

2020



# ANNUAL CLERY CAMPUS SECURITY AND FIRE REPORT



UNIVERSITY  
of MARYLAND  
BALTIMORE

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***Non-Discrimination Statement***

*The University of Maryland, Baltimore (UMB) does not discriminate on the basis of race, color, religion, national origin or ancestry, sex, sexual orientation, gender identity or expression, physical or mental disability, marital status, protected veteran’s status, or age in its programs and activities. Specifically, Title IX prohibits discrimination on the basis of sex in UMB’s programs and activities. Report concerns to the UMB Office of Accountability and Compliance, 620 W. Lexington St., Fifth Floor, Baltimore, MD 21201, 410-706-2281 (6-2281) or via the UMB Hotline at [www.umaryland.edu/umbhotline](http://www.umaryland.edu/umbhotline) or 866-594-5220. For external information on notice of non-discrimination, including Title IX inquiries, contact the Office for Civil Rights, U.S. Department of Education, The Wanamaker Building, Suite 515, 100 Penn Square East, Philadelphia, PA 19107, or call 1-800-421-3481.*

## 1.0 WELCOME TO THE UNIVERSITY OF MARYLAND, BALTIMORE (UMB)

Welcome to the University of Maryland, Baltimore (UMB) — a vibrant university located in the largest city in Maryland, with a population of approximately 600,000. Baltimore has a unique history and is made up of neighborhoods as diverse as its citizens. F. Scott Fitzgerald lived and wrote here, Billie Holiday sang here, Cab Calloway grew up here, and Edgar Allan Poe died here (take a break and visit his gravesite on campus).

Being a member of the UMB community gives you the opportunity to experience a historic and vibrantly storied city, but the city and its surrounding neighborhoods also present all the challenges of a complex, modern, and urban society. As is spelled out in this 2020 Clery Campus Security and Fire Report, UMB takes measures to ensure a safe campus environment, but it is important to keep in mind that a level of responsibility for crime prevention and personal safety also rests with each individual.

Whether you are a longtime city dweller or a newcomer to urban life, UMB encourages you to review this report, which includes specific campus crime and arrest statistics. It also contains campus policies and practices intended to promote crime awareness, campus safety, and security, such as what to do in an emergency.

Your safety is our No. 1 priority.



**UMB IS LOCATED IN THE HISTORIC CITY OF BALTIMORE, WHERE FAMED POET EDGAR ALLAN POE IS BURIED ON THE GROUNDS OF WESTMINSTER HALL.**

## 2.0 FROM THE PRESIDENT

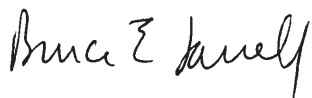
Oct. 1, 2020

To the UMB Community:

The University of Maryland, Baltimore (UMB) is glad that you are here to learn, work, or serve. As your president, the health and safety of the UMB community is my primary focus. UMB is committed to transparency and accountability, and the 2020 Annual Clery Campus Security and Fire Report is one way that we share information about safety on campus. In this report, we disclose data on incidents occurring at UMB, provide instructions for reporting crimes to the UMB Police Department (UMBPD), and detail the resources you can take advantage of to protect your property and yourselves.

UMBPD's mission is to promote a safe and secure campus environment for students, faculty, staff, and visitors. We appreciate the dedication of UMBPD to safeguarding the people of this University. The department is committed to the principle of community policing and to becoming one of the most progressive, innovative, and professional police departments in the nation. I want to take this opportunity to thank UMBPD for its care in protecting us, for alerting us to possible danger, and for its outreach to our neighbors.

Sincerely,



**Bruce E. Jarrell, MD, FACS**  
President



## 3.0 FROM THE CHIEF OF POLICE

Oct. 1, 2020

To the UMB Community:

2020 has been a year of unprecedented change. These days, it's hard to remember a time before COVID-19, teleworking, physical distancing, and face coverings. Through all these changes, the University of Maryland, Baltimore Police Department (UMBPD) continues to serve and protect our community. Over the past year, we have significantly increased our security presence on campus. This visibility deters crime and improves relationships between our department and the communities we serve.

The data in the 2020 Annual Clery Campus Security and Fire Report comes from the time when our campus was alive with activity. While some of our initiatives are paused during the COVID-19 pandemic, I invite you to learn about the many resources we offer to help keep you safe. Follow us on Facebook, Twitter, and Instagram (@PoliceUMB) for the latest safety tips and updates. Being informed is an important part of preventing crime; learn how you can do your part to keep our UMB community safe.

As your interim chief of police, I'm committed to weaving UMB's core values into the fabric of our police department. I'm proud to showcase the work we do each day and hope you will take advantage of all UMBPD has to offer.

Sincerely,



**Thomas Leone**  
Interim Chief of Police



## 4.0 INTRODUCTION

The Federal Student Right-to-Know, Crime Awareness, and Campus Security Act, now cited as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and herein identified as the Clery Act, requires institutions of higher learning to prepare, publish, and distribute a report concerning campus crime statistics and security policies on an annual basis through appropriate publications, mailings, or computer networks to all current students and employees, and all prospective students and prospective employees upon request. This publication contains the annual report concerning specific campus crime and arrest statistics as well as information about campus policies and practices intended to promote crime awareness, campus safety, and security.

Copies of this report may be obtained from the University of Maryland, Baltimore Police Department (UMBPD) headquarters at 214 N. Pine St., Baltimore, MD 21201, or by visiting the UMBPD webpage at [www.umaryland.edu/police](http://www.umaryland.edu/police).



# AT A GLANCE

## 2020 ANNUAL CLERY CAMPUS SECURITY AND FIRE REPORT

### UNIVERSITY OF MARYLAND, BALTIMORE (UMB)

UMB is a vibrant university composed of six professional schools and an interdisciplinary Graduate School. It is located in Baltimore, the largest city in Maryland, with a population of approximately 600,000.



### CLERY REPORT

The Clery Report is an annual report concerning specific crime and arrest statistics within UMB's campus. The report includes information about University policies and practices intended to promote crime awareness, campus safety, and security.

Copies of this report can be obtained from the UMB Police Department (UMBPD) headquarters at 214 N. Pine St., Baltimore, MD 21201, or by visiting the UMBPD webpage at [www.umaryland.edu/police](http://www.umaryland.edu/police).



### UMB POLICE DEPARTMENT

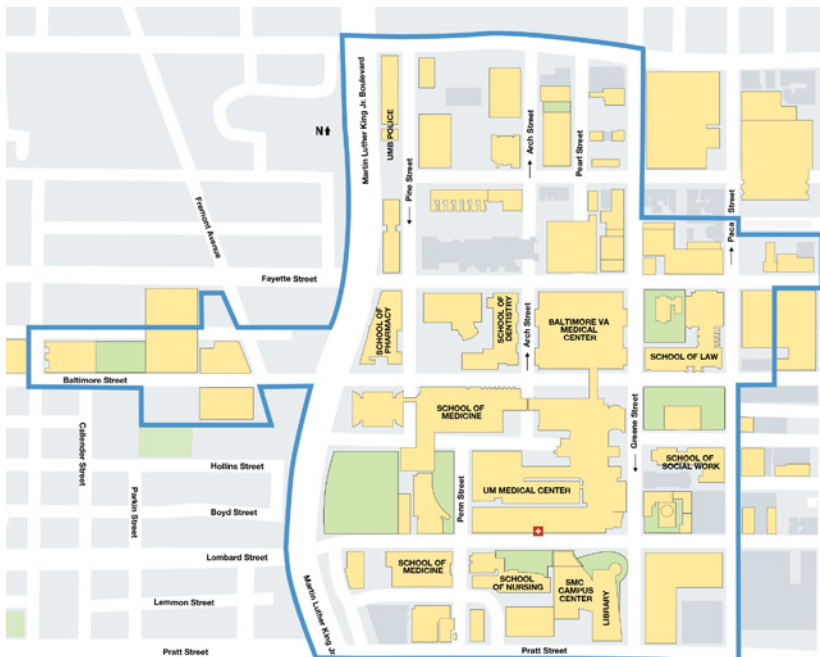
As of September 2020, the department includes:

MORE THAN  
**50**  
POLICE  
OFFICERS

MORE THAN  
**80**  
SECURITY  
PERSONNEL

APPROXIMATELY  
**20**  
SUPPORT STAFF

### CLERY REPORTING BOUNDARY MAP\*



\*As of December 2019

### 2019 FIRE STATISTICS

- NUMBER OF FIRES: 0
- NUMBER OF PERSONS RECEIVING FIRE-RELATED INJURIES: 0
- NUMBER OF DEATHS RELATED TO A FIRE: 0
- VALUE OF PROPERTY DAMAGE RELATED TO A FIRE: 0



### IF YOU ARE A VICTIM OR WITNESS A CRIME

- Call UMBPD immediately at 410-706-6882 (6-6882 or 911 from an on-campus phone), or
- Use a blue light emergency phone located throughout campus. It's not a panic button — tell the police communications operator the location and nature of the emergency.

## UMB PROGRAMS, EVENTS, AND SAFETY SUPPORT



### COMMUNITY MEETINGS

Department liaisons periodically meet with formal community organizations to exchange information and ideas related to policing, security, and other related community concerns.

### PRESENTATIONS

Various groups are addressed with crime prevention information adapted to fit the audience. These programs include, but are not limited to:



➤ **New Staff/Faculty:**

An orientation program for newly hired staff and faculty members.

