanctioned accordingly.

Further, 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 or the use of such methods, provided that they are expressed or used in a manner that is consistent with this policy and the legitimate rights of students.

It is important to note three considerations that inform the application of this policy:

(1) University Prohibition on Consensual Relationships

Sexual relationships, including dating, between students and faculty, staff, or any other type of University employee are strictly prohibited under this policy regardless of whether such a relationship may violate the law. Therefore, violations of this prohibition by a faculty member, staff member, or any other type of University employee and a student may lead to disciplinary action against one or both parties.

(2) University Policy on Indemnification

In any legal action or proceeding precipitated by a violation of this policy, in which the University and a member of the University community are named as "co-defendants", the University may refuse to defend and/or indemnify any co-defendant who is responsible for that violation. If a complaint is filed in court and a legal action is thereby commenced against the University and/or such employee, the University may decline to represent the employee and may also decline to provide that employee any indemnification for damages awarded against him or her. Additionally, the University will not defend or indemnify any member of the University community in any legal proceeding or other similar action alleging sexual harassment if the Office of General Counsel determines that such member violated this policy and may have acted either (1) in bad faith; or (2) in a manner adverse to the best interests of the University.

The decision regarding defense and indemnification will be based solely on the General Counsel's determination as to whether the co-defendant acted in good faith and not in a manner adverse to the best interests of the University. In addition to its refusal to defend and indemnify, in appropriate cases, the University may also file a legal action against a member of the University community to reimburse the University for any loss it may incur as a result of that person's violation of this policy or any applicable provision of law.

(3) University Amnesty Statement

The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to file a complaint or provide a report because

drinking and drug use may be a violation of the Student of Code of Conduct and District of Columbia law. In order to encourage reporting and remove barriers to doing so, any individual who reports sexual harassment, sexual misconduct, sexual assault or sexual violence, either as a Complainant or as a third party witness, will not be subject to disciplinary action by the University for his/her/their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health, safety or well-being of any other person at risk. The University may, however, advise a student to engage in an educational discussion regarding the dangers of alcohol consumption or drug use or to pursue other educational and counseling activities regarding such use.

The Title IX Coordinator and Deputy Title IX Coordinator are primarily responsible for implementing this policy and ensuring that all students and Responsible Employees are adequately trained or otherwise made aware of their rights and responsibilities under this policy. The provisions of this policy extend to all undergraduate, graduate, transfer, international and/or domestic exchange students as well as all residents and individuals receiving education and/or training at the University. Additionally, each and every faculty and staff member is expected to comply with all terms set forth in this policy. In the event that a faculty or staff member experiences harassment or discrimination, he or she is encouraged to contact the University's EEO Officer for guidance and further action under the University's Title VII policy.

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; these individuals are also required to comply with all of the University's prohibitions against harassment and discrimination, as set forth within this policy.

II. 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 gender. In compliance with this federal regulation, it is the policy of the University not to discriminate on the basis of 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 from illegal and improper forms of harassment and discrimination. It provides students with an opportunity to seek redress against any individual in violation of the policy and allows the University to reaffirm its commitment to providing educational opportunities free from the negative effects of sexual harassment and discrimination.

III. ENTITIES AFFECTED BY THIS POLICY

This policy applies to all students of the University community. More specifically, in any instance where a student is named as either the Complainant or the Respondent in a matter

alleging harassment and/or discrimination, this policy will be applied. However, it is important to note that all faculty and staff members are expected to know and comply with the terms of this policy. Moreover, the prohibitions of harassment and discrimination contained in this policy extend to third parties, including those serving as contractors and vendors doing business at and/or with the University.

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. Moreover, failure to follow the procedures set forth in this policy may inhibit or prevent the University from properly investigating an instance of alleged harassment, or from taking appropriate remedial action.

Finally, it is important to note that the actions proscribed by this policy are also applicable to all individuals who are on University premises or on any other property where the University conducts its business. If such an individual commits an act in violation of this policy, the University will take appropriate measures, under the circumstances, to sanction the offender, 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 he or she had the authority to do so.

