



**The Johns Hopkins University Sexual Misconduct Policy and Procedures (“SMPP”)
EFFECTIVE OCTOBER 1, 2022**

Sections

Section I:	Purpose and Scope
Section II:	Prohibited Conduct
Section III:	Definitions
Section IV:	Reporting Sexual Misconduct
Section V:	Obligations of University Employees
Section VI:	Confidentiality and Confidential Resources
Section VII:	Interim Supportive Measures
Section VIII:	General Procedures Applicable to All Sexual Misconduct Reports
Section IX:	Assessment to Determine Appropriate Procedures
Section X:	Medical Treatment and Preservation of Evidence
Section XI:	Education and Training

Appendices

Appendix A:	Campus Security and Local Law Enforcement
Appendix B:	Confidential Resources (Both JHU and Off-Campus)
Appendix C:	Non-Confidential Resources
Appendix D:	External Government Resources
Appendix E:	On-Campus Medical and International Student Resources
Appendix F:	Local Hospitals
Appendix G:	Procedures for Title IX Sexual Harassment
Appendix H:	Procedures for Other Sexual Misconduct

Quick links

- [Information on how to report sexual misconduct to the University](#)
- [Information on how to report sexual misconduct to law enforcement or government agencies](#)
- [Information to contact Campus Security and Local Law Enforcement](#)
- [Information to contact Confidential Resources](#)
- [Information to contact Student Affairs Offices](#)
- [Information to contact External Government Resources](#)
- [Information to contact On-Campus Medical and International Student Resources](#)
- [Information if you want to contact a Local Hospital](#)
- [Learn more about JHU’s Timely Warning Policy](#)
- [Access the University’s Annual Security & Fire Safety Report](#)
- [Access the University’s Crime Logs](#)

Section I Purpose and Scope

The Johns Hopkins University (“JHU” or “the University”) is committed to providing a safe and non-discriminatory educational and working environment for its students, trainees, faculty, staff, post-doctoral fellows, residents, and other members of the University community. In particular, the University will not tolerate and is committed to providing members of its community with an environment that is free from any form of sexual misconduct. This conduct is disruptive of the learning and working environment of the University’s community and deprives students, employees, and other community members of equal access to the University’s programs and activities. To that end, the University embraces its responsibility to increase awareness of sexual misconduct, prevent its occurrence, support victims, deal fairly and firmly with offenders, diligently investigate complaints of such misconduct and retaliation, and comply with Title IX of the Higher Education Amendments of 1972 (“Title IX”), the Campus SaVE Act, and other applicable laws. The Johns Hopkins University Sexual Misconduct Policy and Procedures (the “Policy” and these “Procedures”) implement the University’s commitment to investigate and resolve cases involving sexual misconduct and retaliation promptly, fairly, equitably, impartially, and in compliance with law.¹

This Policy prohibits sexual misconduct that:

- occurs on campus or other University property;
- occurs in connection with University programs or activities, whether on or off-campus, including academic, educational, extracurricular, athletic and other programs and activities;
- impedes equal access to any University educational program or activity or adversely impacts the education or employment of a member of the University community, regardless of where the conduct occurred; or
- otherwise threatens the health or safety of one or more students, trainees, faculty members, staff members, post-doctoral fellows, or residents.

This Policy and its Procedures apply equally regardless of an individual’s sex, gender, marital status, pregnancy, race, color, ethnicity, national origin, immigration status, age, disability, religion, sexual orientation, gender identity or expression, military status, veteran status, or other legally protected characteristic. All academic and administrative units of the University (including all schools, divisions, campuses, departments, and centers) must comply and ensure that their policies and procedures comply with this Policy and its Procedures. To the extent there is any inconsistency between unit policies and procedures and this Policy and its Procedures, this Policy and its Procedures control.

All individuals who enter JHU campuses or property are prohibited from engaging in any form of sexual misconduct as defined by this Policy, regardless of their affiliation with the University. When a report of sexual misconduct is received, OIE will assess the involved individual(s)’ relationship with the University as well as the type, location, and context of the reported conduct to determine whether it should be addressed using the [Procedures for Title IX Sexual Harassment](#), the [Procedures for Other Sexual Misconduct](#), or by another University process. Regardless of the process applied, OIE will take reasonable and appropriate supportive and responsive measures to address prohibited conduct under this Policy.

In some instances where the accused party (the “respondent”) is *not* a student, staff member, faculty member, trainee or resident, some or all of the procedures outlined herein may not apply. In other

¹ The University complies with federal, state, and local law regarding sexual misconduct. This Policy sets forth University policy and procedure, which may be broader or more rigorous than what is required by law. Nothing in this Policy is intended to waive any legal protections, arguments, or defenses.

instances, the University may determine that some or all of the procedures outlined herein should be applied to third parties (e.g., visitors; volunteers; vendors and contractors while on University property, participating in a University sponsored activity, or providing or receiving services to or from the University; applicants for admission to or employment with the University; and former affiliates of the University). Regardless, OIE will take reasonable and appropriate supportive and responsive measures to address prohibited conduct under this Policy.

Fundamental to the University's purpose is the free and open exchange of ideas. It is not, therefore, the University's purpose in promulgating this Policy to inhibit free speech or the free communication of ideas by members of the academic community.

The University may amend this Policy and these Procedures from time to time. Further, the Title IX Coordinator, in consultation with the General Counsel, may from time to time make revisions and updates to this Policy and these Procedures to comply with applicable laws, regulations, and governmental guidance and any amendments thereto. Nothing in this Policy and these Procedures shall affect the inherent authority of the University to take such actions as it deems appropriate to further the educational mission of the University or to protect the safety and security of the University community.

Questions regarding this Policy and these Procedures and any questions concerning Title IX should be referred to: Linda Boyd, JD, Assistant Vice Provost & Title IX Coordinator:

The Johns Hopkins University
Office of Institutional Equity
Wyman Park Building, Suite 515
3400 North Charles Street
Baltimore, MD 21218
Telephone: (410) 516-8075
TTY: Dial 711
E-mail: titleixcoordinator@jhu.edu

Section II **Prohibited Conduct**

The University prohibits sexual misconduct, as defined below. The University also prohibits any form of retaliation, intimidation, threats, coercion, or discrimination or attempts thereof, whether direct or indirect, and including via online communications and activities such as social media, by any officer, employee, faculty, student, trainee, post-doctoral fellow, resident, or agent of the University against a person because that person made a complaint or report of sexual misconduct or participated in any way in the investigation or resolution of such a complaint or report, or who exercises their rights or responsibilities under the Policy, these Procedures, or the law.

Thus, sexual misconduct and retaliation are violations of this Policy, and the Procedures set forth in Appendices G and H apply to the investigation and resolution of reports and complaints of violations as set forth herein. Any person with a concern or complaint about a violation of this Policy is urged to contact the Title IX Coordinator. Each member of the community is responsible for fostering mutual respect, for being familiar with this Policy, and for refraining from conduct that violates this Policy.

The University prohibits filing complaints or reports of sexual misconduct or retaliation that the complainant knows to be false.

The University will take appropriate remedial action in response to violations of this Policy, up to and

including expulsion and/or termination.

Conduct that is not considered sexual misconduct under the definitions of this Policy may nevertheless be inappropriate or unacceptable within the JHU community. When appropriate, OIE will report such conduct to the relevant internal University department or authority such as Human Resources, Student Affairs, or the relevant department or dean to determine and implement appropriate responsive action.

Some Other Forms of Prohibited Misconduct

- The University’s [Discrimination and Harassment Policy and Procedures \(“DHPP”\)](#) apply to complaints of disparate treatment discrimination based on sex or gender (including sexual orientation and gender identity or expression), and discrimination and harassment based on marital status, pregnancy, race, color, ethnicity, national origin, immigration status, age, disability, religion, military status, veteran status or other legally protected characteristic. For complaints involving *both* allegations under the Sexual Misconduct Policy and Procedures as well as the [Discrimination and Harassment Policy and Procedures](#), the Vice Provost for Institutional Equity and the Title IX Coordinator will determine the appropriate procedures to be applied to the non-SMPP allegations, which may be the procedures specified in the [DHPP](#), the [Procedures for Title IX Sexual Harassment](#) or the [Procedures for Other Sexual Misconduct](#).
- The [Student Conduct Code](#) applies to undergraduate and graduate students and sets forth various forms of prohibited conduct. If the facts surrounding a report of sexual misconduct also involve alleged violations of the Student Conduct Code, the Title IX Coordinator or a designee may investigate such alleged violations of the Student Conduct Code or refer them to the appropriate authority, such as Student Conduct.
- The University’s [Personal Relationships Policy](#) focuses on the conflict of interest that may exist when individuals simultaneously engage in both personal and professional relationships in which one individual has the potential to exert substantial academic or professional influence over the other. The Personal Relationships Policy only covers consensual and familial relationships. In the event that a personal relationship involves alleged sexual misconduct, the Sexual Misconduct Policy and Procedures will apply.