➤ **International Student Orientation:** Information about crime prevention, safety, and American policing philosophies and operations is presented to new international students.

➤ **Downtown Baltimore Child Care:**

Safety presentations and literature are provided to the staff and children at the University's on-campus day care center.



➤ **Students Promoting Awareness:** The University Student Government Association provides information through peer counselors concerning alcohol and drug abuse.

➤ **Rape Aggression Defense (R.A.D.) System:**

This is a nationally known and respected program on realistic self-defense tactics and techniques for members of the UMB community. R.A.D. is a comprehensive course that begins with awareness, prevention, risk reduction, and risk avoidance before progressing to the basics of hands-on defense training. It is taught to students, faculty, and staff in a cooperative arrangement with the Intercultural Leadership and Engagement Center.



### SAFE WALK/SAFE RIDE

UMBPD's Safe Walk service is available 24 hours a day by calling 410-706-6882 (6-6882 from an on-campus phone). The Safe Ride service is available from 7 a.m. to 1 a.m. but was suspended March 27, 2020, for the safety of our officers and our community during the COVID-19 pandemic.

### OPERATION ID

Engraving services are available to University community members to help identify belongings and assist in recovering stolen property.

### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) AND SECURITY SURVEYS

Department employees evaluate security-related matters and make suggestions for improvements in physical security systems. This includes lighting and foliage surveys during "night walks," reviewing construction and renovation plans, and conducting related surveys of various academic, administrative, and support facilities on campus.

### UMBPD WEBSITE

The website is regularly updated with crime prevention tips, crime statistics, and UMB Alerts.



### EMERGENCY TELEPHONES



Blue light emergency phones directly connect with UMB Police communications operators so callers can explain the nature and location of their emergency. These phones are strategically placed throughout campus.



### CLOSED-CIRCUIT TELEVISION (CCTV) CAMERAS

The University is increasing its use of CCTV systems to detect, deter, and investigate crime.

### ANNUAL TITLE IX TRAINING

The University's annual online training includes practical application of bystander intervention and risk-reduction strategies.



## 6.00 UMB POLICE DEPARTMENT

*(Policies Concerning Law Enforcement)*

The University of Maryland, Baltimore Police Department (UMBPD) is part of the University System of Maryland (USM) and has the authority and responsibility to enforce, on all property owned, leased, operated, or under the control of the University of Maryland, Baltimore, all applicable local, state, and federal laws. UMBPD is composed of the following:

- Office of Chief of Police
- Operations Division
- Support Services Division

### 6.01 Police Authority

UMBPD is a full-service law enforcement agency that evolved from a security force in 1948 to its status as a police department in 1975. UMBPD has the responsibility of providing a full range of police and security services to the University community. UMBPD has complete authority to apprehend and arrest ANYONE involved in illegal acts on campus and in areas immediately adjacent to the campus. UMBPD also may refer students to the student affairs office of the appropriate school for violations of the University's/school's rules and student code of conduct or honor code. The 50-plus sworn police officers in UMBPD are vested with full police authority under the provisions of **Title 13, Subtitle 6, Section 13-601 of the Education Article of the Annotated Code of Maryland**. The sworn police officers are all police academy graduates and fully certified by the Maryland Police and Correctional Training Commission in all areas of law enforcement responsibility. In addition to providing protection and service to the University community, UMBPD is responsible for enforcing state and local laws and campus regulations.

UMBPD is responsible for the investigation of most criminal incidents that occur on the property of the University. Concurrent jurisdiction with the Baltimore Police Department allows UMBPD to receive crime information that is reportable for Clery Act purposes. Any member of the University community who is the victim of a crime on campus, or who witnesses a crime on campus, should **call UMBPD immediately at 410-706-6882 (6-6882 or 911 from an on-campus phone) or report the location and nature of the emergency to our police communications operators through one of our blue light emergency phones** located throughout the campus. Besides being fully prepared to respond to any emergency and investigate criminal offenses, UMBPD emphasizes a philosophy of quality service to all members of the University community. UMBPD has adopted the philosophy of community policing in an effort to improve the overall quality of campus life.

UMBPD assists with lost or found property by taking possession of any found property and documenting it by police report. Lost property reports also are completed. UMBPD formed a bicycle patrol and has officers trained in this program. The bicycle program uses specially equipped bicycles to complement the fleet of marked patrol cars in the conduct of routine and directed patrol activities, selective enforcement, and police services at special events.

## **6.02 Mission Statement**

The University of Maryland, Baltimore Police Department's mission is to promote a safe and secure campus environment for students, faculty, staff, and visitors. We will provide professional public safety services ethically and fairly through education, engagement, and collaboration. We will adhere to the core values of the University of Maryland, Baltimore.

## **6.03 Office of Chief of Police**

The chief of police is the chief executive officer of UMBPD and reports directly to the UMB chief business and finance officer and vice president. The chief of police is responsible for the overall management and administration of the department, including operational efficiency, budgeting, planning, responding to the needs and inquiries of the public, and maintaining interactions with city, state, and federal agencies.

## **6.04 Operations Division**

The Operations Division consists of, but is not limited to, the following units, personnel, and functions:

- A. Patrol Operations
- B. Security Operations

UMBPD employs security officers to provide skilled security services on campus and to supplement the sworn police department. Security officers are responsible for providing access control to campus buildings during the hours of operation and highly visible security patrols around campus.

The operations commander reports to the deputy chief of police and has responsibilities that include, but are not limited to, the day-to-day operational efficiency of the uniformed functions assigned to the Operations Division.

## **6.05 Support Services Division**

The Support Services Division consists of, but is not limited to, the following units, personnel, and functions:

- A. Police Communications
- B. Records Management
- C. Property and Evidence
- D. Recruitment and Selection
- E. Victim/Witness
- F. Criminal Investigations
- G. Crime Prevention

Police communications operators staff UMBPD's Communications section 24 hours per day/365 days per year. The support services commander reports to the deputy chief of police and has responsibilities that include, but are not limited to, ensuring the day-to-day operational efficiency of personnel and functions assigned to the Support Services Division.

## 6.06 Allied Police Support

Concurrent jurisdiction for law enforcement responsibilities between UMBPD and the Baltimore Police Department has existed since 1984. This clarifies police responses to emergencies, investigation of certain crimes, and jurisdictional boundaries. Due to the sophisticated investigative resources required to properly investigate certain crimes, UMBPD will partner with allied police agencies on incidents of mutual concern.

## 7.00 CRIME PREVENTION

*(Programs to Inform About Crime Prevention and Programs About Security Practices)*

The University of Maryland, Baltimore Police Department (UMBPD), working in cooperation with other University departments and schools, has developed an active and comprehensive program with the objective of preventing crime to the fullest extent possible through awareness and participation of the University community. While UMBPD may offer advice and assistance regarding campus safety, each individual has the primary responsibility for their own safety.

The dedicated individuals of UMBPD are committed to the principles of community policing. Crime prevention/awareness programs begin with new student or employee orientation presentations. Through UMBPD's website, special pamphlets, flyers, and the crime log, the University community is informed of crime trends, safety tips, and special programs. Special UMB alerts (emergency notifications) also are made through the University's electronic mail system as noted in Section 10.01.

Upon request from any department, student organization, or residence facility, UMBPD will provide informational seminars, including speakers, on a variety of topics, including rape and sexual assault prevention, theft and robbery prevention, drug and alcohol awareness, safety issues, and advice about personal defense. Members of UMBPD also routinely participate in Safety Awareness Committee meetings on these and other crime prevention subjects. UMBPD attends University Student Government Association meetings upon invitation to answer any questions and provide information relative to crimes and crime trends on campus.

Operation Identification allows any member of the University community to have personal property engraved with a personally selected number to facilitate the recovery of lost or stolen property. Please contact UMBPD at 410-706-6882 (6-6882 from an on-campus phone) to request this service. Any academic or administrative department also may request that a security survey be conducted by UMBPD to identify areas of potential risk and offer recommendations to enhance security.

UMBPD and the Intercultural Leadership and Engagement Center (ILEC) offer the Rape Aggression Defense (R.A.D.) System, a program of realistic self-defense tactics and techniques for women of the UMB community. R.A.D. is a comprehensive course that begins with awareness, prevention, risk reduction, and risk avoidance, while progressing on to the basics of hands-on defense training. R.A.D. is not a martial arts program. UMBPD, in conjunction with ILEC, notifies the University community when the course will be taught.

Anyone wishing to request such crime prevention service or desiring more information should contact UMBPD at 410-706-6882 (6-6882 from an on-campus phone).

## 7.01 Campus Safety/Education

UMBPD works closely with University departments, schools, and organizations to provide security and safety programs, presentations, and workshops throughout the year. Numerous brochures and pamphlets relating to crime prevention and personal safety are made available. The following are just a few examples of the programs and materials made available each year to the campus.

### *Safety and Security Education Programs and Presentations*

**Community Meetings:** Department liaisons periodically meet with formal community organizations to exchange information and ideas related to policing, security, and other related community concerns.

**Presentations:** Various groups are addressed with crime prevention information adapted to fit the audience. These programs include, but are not limited to:

- **New Staff/Faculty:** An orientation program for newly hired staff and faculty members.
- **International Student Orientation:** Information about crime prevention, safety, and American policing philosophies and operations is presented to new international students.
- **Downtown Baltimore Child Care:** Safety presentations and literature are provided to the staff and children at the University's on-campus day care center.

