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## Student Handbook

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### *Sexual Harassment Policy*

The University of Baltimore reaffirms the principle that its students, faculty, and staff have a right to be free from sex discrimination in the form of sexual harassment by any member of the university community. Sexual harassment is reprehensible and will not be tolerated by the university. It subverts the mission of the university and threatens the careers, educational experience, and well-being of students, faculty, and staff. Sexual harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty. When the authority and power inherent in faculty relationships with their students, whether overtly, implicitly, or through misinterpretation, are abused in this way, there is potentially great damage to individual students, to the person complained of, and to the educational climate of the university. Faculty members and other individuals in positions of authority should be sensitive to the questions about mutuality of consent that may be raised and to the conflicts of interests that are inherent in personal relationships where professional and educational relationships are also involved.

### Definition

No faculty member, administrator, staff member, student, or other member of the university community shall engage in sexual harassment. For the purpose of this policy, sexual harassment is defined as unwelcome advances, requests for sexual favors, degrading comments or jokes directed to one's gender, or other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or status in a course, program, or activity;
- submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or of creating an intimidating, hostile, or offensive environment for work or learning.

### Complaint Procedures

The following procedures shall apply to all complaints of sexual harassment brought against any member of the faculty, administration, staff, or student of the University of Baltimore.

#### a. Informal Complaint

At the complainant's option, a complaint of sexual harassment may be brought to any member of the faculty or administration of the university.

The person to whom the complaint is brought will advise the complainant as to the options available under this policy and, at the complainant's request:

- may help the complainant resolve the complaint informally;
- may help the complainant draft a formal complaint; and/or
- may direct the complainant where to obtain additional assistance.

The person to whom the informal complaint is brought may not inform the accused of the complainant's action or discuss the complaint with anyone without the consent of the complainant.

**b. Filing of Formal Complaint and Preliminary Investigation**

A student wishing to file a formal complaint should file it with the associate vice president for student affairs.

An employee wishing to file a formal complaint should file it with the university affirmative action officer.

The administrator with whom the complaint has been filed, the associate vice president for student affairs or the university affirmative action officer, will be the investigator, unless a conflict-of-interest exists, in which case complaints filed by students will be investigated by the dean of the college at which the student is enrolled and complaints filed by employees will be investigated by the director of human resources.

The complaint must be in writing, signed by the complainant, and must state the name of the accused and the particulars of the charge.

Upon receiving the complaint, the investigator shall give a copy of the complaint to the accused.

The investigator shall conduct an investigation as expeditiously as possible to determine whether reasonable cause exists to believe that a violation of the sexual harassment policy has occurred. In conducting the investigation, the investigator may interview the complainant, the accused, and other persons believed to have pertinent factual knowledge. The investigator will afford the accused a full opportunity to respond to the allegations. The investigator shall endeavor to complete the investigation in 15 days. The time period will be extended if necessary, and failure to complete the investigation within the time period shall not be grounds for dismissal of the complaint. At all times, the investigator conducting the fact finding shall endeavor to maintain confidentiality.

The investigator shall:

- determine that the allegations are not warranted,
- negotiate a settlement of the complaint, or
- institute a formal action. Both the complainant and the accused shall be promptly notified of the investigator's action in writing.

**c. Process for Taking Formal Action**

If the investigator, after his/her investigation, concludes that reasonable cause exists to believe that a violation of the sexual harassment guidelines has occurred and no negotiated settlement has been reached, formal action will be taken.

The investigator shall institute formal action by transmitting a copy of the entire file to the provost if the complaint is filed against a student, faculty member or tenured or tenure track librarian, and to the vice president of business and finance if filed against any other university employee. The provost or vice president acting in this capacity will be termed the hearing officer.

The file will include the original complaint, all documents gathered or produced during the investigator's investigation, and a written report containing the findings and conclusions of the investigator.

Both the complainant and the accused shall be notified of the institution of formal action, and shall be sent a copy of the investigator's written report.

As soon as practical after receiving the file, and within 15 days if possible, the hearing officer shall schedule a hearing on the matter. The hearing officer, or a designee, shall conduct the hearing. Both the complainant and the accused shall be notified of the hearing and have the right to attend and be accompanied and advised by counsel at the hearing. Such counsel may not, however, formally participate in the hearing. Either the complainant or the accused may request that the hearing be closed to all except the participants. To the extent possible, the proceedings will be conducted in a way calculated to protect the confidentiality interest of both the complainant and the accused.

At the hearing, the investigator or designee shall have responsibility for presenting evidence that a violation has occurred. The complainant and the accused have the right to examine all witnesses called by the investigator, and to call witnesses and present evidence. The accused shall have the right to testify, but may not be compelled to do so.

All witnesses shall be sworn to tell the truth, but formal rules of evidence need not be followed. The hearing officer may call additional witnesses and may question witnesses called by the investigator or the accused. A tape recorded record shall be made of the hearing.

As soon as practical after the hearing, and within 15 days if possible, the hearing officer shall make a determination of whether a violation of the sexual harassment policy has occurred. The complainant, the accused and the investigator shall be notified of the results of the hearing and any action taken by the hearing officer.

If the hearing officer finds that a violation has occurred, an appropriate administrative action or remedy shall be taken. Steps shall be taken to mitigate or correct any harm done to the complainant and to insure that violations do not occur in the future.

If the hearing officer finds that no violation has occurred, with the consent of the accused, all reasonable steps will be taken to restore the reputation of the accused if it was damaged by the proceeding, including expungement of all records.

Any member of the university community who retaliates against or harasses a complainant for filing a sexual harassment complaint or who retaliates against or harasses a witness in the matter shall be subject to disciplinary action. All reasonable steps shall be taken that the complainant and all those testifying on behalf of the complainant or supporting the complainant in other ways will suffer no retaliation as the result of their activities in regard to the

complaint process. However, a complainant found to have intentionally filed a false complaint shall be subject to disciplinary action.

**d. Appeal By Accused**

An accused shall have the right to appeal an adverse determination by the hearing officer to the president of the university.

The president may determine the outcome of the appeal based on the record of the proceedings below or may interview any person to obtain additional information.

The president may reverse a finding of a violation by the hearing officer if he/she determines that the finding is clearly erroneous.

The president may modify the remedy imposed by the hearing officer if he/she finds that it is not warranted by the violation.

The president shall inform the accused, the complainant, the hearing officer and the investigator of his/her decision on the appeal in writing.

Copies of all written reports, findings, decisions and appeals by the investigator, the hearing officer, and the president will be filed with the university's affirmative action officer for future reference except those directed to be expunged by the hearing officer.

**e. Appeal By Complainant**

A complainant shall have the right to appeal a determination by the investigator that the allegations are not warranted to the president of the university.

The president may determine the outcome of the appeal based on the investigator's record of the investigation or may interview any person to obtain additional information.

If the president determines that reasonable cause exists to believe that a violation of the sexual harassment guidelines has occurred, formal action will be taken. (See c. Process for Taking Formal Action.) The president may appoint someone other than the original investigator to present evidence at the hearing that a violation has occurred.

After a hearing, the complainant shall not have the right to appeal a finding that no violation has occurred.

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