Section III **Definitions**

Anonymous Reports: Reports of sexual misconduct filed with the University, including the Title IX Coordinator or the University’s Office of Institutional Equity (“OIE”), may be filed anonymously, meaning that the reporter files the report without identifying themselves. Anonymous reporters are encouraged to speak with the Title IX Coordinator or an OIE investigator so as to understand the potential limitations for an investigation being conducted based on an anonymous report. See Section IV of this Policy for anonymous reporting options.

Complainant: The term “complainant” refers to an individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment or Other Sexual Misconduct, whether reported by the alleged victim or a third party.

Confidential Resources: A “Confidential Resource” is a formal University designation given to certain

University employees who and departments that are exempt from any Responsible Employee obligations under this Policy. Confidential Resources are not required to report sexual misconduct to the University. Confidential Resources include mental health providers and staff, healthcare providers and staff, pastoral counselors and staff, and any other persons who have a legal obligation to protect confidentiality when acting in a professional capacity unless there is an imminent threat to health or safety, or other basis for disclosure pursuant to law. Confidential Resources designated by the University include the Sexual Assault Helpline, the Associate Director of Student Well-being, Gender Violence Prevention, Education and Response Coordinators, providers and staff at the Johns Hopkins Counseling Center, the Johns Hopkins Student Assistance Program, the Faculty and Staff Assistance Program, University Mental Health Services, student health centers operated by the University, as well as chaplains and staff at the Bunting Meyerhoff Interfaith and Community Center. Confidential Resources serve in that role at all times regardless of setting or specific activity. For a list of both JHU and off-campus Confidential Resources, see [Appendix B](#). Confidential Resources are not Responsible Employees (defined below). All resources not specifically designated as Confidential Resources are considered non-confidential. If you have any question about whether you are a Confidential Resource or whether someone you would like to speak to is a Confidential Resource, please contact the [Title IX Coordinator](#) or [Office of Institutional Equity](#) for clarification.

Consent: Sexual activity of any kind requires “consent,” which consists of the following:

- Consent means clear and voluntary agreement between participants to engage in the specific act.
- Consent requires a clear “yes,” verbal or otherwise; it cannot be inferred from the absence of a “no.”
- Consent cannot be obtained from someone who is unconscious, asleep, physically helpless, or incapacitated (including, but not limited to, mentally incapacitated). A person is incapacitated when they are unable to make a rational decision because the person lacks the ability to understand their decision. A person who is incapacitated is unable to consent to sexual activity. A person can become incapacitated as a result of physical or mental disability, involuntary physical constraint, being asleep or unconscious, or consumption of alcohol or other drugs. A person can consume alcohol and/or drugs without becoming incapacitated. A person who engages in sexual activity with someone that person knows or reasonably should know is incapacitated does not have consent and will be found responsible for a Policy violation.
- Consent cannot be obtained by pressure, threats, coercion or force of any kind, whether mental or physical. Consent means actually agreeing to the specific sexual activity, rather than merely submitting as a result of pressure, threats, coercion or force of any kind, whether mental or physical.
- Consent cannot be obtained from an individual who is under the legal age of consent.
- Consent must be ongoing throughout a sexual encounter and can be revoked at any time.
- Consent to some sexual acts does not necessarily imply consent to others.
- Past consent does not mean ongoing or future consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

Dating Violence:² The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the

² Dating violence is covered by the Policy whether or not it involves sexual conduct.

relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but excludes acts covered under domestic violence.

Discrimination: The term “discrimination” means treating a member of the community unfavorably because that person is a member of a protected class. The University prohibits discrimination on the basis of: race, color, national origin, immigration status, ethnicity, age, disability, religion, sex, gender, pregnancy, military status, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, or other legally protected characteristics. For further information, see the [University Statement on Equal Opportunity](#) and [Discrimination and Harassment Policy and Procedures](#).

Domestic Violence:³ The term “domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; is cohabitating or has cohabitated with the victim as a spouse or intimate partner, shares a child in common with the victim; or commits acts against a youth or adult who is protected from those acts under the family or domestic violence laws of the jurisdiction receiving grant monies.

Economic Abuse: The term ‘economic abuse’, in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to (A) restrict a person’s access to money, assets, credit, or financial information; (B) unfairly use a person’s personal economic resources, including money, assets, and credit, for one’s own advantage; or (C) exert undue influence over a person’s financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Formal Complaint: The term “Formal Complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the university investigate the allegation of Title IX Sexual Harassment. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, electronic mail, or online form, as provided below. A “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the university) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the Formal Complaint.

Gender Expression: The external appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender Identity: One’s innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same as or different from their sex assigned at birth.

³ Domestic violence is covered by the Policy whether or not it involves sexual conduct.

Interim Supportive Measures: The term “interim supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available, and without fee or charge to the complainant, respondent or other individuals involved in a matter, before or after the filing of any type of Title IX Sexual Harassment or Other Sexual Misconduct report or complaint. Such measures are designed to restore or preserve equal access to a university program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter Title IX Sexual Harassment or Other Sexual Misconduct. For examples of interim supportive measures, see Section VII below. To discuss or request interim supportive measures, please contact the [Title IX Coordinator](#) or Deputy Title IX Coordinator.

Non-Title IX Sex-Based Harassment: The term “non-Title IX sex-based harassment,” whether between people of different sexes, or the same sex, includes, but is not limited to, conduct that does not meet the definition of Title IX Sexual Harassment but otherwise constitutes unwelcome and offensive conduct based on sex (including gender, sexual orientation and gender identity/expression) when:

1. Submission to such conduct is made either explicitly or implicitly a term of the individual’s employment or participation in an education program or activity;
2. Submission to or rejection of such conduct is used as a basis for employment or academic decisions or advancement; *or*
3. Such conduct unreasonably creates a work or academic environment that a reasonable person would perceive to be abusive or hostile.

The alleged conduct need not be severe or pervasive. When assessing whether the alleged conduct unreasonably creates an abusive or hostile work or academic environment from the perspective of a reasonable person, the university considers the totality of the circumstances. This includes consideration of whether the unwelcome and offensive conduct unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services or opportunities from the university’s education or employment programs and/or activities. Although the conduct need not be severe or pervasive to constitute an unreasonably hostile or abusive environment, the heightened seriousness of alleged severe or pervasive conduct will be considered during OIE’s process.

Non-Title IX Sex-Based Harassment does not include unwelcome conduct of a sexual nature, which is considered non-Title IX Sexual Harassment.

Non-Title IX Sexual Harassment: The term “non-Title IX sexual harassment,” whether between people of different sexes or the same sex, includes, but is not limited to, conduct that does not meet the definition of Title IX Sexual Harassment but otherwise constitutes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, electronic or physical conduct of a sexual nature when:

- The respondent is a non-employee and submission to such conduct is implicitly or explicitly a term or condition of an individual’s participation in an educational program or activity⁴;
- The respondent is a non-employee and submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions, evaluation or advancement⁵; or

⁴ Where it is alleged that an *employee* engaged in such conduct, but the circumstances do not otherwise meet the criteria for utilizing the Procedures for Title IX Sexual Harassment as set forth in Section IX, such alleged conduct will be considered potential Non-Title IX Sexual Harassment and will be evaluated as needed under the Procedures for Other Sexual Misconduct.

⁵ Where it is alleged that an *employee* engaged in such conduct, but the circumstances do not otherwise meet the criteria for utilizing the Procedures for Title IX Sexual Harassment as set forth in Section IX, such alleged conduct will be considered potential Non-Title IX Sexual Harassment and will be evaluated as needed under the Procedures for Other Sexual Misconduct.

- Such conduct unreasonably creates a work or academic environment that a reasonable person would perceive to be abusive or hostile.

The alleged conduct need not be severe or pervasive. When assessing whether the alleged conduct unreasonably creates an abusive or hostile work or academic environment from the perspective of a reasonable person, the university considers the totality of the circumstances. This includes consideration of whether the unwelcome and offensive conduct unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services or opportunities from the university's education or employment programs and/or activities. Although the conduct need not be severe or pervasive to constitute an unreasonably hostile or abusive environment, the heightened seriousness of alleged severe or pervasive conduct will be considered during OIE's process.