**Students Promoting Awareness:** The University Student Government Association provides information through peer counselors concerning alcohol and drug abuse.

**Rape Aggression Defense (R.A.D.) System:** This is a nationally known and respected program on realistic self-defense tactics and techniques for members of the UMB community. R.A.D. is a comprehensive course that begins with awareness, prevention, risk reduction, and risk avoidance, while progressing on to the basics of hands-on defense training. It is taught to students, faculty, and staff in a cooperative arrangement with the Intercultural Leadership and Engagement Center.

**Operation ID:** Engraving services are available to University community members to help identify belongings and assist in recovering stolen property.

**Crime Prevention Through Environmental Design (CPTED) and Security Surveys:** Department employees evaluate security-related matters and make suggestions for improvements in physical security systems. This includes lighting and foliage surveys during "night walks," reviewing construction and renovation plans, and conducting related surveys of academic, administrative, and support facilities on campus.

**UMBPD Website:** The website is regularly updated with crime prevention tips, crime statistics, and UMB Alerts.

**Emergency Phones:** Direct-connect emergency and [blue light emergency phones](#) are strategically placed throughout the campus.

**Closed-Circuit Television (CCTV) Cameras:** The University is increasing its use of CCTV systems to detect, deter, and investigate crime.

## Brochures, Pamphlets, and Handouts Distributed Each Year to Students, Staff, and Faculty

- *Safety Begins With You* guide to personal safety
- Website information and Clery Act information

Students, faculty, and staff may contact UMBPD at 410-706-6882 (6-6882 from an on-campus phone) to obtain more information.

**Annual Title IX Training:** The University's current annual online training includes practical application of bystander intervention and risk-reduction strategies.

### 7.02 Campus Residence Facilities

The two residence facilities on campus are locked 24 hours per day. A key or access card is required to gain entry to the gated courtyard of the University Suites at Fayette Square or through the doors of the Pascault Row Apartments, and to individual rooms. The facility manager or security officers are stationed in the entry building of the Fayette Square apartments for the purpose of ensuring that only persons with official business to conduct are allowed to enter.

Campus residents are reminded that crime can happen anywhere, at any time, to anyone. Residents must take personal safety very seriously. Crime prevention is everyone's responsibility. Residents should be especially mindful of the following:

- Keep room and apartment doors locked at all times. Never prop open the exterior doors or doors to your room.
- Secure all valuables out of sight.
- Do not leave personal property unattended.
- Report all suspicious activity or persons immediately to UMBPD (410-706-6882 or 6-6882 from an on-campus phone).
- Never walk alone at night and always stay in well-lit areas.

Emergency telephones have been installed throughout the campus. Everyone should be alert for any suspicious activity or other emergency and use a [blue light emergency phone](#) for immediate contact with UMBPD. Blue light phones are phones, not panic buttons. After pressing the button, you must tell the police communications operator the location and nature of your emergency so they can send help. The phone locations are available online and on printed maps.

### 7.03 Safe Walk/Safe Ride Program

UMBPD maintains a Safe Walk/Safe Ride Program in which a member of UMBPD will accompany students, staff, or faculty by foot or by van. **The Safe Walk service is available 24 hours a day by calling 410-706-6882 (6-6882 from an on-campus phone). The Safe Ride service is available from 7 a.m. to noon and 3 p.m. to 1 a.m.** and can be requested through the UMB Mobile App. Download the app from the App Store or Google Play and click "Safe Ride" to request a ride. The services are available by calling 410-706-6882 (6-6882 from an on-campus phone).\*

\*Note: Safe Ride was suspended March 27, 2020, for the safety of our officers and our community during the COVID-19 pandemic.

## 8.00 CAMPUS FACILITIES ACCESS AND SECURITY

*(Security of and Access to Campus Facilities)*

### 8.01 Access to Campus Facilities

All academic buildings on the University of Maryland, Baltimore (UMB) campus are generally open from 7 a.m. to 11:45 p.m., Monday through Friday. Certain academic buildings also are open for weekend classes and special activities. All campus facilities and grounds are maintained in such a manner as to enhance security. While on patrol, police officers and security officers observing lights malfunctioning will submit work orders so the repairs are made in a timely manner.

### 8.02 UMB Housing

UMB is an urban campus with two residential facilities housing a maximum of 426 students. The UMB Police Department (UMBPD) and UMB Housing personnel work closely together to create a safe and comfortable living and learning environment.

Theft is the most common crime in the residential areas, so precautions should be exercised at all times. Residents are encouraged to be watchful and cautious — be aware of your surroundings and the presence of unknown persons. Residents are reminded to always lock their doors to reduce the opportunity of crime.

### 8.03 Solicitors

Door-to-door solicitation is prohibited at the University. Residents are encouraged to report the presence of such persons to UMB Housing personnel and/or UMBPD. Residents also are advised to keep their residence hall or apartment doors locked at all times. Residents are encouraged not to hesitate to ask for assistance from any UMB Housing staff member, security officer, or police officer.

### 8.04 Shuttle Bus Service

The University of Maryland (UM) *shuttle* provides the UMB community with a variety of bus routes that travel to neighborhoods such as Federal Hill, Mount Vernon, Canton/Fells Point, and the BioPark, transporting UMB students, faculty, and staff to and from the University. UM *shuttle* routes connect with some Baltimore City public transportation such as the Charm City Circulator, the Maryland Transit Administration MARC train, Light Rail, Metro subway, and local bus service. Visit the UM *shuttle* website at [www.umaryland.edu/shuttlebus](http://www.umaryland.edu/shuttlebus) for more information.\*

\*Note: The UM *shuttle* was suspended March 26, 2020, due to the COVID-19 pandemic.

### 8.05 Parking Structures

The University maintains seven parking garages on campus and has spaces for students in an off-campus garage. To reduce the chance of property loss, never leave your vehicle running or unlocked and do not leave keys in the ignition or the windows down. Keep all valuables out of sight. Use security devices such as a car alarm, steering wheel lock, and/or a fuel/electric cutoff switch. When approaching your vehicle, have your keys in hand and remember to look inside your vehicle before you get in.



## 8.06 Fire Safety

Fire safety is a high priority at UMB. Fire and life safety system testing, fire safety inspections, fire drills, false alarm prevention activities, and fire safety information for students help to make on-campus student housing safer from fire. The following information comprises the UMB Fire Safety Report required by 34 CFR (Code of Federal Regulations) 668.49 for each on-campus student housing location.

### *Fire statistics for each on-campus student housing facility (three most recent calendar years) (34 CFR 668.49(2)(b)(1)):*

	Year	On-Campus Student Housing Facility	
		Pascault Row	University Suites at Fayette Square
Number of Fires (See details below for causal information)	2019	0	0
	2018	0	0
	2017	0	0
Number of persons receiving fire-related injuries	2019	N/A	N/A
	2018	N/A	N/A
	2017	N/A	N/A
Number of deaths related to a fire	2019	N/A	N/A
	2018	N/A	N/A
	2017	N/A	N/A
Value of property damage related to a fire	2019	N/A	N/A
	2018	N/A	N/A
	2017	N/A	N/A

### *Description of each on-campus student housing facility fire safety system (34 CFR 668.49(2)(b)(2))*

There are two on-campus student housing facilities at UMB. They are the University Suites at Fayette Square and the Pascault Row Apartments. The following information describes the fire safety system in each facility.

#### **University Suites at Fayette Square**

University Suites at Fayette Square is protected with a wet pipe sprinkler system on occupied floors and a dry pipe system in the parking garage levels. The fire department connection is located on the east side of the building on Fayette Street. Fire department suppression equipment has access to the west, south, and limited east sides of the structures. These systems are supported by a 750-gpm (gallons per minute) fire pump in the basement. Caps have been installed on the fire department connection to prevent vandalism. Portable fire extinguishers are located throughout the facility.

A complete fire alarm system consisting of manual pull stations, audible voice/visible alarms, sprinkler water flow, valve supervisory devices, and duct smoke detectors (supervisory signal only) has been installed. Single-station local smoke alarms are located in all apartments.

A fire command center is located on the ground floor to the left of the elevator lobby.

### **Pascault Row Apartments**

Pascault Row is protected with a residential wet sprinkler system. The system contains water flow alarms and valve supervisory switches connected to the building fire alarm system. Standpipes are located with hose valves on each level of the stairwells. The fire department connection is located on Lexington Street. Caps are installed on fire department connections to prevent vandalism.

The building is equipped with an interior fire alarm system consisting of manual pull stations, water flow devices, and audible/visual devices that transmit a signal to the Pine Street Police Station. The four handicapped units each have smoke detectors that are interconnected with the fire alarm system. The handicapped apartments also are equipped with high-intensity strobe lights that flash when the complex's fire alarm system activates. The balance of the living units has smoke alarms that sound only within the dwelling unit.

### ***Fire Drills (34 CFR 668.49(2)(b)(3))***

Fire drills are conducted biannually for each building on campus.

### ***Institutional policies on portable electric appliances, smoking, and open flames in student housing, evacuation procedures, and fire safety education (34 CFR 668.49(2)(b)(4-6))***

Each resident of any on-campus student housing facility is given a copy of the UMB Housing handbook. The handbook dictates that residents must:

- Only use power strips with a UL certification seal and ones that are not frayed or worn.
- Limit the number of appliances that are plugged in or in use at one time.
- Not smoke or allow others to smoke in your room or anywhere in the building.