IV. DEFINITIONS

- A. **Complainant** - The party reporting the alleged Title IX violation. The Complainant can be the person who experienced the alleged action, a third party who witnessed the alleged action or a person who knows or has reason to know of the alleged action.
- B. **Confidential Employee** - Licensed counselors and pastoral counselors whose official responsibilities include providing mental health counseling to members of the school community are not required by Title IX to report any information regarding an incident of alleged sexual violence to the Title IX coordinator or other appropriate school designee. However, licensed counselors and pastoral counselors not acting in the capacity of a licensed counselor or pastoral counselor at the time of the disclosure **ARE NOT** considered confidential employees. **NOTE:** Interpersonal Violence Prevention Program advocates are Confidential Employees.
- C. **Consent** - When a person clearly and decisively gives voluntary permission to engage in a specific sexual act without fear of reprisal or as a result of threats. A person can withdraw consent at any time during a sexual activity. A person cannot give consent to engage in a sexual activity if she or he is:
 - (1) Under the age of consent.
 - (2) Mentally or physically incapacitated.
 - (3) Sleeping.
 - (4) Being threatened or coerced.
 - (5) Intoxicated by alcohol or drugs.
- D. **Dating and Domestic Violence** - A pattern of controlling behaviors used by one partner to control the other partner. There are many forms of dating and domestic violence:

- (1) Physical Abuse – Dating and domestic violence that includes, but is not limited to, hitting, shoving, slapping, pushing, punching, burning, and stabbing. It can also include withholding someone from receiving needed medical care or medication.
- (2) Sexual Abuse - Dating and domestic violence that includes, but is not limited to, forced sex, and forcing someone to have sex without protection, with an object, or with another person.
- (3) Psychological and Emotional Abuse - Dating and domestic violence that includes, but is not limited to, controlling someone's behavior or actions, isolating a person from friends and family; making threats against a person, his/her family, friends and pets; using social media to make threats; and verbal abuse.
- (4) Economic Abuse - Dating and domestic violence that includes, but is not limited to, taking a partner's money, and not allowing a person or disrupting a person's ability to work or go to school.

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

F. **Gender-Based Discrimination** - Any intentional or unintentional act that results in an individual being excluded from participation in, denied the benefits of, or subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity based upon the individual's gender.

Examples of Gender-Based Harassment - Specifically, under this policy, in providing any aid, benefit, or service to a student, the University shall not:

- (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;
- (2) provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- (3) deny any person any aid, benefit, or service;
- (4) subject any person to separate or different rules of behavior, sanctions, or other treatment;
- (5) apply any rule concerning the domicile or residence of a student or applicant, including eligibility for fees and tuition;
- (6) aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of gender in providing any aid, benefit or service to students; or

(7) otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

G. **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.

H. **Gender Identity** - A person's self-conception of being a man or woman or boy or girl.

I. **Marital Status** - The legal status of being married or unmarried.

J. **Preponderance of Evidence Standard**- The standard upon which all complaints will be reviewed and decided. Under this standard, if the evidence suggests that it is more likely than not that the alleged incident occurred (51% likely), there will be a finding that a Title IX violation has occurred.

K. **Respondent** - The party accused of committing a Title IX policy violation

L. **Responsible Employee** - Every individual employed by Howard University and Howard University Hospital. **ALL** Responsible Employees have a duty, an obligation and a responsibility to report any known or suspected violation of this policy to a Title IX Officer as soon as he or she learns of it, no matter how he or she learns of this information.

M. **Sexual Assault** - Rape, attempted rape, forced sexual intercourse including forcible sodomy, sexual assault with an object and/or sexual battery; any unwanted sexual contact or threats; and any non-consensual sexual contact, including unwanted touching or forcible fondling.

N. **Sexual Harassment**- Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is made either explicitly or implicitly a basis for any decision affecting the terms or conditions of participation in any such program or activity or status in an academic course; or
- (2) such conduct has the purpose or effect of unreasonably interfering with a student's educational right, privilege, advantage, or opportunity; or
- (3) such conduct is so pervasive or severe that it creates an intimidating, hostile, or offensive environment for learning and has no reasonable relationship to the subject matter of the relevant course of instruction.