Examples of conduct that may, depending on the facts and circumstances, constitute non-Title IX sexual harassment include, but are not limited to: making comments about someone's appearance in a sexually suggestive way; staring at someone or making obscene gestures or noises; repeatedly asking someone on a date; "flashing" or exposing body parts; sexual coercion; intentional sexual in nature touching that does not meet the definition of Title IX Sexual Harassment; disrobing; spreading sexual rumors; rating peers or colleagues with respect to sexual performance; non-consensual observation, photographing, or recording of sexual activity or nudity; non-consensual distribution or dissemination of photographs or recordings of sexual activity or nudity, including distribution or dissemination of photographs or recordings that were made consensually; allowing a third party to observe sexual activity without the consent of all parties; and prostituting or trafficking another person.⁶

Other Sexual Misconduct: The term "Other Sexual Misconduct" includes all sexual misconduct that is not considered "Title IX Sexual Harassment." This includes non-Title IX sexual harassment, non-Title IX sex-based harassment, and non-sex-based stalking. It also includes sexual assault, sex-based stalking, dating violence and domestic violence that does not meet all of the jurisdictional requirements to be considered under the "Procedures for Title IX Sexual Harassment," for example if the conduct occurred outside of the United States.

Preponderance of the Evidence: A "preponderance of the evidence" means it is more likely than not that a policy violation occurred (or did not occur) based on the evidentiary record.

Respondent: The term "respondent" refers to an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment or Other Sexual Misconduct.

Responsible Employee: "Responsible Employee" is a designation given to certain University employees who have a duty to report sexual misconduct that they learn of to the University's Title IX Coordinator. Responsible Employees are designated based on the University's determination that they have the authority to redress sexual misconduct, have the duty to report sexual misconduct to the [Title IX Coordinator](#), or are employees who a student reasonably believes have such authority or duty. [Confidential Resources](#) are not Responsible Employees. Responsible Employees designated by the University include academic administrators, academic advisors, non-confidential employees serving in a supervisory role, department heads and chairs, directors, deans, student affairs staff, Office of Institutional Equity staff, faculty, Human Resources personnel, campus security officers, resident advisors, and athletic coaches. **Responsible Employees must promptly report all known relevant information to the Title IX Coordinator, including the name of the complainant, respondent, and any witnesses and any other relevant facts,**

⁶ These conduct examples may constitute Title IX Sexual Harassment if they are accompanied by additional facts and circumstances that bring them within the definition of Title IX (e.g., the conduct occurred within the University's education program or activity and other criteria described in Section IX are satisfied).

including the date, time, and location of the misconduct. Faculty who are also licensed medical providers do not have a Responsible Employee obligation when providing patient care where the patient information that constitutes a report of potential sexual misconduct is protected by applicable patient privacy laws. If you have any question about whether you are a Responsible Employee or questions regarding your Responsible Employee duties, please promptly contact the [Title IX Coordinator](#) or the [Office of Institutional Equity](#) for clarification.

Relationship Violence: The term “relationship violence” means dating violence and domestic violence.

Retaliation: The term “retaliation” means intimidating, threatening, coercing, harassing, taking adverse employment or educational action against, otherwise discriminating against an individual in any way and/or interfering with any right or privilege secured by Title IX or its implementing regulations, including through online communications and activities such as social media, because the individual made a report or complaint under this Policy or these Procedures, participated in any way in the investigation or resolution of such a report or complaint, opposed conduct that they reasonably believed to be prohibited under this Policy, these Procedures, or applicable law regarding discrimination or harassment, or exercised any right or responsibility under this Policy or these Procedures. Retaliation includes conduct that is reasonably likely to deter an individual from making a complaint or report under this Policy or from participating in the investigation or resolution of a complaint or report, or from opposing conduct that they reasonably believe to be prohibited under this Policy, these Procedures, or applicable law regarding discrimination or harassment.

Sexual Assault: The term “sexual assault” includes the following actual or attempted acts:

- **Rape (except Statutory Rape):** The carnal knowledge of a 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.
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Sodomy:** Oral or anal sexual intercourse with 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.
- **Sexual Assault With An Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body 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. This includes digital penetration.
- **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.
- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Sexual Misconduct: The term “sexual misconduct” refers to both “Title IX Sexual Harassment” and “Other Sexual Misconduct”.

Stalking: The term “stalking” includes the following conduct:

- **Non-Sex-Based Stalking:** The term “non-sex-based stalking” means conduct that is not sex-based

but still constitutes engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress. Acts which solely create an annoyance or inconvenience are generally insufficient to meet this standard. For purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with another person, or interferes with that person’s property.

Although non-sex-based stalking does not require evidence that the Respondent intended to cause fear or emotional distress, there must be evidence that the Respondent intentionally engaged in a course of conduct directed at the Complainant, as set forth above. Inadvertent, involuntary, or accidental conduct will not meet this standard. Likewise, incidental or routine contact and/or communications issued during the regular course of University business concerning legitimate academic or employment matters - for example, a supervisor issuing an annual performance review or a professor providing feedback on an essay – do not constitute non-sex-based stalking. Protected conduct – such as making a good faith complaint/report under this policy or participating in an OIE investigation – also will not be considered part of a course of conduct in evaluating alleged Non-Sex-Based Stalking.

- ***Sex-Based Stalking:*** The term “sex-based stalking” means, on the basis of sex, engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress. Acts which solely create an annoyance or inconvenience are generally insufficient to meet this standard. For purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with another person, or interferes with that person’s property.

Although sex-based stalking does not require evidence that the Respondent intended to cause fear or emotional distress, there must be evidence that the Respondent intentionally engaged in a course of conduct directed at the Complainant, as set forth above. Inadvertent, involuntary, or accidental conduct will not meet this standard. Likewise, incidental or routine contact and/or communications issued during the regular course of University business concerning legitimate academic or employment matters do not constitute sex-based stalking. Protected conduct – such as making a good faith complaint/report under this policy or participating in an OIE investigation – also will not be considered part of a course of conduct in evaluating alleged Sex-Based Stalking.

Technological Abuse: The term “technological abuse” means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

Title IX Sexual Harassment: The term “Title IX Sexual Harassment” means conduct on the basis of sex⁷ that satisfies one or more of the following:

⁷ This includes conduct based on sexual orientation and gender identity or expression.

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (*quid pro quo*);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity; and/or
- Sexual Assault, Dating Violence, Domestic Violence, or Sex-Based Stalking.

Even when alleged conduct falls under this definition of "Title IX Sexual Harassment," additional criteria must be met to trigger the application of the Procedures for Title IX Sexual Harassment. To determine which procedures apply, OIE will perform further assessment, as described in Section VIII.

Section IV **Reporting Sexual Misconduct**

Reporting to the University: Reports of sexual misconduct and retaliation may be brought to the Assistant Vice Provost/Title IX Coordinator, Linda Boyd:

The Johns Hopkins University
Office of Institutional Equity
Wyman Park Building, Suite
515 3400 North Charles Street
Baltimore, MD 21218
Telephone: (410) 516-8075
TTY: Dial 711
E-mail: titleixcoordinator@jhu.edu

Online complaint submission: [Sexual Assault Response and Prevention Online Complaint Form](#)

Reports versus Formal Complaints: The University will respond to all reports of sexual misconduct. A Formal Complaint is a specific type of report that may result in the use of the [Procedures for Title IX Sexual Harassment](#). If you want to file a Formal Complaint of Title IX Sexual Harassment, submit your written report describing the allegations and specifically requesting an investigation, and sign this written report. Please know that you can submit a report and then later decide to file a Formal Complaint. Formal Complaints can be submitted electronically (e-mail) or in hard copy. You may, but are not required to, use [this form to file a Formal Complaint](#).

Anonymous Reports: Reports may be made anonymously using any of the reporting options above. To make an anonymous report by any method above, do not provide any personally identifiable information (such as name, University email, personal e-mail that discloses your name, University phone number) when making the report.

Reporting to Law Enforcement: In an emergency, contact 911 to reach local law enforcement. A listing of campus security and local law enforcement contact information is available in [Appendix A](#). Campus Safety and Security or the Title IX Coordinator can also provide assistance with contacting local law enforcement.

Speaking with Confidential Resources: If a complainant does not wish to make a report or complaint to the University, the complainant may contact a [Confidential Resource](#), which includes the JHU Sexual Assault Helpline (students may talk with an on-call counselor 24/7, Telephone: (410) 516-7333). See [Appendix B](#) for a list of other Confidential Resources, both on and off-campus.

1. *The Office of Institutional Equity and the Title IX Coordinator*

The [University's Office of Institutional Equity](#) ("OIE") is tasked with receiving and handling complaints of sexual misconduct. OIE is a neutral resource available to all students, faculty and staff.

The Vice Provost for Institutional Equity (the "Vice Provost") oversees OIE.