Further, rules and regulations incorporated and made a part of the license between UMB Housing and residents within on-campus student housing state:

1. Setting or fueling a fire of any size is prohibited. A resident shall give immediate notice to UMB Housing of fire, accident, damage, and dangerous or defective conditions. All residents must evacuate the building during a fire alarm. Falsely reporting a fire or any other emergency including a bomb threat, falsely reporting a serious injury, or pulling a fire alarm when no fire is evident are prohibited. Fire warning devices and safety equipment are to be used only in an emergency. Upon the sounding of a fire alarm, a resident should proceed according to the instructions posted in and about the building. Intentional sounding of an alarm outside of an emergency situation or tampering with emergency equipment will be considered a criminal offense, and the person or persons responsible will be treated accordingly. Tampering with smoke detectors is prohibited. UMB Housing reserves the right to impose additional charges, penalties, or sanctions for tampering with fire or life safety equipment in addition to criminal and judicial action. Refusal to leave a building during a fire alarm, refusal to produce proper identification upon request of UMB Housing or UMB officials, and refusal to cooperate with any reasonable request by UMB Housing or University officials acting in performance of their duties are prohibited. A resident shall be responsible for fire alarms initiated by the resident and/or resident's guests. If any charge for responding to a false alarm is assessed to UMB Housing, the resident will be charged a fine equal to that charge.

2. The use or storage of wood or charcoal stoves and/or flammable liquid, gas, or electric space heaters within the building is prohibited. The use of candles or other open-flame devices, the use of hot plates, burning of incense, and the use of halogen lamps are prohibited anywhere in the building or about the property. All torchier-style lamps, including but not limited to those that use halogen, incandescent, or fluorescent bulbs, are prohibited. Any style lamp that uses a halogen bulb, 101 watts or more, is likewise prohibited. Connecting three or more sets of stringed lights, including but not limited to holiday lights, is likewise prohibited. Use of the stove, microwave, and/or oven while the apartment unit is unoccupied also is prohibited. Charcoal and gas grills, or other open-flame cooking devices, are prohibited in the premises and about the property. Having more than 20 people in any unit at any one time is prohibited.

### ***Reporting a fire (34 CFR 668.49(2)(b)(7))***

Any resident of an on-campus student housing facility who sees smoke or flames in any University building, or when hearing the fire alarm, should follow these procedures:

1. If you discover a fire, pull the manual fire alarm if it hasn't already been activated.
2. Call 911 and follow up with UMBPD by calling 410-706-6882 (6-6882 from an on-campus phone) and give the location of the fire.
3. Fire extinguishers should be used only if you are trained to use them and only after the alarm has been pulled and 911 has been called.
4. Evacuate the building using the nearest stairwell. DO NOT USE ELEVATORS.
5. Make use of the nearest exit door to the outside of the building, and doors marked for emergency should be used. Remember: A fire alarm is an emergency!
6. Once outside, move across the street or down the sidewalk, away from the building entrance.
7. Do not re-enter the building until the "All Clear" is given by the fire officer in charge or University police.

## **9.00 REPORTING CRIMINAL ACTIVITY**

*(Policies for Reporting Crimes and Emergencies)*

The University of Maryland, Baltimore Police Department (UMBPD) has primary jurisdiction and responsibility for investigating crimes and providing police services to the University community. Police services are available 24 hours per day, every day of the year. UMBPD headquarters is located at 214 N. Pine St. The police operations building is located at 222 N. Pine St.

In keeping with federal guidelines, it is the policy of the University that all crimes reported to any campus official must be relayed to UMBPD (professional and pastoral counselors are exempted when acting in their official capacity).

UMBPD works cooperatively with the Baltimore Police Department and the Maryland State Police in matters of mutual concern (see Section 6.07). A concurrent jurisdiction agreement has been

established between UMBPD and the Baltimore Police Department. UMBPD will contact the Baltimore Police Department when needed, per the concurrent jurisdiction agreement.

### 9.01 Emergencies

Any member of the University community who is the victim of a crime on campus or witnesses a crime on campus should call UMBPD **immediately at 410-706-6882 (6-6882 or 911 from an on-campus phone)** or by pushing the **red emergency button** on any **blue light emergency phone**. A blue light phone is not a panic button — tell the police communications operator the location and nature of the emergency so they can send help. UMBPD has staff on duty and available to assist 24 hours per day, each day of the year. Anyone requiring police services on the UMB campus is to contact UMBPD at 410-706-6882 (6-6882 from an on-campus phone). UMBPD will contact any outside agency for assistance if necessary or direct the University member on how to contact the appropriate agency.

### 9.02 Procedures

Whenever a crime is reported, a uniformed UMBPD police officer is dispatched to conduct the initial investigation, gathering information and seeking physical evidence. The investigating officer attempts to determine the basic facts by questioning all persons involved in the incident as well as any witnesses. Basic and necessary information, including home address, telephone number, and date of birth, are obtained. Please bear in mind that the police officer, by asking detailed questions, is attempting to solve the crime and apprehend the person(s) responsible. The crime scene (the area where the incident occurred) must not be disturbed so that physical evidence such as fingerprints can be preserved.

Each member of the University community is asked to be observant and pay attention to descriptions of persons, including clothing worn, and vehicles, including license plate numbers. Any suspicious person observed in or around your residence facility, classroom, office, or work area should be reported to UMBPD **immediately at 410-706-6882 (6-6882 or 911 from an on-campus phone)**, or by pushing the **red emergency button** on any **blue light emergency phone**. A blue light phone is not a panic button — tell the police communications operator the location and nature of the emergency so they can send help.

If additional information is needed after the initial inquiry, a patrol officer or a detective from UMBPD will be assigned to conduct a follow-up investigation. The University is committed to doing everything possible to assist crime victims and witnesses. When you report a crime to UMBPD or are interviewed as a witness, the investigating officer will provide you with a Victim and Witness Assistance Guide. This brochure contains important information to aid in coping with your experience. Information and assistance for victims and witnesses, including referral to counseling resources, both routine and emergency, as well as legal, medical, and social service referrals, are available from UMBPD 24 hours a day. Additional services, such as case status information, court liaison, and security surveys, are available by contacting the victim/witness coordinator at 410-706-5547 (6-5547 from an on-campus phone).

### 9.03 Limited Voluntary/Confidential Reporting

UMBPD encourages anyone who is a victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, UMBPD cannot hold reports of a crime in confidence. Confidential reports for the purposes of inclusion in the annual disclosure of crime statistics can generally be made to UMB campus security authorities, as defined in Section 9.04 of this report.

Professional and pastoral counselors are exempt from reporting requirements. UMB encourages counselors and clergy, if and when they deem it appropriate, to inform those they counsel of procedures for reporting crimes on a voluntary, confidential basis to any campus security authority for inclusion in the annual security report.

### 9.04 Campus Security Authorities

The Clery Act mandates that institutions disclose statistics for crimes reported to local police agencies and crimes reported to campus security authorities. The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many individuals, students in particular, are hesitant about reporting crimes to the police but might be more inclined to report incidents to other campus-affiliated individuals.

A campus security authority is defined as:

- A campus law enforcement unit.
- Any individual or individuals who have responsibility for campus security but do not constitute a campus security officer, such as an individual who is responsible for monitoring entrance into school property (e.g., an access monitor).
- An individual or organization specified in a school's campus security statement as the individual or organization to which students and employees should report criminal offenses.
- An official of a school who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

#### ***Campus Security Authority Cite 34 CFR 668.46(a)***

Although we encourage the reporting of campus criminal activity directly to UMBPD, in some instances members of the University community may choose to file a report with one of the other campus security authorities. Crime statistics are continuously gathered from UMB campus security authorities using the convenient and accessible Clery Incident Report Form. This form (Attachment III) is available on the UMBPD website at [www.umaryland.edu/police](http://www.umaryland.edu/police). A crime reported to any campus security authority can be immediately conveyed to UMBPD via email, fax, or campus mail. For reporting purposes at UMB, campus security authorities have been identified as:

- Chief of Police and all UMB Police Officers
- UMB Security Personnel
- All other employees working in UMBPD and Security
- Director, Parking and Transportation Services

- All Parking Attendants
- Student Affairs Senior Leadership (all schools and central)
- Academic Affairs Senior Leadership (all schools and central)
- Human Resource Partners (each school)
- Associate Vice President, Human Resource Services
- Director, Employee Labor Relations
- Ombudsperson
- Title IX Coordinator
- Legal Counsel
- Director, Emergency Health Services
- Director, Employee Assistance Program
- Director, Student Counseling
- Director, Campus Housing
- Director, URecFit
- Director, Writing Center
- Director, Education Support and Disability Services
- Director, Intercultural Leadership and Engagement Center
- Director, Global Education
- Director, International Services
- Health Educator, Wellness Hub
- Providers in Campus Health Services

### **9.05 Staff and Faculty Disciplinary Referrals**

Regardless of criminal prosecution decisions, all criminal cases involving students are referred by UMBPD to the dean of student affairs and/or the Title IX coordinator, as appropriate. When there is evidence that a student has committed a crime on campus, disciplinary action at the University may proceed whether or not criminal charges involving the same incident have been adjudicated or dropped. The University does not have student organizations with off-campus locations. For more information, refer to the Code of Conduct policy in the Student Answer Book.

### **9.06 Annual Clery Notice Compliance**

The University's Clery Notice is distributed (directly) via email to all current students and current employees in October each year. The Annual Clery Report is posted on the UMBPD homepage. The 2020 Annual Clery Campus Security and Fire Report is being posted on or before the COVID-related deadline extension of December 2020.