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

- (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 or gender;
- (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) sexual assault (includes all incidents of "criminal sexual conduct" as defined by the District of Columbia Code or the applicable law where the sexual assault takes place); or
- (7) 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.

O. **Sexual Misconduct** - Sexual assault, sexual harassment, sexual exploitation and sexual intimidation.

P. **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).

Q. **Sexual Violence** - Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's intellectual or other disability and/or use of drugs or alcohol. Acts of sexual violence include rape, sexual assault, sexual battery, and sexual coercion. Sexual violence is a form of sexual harassment prohibited by federal and local law.

R. **Stalking** - A course of conduct that is unwanted, unwelcome and unreciprocated directed at a specific person that would cause a reasonable person to feel fear. Examples of stalking behaviors include, but are not limited to:

- (1) Waiting outside a person's class or residence.
- (2) Sending unwanted letters, phone calls, emails, texts, posts to a person.
- (3) Following the person.
- (4) Sending gifts.
- (5) Sending information to others about the person.
- (6) Threatening the person.
- (7) Vandalizing the person's property
- (8) Tracking the person's computer and internet use.
- (9) Posting improper messages on social media about the person.

S. **Title IX Officers** - Individuals tasked with the responsibility of investigating all complaints alleging harassment or discrimination under this policy and training the

University community about Title IX and this policy. Title IX Officers include the Title IX Coordinator, the Deputy Title IX Coordinator and any other investigators working under the leadership and direction of the Title IX Coordinator.

- T. **University Community** - All members of the Howard University community including, but not limited to, members of the Howard University Board of Trustees, students, faculty, administrative personnel, staff and those who are conducting any type of business on any of the University premises, i.e., independent contractors and individuals engaged and/or participating in educational or other activities hosted by the University.

V. POLICY PROCEDURES

In determining whether alleged conduct constitutes harassment or discrimination 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 sexual advances and the context in which the alleged incidents occurred. All determinations of the appropriateness of a particular action will be based upon a thorough and comprehensive review the facts, and made on a case-by-case basis utilizing the preponderance of the evidence standard.

A. Rights of the Complainant

Any student member of the University community who believes that he or she has been subjected to harassment or discrimination, in violation of this policy, is urged to promptly pursue the matter and to file a complaint, as advised below. Additionally, any person who knows or has reason to know that a student has been subjected to harassment or discrimination is also urged to promptly report this information to a Responsible Employee or to file a complaint with a Title IX Officer. The complaining party will not be reprimanded, retaliated against, or discriminated against in any way for initiating an inquiry or complaint in good faith.

The Title IX Coordinator is Carol McKinnon. She is located in:
Carnegie Hall
2395 6th Street, N.W., Suite 200
Washington, D.C. 20059
Phone: (202) 806-4343 Email: cmckinnon@howard.edu

The Deputy Title IX Coordinator is Candi Smiley. She is located in:
The Administration Building
2400 6th Street, N. W., Suite 306
Washington, D.C. 20059
Phone: (202) 806-2561 Email: candi.smiley@howard.edu

All Complainants have a right to have an advocate of his or her choosing present during any meeting or proceeding related to this investigation. However, when present, advocates are not permitted to speak or otherwise provide advice or counsel during any meeting or proceeding conducted in accordance with this policy.

B. Rights of the Respondent

A person against whom a complaint is lodged shall be presumed innocent of that charge unless and until a thorough and comprehensive investigation has been conducted and there is a final administrative finding of culpability or a stipulated admission to the charge by that person.

Respondents have a right to have an advocate of his or her choosing present during any meeting or proceeding related to this investigation. However, when present, advocates are not permitted to speak or otherwise provide advice or counsel during any meeting or proceeding conducted in accordance with this policy.