The University's Title IX Coordinator works within OIE and coordinates the University's efforts to comply with laws governing sexual misconduct, including Title IX; oversees related policies and procedures; explains the operation of the complaint resolution process; ensures that the University responds appropriately to complaints of sexual misconduct and retaliation; coordinates training related to Title IX; and provides or oversees the provision of information to members of the University community, including the complainant and the respondent, concerning Title IX and this Policy and its Procedures, the availability of confidential and other resources, interim supportive measures, and how to file a complaint with law enforcement authorities.

The Title IX Coordinator also coordinates, oversees, or conducts the investigation of sexual misconduct and retaliation complaints. No employee or student is authorized to investigate or resolve such complaints without the express direction of the Title IX Coordinator. If an employee or student is unsure whether the conduct at issue involves sexual misconduct, they should contact the Title IX Coordinator.

2. *Reports of Sexual Misconduct*

The University encourages students, faculty, staff, and other members of the community to report sexual misconduct, and to do so as promptly as possible, so that the University can respond effectively. Individuals are encouraged to file reports of sexual misconduct directly with the Title IX Coordinator. Anyone may meet with the Title IX Coordinator or a designee to learn more about the process before making a report or Formal Complaint. Reports of sexual misconduct may be filed anonymously, meaning that the individual files the report without identifying themselves. Note that Responsible Employees (discussed below) who receive reports or otherwise become aware of sexual misconduct are required to promptly report this misconduct to the Title IX Coordinator.

A complainant may ask the Title IX Coordinator not to conduct an investigation. The University respects the autonomy of complainants and will provide complainants with the information and support they need to make a determination about whether they would prefer that an investigation be conducted. If a complainant requests that no investigation be conducted, the Title IX Coordinator will independently determine whether to investigate the allegations, weighing the complainant's interest in confidentiality against any risk that not investigating the incident may contribute to a hostile environment or pose a threat to the safety and security of the University community.

Anonymous reporters are encouraged to speak with the Title IX Coordinator or an investigator so as to understand the potential limitations of an investigation being conducted based on an anonymous report. JHU will review anonymous reports to determine whether preventive or remedial action should be taken, such as prevention or educational programs, or increased safety patrols or monitoring.

Because sexual misconduct often involves behaviors or interactions that are not witnessed by third parties, reports cannot always be corroborated by additional evidence. The lack of such evidence should not dissuade someone from reporting sexual misconduct.

If a complainant is under the age of 18 (i.e., a minor), the complainant's parent or legal guardian may be informed of any report of sexual misconduct made by or on behalf of the complainant, as well as the

status of any investigation or resolution of the matter.⁸ However, OIE will strongly consider a minor complainant's request that their parent(s) or guardian(s) *not* be informed of a report of sexual misconduct and/or the status of any investigation or resolution, particularly when the minor complainant is enrolled in an undergraduate or graduate program. Matters involving minors will also be addressed pursuant to the [University's Policy on the Safety of Children in University Programs](#), as well as applicable law.

When a third party (e.g., a faculty member, resident advisor, friend, or roommate) reports a sexual misconduct incident, the Title IX Coordinator or a designee will promptly notify the complainant that a report has been received, and these Procedures will apply in the same manner as if the complainant had made the initial report.

Upon receiving a report of sexual misconduct, whether from a third party or directly from the complainant, the Title IX Coordinator or a designee will discuss available options, interim supportive measures, and on- and off-campus resources with the complainant. If we receive an anonymous report, the Title IX Coordinator or designee will provide the above information if the anonymous reporter has provided a way for us to send the same.

If a respondent is not a member of the University community or the respondent's identity is not known, the University will still make efforts to assess the alleged misconduct, prevent its recurrence, and address its effects. The Title IX Coordinator or designee will also assist complainants in identifying appropriate campus and external resources.

The University does not limit the time for submitting a report of sexual misconduct and encourages all reports irrespective of when the underlying incident occurred. The University's ability to investigate and respond effectively may be reduced with the passage of time.

3. *Notice of Rights & Interim Supportive Measures*

Upon receiving a report of sexual misconduct, the University will provide the complainant with a written explanation of their rights, options, and responsibilities and the resources available to assist the complainant, including notifying the complainant of the Sexual Misconduct Policy and Procedures. The Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of interim supportive measures (regardless of whether a Formal Complaint is filed), the complainant's wishes with respect to supportive measures, and the process for filing a Formal Complaint.

4. *Maintenance of Records*

The University will maintain a record of all reports of sexual misconduct and related evidence, documents, records, and information pertaining to the investigation and resolution of Formal Complaints. The University will also maintain a record of supportive measures offered to complainants and respondents and all training materials related to the Policy. These records will be maintained in accordance with applicable policies, procedures, and legal requirements. This information will be used by the Title IX Coordinator to help determine whether multiple complaints have been made against the same individual and to document the incidence and any patterns of sexual misconduct in the University community.

5. *Amnesty Provisions for Students*

⁸ Parental or guardian requests on behalf of a minor that a complaint be kept confidential or that an investigation not proceed will be handled in the same manner as such requests by a complainant over the age of 18.

Sometimes individuals may be reluctant to report instances of sexual misconduct because they fear being charged with violations of other University policies, including those regarding alcohol or drugs. The University encourages students to report all instances of sexual misconduct. The University will not impose disciplinary action, except for a mandatory intervention for substance abuse, for a violation of alcohol or drug policies for a student who reports to the University or law enforcement an incidence of sexual misconduct or who participates in an investigation of sexual misconduct as a witness if: (1) the University determines the violation occurred during or near the time of the alleged sexual misconduct; (2) the student is determined to have made the report of sexual misconduct or is participating in an investigation as a witness in good faith; and (3) the University determines that the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.

6. *Reporting to Law Enforcement or Government Agencies*

Depending on the facts and circumstances, sexual misconduct may involve criminal activity. The University encourages students, faculty, staff, and other members of its community to report any potential criminal conduct to law enforcement authorities, and the University may do so in exceptional circumstances such as a health or safety emergency.

The University has campus security officers who are specially trained to work with individuals reporting sexual misconduct. Upon request, Campus Safety and Security or the Title IX Coordinator or a designee will provide assistance to an individual wishing to contact law enforcement, including those seeking to obtain orders of protection, peace orders, civil no-contact orders, restraining orders, or similar orders issued by a criminal or civil court. The University will notify complainants of the availability of this assistance. Contact information for Campus Safety and Security and local law enforcement is available at [Appendix A](#).

Reporting an incident to law enforcement authorities does not preclude filing a report or complaint with the University. Individuals may file a report or complaint of sexual misconduct under this Policy before, after, or simultaneously with reporting an incident to law enforcement, or if no report is made to law enforcement at all. Whether or not an incident results in a criminal investigation, prosecution, or conviction, the University will decide, pursuant to these Procedures, whether the respondent has violated the Policy and, if so, the appropriate sanctions to impose.

7. *Clery Reporting Obligations*

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) requires the University to record and report certain information about certain crimes (including certain sexual misconduct incidents) that occur on or near campus. Certain University employees who are designated as Campus Safety Authorities (CSAs) and who receive reports of certain types of sexual misconduct are required by the Clery Act and the University to notify Campus Safety and Security about such incidents for statistical reporting purposes. The University reports crimes as required by the Clery Act in its Campus Crime Blotter, Clery Crime Log, and Annual Security and Fire Safety Report available online on the [Campus Safety and Security website](#). The Clery Act also requires the University to issue a “timely warning” when it receives a report of certain crimes that pose a serious or continuing threat to the safety of the campus community. Campus Safety and Security will issue timely warnings in accordance with the [University’s Timely Warning Policy](#). Personally identifiable information about complainants will not be included in any timely warning or security notification, or in any publicly available record-keeping, including the disclosure of crime statistics in the Annual Security and Fire Safety Report.

8. *Other Reporting Options*

Inquiries or complaints concerning the application of Title IX or the University's handling of sexual misconduct reports may be referred to the Department of Education's Office for Civil Rights. Employee complaints may also be referred to the U.S. Equal Employment Opportunity Commission, the Maryland Commission on Civil Rights (for Maryland employees), or the District of Columbia Office of Human Rights (for Washington, D.C. employees). Contact information is located in [Appendix D](#). In addition, participants in programs funded by other federal agencies may also file a complaint directly with those agencies.

Section V **Obligations of University Employees**

All Responsible Employees who receive reports or otherwise become aware of possible sexual misconduct or retaliation are required to promptly report such misconduct to the Title IX Coordinator.

Responsible Employees must report all known relevant information to the Title IX Coordinator, including the names of the complainant, respondent, and any witnesses and any other relevant facts, including the date, time, and location of the misconduct. [Confidential Resources](#) are exempt from the above reporting requirement.

All University personnel, including Responsible Employees and Confidential Resources, are required to protect the privacy of complainants, respondents, and any witnesses to the greatest extent possible. Information about sexual misconduct should be shared only with those who have a need to know such information. University personnel must participate in training on issues of sexual misconduct.