#### **NOTICE OF THE ANNUAL CLERY CAMPUS SECURITY REPORT**

In accordance with the guidelines established by the University of Maryland, Baltimore and pursuant to federal law, identified as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, all currently enrolled students, campus employees, prospective students, and prospective employees are entitled to request and receive a copy of the University's Annual Campus Security and Fire Report (Clery Report).

The report contains crime statistics about certain specified crimes/incidents that have been reported to UMBPD and/or campus security authorities over the past three years and occurred on

campus, in off-campus buildings or property owned or controlled by the University, or on public property adjacent to campus.

The report also contains policies and practices pertaining to campus security, crime reporting, alcohol and drugs, victim assistance programs, student discipline, campus resources, community safety alerts, crime prevention, access to campus facilities/properties, and personal safety tips. The report encourages the reporting of all crime occurrences. The report describes how and to whom to report crimes. Copies of this report may be obtained by calling 410-706-6882 (6-6882 from an on-campus phone) or 410-706-3575 (6-3575), or in person from UMBPD at 214 N. Pine St. or online at the UMBPD website at [www.umaryland.edu/police](http://www.umaryland.edu/police).

The University's Clery Notice is printed and distributed to all current students/employees and made available to all prospective students/employees using a variety of methods to ensure Universitywide dissemination to satisfy federal law mandates. The following summary outlines the Clery Notice compliance mechanisms.

- A. Current Students and Employees
  - 2. Electronic mail  
Annual (October) electronic mailing (email) to all students, faculty, and staff
  - 3. Webpage postings  
University of Maryland, Baltimore Police Department
  - 4. Publications  
Clery Report is available in hard copy at UMBPD headquarters located at 214 N. Pine St.
  
- B. Prospective Students and Employees
  - 3. Webpage postings  
University of Maryland, Baltimore Police Department webpage
  - 4. Publications  
Clery Report is available in hard copy at UMBPD headquarters located at 214 N. Pine St.
  - 5. Human Resources  
New Employee Orientation

### **9.07 Police Daily Crime Log**

A daily log of all criminal offenses reported on campus is maintained by UMBPD and available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at 222 N. Pine St., excluding holidays when the University is closed. The crime log also is available online at [www.umaryland.edu/police/60-day-crime-log](http://www.umaryland.edu/police/60-day-crime-log).

UMBPD may withhold information from the daily crime log if the release of such information would jeopardize a criminal investigation or the safety of an individual, cause a suspect to evade detection or flee, and/or result in the destruction of evidence.

UMBPD's crime log covers the most recent 60-day period and is open for public inspection during normal business hours. Crime log information dating back more than 60 days will be made available for inspection within two business days of a written request.

## 10.00 CRIME ALERT BULLETIN

*(Emergency Notifications and Timely Warnings)*

To safeguard the University community, increase crime awareness, and meet our emergency notification commitments (subject to the availability of accurate information), UMB Alerts shall be distributed as soon as possible following a reported incident. The circumstances of any particular situation coupled with the University of Maryland, Baltimore Police Department's (UMBPD) evaluation of the situation/threat potential will dictate the need and manner for the issuance of a crime alert bulletin.

However, in general, whenever there has been a report of a violent crime or a major property crime on campus and UMBPD is of the opinion that the safety of the University community is at risk, a UMB Alert will be issued. The alert process will at a minimum entail a combination of all campus electronic mail postings and electronic posting on the UMBPD webpage at [www.umaryland.edu/police](http://www.umaryland.edu/police). Physical postings of bulletins in designated University buildings and residential facilities by campus police security personnel may be an option depending upon circumstances.

### 10.01 Emergency Notifications

UMBPD is tasked with making the decision on whether to issue a UMB Alert. The alert shall include, but not be limited to, the following items if available:

- Description of the incident (type of crime, time, date, location, etc.)
- Physical description of the offender
- Safety notice (when practical) specific to the incident

For a sample UMB Alert, see *Attachment V*.

### 10.02 Distribution Procedures

There is no single best method to distribute a UMB Alert. However, depending upon the circumstances of the particular case, a UMB Alert bulletin will often be limited to Universitywide email distribution and SMS. Other situations may necessitate the physical posting of bulletins in designated campus areas. All UMB Alerts are posted on the UMBPD website at [www.umaryland.edu/police](http://www.umaryland.edu/police).

For the UMB Alerts procedure, see *Attachment XI*.

### 10.03 Emergency Management

As part of the University's Emergency Management Plan, UMB uses several notification mediums designed to ensure that vital information is communicated quickly in an emergency. The system is capable of rapidly sending text and voice messages to identified devices and systems.

- Campus emergency information phone line, 410-706-UMAB (6-8622 from an on-campus phone).
- University alerts – Everbridge
- Mass notification system (public address system)



In the event campus evacuation is recommended by the Emergency Management Team or the appropriate governmental authority and approved by the University president, the following actions will be taken: Notification will be sent to the individual schools and administrative departments via the usual communication channels (telephone, internet, email, and voicemail), and fire wardens and shelter in place coordinators will be notified to make sure the information is distributed.

Exercises and drills are key parts of the University's emergency response management program. The emergency management director is responsible for scheduling and oversight of emergency exercises. Exercises are developed based on an assessment of which areas of emergency response capability need testing and will include appropriate internal and external groups needed to effectively test the University's response.

#### **10.04 Distinction Between Timely Warnings and Emergency Notifications**

Federal law has required that universities issue "timely warnings" of potential dangers to the University community involving criminal activity. While such warnings must be "timely," they need not be immediate and can await the results of investigations into the danger. Recent events have caused universities to develop emergency notification systems that could quickly notify all or selected members of the University community of immediate dangers, including active shooters, fires, or severe and dangerous weather incidents.

### **11.00 MISSING STUDENTS**

*(Campus Policies and Procedures on Missing Students)*

#### **11.01 Scope**

This policy and procedure is established pursuant to federal law (20 USC § 1092 (j)), which requires any institution that participates in a Title IV federal student financial aid program and that maintains on-campus housing facilities to establish a missing student notification policy. This policy applies specifically to students who reside in University of Maryland, Baltimore (UMB) on-campus residential facilities (UMB Housing).

#### **11.02 Policy**

Missing student reports should be made immediately. Campus police receive missing person reports and make the determination for the University that a student is deemed missing under this policy. UMB will allow each student to designate an emergency contact. All contact information will remain confidential but accessible to authorized campus officials and law enforcement personnel in furtherance of a missing person investigation. UMB will notify the parent or guardian of a student under the age of 18 within 24 hours after a student is determined to be missing. UMB will notify appropriate law enforcement agencies and campus officials within 24 hours after a student is determined to be missing.

### 11.03 Procedure

Any person can make a missing student report. The report should be made immediately to UMBPD by calling 410-706-6882 (6-6882 or 911 from an on-campus phone) or by visiting the police operations building at 222 N. Pine St., Baltimore, MD 21201. UMBPD is responsible for investigating each report and determining if a student should be classified as missing. UMBPD will initiate the report and notify the associate vice president for academic and student affairs and the general manager for University housing. UMB will notify the emergency contact within 24 hours after a student is determined to be missing. UMB will notify the parent or guardian of a student under the age of 18 within 24 hours after a student is determined to be missing. The UMB Missing Student Policy can be found at [www.umaryland.edu/policies-and-procedures](http://www.umaryland.edu/policies-and-procedures).

Questions or comments regarding the missing student policies or procedures can be directed to:

Flavius Lilly, PhD, MA, MPH  
620 W. Lexington St., Suite 5112  
Baltimore, MD 21201  
Phone: 410-706-7767  
Email: [flilly@umaryland.edu](mailto:flilly@umaryland.edu)

## 12.00 SUBSTANCE ABUSE

*(Policies on Alcoholic Beverages, Illegal Drugs, and Drug/Alcohol Abuse Programs)*

### 12.01 Alcohol Policies

Any person using alcoholic beverages while on the University of Maryland, Baltimore (UMB) campus shall be responsible to all civil and University authorities for compliance with state and city laws and the University Alcohol Policy. It is illegal in Maryland for anyone under the age of 21 to purchase, possess, or consume alcohol or to falsify or misrepresent their age to obtain alcohol. It also is illegal in Baltimore to possess alcohol in an open container in any public area that has not been specifically designated as a location where alcohol may be consumed.

### 12.02 Drug Policies

The use, possession, and/or sale of illegal drugs are violations of the University's Substance Abuse Policy, the faculty contract, and the terms of employment of administrative, classified, and contingent staff. Faculty, students, and staff who use, possess, or sell illegal drugs are subject to criminal prosecution as well as administrative disciplinary actions, including mandatory counseling, suspension, or dismissal.

### 12.03 Enforcement

The possession, sale, or furnishing of alcohol and illicit drugs on the University campus is governed by the University's Policy on Substance Abuse (*Attachment VIII*), the code of conduct for each school, and state and federal laws. These laws are strictly enforced by the University of Maryland, Baltimore Police Department. Violators are subject to University disciplinary action, criminal prosecution, fines, and/or imprisonment.