C. Procedures for Investigating and Resolving Sexual Harassment and Gender-Based Discrimination Complaints in Educational Programs or Activities

(1) Immediate Assistance For Victims of Sexual Misconduct and Sexual Violence

Medical Services

If a student has been the victim of sexual misconduct or sexual violence, he or she may need to receive medical treatment. Medical services are available at:

Howard University Hospital
2041 Georgia Avenue, N.W.
Washington, D.C. 20060
Phone: (202) 865-1131

Students can also receive medical services at:
Howard University Student Health Center
2139 Georgia Avenue, N.W.
Washington, D.C. 20059
Phone: (202) 806-7540

NOTE: Rape Kits and SANE Exams are ONLY available at:

**WASHINGTON HOSPITAL CENTER
110 Irving St. N.W.
Washington, D.C. 20010
Phone: (202) 877-7000**

Support Services

Support Services are available through:

The Howard University Interpersonal Violence Prevention Program
2225 Georgia Avenue N.W. Suite 508
Washington, D.C. 20059
Phone: (202) 238-2382

-and-

University Counseling Services
CB Powell/School of Communications Building
6th and Bryant Streets, N.W.
Washington, D.C.
Phone: (202) 806-6870

Law Enforcement Assistance

Victims of sexual misconduct and sexual violence are strongly encouraged to immediately contact the Howard University Department of Public Safety (DPS) and/or the Metropolitan Police Department in order to report such incidences to law enforcement.

The Howard University Department of Public Safety may be reached at:

Department of Public Safety
2244 10th Street, N.W., Suite 270
Washington, D.C. 20059
Phone: (202) 806-1100

The District of Columbia Metropolitan Police Department may be reached at:

Metropolitan Police Department
1620 V Street, N.W.
Washington, D.C. 20009
Third District Main Phone: (202) 673-6815; or
The Detectives Office Phone: (202) 673-6918

(2) Filing a Complaint

Any and all potential violations of this policy, including known and/or suspected harassment or discrimination by or against a student should immediately be brought to the attention of a Title IX Officer or a Responsible Employee. This includes acts of discrimination, harassment and retaliation that are committed by other students, faculty or staff members, administrative personnel at the University and at Howard University Hospital, individuals doing business on University property, those engaged in educational or extracurricular activities on University property and visitors. When reporting such incidences, the Complainant should do his or her best to provide as much information as possible, including, but not limited to, the name of each person involved, the date and time of the incident, the location where the incident occurred, a specific description of what occurred and any other information on which the complaint is based.

Immediately upon learning of a potential violation of this policy, the Responsible Employee must contact either the Title IX Coordinator or the Deputy Title IX Coordinator to report any and all known information related to the incident.

All complaints that are brought to the attention of a Responsible Employee must be submitted to a Title IX Officer.

Students are encouraged to consult with the Title IX Coordinator or the Deputy Title IX Coordinator if they have any questions regarding this policy, including, but not limited to, the appropriateness of filing a complaint.

Once the Complainant files a complaint, the Title IX Officer will commence an investigation in accordance with this policy.

NOTE: 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.

Moreover, in addition to or instead of the persons described in the preceding paragraphs, a student may file a complaint of sexual harassment, gender-based discrimination, or discrimination based on race, color, or national origin with the United States Department of Education, Office for Civil Rights ("OCR"). The address and telephone number of the appropriate OCR District are as follows:

U. S. Department of Education
Office for Civil Rights
District of Columbia Office
400 Maryland Avenue, S.W.
Washington, D.C. 20202-1475
Telephone: (202) 453-6020
FAX: (202) 453-6021
TDD (877) 521-2172

(3) Time of Filing

Students are encouraged to file a complaint within 120 calendar days following the date of the alleged harassment or discrimination. However, the University will investigate each and every complaint filed regardless of when the incident is reported. While the University is firmly committed to protecting all students from harassment or discrimination in educational programs or activities, failure to timely file a complaint with a Title IX Officer or a Responsible Employee may adversely affect the ability of the University to take any remedial action under this policy.

(4) Notice to the Respondent

The Respondent shall be informed, in writing, of the complaint and the allegations made against him or her. The Title IX Officer will notify the Respondent of the allegations within 10 calendar days of receiving the complaint and speaking with the Complainant to learn more information, and/or the person who experienced the action if the complaint was submitted by a third party, when necessary. Upon receipt, the Respondent will then have an opportunity to submit a written response to the charges. This response must be submitted to the Title IX Officer within 7 calendar days of receiving notice of the complaint.