No employee is authorized to investigate or resolve sexual misconduct reports or complaints without the express direction of the Title IX Coordinator. If any Responsible Employee has questions about their designation as a Responsible Employee or duties, please contact the [Title IX Coordinator](#).

Section VI **Confidentiality and Confidential Resources**

If an individual desires to keep the details of any sexual misconduct incident confidential, the individual may speak to a Confidential Resource, (listed in [Appendix B](#)). Information shared with Confidential Resources does not constitute a report or complaint filed with the University for the purpose of instituting an investigation or resolution of a sexual misconduct complaint.

In the case of a report to a Responsible Employee or the Title IX Coordinator, a complainant may request confidentiality at any point up to the filing of a Formal Complaint under the [Title IX Sexual Harassment Procedures](#)) or the initiation of an investigation under the [Other Sexual Misconduct Procedures](#). For example, the complainant may ask that the complainant's identity not be disclosed to anyone else, including the respondent, or that information about the incident not be shared with others. The Title IX Coordinator will consider any requests for confidentiality or requests that an investigation not be pursued in light of legal requirements and the University's commitment to provide a safe and non-discriminatory environment for all members of the community.⁹ For example, if the Title IX Coordinator concludes that the allegations about the respondent suggest a threat to the community or learns of other information that warrants or

⁹ The Title IX Coordinator may also consider a complainant's request for confidentiality in conjunction with other legal obligations, such as compliance with court orders, governmental investigations and proceedings, and litigation requests related to the complaint.

necessitates investigation, the request for confidentiality may not be granted. If the University honors a request for confidentiality, the University's ability to investigate and respond to the reported misconduct and pursue disciplinary action against the respondent may be limited. The University will however take all reasonable steps to respond to the report consistent with a request for confidentiality. If the Title IX Coordinator determines that the University will not honor a complainant's request for confidentiality, the Title IX Coordinator or a designee will inform the complainant prior to starting an investigation. If the complainant or the Title IX Coordinator files a Formal Complaint of Title IX Sexual Harassment, written notice of the complaint will be provided to both parties and will include the identity of the complainant. Written notice will also be provided to parties in Other Sexual Misconduct investigations.

In all circumstances, the University will make appropriate interim supportive measures available, provide access to resources, and take such other actions as necessary and appropriate to protect the safety and security of the parties and the University community. In order to maintain confidentiality, a student may seek information from officials (including from the Title IX Coordinator and OIE staff) about their rights and options, including interim supportive measures, without disclosing the underlying offense.

Section VII **Interim Supportive Measures**

Every time that OIE receives a report of sexual misconduct of any kind, and regardless of how the report proceeds, the Title IX Coordinator will work with all affected persons to ensure their safety and promote their well-being. This assistance may include the provision of interim supportive measures following an incident or while a matter under these Procedures is pending to assist, support, or protect an individual and/or to protect the integrity of an investigation or resolution process. Both complainants and respondents will have equal access to appropriate and reasonably available and feasible interim supportive measures.

Upon receipt of a report, the Title IX Coordinator or a designee will provide written notice to the complainant of the interim supportive measures that may be available and feasible and will seek to discuss with the complainant these measures and the complainant's wishes. Similar notice will be provided to the respondent upon being notified of the complaint or report. Interim supportive measures are afforded whether or not the complainant reports the matter to Campus Safety and Security or law enforcement, or files a complaint with the University.

Interim supportive measures will be implemented by the student affairs office or other appropriate authority at the individual's school, division, campus, department, or center, under the direction of the Title IX Coordinator. Student affairs personnel or other appropriate authorities, in conjunction with the Title IX Coordinator, will communicate with other University personnel to ensure that they make appropriate interim measures available. The University will exercise discretion in implementing interim supportive measures and will only disclose information if necessary to implement such measures. All disclosures will be compliant with federal privacy laws protecting student information.

Interim Supportive Measures may include, but are not limited to:

- Moving residences on-campus;
- Adjusting work schedules;
- Changing academic schedules;
- Changing advisors;
- Parking and/or transportation accommodations;
- Rescheduling examinations;
- Allowing withdrawal from or re-taking classes without penalty;

- Providing access to tutoring or other academic support;
- Prohibiting attendance at group or organizational informal or formal functions overseen by the University;
- Administrative leave for non-student employees;
- Interim Suspension/Emergency removal as permitted by applicable law;
- Issuing mutual “no contact” orders;
- Assistance connecting with medical and/or mental health services;
- Change in dining location;
- Access to safety escort services;
- Developing an anti-retaliation plan to address retaliation concerns; and/or
- Assistance connecting with a supporter.

An interim suspension/emergency removal will be issued only after the University undertakes an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal. For more information about interim suspension procedures for student misconduct cases, please read the [University’s Interim Suspension Procedures](#).

Violations of no contact orders and failures to comply with other interim directives may result in disciplinary action pursuant to the student conduct code or relevant divisional policy for faculty and staff. All reported violations of “no contact” orders and other similar directives will be assessed to determine whether additional misconduct charges are warranted.

Section VIII

General Procedures Applicable to All Sexual Misconduct Reports

1. *Communications During Sexual Misconduct Cases*

Complainants and respondents are expected to check their official University email on a regular basis throughout any complaint investigation and resolution process. University email is the primary way in which complainants and respondents will receive communications from the Title IX Coordinator, the Office of Institutional Equity, and (where applicable) from those involved in the resolution panel process.

2. *Supporters (for both Title IX Sexual Harassment and Other Sexual Misconduct)**

If they choose, the complainant and the respondent each may identify one or two supporter(s) to assist and advise them throughout the investigative and resolution process (including hearing, sanctioning, and appeals). If a party chooses to have two supporters, only one can be a personal supporter (i.e., someone who is not serving as legal counsel or advocate, for example, a friend, parent, or legal guardian) and only one may be an attorney, an advocate supervised by an attorney, or a trained advocate).

- The supporter(s) may physically or virtually accompany the party to and attend any meeting, interview or hearing held pursuant to this Policy.
- Prior to participating in the investigation or resolution process, the supporter(s) shall be apprised of their rights, role, and process by the Title IX Coordinator, investigator, or other designee.
- During any meeting, hearing, or interview under these Procedures, the supporter(s) (whether or not legal counsel) may privately advise and consult with the party, except during questioning of the party at a hearing.
- The supporter(s) may not speak on the party’s behalf or otherwise participate, or address or question the investigator, resolution panel, or other parties or witnesses (except where noted below

for Title IX Sexual Harassment hearings).

- The supporter(s) may make written submissions on their party's behalf.

University personnel employed in the offices responsible for the disciplinary proceedings described in these Procedures, along with those in the chain of command above them, personnel employed by the Office of the General Counsel, and others whose participation could create a conflict of interest and/or reasonably call into question the impartiality of the University's process are not eligible to serve as supporters. If there is a question or concern about a possible supporter, please consult with the Title IX Coordinator. Both the complainant and the respondent and any supporters will have access to a neutral staff member within the University to explain and answer any questions about the disciplinary process.

** **Hearing Advisors:** In Title IX Sexual Harassment investigations, both the complainant and respondent are entitled to one Hearing Advisor in the event of live hearing. If a party does not identify their own Hearing Advisor, the University will provide a Hearing Advisor to the party without fee or charge in the event of live hearing. The Hearing Advisor may be, but is not required to be, an attorney. The Hearing Advisor also may be, but is not required to be, an individual whom a party has selected as a personal or legal supporter. A live hearing may take place either in person or virtually. For more information on the role of a Hearing Advisor – which includes conducting live questioning – please see Appendix G – Procedures for Title IX Sexual Misconduct.*

** **Attorneys for Student Sexual Assault Matters:** In Title IX Sexual Harassment investigations that involve allegations of Sexual Assault by or against a current or former student, the student parties may have access to free legal counsel through the Maryland Higher Education Commission:*

Maryland law (Education Article section 11-601) provides that a party (whether the complainant or respondent) who would like to be assisted by legal counsel during an investigation under this Policy is permitted to access counsel paid for by the Maryland Higher Education Commission ("MHEC") if:

- (1) the party is a current or former student;
- (2) the party makes or responds to a complaint alleging an incident of sexual assault;
- (3) the party was enrolled as a student at the University at the time of the alleged incident of sexual assault; and
- (4) the Title IX Coordinator decides to conduct an investigation into the complaint.