## 12.04 Education

Numerous drug and alcohol abuse prevention programs are presented each year through a cooperative effort among many University departments and schools. All students receive opioid prevention education. House Bill 1082 Heroin and Opioid Education and Community Action Act of 2017 (Start Talking Maryland Act) requires that all first-time full-time students must complete the prescription drug abuse prevention course ([www.umaryland.edu/wellness/services/prescription-drug-prevention-training](http://www.umaryland.edu/wellness/services/prescription-drug-prevention-training)) and that education is provided as an optional resource for part-time students. Individual substance use concerns/education, substance use evaluations, and treatment referrals are available at the Student Counseling Center ([www.umaryland.edu/counseling](http://www.umaryland.edu/counseling)). Students may participate in drug, alcohol, and other substance use education programs conducted by Student Health. Contact Student Health for additional information: [www.umaryland.edu/health](http://www.umaryland.edu/health). Students may participate in drug, alcohol, and other substance abuse education programs conducted by the Wellness Hub ([www.umaryland.edu/wellness](http://www.umaryland.edu/wellness)).

## 13.00 SEXUAL MISCONDUCT AND HARASSMENT PREVENTION

*(Campus Sexual Misconduct Policy and Programs)*

The University of Maryland, Baltimore (UMB) is committed to creating a safe and secure campus environment that is free from acts of intimidation or the fear of falling victim to sexual misconduct or hate violence. The University explicitly prohibits dating violence, domestic violence, rape and other forms of sexual assault, and stalking as defined by both the Clery Act and University policy. The following offices and services contribute greatly toward this effort: Office of Accountability and Compliance, 410-706-2281 (6-2281); Anonymous Hotline, 866-594-5220; Student Counseling Center, 410-328-8404 (8-8404); and the University of Maryland, Baltimore Police Department (UMBPD), 410-706-6882 (6-6882).

### 13.01 Definitions

***As of Aug. 15, 2020, the following UMB policy definitions are in effect:***

#### **Consent**

A knowing, voluntary, and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. Consent must be given by a person with the ability and capacity to exercise free will and make a rational and reasonable judgment. Consent may be expressed by affirmative words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity. Consent may be withdrawn at any time. Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation, or by using one's mental or physical helplessness or incapacity. Consent cannot be implied based on the mere fact of a previous consensual dating or sexual relationship. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

If a person is incapacitated, which is to be deprived of their capacity or natural power, they are not able to make rational decisions and, therefore, cannot consent to sexual activity. Incapacity will be evaluated using a reasonable person's standard, e.g., would a reasonable person believe

the person is/was unable to consent. Incapacitation can be caused by the consumption of alcohol, but a person who is “drunk” or “intoxicated” may or may not be incapacitated; incapacitation can also be the result of being drugged, unconscious, sleep-deprived, and/or ill.

### **Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant’s statement, with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

### **Domestic Violence**

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Maryland or the jurisdiction in which the crime or violence occurred.

### **Retaliation**

Intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law, University System of Maryland (USM) or University of Maryland, Baltimore (UMB) policy relating to sexual misconduct, or because an individual has made a report, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to sexual misconduct. Retaliation includes retaliatory harassment.

### **Sex- and/or Gender-Based Discrimination**

The unfair, unfavorable, or inequitable treatment of a person based on their biological sex, gender identity, gender expression, and/or sexual orientation.

### **Sexual Assault**

An offense classified as a forcible or nonforcible sex offense, which as of 2018 have been combined in the single category “sex offenses,” under the uniform crime reporting system of the Federal Bureau of Investigation and is defined as: any sexual act including rape, sodomy, sexual assault with an object, or fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.

- 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 his/her age or because of his/her temporary or permanent mental or physical incapacity.
- 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 his/her age or because of his/her 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 his/her age or because of his/her temporary or permanent mental or physical incapacity.

- **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 his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In Maryland, pursuant to Family Law § 2-202, a man may not marry his: grandmother, mother, daughter, sister, granddaughter, grandfather's wife, wife's grandmother, father's sister, mother's sister, stepmother, wife's mother, wife's daughter, son's wife, grandson's wife, wife's granddaughter, brother's daughter, or sister's daughter. A woman may not marry her: grandfather, father, son, brother, grandson, grandmother's husband, husband's grandfather, father's brother, mother's brother, stepfather, husband's father, husband's son, daughter's husband, husband's grandson, brother's son, sister's son, or granddaughter's husband.
- **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent. In Maryland, the statutory age of consent is 16 (which means the victim must be under 16); however, 14- and 15-year-olds may consent if the offender is less than four years older than the victim.

### **Sexual Coercion**

The use of unreasonable pressure to compel another individual to initiate or continue sexual activity against the individual's will. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether to engage in sexual activity. Coercion includes but is not limited to intimidation, manipulation, threats of emotional or physical harm, and blackmail. Examples of coercion include threatening to disclose another individual's private sexual information, or threatening to harm oneself if the other party does not engage in the sexual activity.

### **Sexual Exploitation**

Taking nonconsensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.

### **Sexual Harassment**

Conduct on the basis of sex that satisfies one or more of the following: (1) an employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or (3) "sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

### **Sexual Intimidation**

Any unreasonable behavior, verbal or nonverbal, that has the effect of subjecting members of any biological sex or gender to humiliation, embarrassment, or discomfort because of their biological sex or gender. Sexual intimidation can include but is not limited to (1) threats to sexually assault another person; (2) gender or sex-based stalking, including cyber-stalking; or (3) engaging in indecent exposure.

## Sexual Misconduct

An umbrella term that includes sex or gender-based discrimination, dating violence, domestic violence, sexual exploitation, sexual harassment, sexual intimidation, sexual violence (including sexual assault), and stalking.

## Sexual Violence

A form of sexual harassment referring to physical sexual acts perpetrated without consent. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

## Stalking

A course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Additional UMB policy definitions can be found at [www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160a.php](http://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160a.php).

Additional Maryland definitions can be found at [www.mcasa.org/law-public-policy/maryland-law-regulations](http://www.mcasa.org/law-public-policy/maryland-law-regulations).

## 13.02 Sexual Assault, Domestic Violence, Dating Violence, and Stalking Safety Procedures

Persons who believe they have been sexually assaulted or who have been the victim of any type of sex offense, interpersonal violence, or stalking should immediately report the incident to the University Title IX Coordinator by calling 410-706-2281 (6-2281), UMBPD by calling 410-706-6882 (6-6882 from an on-campus phone), or both. The Title IX Coordinator can assist with notification of off-campus authorities, obtaining medical attention, accessing counseling on and off campus, and providing information about additional campus resources and applicable policies and procedures. The UMB Title IX coordinator can also assist in identifying and providing supportive measures to restore or preserve access to UMB's educational programs and activities, protect the safety of all impacted parties and UMB's campus community, and deter sexual harassment. Immediately after an incident, the following steps are strongly suggested:

- Get to a safe place.
- Call the police and/or the University Title IX coordinator immediately.
- If you are not sure about filing a criminal complaint or seeking a protective/peace order, but you might want to file a complaint at a later time, you are encouraged to obtain a medical evidentiary forensic examination (as appropriate to the incident). You are encouraged to file a police report, and you always have the right to change your mind and not pursue a criminal complaint or petition for court-ordered protection.
- If you are not sure what to do, you can call TurnAround, Inc. (Rape Crisis and Recovery Center) at 410-377-8111 or its help line at 443-279-0379. The advocate will provide you with options, and you do not need to give your name.

### Sexual Assault:

- If possible, do not bathe, shower, douche, change your clothes, or disturb anything at the crime scene. Extremely valuable physical evidence can be obtained from you, your clothing, and objects at the scene of the crime.
- The Emergency Department at Mercy Medical Center, located at 345 St. Paul Place, Baltimore, MD 21201, operates a Sexual Assault Forensic Examiner (SAFE) program that offers free exams from trained forensic nurse examiners. They can be reached at 410-332-9494.
- If you do not wish to make a report to the police to obtain a medical evidentiary forensic examination, you are still encouraged to seek professional medical advice as soon as possible for a sexually transmitted infection (STI) screen, pregnancy test, prophylactic HIV treatment, and other palliative and preventative medical care.
- If you live with or are otherwise controlled in day-to-day living by the assailant and are not ready to leave or otherwise change these circumstances, you are still encouraged to develop a safety plan with assistance from a counselor or a community agency.

### Stalking:

- Trust your instincts if you feel unsafe and never dismiss direct threats. Use the contact recommendations listed above and alert friends and family. Don't communicate with the stalker or respond to attempts to contact you.
- Keep all evidence of the stalking. When the stalker follows you or contacts you, write down the time, date, and place. Keep emails, text messages, phone messages, letters, or notes. Photograph anything of yours the stalker damages and any injuries the stalker causes. Ask witnesses to write down what they saw.
- For additional information, go to [victimsofcrime.org/getting-help](http://victimsofcrime.org/getting-help).

Refer to the UMB Policy on Sexual Misconduct, *Attachment IV*, and the University System of Maryland Policy on Sexual Harassment, *Attachment VI*.

## 13.03 Physical Evidence

The timely preservation of physical evidence is essential to the successful prosecution of most sex offenses and/or instances of interpersonal relationship violence. Considering the time-sensitive nature regarding the preservation and collection of such evidence, it is essential that UMBPD be contacted as soon as possible.

Due to the sophisticated investigative resources required to properly investigate certain sex crimes, UMBPD has a concurrent jurisdiction agreement with the Baltimore Police Department to take primary investigative responsibility for investigating first- and second-degree rapes and first- and second-degree sex offenses. UMBPD also will assign an investigator to facilitate internal University incident management and internal judicial affairs protocols.