Please be advised that any allegations of sexual harassment, sexual misconduct or sexual violence may also be criminal violations. As such, any information obtained during the course of an investigation may be subject to review and action by law enforcement.

(5) Confidentiality

To the fullest extent practicable, complaints of harassment or discrimination will be processed confidentially and consistently with the University's need to investigate and take corrective action against such behavior. While the vast majority of investigations involve disclosure of the Complainant's identity to the Respondent, there may be situations where state and/or federal law prohibits disclosure or where the Complainant requests for his or her identity to remain confidential during the course of the investigative proceedings. Therefore, unwillingness to be identified should not prevent a person from reporting and filing a complaint.

In the event a Complainant requests to keep his or her identity anonymous, the Title IX Officer will inform the Complainant that the confidentiality request may limit the University's ability to respond to the allegations and address the University's provisions against retaliation.

If the Complainant continues his or her request for confidentiality, the University will take all reasonable steps necessary to investigate the allegations contained in the Complaint. However, the University cannot guarantee complete confidentiality, especially if the Title IX Officer, after consultation with the Office of the General Counsel, determines that resolution of the complaint requires disclosure to conduct an effective investigation or that confidentiality concerns are outweighed by the University's interest in protecting the safety,

welfare, and well-being of others. Additionally, once a Title IX Officer knows or has reason to know of a potential violation of this policy, the Title IX Officer must use reasonable efforts to determine the threat to the University and investigate the allegations based upon the information provided/supplied by the Complainant.

The University is committed to maintaining the confidentiality of all Title IX matters as well as the confidentiality of any and every individual participating in or aware of an investigation. Any willful and/or deliberate breach of this confidentiality is strictly prohibited and may result in disciplinary action, up to and including suspension, expulsion or termination.

(6) Interim Remedial Measures

Promptly upon learning of potential harassment or discrimination, the Title IX Officer will consult with the Complainant to determine whether interim remedial measures should be taken to alleviate problems or conflicts that currently exist or that may arise while the investigation is pending. Such measures may involve either the Complainant or the Respondent and may include, but are not limited to, academic & residential accommodation, as well as no-contact orders for students; work reassignments for faculty or staff members, administrative leave, or excusable absences from class and/or work assignments as well as no-contact orders. Such measures, however, shall not be considered disciplinary action against any person and may only be taken with the concurrence of the Provost and/or an appropriate Cabinet-level administrator, after consultation with the Office of General Counsel.

(7) Investigation

The Title IX Officer will have 60 calendar days to conduct an impartial, thorough and timely investigation of all complaints alleging harassment or discrimination under this policy. In the event, additional time is needed, the Title IX Officer will notify the Complainant, in writing, that additional time is needed for completion of the investigation.

Please note, at any time, the University may decide that it is in the best interest of the University to have an outside law firm or consultant conduct a Title IX investigation. In these instances, the Title IX Officer, with the concurrence of the General Counsel, may delegate an investigation to one of these entities. Any law firm or consultant used shall be selected and retained solely by the General Counsel. In the event an outside law firm or consultant is used to conduct an investigation under this policy, the resulting Report of Investigation may be disclosed only to the extent authorized by the General Counsel.

(8) Methods of Investigation

Investigations **must** include an interview of the Complainant and **may** include one or more of the following fact-finding methods:

- a. Review of all relevant documents including, but not limited to, academic and judicial records, emails, social media posts and communications, pictures, phone

records, text and voicemail messages, handwritten notes, and law enforcement reports;

- b. Personal interviews of Faculty, students, administrators, staff and other persons who may have knowledge or information relevant to the allegations in the complaint; or
- c. Letters of inquiry by the Title Officer to those person's described in (b) above.

(9) Resolution

Once the investigation has been completed, a Report of Investigation shall be prepared by the Title IX Officer (or the designated outside law firm or consultant). In most circumstances, this Report will be submitted to the Provost. However, in the event the Alternative Procedures are invoked, the Report of Investigation will be submitted in accordance with that provision. Alternative Procedures are set forth below in Section (11).