Under those circumstances, and assuming funding is available, MHEC is required to pay the reasonable costs and attorney's fees for students who access legal counsel. A student who is authorized to access legal counsel paid for by MHEC may select their counsel from a list of attorneys and legal services programs developed by MHEC. Alternatively, if a student selects and retains an attorney who is not on MHEC's list, MHEC will pay fees to the attorney selected by the student that are equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation. A student may select and retain legal counsel at any time prior to the conclusion of the investigative and resolution process. Notwithstanding the foregoing, the complainant and/or the respondent may knowingly and voluntarily choose not to have legal counsel. JHU is not responsible for the provision of attorneys through MHEC (or any other source) or the payment of any attorney's fees, and cannot guarantee that attorneys or funding for attorney's fees will be available from MHEC. The following MHEC webpage provides more information, including a list of participating attorneys: <https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings---Attorney-List.aspx>.

3. *Time Frames and Updates*

The University seeks to resolve all sexual misconduct cases as promptly as reasonably possible. OIE is responsible for the investigation of a complaint, which typically takes approximately 30 - 90 days, and results in OIE providing an investigative report to the appropriate determination panel or decision-maker(s).

Following OIE's investigation, the determination panel or decision-maker(s) then determines the outcome, including whether the Policy was violated and, if so, any appropriate sanctions. This post-OIE adjudication process typically takes 30 - 60 days. Adjudication timelines may be impacted by the factors described below. In addition, matters being handled under the Title IX Sexual Harassment matters may take longer than those handled under the Procedures for Other Sexual Misconduct due to the requirement of a live hearing with cross-examination.

Additional time is needed to process any appeal, as discussed further below and in the procedural appendices.

The time frame for informally resolving a sexual misconduct complaint is generally 30-60 days depending upon the availability and engagement of the parties and any supporters.

The length of the investigation, adjudication and/or appeal may be impacted by various factors including, but not limited to, the nature and scope of allegations; the number of witnesses; availability of witnesses, parties, party supporters and Hearing Advisors; voluminous documentary evidence; the need for language assistance or accommodation of disabilities; evidence gathering in a concurrent law enforcement investigation; and the academic calendar (e.g., exam periods, breaks). In addition, for investigation and adjudication pursuant to the [Procedures for Title IX Sexual Harassment](#), the timelines may be impacted by the mandatory 10-day review period for the Evidence File, the mandatory 10-day review period for the investigative report; and by the mandatory live hearing with cross-examination.

The Title IX Coordinator (for investigations) and the determination panel or appeal officer (for adjudication and appeals) may extend the above time frames for good cause with written notice to the complainant and respondent. Good cause includes, but is not limited to, the factors listed in the above paragraph.

The University will provide the complainant and respondent with periodic updates on the status of the case, as well as timely written notice of scheduled meetings, hearings, and interviews in which they are required or permitted to attend.

4. *Evidence and Credibility Determinations*

All relevant evidence will be objectively evaluated, including both inculpatory and exculpatory evidence.

Nothing in this Policy should be interpreted to restrict the parties from discussing the allegations under investigation or from gathering and presenting relevant evidence. However, retaliation and conduct that has the purpose or effect of interfering with the University's response to or investigation of a report of sexual misconduct is prohibited and may constitute a violation of this and/or other applicable policies.

Evidence and questions that constitute or seek disclosure of information protected under a legally recognized privilege will not be required, allowed, relied upon, or otherwise used, unless the person holding such privilege has waived the privilege.

Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

5. *Presumption that the Respondent is Not Responsible Pending the Determination Regarding Responsibility*

The investigation and adjudication process determines whether the preponderance of the evidence supports a determination that the respondent is responsible for the alleged misconduct. Until and unless the determination panel or Appeal Officer issues a final determination of responsibility, the respondent is presumed to be not responsible.

6. *Conflicts of Interest*

All persons participating in the investigation or resolution (including informal resolution, hearing, sanctioning and appeals) of sexual misconduct cases may not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent. This includes the Title IX Coordinator, investigator(s), members of the determination panel, Appeal Official, and any person who facilitates an informal resolution process. All such individuals should disclose any potential or actual conflict of interest to the Title IX Coordinator. The Title IX Coordinator is responsible for sharing relevant information with the complainant and respondent.

If either party believes that any person involved in the process has a conflict of interest, they may make a request to the Title IX Coordinator that the individual not participate. Any such request should include a description of the alleged conflict. If the Title IX Coordinator determines that a disabling conflict of interest exists, the Title IX Coordinator will take steps to address the conflict in order to ensure an impartial process.

7. *Training for Officials Conducting the Investigation and Hearings*

The Title IX Coordinator, investigator(s), members of the determination panel, Appeal Officials, and any person who facilitates an informal resolution process will, at a minimum, receive all required and applicable training on issues including, but not limited to, definitions of and related to sexual misconduct, how to conduct an investigation and grievance process, determinations of relevance, how to facilitate informal resolutions, and how to identify conflicts of interest and bias.

Section IX **Assessment to Determine Appropriate Procedures**

When the Title IX Coordinator receives a complaint or report of sexual misconduct, the Title IX Coordinator determines whether the appropriate procedures for resolution are:

- 1) [Procedures for Title IX Sexual Harassment](#); *or*
- 2) [Procedures for Other Sexual Misconduct](#).¹⁰

This assessment involves considering the federally-mandated criteria for Title IX Sexual Harassment grievance procedures:

- Does some or all of the alleged conduct, if found to have occurred as alleged, constitute Title IX Sexual Harassment?
- Did the alleged conduct occur on or after August 14, 2020?

¹⁰ For any matters reported to OIE prior to August 14, 2020, or which concern allegations of sexual misconduct that allegedly occurred prior to August 14, 2020, OIE will apply the policy definitions that were in effect at the time of the alleged conduct and the Procedures for Other Sexual Misconduct.

- Did the alleged conduct occur within the United States?
- Did the alleged conduct occur in the University’s education program or activity?¹¹
- Has the University received a Formal Complaint?
- At the time of filing a Formal Complaint signed by the Complainant, was the complainant participating in or attempting to participate in an education program or activity of the university?

If all of the above questions are answered in the affirmative, the [Procedures for Title IX Sexual Harassment](#) will apply as set forth in Appendix G.¹²

However, if one or more of the above questions is answered in the negative, the Title IX Coordinator will apply the [Procedures for Other Sexual Misconduct](#) as set forth in Appendix H. Reports of retaliation will be generally be handled under the [Procedures for Other Sexual Misconduct](#).

In some cases, the Title IX Coordinator may need to engage in limited fact-gathering to make this preliminary assessment.

In the event that the University already has received a Formal Complaint but, upon assessment, determines that one or more of the other above criteria for Title IX Sexual Harassment is not met, both parties will be notified, simultaneously and in writing, that the Formal Complaint will not proceed under the Procedures for Title IX Sexual Harassment. The written communication will further explain whether OIE will address the allegations under the Procedures for Other Sexual Misconduct or refer for handling by the appropriate division under other applicable policies and procedures. A decision not to pursue a Formal Complaint under the Procedures for Title IX Sexual Harassment is subject to appeal in some circumstances, as described in Appendix G, Section H.

Section X **Medical Treatment and Preservation of Evidence**

Victims of sexual assault, stalking, and relationship violence are encouraged to seek medical attention in order to treat injuries, test for and treat sexually transmitted infections, test for pregnancy, and access emergency contraception, as needed. Obtaining medical attention from a forensic nurse examiner is recommended, as this medical professional can both administer medical services and conduct a medical forensic examination. In circumstances of sexual assault, stalking and relationship violence where the victim does not opt for forensic evidence collection, forensic nurse examiners can still treat injuries and take steps to address concerns of pregnancy and sexually transmitted infections.

Collection of evidence and provision of prophylactic medications can be time-sensitive. Victims who wish to preserve evidence and/or receive prophylactic medications for pregnancy and sexually transmitted infections are encouraged to seek forensic medical attention as soon as possible after the incident. If a

¹¹ Education program or activity includes locations, events or circumstances over which the school exercised substantial control over both the respondent and the context in which the alleged Title IX Sexual Harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

¹² In the event that a Formal Complaint includes allegations of “Other Sexual Misconduct” and/or Non-Title IX Discrimination and Harassment, as well as allegations of Title IX Sexual Harassment, OIE will proceed as follows: To the extent reasonably possible, as determined by the Title IX Coordinator, the Title IX Sexual Harassment claims will be separated from the other claims and evaluated pursuant to the Title IX Sexual Harassment Procedures, while the remaining claims will be evaluated pursuant to other applicable procedures (such as those for “Other Sexual Misconduct” or the Discrimination and Harassment Policy and Procedures). However, where the Title IX Coordinator determines that the Title IX Sexual Harassment claims are too intertwined with the other claims to reasonably be separated, all of the claims will be evaluated pursuant to the Title IX Sexual Harassment Procedures.

victim chooses not to make a complaint regarding an incident, but thinks that this may be a possibility in the future, the victim should consider speaking with Campus Safety and Security or law enforcement to preserve evidence in the event of a change of mind at a later date.