## 13.04 Campus and Community Resources

Counseling, mental health, and other student services for victims of sexual assault, interpersonal relationship violence, stalking, and sexual exploitation are available both on campus and in the community. Below is a list of resources:

### **Student Counseling Center**

(Confidential)

Health Sciences and Human Services Library

601 W. Lombard St., Suite 440

Monday to Friday, 8:30 a.m. to 5 p.m.

Phone: 410-328-8404

Fax: 410-328-5291

Website: [www.umaryland.edu/counseling](http://www.umaryland.edu/counseling)

### **Student Health Center**

408 W. Lombard St. between Eutaw and Paca streets

Monday to Friday, 7 a.m. to 5 p.m.

Monday to Thursday, 5 p.m. to 7 p.m., at Family and Community Medicine (29 S. Paca St.)

Appointments: 667-214-1899 (external) or 4-1899 (internal)

After Hours (urgent questions, available 24/7): 667-214-1800 (external) or 4-1800 (internal)

Director: Gregory Huang, MD: 667-214-1899 (external) or 4-1899 (internal)

Website: [www.umaryland.edu/studenthealth](http://www.umaryland.edu/studenthealth)

### **Mercy Medical Center**

(Sexual Assault Forensic Examiner [SAFE] program)

345 St. Paul Place

Baltimore, MD 21201

Phone: 410-332-9494

Email: [bMOREsafe@mdmercy.com](mailto:bMOREsafe@mdmercy.com)

Website: [www.bmoresafemeracy.org](http://www.bmoresafemeracy.org)

Directory of other Maryland SAFE Programs:

[www.mcasa.org/assets/files/SAFE-Programs-List-Updated-July-2015.pdf](http://www.mcasa.org/assets/files/SAFE-Programs-List-Updated-July-2015.pdf)

### **TurnAround, Inc.**

(Confidential; rape crisis and recovery center; also a resource for interpersonal relationship violence)

1800 N. Charles St.

Baltimore, MD 21201

Phone: 410-377-8111

Help Line: 443-279-0379

Website: [www.turnaroundinc.org](http://www.turnaroundinc.org)

### **Maryland Coalition Against Sexual Assault (MCASA)**

(Provides a list of confidential support resources throughout the state)

P.O. Box 8782

Silver Spring, MD 20907

Phone: 301-328-7023

Website: [www.mcasa.org](http://www.mcasa.org)



Statewide Service Provider Directory:

[www.mcasa.org/survivors/find-a-rape-crisis-center](http://www.mcasa.org/survivors/find-a-rape-crisis-center)

MCASA's Sexual Assault Legal Institute (SALI)

Phone: 301-565-2277 or toll-free at 877-496-SALI (7254)

### **National Sexual Assault Hotline**

(Confidential)

Phone: 1-800-656-HOPE (4673)

### **Maryland Network Against Domestic Violence**

4601 Presidents Drive, Suite 370

Lanham, MD 20706

Phone: 301-429-3601

Email: [info@mnadv.org](mailto:info@mnadv.org)

Website: [www.mnadv.org](http://www.mnadv.org)

Statewide Service Provider Directory:

[www.mnadv.org/find-help/find-help](http://www.mnadv.org/find-help/find-help)

### **Statewide Help Line**

Monday to Friday, 9 a.m. to 5 p.m.

Phone: 1-800-MD-HELPS (1-800-634-3577)

### **House of Ruth**

#### **Intimate Partner Violence Center**

Phone: 410-889-7884

### **National Stalking Resource Center**

(National Center for Victims of Crime program)

2000 M St. NW, Suite 480

Washington, DC 20036

Phone: 202-467-8700

Victim Connect Hotline: 855-4-VICTIM (855-484-2846)

Website: [www.victimsofcrime.org/our-programs/stalking-resource-center/resources](http://www.victimsofcrime.org/our-programs/stalking-resource-center/resources)

## **13.05 Confidentiality**

The Title IX coordinator will work collaboratively with a reporting individual to establish the appropriate parameters of confidentiality in each case, always making every effort to operate with discretion and maintain the privacy of the individuals involved. If the complainant requests that the Title IX coordinator keep the matter confidential, the Title IX coordinator will carefully evaluate that request by balancing the complainant's wish for privacy against the safety and welfare of the UMB community. Where there is a need to preserve the health and safety of the victim and/or members of the University community, information may be shared on a need-to-know basis. Unless there is an imminent threat to health or safety or a basis for disclosure such as child abuse, confidentiality is offered when individuals seek support services from the Employee Assistance Program and the Student Counseling Center or when a report is made through the UMB Ethics Point Hotline.

UMB recognizes that sexual violence, interpersonal violence, and stalking are sensitive subject matters for all parties involved. However, persons should be aware that the University may

need to disclose information to conduct an investigation, resolve a complaint, or comply with applicable law. UMB shall share details about investigations with those who have a need to know. Investigations of complaints often require the complainant's identity to be known by the party or parties whose conduct is being reviewed. Individuals who wish to make an anonymous complaint of sexual violence, interpersonal violence, or stalking can report through the UMB Ethics Point Hotline. Individuals may also seek assistance or services through confidential resources who have a professional or legal obligation to keep communications confidential.

### **13.06 Sexual Misconduct Education/Prevention Programs**

Several crime prevention educational programs are provided to the University community throughout the year. Topics include personal safety, date rape, police services, crime prevention tips, and the Rape Aggression Defense (R.A.D.) System. Programs are accompanied by informational bulletins, posters, crime prevention books, and pamphlets that are posted around the University to promote campus crime prevention. Most information is targeted for a specific area or time frame, such as crime prevention tips for resident students, protecting employee property, and working in open areas where non-employees have accessibility.

Upon request, the UMB Police Chief or designee will provide crime prevention recommendations and input to any requesting University group. For more information about campus safety, University security policies, or crime prevention services, call UMBPD at 410-706-6882 (6-6882 from an on-campus phone). By being aware that crime does occur on campus, members of the University community can take positive measures to prevent crime. Such positive measures include locking doors, keeping valuables in a safe place, avoiding walking in areas that look unsafe or are not well-lit, using the police Safe Walk/Safe Ride Program, and being alert to surroundings.

#### ***Sex and Gender-Based Violence Primary Prevention and Awareness Education***

The University of Maryland, Baltimore requires all members of the UMB community, students, faculty, staff, and affiliates, to complete mandatory training each year on Title IX of the Education Amendments of 1972. These trainings are meant to provide the members of our community with their rights and responsibilities, information on UMB's Policies and Procedures relating to Title IX and sexual misconduct, common definitions and understanding of what constitutes misconduct, and information on how to report and respond when misconduct is experienced or observed. Initial student training includes information on consent, sexual assault, interpersonal violence, stalking, and sexual harassment, as well as bystander intervention and risk reduction strategies.

#### ***Ongoing Prevention and Awareness Campaigns***

Upon request, the University's Office of Accountability and Compliance (OAC) also will conduct presentations to members of the UMB community, including UMB students or affiliates, to educate them on Title IX and how it applies to UMB, reporting sexual misconduct, and ways they can prevent sexual misconduct through risk reduction strategies and bystander intervention.

Education and outreach entities throughout the campus also offer programs from time to time on topics pertaining to Title IX. Beyond UMBPD and OAC, the University's Wellness Hub, UMB Community Collaborative on Intimate Partner Violence, URecFit, and others contribute to awareness and education efforts.

### ***Domestic Violence/Dating Violence Specifically***

UMB is committed to reducing the incidence and severity of domestic violence by recognizing it as a significant societal problem and dealing with it as a serious criminal offense. As a result, UMB will strive to educate victims of their legal rights, advise victims of the help that is available, encourage victims to seek legal and social assistance, and hold abusers accountable for their actions. UMBPD will make arrests when there is evidence of injury consistent with warrantless arrest criteria.

Domestic violence is a physical injury or the threat of physical injury committed by a person in an intimate relationship with the victim. Intimate relationship refers to relationships that are heterosexual or homosexual and have a sexual or emotional component or have had a sexual or emotional component.

- A. Persons involved in an intimate relationship are partners who:
  1. Are married, separated, or divorced
  2. Live or have lived together
  3. Have children in common
  4. Date or have dated, but do not live or have never lived together
  
- B. Persons not involved in an intimate relationship are:
  1. Other family members such as children or parents
  2. Individuals living together in a situation in which the relationship is usually not considered intimate, such as dormitory or rooming arrangements

If there is an existing temporary protection order or peace order in place, the investigating officer shall determine whether the perpetrator has violated the order and respond appropriately as provided by law for such violations. UMBPD does not issue orders of protection, but uses the services of the Baltimore City Sheriff's Office.

If there is not an existing temporary protection order or peace order in place, UMBPD can assist with filing restraining orders that may take the form of protective/peace orders (interim, temporary, and final) issued by the District Court (1400 North Ave.) and which shall be served immediately by law enforcement officers.

UMB provides victims/witnesses with literature and programs that assist with victim assistance and related community services available within the serviced area. Information pertaining to these services includes, but is not limited to: UMB Resource Guide for Students on Sexual Misconduct: Campus Policies, Procedures and Victim Services; UMB Title IX Program Resources and References website; University of Maryland, Baltimore Police Department Victim Assistance/ Incident Information Form; *Safety Begins With You: A Guide to Campus Security* booklet; TurnAround, Inc., counseling services; Roberta's House counseling services; House of Ruth domestic violence counseling and housing services; UMB Employee Assistance Program; and the Baltimore City State's Attorney's Office.

