

MORGAN STATE UNIVERSITY
POLICY ON SEXUAL ASSAULT

I. Purpose

Morgan State University asserts that sexual assault represents a reprehensible act in violation of basic human rights which will not be tolerated. This policy affirms the University's responsibility to establish a policy prohibiting sexual assault which contains procedures to be followed when sexual offenses occur at the University. This policy is consistent with and responsive to Section 485(f) of the Higher Education Act of 1965, as amended by Section 486(c) (2) of the Higher Education Amendments of 1992 and section 11-701 of the Education Article of the Annotated Code of Maryland. This policy applies to all employees (faculty and non-faculty), and students of Morgan State University.

II. Definitions

"Sexual Assault" is defined as any form of sexual contact with another person without his or her consent. For the purposes of this policy, sexual assault and sexual offense are synonymous.

III. Procedures and Programs

The President or his delegee shall develop procedures for reporting sexual assaults and programs to promote sexual assault awareness. The procedures and programs shall be set forth in writing and made available to the campus community. That document, as amended periodically to reflect amendments to the procedures and/or programs, is incorporated herein by reference.

IV. Educational Programs to Promote Awareness of Sexual Assault.

The University shall make available to its students, faculty and employees programs to promote awareness of what constitutes sexual assault, how to prevent it, and the University's procedures for handling reports of alleged sexual assault. In addition to general educational programs for the campus community, the University shall provide specialized training on the topic of sexual assault and the provisions of sexual assault procedures to individuals who may be involved in providing services to or interacting with alleged victims so as to ensure timely, accurate and sensitive assistance to all students, faculty and employees and shall be posted in appropriate locations on campus and published in appropriate University publications.

V. Procedures for Reporting a Sexual Assault

When a report of sexual assault is made to the University Police Department, the alleged victim will be encouraged to file criminal charges with the appropriate law enforcement and/or medical personnel as soon as possible. At the request of the alleged victim, University authorities will promptly assist the alleged victim in notifying the appropriate law enforcement officials and disciplinary authorities. University personnel will also assist the alleged victim with obtaining medical attention, if desired, including providing the alleged victim with transportation to the hospital or other emergency medical facility.

VI. Disciplinary Procedures

1. Student Disciplinary Procedures

a. Violations of laws and University policy regarding sexual assault may be subject to prosecution through the criminal justice system and civil authorities, and the campus judicial system. The range of University penalties shall include, but not be limited to, one or more of the following: alteration of class schedule, disciplinary reprimand, removal from campus housing, loss of privilege, restitution, disciplinary dismissal, and disciplinary expulsion.

b. The on-campus procedures shall provide that (1) the accuser and the accused are afforded the same opportunities to have others present during a campus disciplinary proceeding; (2) both the accuser and the accused are informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault, (3) the accuser and the accused will be treated with dignity, courtesy and professionalism, and (4) that while the offense must be reported according to federal reporting mandates and Maryland State law, the victim's right to choose the course of action to be taken or not to be taken is upheld.

2. Faculty and Employee Disciplinary Procedures

a. No disciplinary actions will be rendered until a thorough investigation of the alleged offense has been completed. However, the President may place the accused faculty member or employee on administrative leave pending the outcome of the investigation.

b. Violations of laws and University policy regarding sexual assault may be subject to prosecution through both criminal and civil authorities, and the appropriate faculty and/or employee disciplinary procedure. The range of University penalties shall include, but not be limited to, one or more of the following: counseling, reprimand, suspension, or termination.

c. Faculty and employees accused of sexual assault are entitled to avail themselves of the appropriate grievance process for their category of employment. The University procedures shall provide that (1) both the accuser and the accused are informed of the disposition of the sexual assault complaint, (2) the accuser and the accused will be treated with dignity, courtesy, and professionalism, and (3) that while the offense must be reported according to federal reporting mandate and Maryland State law, the victim's right to choose the course of action to be taken or not to be taken is upheld.

VII. Services for Victims

Faculty, employees and students who are victims of sexual assault will be offered access to counseling through mental health services available at the institution, other victim service entities in the surrounding community, or the nearest state designated rape crisis program.

Upon the request of the alleged sexual assault victim, the University will provide information regarding options for, and available assistance in changing academic and oncampus housing after an alleged sexual assault incident, if such changes are reasonably available and feasible.

Approved by Board of Regents March 15, 1995