If possible, to best preserve any evidence, a victim should not shower, bathe, wash, douche, brush hair, drink, eat, or change clothes or bedding before a forensic medical exam. If the victim decides to change clothes, the individual should not wash the clothes worn during the assault and should bring them to the hospital or medical facility. However, even if the victim has already done these things, a forensic exam may still be able to collect valuable evidence. Victims of sexual misconduct are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any. Such evidence may be useful to University investigators and hearing boards, to law enforcement authorities (e.g., in proving that an alleged criminal offense occurred), and when seeking civil no-contact orders or protection or peace orders.

A forensic medical exam by a forensic nurse examiner allows for collection and preservation of evidence that may be necessary to aid in prosecution of sexual assault, stalking and relationship violence, or in obtaining a civil no-contact order or protection or peace order. A forensic exam goes beyond DNA evidence collection, and therefore is important regardless of whether the perpetrator is known to the victim, and regardless of whether the victim thinks there is biological/DNA evidence to collect. The exam can include writing down the victim's description of events, physical examination, photographic documentation of injuries, evidence collection procedures, and assessment for drug-facilitated assault ("date-rape drugs"). Victims have the right to accept or decline any or all parts of the exam. At some hospitals, a forensic medical exam can be completed regardless of whether a victim wishes to report the incident to law enforcement. Under such circumstances, the victim has the option of conducting a "Jane/Joe Doe" examination, where the forensic nurse examiner completes a history, conducts a physical exam and collects evidence but does not release the information to law enforcement; the medical records and evidentiary kit can be stored and later released to law enforcement if the victim chooses to make a police report.

Baltimore's designated forensic nurse examiner site is Mercy Medical Center, 345 St. Paul Place Baltimore, MD 21202, 410.332.9494. Mercy Medical Center is staffed with forensic nurse examiners trained to assist victims of sexual assault with physical examination, evidence collection, and pursuing a complaint with law enforcement, if a victim so desires (however, engagement with or reporting to law enforcement is not required by Mercy Medical Center). An [app called bMOREsafe](#) explains more about victims' options for medical attention, reporting, forensic examination, and support services.

Victims will receive full and prompt cooperation from University personnel in obtaining appropriate medical attention, including transporting the victim to the nearest hospital. Victims reporting an incident to Student Affairs personnel, OIE or Campus Safety and Security will be offered transportation to Mercy Medical Center or another appropriate medical center. Victims who wish to be transported to Mercy Medical Center or another appropriate medical center and also wish to remain anonymous should call Campus Safety and Security with a transportation request, but should not disclose their name.

For a list of hospitals near JHU's campuses and surrounding areas, please see [Appendix F](#). Victims in other cities should contact the closest local hospital or crisis center, some of which may be available on the [Rape, Abuse, Incest National Network website](#), and inquire about the nearest hospital equipped with forensic nurse examiners/medical forensic services.

Although the University encourages all members of its community to report sexual misconduct to law enforcement authorities, victims have the right to decline involvement with law enforcement authorities. The University's Title IX Coordinator or Campus Safety and Security will assist any victim with notifying local law enforcement authorities if they so desire. A victim can choose to only make a law enforcement

report, only make a University report, do both, or do neither. The University reserves the right to report information to law enforcement authorities, as it deems appropriate.

Section XI **Education and Training**

Primary and Ongoing Prevention and Awareness Programs

The University has a variety of education programs to promote prevention and awareness of sexual misconduct for students and employees. The University offers training on sexual misconduct at orientation for new students and employees, as well as enhanced ongoing prevention and awareness campaigns that address sexual misconduct for students and employees. For information regarding training programs, including online training, contact OIE at: (410) 516-8075, oi@jhu.edu or visit [OIE's website](#).

Bystander Intervention Training (BIT) Programs

The University's education program also includes safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual misconduct against another person. BIT programs help students identify situations of concern, and provide knowledge and tools to encourage safe and successful interventions. If you would like to schedule a BIT program for your student group, please contact Alyse Campbell, Associate Director of Student Well-being, Gender Violence Prevention (Center for Health, Education & Wellness), acampb39@jhu.edu; 410-516-5133.

Escalation Workshop on Relationship Violence

The University offers an escalation workshop on relationship violence. The curriculum incorporates elements of training offered by the One Love Foundation, an organization dedicated to raising awareness about intimate partner violence. During this training, a facilitator guides students through a meaningful discussion about relationship violence, the warning signs of an abusive relationship and how this relates to their lives and their campus. To schedule a session, please contact Alyse Campbell, Associate Director of Student Well-being, Gender Violence Prevention (Center for Health, Education & Wellness), acampb39@jhu.edu; 410-516-5133.

Rape Aggression Defense (RAD)

The Rape Aggression ("RAD") system is a program of realistic self-defense tactics and techniques for women offered by Campus Safety and Security. The RAD system is a comprehensive women-only course with the instructional objective of developing and enhancing options for self-defense, so they may become viable considerations to the woman attacked. The program includes crime prevention awareness, risk reduction and avoidance, and basic self-defense techniques. RAD is not a martial arts program and no prior training or knowledge is required to attend the class. Women of all ages and fitness levels can participate in the class. RAD is a twelve (12) hour course consisting of four (4) classes, three (3) hours each. Class size is limited to twenty (20) students and there is no cost to attend. Call (410) 516-4671 to register.

APPENDIX A
CAMPUS SECURITY AND LOCAL LAW ENFORCEMENT CONTACT INFORMATION

Campus	Agency/Office	Non- Emergency Phone Number	Emergency Phone Number
Homewood Campus	Campus Safety & Security	410-516-4600	410-516-7777
	Baltimore Police Department	410-396-2455	911
The Peabody Institute Campus	Campus Security	410-234-4605	410-234-4600
	Baltimore Police Department	410-396-2411	911
East Baltimore Campus	Corporate Security	410-614-3473	410-955-5585
	Baltimore Police Department	410-396-2433	911
Harbor East Campus	Campus Security	410-234-9301	410-234-9300
	Baltimore Police Department	410-396-2411	911
Columbia Campus	Director of Campus Operations	410-516-9700	410-516-9700
	Howard County Police Department	410-313-2929	911
Montgomery County Campus	Campus Security	301-294-7191	301-294-7191
	Montgomery County Police	301-279-8000	911
Applied Physics Laboratory (APL)	Security Services Department	443-778-7575	443-778-7575
	Howard County Police Department	410-313-2929	911
Washington DC Campus	SAIS Security/Allied Barton	202-663-7796	202-663-7796
	Metropolitan Police Department	202-737-4404	911
SAIS Europe, Bologna Campus	Finance and Administration	+39 051-2917811	+39 051-2917811
	State Police	112	112
Hopkins – Nanjing	American Co-director	86.25.8359.2436	86.25.8359.2436
	Nanjing Public Security Bureau	86.25.8442.0009	86.25.8442.0009

APPENDIX B
CONFIDENTIAL RESOURCES (BOTH JHU & OFF-CAMPUS)

JHU CONFIDENTIAL RESOURCES FOR FACULTY AND STAFF

Johns Hopkins Employee Assistance Program (EAP) – 443-997-7000, option 2
Serves University faculty & staff & their immediate family members.
<https://hr.jhu.edu/benefits-worklife/support-programs>

East Baltimore Campus
550 North Broadway
Suites 507 & 510, Baltimore, MD 21205

Johns Hopkins @ Eastern
1101 East 33rd Street, Suite C100
Baltimore, MD 21218

During COVID-19 pandemic, all services are provided via telemedicine.

JHU CONFIDENTIAL RESOURCES FOR STUDENTS

JHU Sexual Assault Helpline (24/7) – 410-516-7333

We Listen. You Decide.

This website includes specific information about confidential mental and medical health resources and non-clinical resources.

OFF CAMPUS CONFIDENTIAL RESOURCES

MEDICAL ASSISTANCE

Baltimore City

Mercy Hospital (24/7) (Hospital offering Sexual Assault Forensic Exam (SAFE) in Baltimore City)
301 St. Paul Place
Baltimore, MD 21011
410-332-9000
<http://mdmercy.com/departments-and-services/emergency-department>
www.bmoresafemercy.org

Baltimore County

GBMC (24/7) (Hospital offering Sexual Assault Forensic Exam (SAFE) in Baltimore County)
6701 North Charles Street
Towson, MD 21204
443-849-3323
<http://www.gbmc.org/safe>

Howard County

Howard County General (Hospital offering Sexual Assault Forensic Exam (SAFE) in Howard County)
5755 Cedar Lane
Columbia, MD 21044
410-740-7777

Montgomery County

Shady Grove Adventist Hospital (Hospital offering Sexual Assault Forensic Exam (SAFE) in Montgomery County)
9901 Medical Center Drive
Rockville, MD 20850
240-826-6000
Washington, DC

Washington, D.C.