The Report shall contain a description of the complaint, a statement of the methodology used to investigate the complaint, findings of material fact, and a recommendation from the Title IX Officer as to whether the allegations are sustained by the facts. If the Title IX Officer determines that the University's Title IX policy has been violated, the Report shall also contain a recommendation stipulating what sanctions, if any, are appropriate under the circumstances. This Report must be completed within the 60-calendar day investigation period. Please note, this Report is for internal purposes only and will not be shared with any party.

The Title IX Officer will then forward the Report of Investigation to the Provost. Upon receipt, the Provost will then have 10 business days to review the report and determine if he or she: 1) agrees with the findings and the recommended disciplinary action; 2) agrees with the findings but disagrees with the recommended disciplinary action; or 3) disagrees with the findings. In the event the Provost disagrees, in whole or in part, with the recommendations of the Title IX Officer, the Provost will make the appropriate changes and his or her changes will constitute the final decision on the matter.

(10) Outcome Notification

Once the Provost has rendered a decision, both the Complainant and the Respondent will be contacted to schedule an individual Findings Meeting. Initial contact to schedule the meeting will be made within 10 calendar days of the date the Provost renders his or her final decision. During this meeting, each party will be notified of the results of the investigation. In the event the allegations are sustained, both parties will be apprised of the sanctions rendered by the Provost. Once the Provost has rendered his or her decision, that decision is final and may not be appealed to any other authority.

In the event that the allegations are sustained against a Faculty or staff member, within 10 calendar days of the last Findings Meeting, the Title IX Officer will forward the recommended sanctions to the appropriate University Officer as follows:

Faculty:	Provost and Chief Academic Officer
Staff:	Director or Department Head
Hospital Staff:	Associate Vice President for Administration and Operations

Recommended sanctions for Faculty or Staff may include, but are not limited to: administrative leave without pay; restitution; suspension; requirement to receive counseling through the Employee Assistance Program; Title IX training, a no contact order, a campus-wide barring order, a requirement to cease doing business with the University or termination

In the event that the allegations are sustained against a student, within 10 calendar days of the last Findings Meeting, the Title IX Officer will forward the imposed sanctions to the Office of Judicial Affairs for implementation and execution.

Recommended sanctions for students may include, but are not limited to: academic and/or social probation; disciplinary probation; community service, restitution; limited-term suspension; indefinite suspension; expulsion; a campus-wide barring order; a no contact order; a written apology; a requirement to receive counseling through the University Counseling Service; and/or Title IX training.

Upon receipt, the appropriate University Officer will be responsible for implementing the imposed sanctions.

Even if no harassment or discrimination has been found, the Provost may determine that one or both parties should receive training on Title IX, alcohol consumption, drug use or any other subject matter relevant to the information contained within the Report of Investigation. Training is neither designed to be nor considered to be a punishment and will not be characterized as such; however, if training is recommended, completion is mandatory.

(11) Alternative Procedures

If the Provost, Vice President (or person of similar rank) is the subject of a complaint of harassment or discrimination, the Title IX Officer will forward the Report of Investigation to the President, who will make the final determination regarding appropriate sanctions. If the President, in his individual capacity, is the subject of such a complaint, the Title IX Officer shall immediately notify the General Counsel who, in turn, will recommend a special investigative protocol to the Chairman of the Audit and Legal Committee of the Board of Trustees. Thereafter, the complaint shall be investigated as directed by said Committee.

VI. SANCTIONS

Engaging in any act that is found to be a violation of this policy, or failing to carry out the responsibilities established by this policy, will give rise to disciplinary action, up to and including separation from the University.

In all cases, the appropriate University Officer is responsible for imposing all sanctions. Additionally, after consultation with the Title IX Coordinator, the appropriate University Officer is responsible for taking any recommended remedial action necessary to promptly and effectively eliminate the harassment or discrimination, prevent its recurrence, and protect the Complainant from future incidents.

VII. HYPERLINKS

www.howard.edu/policy

[Emergencies & Alerts](#)

[Related Policies:](#)

[600-001 Student Code of Conduct](#)

[400-011 Response to Domestic Violence, Dating Violence, Sexual Assault and Stalking Policy](#)

[600-002 Student's Privacy Rights Policy \(FERPA\)](#)

[Resources:](#)

[Title IX: U.S. Department of Education](#)