



Loyola University Maryland Title IX Policy Review Executive Summary

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Scope

D. Stafford & Associates (“DSA” or “Assessors”) was contacted by Loyola University Maryland (“Loyola” or “University”) and asked to complete a review of the institution’s existing Sexual Misconduct (Title IX) Policy and applicable grievance procedures to confirm compliance with the requirements outlined by Title IX of the Education Amendments of 1972 and the Clery Act (as amended by the Violence Against Women Reauthorization Act of 2013) (VAWA).

The scope of services for Loyola University Maryland included a comprehensive assessment of the policies and procedures that the institution utilizes to investigate and resolve allegations of Title IX and Non-Title IX related Sexual Misconduct. Additionally, DSA would recommend re-writes of any/all sections of the policies/procedures necessary to streamline the policy for clarity and understanding and to make corrections in the event that compliance issues were identified.

To include the student perspective on the above policies, Loyola requested that DSA facilitate two focus groups (one for students and one for faculty/staff) to provide attendees with an opportunity to ask questions and provide feedback on the current policies and processes. In addition to serving as a listening session for the DSA facilitators, the focus groups were also designed to educate participants about the requirements that institutions of higher education must follow with regard to allegations of sexual misconduct.

Methodology

The Assessors reviewed two sets of institutional policies– a set for employees and a set for students- that are utilized when responding to sexual misconduct across the different campus constituencies. To understand the policies within the broader University context, the Assessors also reviewed the Community Standards for students, the Staff and Administrator Policy Manual, the Faculty Handbook, and applicable state law. The Assessors also reviewed information specific to the institution’s Title IX response including the website, the Rights and Options document, and the Title IX Flow Chart and Procedural Steps documentation. Finally, in addition to the focus groups, the Assessors conducted multiple meetings with key stakeholders and individual meetings

with the Title IX Coordinator and Deputy Coordinators. The review greatly informed the production of the recommended policy and procedures put forth by the Assessors for the University's consideration.

Institutional Goals

In addition to the policy review and focus groups, Loyola has also taken additional steps to address community concerns and campus perception over the past year. These "action steps" include appointing various University staff members to serve as Title IX Intake Officers, creation of a student advisory board, reconvening of the coordinated community response team, enhancing mandated reporter training, funding additional Title IX Personnel, updating the Women's Center mission statement, increasing training opportunities for Title IX personnel, and updating other community education opportunities.

As a result of the focus groups and stakeholder calls, the Assessors identified a number of key goals for the policy and procedures to better address reports of sexual misconduct. Stakeholders expressed a desire for simplification but without a loss of transparency. Additionally, stakeholders stated that the policy needed to provide clarity and equity for all parties involved and be written in a way that was understandable to the broader campus community.

Finally, the focus groups made multiple comments stating they appreciated that Loyola had "gone above and beyond" what was required by law in terms of identifying mandated reporters, including addressing behavior that occurred off-campus and the many efforts that the administration has taken to include the LGBTQ+ and other marginalized communities.

In addition to meeting the needs of the campus community, the Assessors also wanted to provide recommended updates to the policy in a manner that provides better flexibility in light of anticipated changes resulting from the Biden Administration's forthcoming Q&A and anticipated Rulemaking.

Policy Recommendations

Loyola, like many schools pre- and post- the 2020 Title IX Regulations, had multiple policies to address sexual harassment related to the different constituencies (students and employees), and the different adjudication processes (model that was required under Title IX and sexual misconduct that does not meet the jurisdictional threshold under the 2020 Title IX regulation requirements). While all the components were present and met the regulations, the Assessors recommended a single policy to address harassment on the basis of sex. In addition to streamlining all requirements into a single document (hence simplifying the process and making it easier for parties to navigate), the combination provides greater uniformity as the majority of the rights, procedural steps, and definitions are consistent. This consistency will also result in a greater sense of fairness, as parties are treated similarly, regardless of the status of the respondent or where the behavior reportedly occurred. While the hearing procedures do differ slightly depending on the nature of the parties or the location of the incident, combining the various policies reduces the need to reference and refer to other policies, again improving clarity and making it easier to refer reports of sexual harassment to the appropriate office.

Additionally, the single policy reduces the need for students and employees to understand which policy applies specifically to them based on the specific circumstances of their harm, where the harming behavior reportedly occurred, and by whom, which again improves clarity and makes it easier to report and subsequently funnel reports of sexual harassment to the appropriate office.

Stakeholders raised competing goals—streamlining and reducing the length of the policy, while providing a highly detailed description of the process in an easy-to-read format written for non-lawyers. The Assessors have attempted to balance all of these goals within the new recommended policy. The recommended policy articulates rights and definitions clearly to meet the need for transparency, and of note, all of the rights of the parties were pulled from different documents already in existence at the institution and from different locations in the policy into one clear list. Superfluous procedural information was removed in the proposed policy and would be incorporated into the notice documents provided to both parties throughout the process. The Assessors noted that non-retaliation was mentioned in a variety of policies in and out of the sexual misconduct policies and therefore recommended and drafted a separate Non-Retaliation Policy.

During the student focus group, participants applauded the institution’s commitment to addressing behaviors, persons, and locations that are not required to be protected under Title IX. The Assessors noted, however, that under the old policies, the definitions began with Title IX and the “other” prohibited behaviors were addressed later in the policy. The Assessors flipped the order, outlining in the definitions the full breadth of prohibited behaviors that the institution prohibits and would respond to. Then the Assessors narrowed some definitions, to ensure the reader understood what definitions had applicability under Title IX.

The Title IX Intake Officers were a new addition this year and were highlighted by the focus groups as a positive change in the Loyola process. The policy more clearly incorporated the Intake Officers into the process and clarified all of the options for reporting, as well as clarifying when a report triggers a response by the institution moving forward. The Intake Officers were also provided more autonomy in the policy to gather information early on from complainants regarding articulated supportive measures and safety concerns. This allows the institution to immediately address such issues without delay.

Conclusion

Overall, DSA applauds Loyola for initiating an external review of its current policies, and utilizing campus constituencies to provide feedback in the process. The Assessors were most impressed with the intentionality shown by administrators in being accessible and forthright both in meeting numerous times to explain key challenges faced by the institution as well as in providing the many documents requested by the DSA team. The Assessors also greatly appreciated the students and employees who shared thoughtful and insightful information with the Assessors on their specific needs, challenges, and goals for how they believe the process could be most effective. Loyola’s policies are currently in compliance with state and federal regulations and go above and beyond the regulations in support of student needs. We believe the recommendations offered throughout

our review will help to build on Loyola’s existing momentum with a process that utilizes the best and most promising practices in Title IX response in the postsecondary environment.