MedStar Washington Hospital Center (24/7) (MedStar Washington Hospital Center (24/7) (Hospital offering Sexual Assault Forensic Exam (SAFE) in Washington, DC)
110 Irving Street, N.W.
Washington, D.C. 20010
800-641-4028
<http://dcsane.org>

Victims in other locales should contact the closest local hospital and inquire about the nearest medical facility equipped with medical forensic services.

RAPE CRISIS RECOVERY CENTERS

Turnaround (Serves Baltimore City & Baltimore County)
Hotline: 443- 279-0379
<http://www.turnaroundinc.org>

HopeWorks (Serves Howard County)
Hotline: 410-997-2272
www.wearehopeworks.org

Victim Assistance & Sexual Assault Program (Serves Montgomery County)
Hotline: 240-777-4357
www.vasap.org

DC Rape Crisis Center (Serves the Washington DC Metro Area)
Hotline: 202-333-RAPE
www.dcrcc.org

(See [Appendix F](#) for other hospitals with SAFE programs)

OTHER OFF-CAMPUS RESOURCES

[RAINN](https://rainn.org) (Rape, Abuse, and Incest National Network)
<https://rainn.org>

[MCASA: Maryland Coalition Against Sexual Assault](http://www.mcasa.org)
(Website provides a complete listing of SAFE Programs and Rape Crisis and Recovery Centers in Maryland)
<http://www.mcasa.org>

[SALI: Sexual Assault Legal Institute](https://mcasa.org/survivors/sali)
(Provides direct legal services for victims and survivors of sexual assault)
<https://mcasa.org/survivors/sali>

National Sexual Assault Hotline
Toll Free: 1-800-656-4673

[House of Ruth](http://www.hruth.org/) (Comprehensive services for victims of intimate partner violence)
Hotline: 410-889-7884
<http://www.hruth.org/>

[National Domestic Violence Hotline](http://www.thehotline.org/)
Hotline: 1-800-799-7233
<http://www.thehotline.org/>

[Maryland Network Against Domestic Violence](http://mnadv.org/)
Telephone: 301-429-3601
<http://mnadv.org/>

[Sexual Assault/Spouse Abuse Resource Center \(SARC\)](https://www.sarc-maryland.org/)
Hotline: (410) 836-8430
<https://www.sarc-maryland.org/>

[OneLove](http://www.joinonelove.org/) (Information about intimate partner violence)
<http://www.joinonelove.org/>

[Loveisrespect](http://www.loveisrespect.org/) (Resource to empower youth to prevent and end dating abuse)
<http://www.loveisrespect.org/>

[Gay Men's Domestic Violence Project](https://gmdvp.org/gmdvp/)
Hotline: 1-800-832-1901
<https://gmdvp.org/gmdvp/>

[Forge](https://forge-forward.org/) (Provides direct services to transgender, gender non-conforming and gender non-binary survivors)
<https://forge-forward.org/>

[Anti-Violence Project](https://avp.org/) (Resource for lesbian, gay, bisexual, transgender, queer and HIV-affected communities and allies)
Hotline: 212-714-1141
<https://avp.org/>

[1 in 6](https://1in6.org/) (Resource for men who have had unwanted or abusive sexual experiences)
<https://1in6.org/>

[Male Survivor](https://malesurvivor.org/) (Resource for boys and men who have experienced sexual assault or abuse)
<https://malesurvivor.org/>

APPENDIX C
JHU & OTHER NON-CONFIDENTIAL RESOURCES

A. CAMPUS SECURITY & LOCAL LAW ENFORCEMENT

1. See [APPENDIX A](#) of the Sexual Misconduct Policy and Procedures.
2. [Download the Live Safe App available on the Homewood and DC campuses](#)

B. OFFICE OF INSTITUTIONAL EQUITY

1. [Office of Institutional Equity](#)
3100 Wyman Park Drive
Suite 515
Baltimore, Maryland 21211
Telephone: 410-516-8075
<http://oie.jhu.edu>
2. [JHU Sexual Misconduct Website](#)
Includes the Sexual Misconduct Policy & Procedures, as well as resource information

C. STUDENT AFFAIRS RESOURCES & OFFICES

1. Help Connecting with a Supporter

For all complaints of sexual misconduct, individuals may be assisted and advised by a supporter(s) of their choice, as described in Section VIII.2. Students in need of help connecting with a supporter while involved in a sexual misconduct matter should contact Jennifer Calhoun, Special Advisor, VP Student Affairs, calhoun@jhu.edu for assistance; (410) 516-6283.

2. Student Affairs Offices

See [APPENDIX C](#) of the Sexual Misconduct Policy and Procedures.

D. STUDENT OPERATED RESOURCES

1. SARU – Peer Run Support Line Hotline: 410-516-7887
<https://jhusaru.wordpress.com/about>

APPENDIX D
EXTERNAL GOVERNMENT RESOURCES

The government resources listed below may provide additional assistance for students or employees wishing to file an external complaint of sexual misconduct, students or employees with inquiries regarding the application of Title IX and its implementing regulations, or students or employees wishing to file an external complaint against the University. In addition, participants in programs funded by other federal agencies may also file a complaint directly with those agencies.

Please note that different agencies may have different time limits requirements for filing reports or complaints.

U.S. Department of Education

Office for Civil Rights
Philadelphia Office
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107
(215) 656-8541
OCR.Philadelphia@ed.gov
<http://www.ed.gov/ocr>

U.S. Department of Justice

Office on Violence Against Women
145 N Street NE, Suite 10 W.121
Washington, DC 20530
(202) 307-6026
<https://www.justice.gov/ovw>

EEOC Baltimore Field Office

GH Fallon Federal Building
31 Hopkins Plaza, Suite 1432
Baltimore, MD 21202
1-800-669-4000 / (TTY) 1-800-669-6820
<https://www.eeoc.gov/field/baltimore>

EEOC Washington, D.C. Field Office

131 M Street, NE
Fourth Floor, Suite 4NWO2F
Washington, DC 20507-0100
1-800-669-4000
<https://www.eeoc.gov/field/washington/index.cfm>

Maryland Commission On Civil Rights

6 St. Paul Street, Suite 900
Baltimore, MD 21202-1631
1-800-637-6247 / (TTY) 711
<http://mccr.maryland.gov>

APPENDIX E
ON-CAMPUS MEDICAL AND INTERNATIONAL STUDENT RESOURCES

- 1. JHU Student Health and Wellness Center**
Homewood Campus
1 East 31st Street, N200 Baltimore, MD 21218
Telephone: 410-516-8270
<https://www.jhu.edu/life/health-wellness/>

- 2. University Health Services**
933 N. Wolfe Street Baltimore, MD 21205
Telephone: 410-955-3250
<http://www.hopkinsmedicine.org/uhs/directions.html>

- 3. Office of International Services**
www.ois.jhu.edu
Telephone: 667-208-7001
Email: ois@jhu.edu

APPENDIX F
LOCAL HOSPITALS

Baltimore City

Mercy Hospital (24/7)
301 St. Paul Place
Baltimore, MD 21011
Telephone: 410-332-9000

Anne Arundel County

Anne Arundel Medical Center
2001 Medical Parkway
Annapolis, MD 21401
Telephone: 443-481-1200

Baltimore County

Baltimore Washington Medical Center
301 Hospital Drive
Glen Burnie, MD 21061
Telephone: 410-787-4328

GBMC (24/7)

6701 North Charles Street Towson, MD 21204
Telephone: 443-849-3323
<http://www.gbmc.org/safe>

Carroll County

Carroll Hospital Center
200 Memorial Avenue Westminster, MD 21157
Telephone: 410-871-6655

Howard County

Howard County General
5755 Cedar Lane
Columbia, MD 21044
Telephone: 410-740-7777

Montgomery County

Shady Grove Adventist Hospital
9901 Medical Center Drive
Rockville, MD 20850
Telephone: 240-826-6000

Washington, DC

MedStar Washington Hospital Center (24/7)
110 Irving Street, N.W.
Washington, D.C. 20010
Telephone: 800.641.4028
<http://dcsane.org>

Bologna

Pronto Soccorso Ostetrico e Ginecologico (Gynecology ER) Ospedale Sant'Orsola-Malpighi

Via Massarenti Padiglione 4

Pronto Soccorso Generale Ospedale Sant'Orsola-Malpighi Via Albertoni 15

Pronto Soccorso Generale Ospedale Maggiore

Largo Nigrisoli 2 (Via Saffi)

Nanjing

Nanjing University Hospital 22 Hankou Rd

Gulou, Nanjing, Jiangsu China

Telephone: +86-25-8359-2526