Domestic violence programs in Baltimore:

**House of Ruth Maryland**  
 2201 Argonne Drive  
 Baltimore, MD 21218

Phone: 410-889-0840  
Hotline: 410-889-7884  
Website: [www.hruth.org](http://www.hruth.org)

**TurnAround, Inc.**

1800 N. Charles St.  
Baltimore, MD 21201  
Phone: 410-837-7000  
Help Line: 443-279-0379  
Website: [www.turnaroundinc.org](http://www.turnaroundinc.org)

For further information, see the Family Law Article Title 4 of the Annotated Code of Maryland.

### **13.07 Campus Policy and Procedures for Reporting and Adjudicating Complaints of Sexual Misconduct**

Reports of sexual misconduct, including sexual harassment or sexual violence, including sexual assault, domestic or dating violence, and stalking, should be made to UMB's Title IX coordinator.

**Title IX Coordinator:**

Mary MacFadden, MS, BSN, CCEP  
[mmacfadden@umaryland.edu](mailto:mmacfadden@umaryland.edu)  
Phone: 410-706-4938

Office of Accountability and Compliance  
Title IX Team  
620 W. Lexington St., Fifth Floor  
Baltimore, MD 21201  
Phone: 410-706-2281  
Email: [TitleIXCompliance@umaryland.edu](mailto:TitleIXCompliance@umaryland.edu)  
Website: [www.umaryland.edu/titleix](http://www.umaryland.edu/titleix)

The procedures for filing a complaint and campus investigation proceedings are found in the UMB Policy on Sexual Misconduct, as well as one of two procedural documents based on whether the misconduct falls under the jurisdiction of Title IX of the Education Amendments of 1972. The procedural documents are UMB Procedures for Resolving Sexual Misconduct Complaints Under the Jurisdiction of Title IX of the Education Amendment of 1972 "Title IX Procedures" and UMB Procedures for Resolving Sexual Misconduct Complaints Outside the Jurisdiction of Title IX of the Education Amendment of 1972 "Non-Title IX Procedures."

The University is committed to working with a complainant and a respondent through a prompt, fair, and impartial investigation process. During the campus investigation, both the complainant and the respondent are entitled to the same opportunities to meet with the investigator, submit written statements, names of witnesses and other evidence, and consult with and obtain advice and support of an advisor. Both the complainant and the respondent shall receive notification that is as close to simultaneous as possible with respect to the outcome of an investigation, as well as the final determination regarding sanctions and remedial action where there is an allegation of sexual assault, domestic violence, dating violence, or stalking. Both the complainant and the respondent are entitled to appeal on grounds included in the above referenced Policy. Outcomes will be reached using the standard of preponderance of the evidence (more likely than not).

Proven sexual harassment or sexual violence, including sexual assault, will result in remedial and disciplinary actions that may include, but are not limited to, suspension, expulsion, or dismissal.

The Title IX coordinator will assist a complainant and/or respondent with supportive and/or interim responsive action if needed, including, but not limited to, arranging alternate academic or living situations, coordinating with schools to reschedule assignments or exams, facilitating change of class sections, authorizing leave to attend counseling and health care appointments, etc.

The Title IX coordinator, deputy Title IX coordinator, and other designees are trained annually and participate in ongoing professional development opportunities on issues related to domestic violence, dating violence, sexual assault, and stalking. All University personnel who participate in the resolution process, dependent on their role, receive training on how to conduct an investigation and hearing processes, to promote practices that protect the safety of our campus community and promotes accountability.

### **13.08 Victims' Rights**

The following description of rights is intended to comply with Maryland law. Many of the following rights represent the University of Maryland, Baltimore's (UMB) core values and apply in all situations whether or not a Title IX hearing is required or utilized. Some of the following rights, as noted herein, are specific to and reserved for students.

- The right to be treated with dignity, respect, and sensitivity by UMB officials.
- The right to a fair, impartial, and equitable investigation and resolution of all credible allegations of sexual misconduct made in good faith to UMB officials with authority.
- The right to timely written notice of all alleged violations, the precise misconduct being alleged, the date and location of the alleged misconduct, the implicated policies and procedures, and the possible sanctions.
- The right to timely written notice of any material modifications to the allegations (e.g., additional incidents or allegations, additional reporting parties, unsubstantiated allegations) and any attendant adjustments needed to clarify potential policy violations implicated.
- The right to disciplinary proceedings and resolutions that provide for all parties being heard.
- The right to have UMB policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported sexual misconduct involving violence, including sexual violence.
- The right to determine if law enforcement or medical assistance is desired and to seek law enforcement and/or medical assistance after initially declining such assistance.
- The right not to be discouraged by UMB officials from reporting sexual misconduct to both on-campus and off-campus authorities.
- The right to be informed by UMB officials of options to notify law enforcement authorities, including on-campus and local police, and the option to be assisted by UMB officials in notifying such authorities. This also includes the right not to be pressured to report.

- The right to have allegations of violations of this policy responded to promptly and with sensitivity by UMB law enforcement and/or other UMB officials.
- The right to be informed of available supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other student services, both on campus and in the community.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of sexual misconduct, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, need occur before this option is available. Such actions may include, but are not limited to:
  - Changing an on-campus student's housing to a different on-campus location
  - Assistance from UMB staff in completing the relocation
  - Changing an employee's work environment (e.g. reporting structure, office relocation)
  - Transportation accommodations
  - Visa/immigration assistance
  - Arranging to dissolve a housing contract and a pro-rated refund
  - Exam, paper, and/or assignment rescheduling or adjustment
  - Taking an incomplete in, or a withdrawal from, a class (may be retroactive)
  - Transferring class sections
  - Temporary withdrawal/leave of absence (may be retroactive)
  - Campus safety escorts
  - Alternative course completion options
- The right to have UMB maintain such actions for as long as necessary and for protective measures to remain private, provided privacy does not impair UMB's ability to provide the accommodations or protective measures.
- The right to be fully informed of relevant UMB policies and procedures as well as the nature and extent of all alleged violations.
- The right to receive, sufficiently in advance, written notice of any meeting or interview involving the other party, when possible.
- The right to identify and, through an advisor, question relevant witnesses, including expert witnesses.
- The right to provide the investigator(s)/hearing panelists/decision-maker with a list of questions that, if deemed relevant and appropriate, may be asked by a party's advisor of any party or witness.
- The right not to have irrelevant prior sexual history admitted as evidence, except to (a) prove the source of injury; (b) prove prior sexual misconduct; (c) support a claim that a student has an ulterior motive; or (d) impeach a student's credibility after that student has put their own prior sexual conduct at issue.
- The right of a party not to have their history of mental health counseling, treatment, or diagnosis considered by the adjudicating official or body, unless the party consents.
- The right to have access to the case file and evidence regarding the alleged acts obtained during the investigation or considered by an adjudicating officer or body, and to respond to that evidence on the record.

- A fair opportunity for each party to provide the investigator(s) with their account and have that account be on the record.
- The right to receive a final determination made by the adjudicating official or body regarding whether the Sexual Misconduct Policy has been violated and the basis for the determination.
- The right to respond to the investigation report within the timeframes provided herein, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to have reports of alleged policy violations addressed by investigators, Title IX coordinators, hearing panelists/decision-makers who have received relevant annual training.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to provide and review testimony electronically or in a way in which the parties are not required to be in the physical presence of one another, as long as all hearing proceedings are live and provide the ability to see and hear the other party in real time.
- The right to petition that any UMB representative in the process be recused on the basis of demonstrated bias and/or conflict of interest.
- The right to have an advisor of their choice accompany and assist the party in all meetings and/or interviews associated with the resolution process, including the right to an attorney as an advisor as described in this policy.
- The right to be informed in a timely matter by written notice of outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed).
- The right to be informed of the grounds for appealing any finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by UMB.

### **13.09 Rape on College Campuses**

Although you may never have been personally involved in a sexually violent situation, chances are that someone you know has been. The following material will address the subject of acquaintance rape — a problem that is increasing on university campuses. It will define acquaintance rape, offer suggestions on how to avoid it, and give information on how to help a victim. Rape is not just a problem for women. Men and women must work together to bring about the changes needed to end sexual violence.

#### ***Types of Rape***

People who are forced to have sexual contact against their will are victims of sexual assault. If the assault involves sexual intercourse by force or without consent, it is rape. Two types of rape include:

- Acquaintance rape: Rape by someone the victim knows (this type of rape occurs most often)
- Stranger rape: Rape by someone unknown to the victim

Rapists aren't always strangers. When someone you know — a date, significant other, or casual friend — forces you to have sex, it's still rape. Data indicate that women are victims of sexual assault, including rape, at higher rates. However, sexual assault affects individuals of any gender.

### ***Risk Reduction***

Being a victim of acquaintance rape and other forms of sexual assault is never the fault of the victim. However, while there are no definite rules to avoid becoming a victim of sexual assault, there are precautions we all can take that may limit our exposure to situations that could result in non-consensual sexual acts by or against us.

- Remember that consent should be affirmative and continuous. If there is any question or ambiguity, you should proceed as if you do not have consent.
- Recognize the potential for a sexual partner to feel intimidated or coerced by you as a result of a power advantage (size, strength, social capital, etc.). Do not use or abuse that power.
- Clearly communicate your intentions and give your sexual partner the opportunity to clearly communicate the same.
- Consider mixed messages from a partner to be an indication that sexual conduct should stop so that better communication can occur.
- Do not make assumptions about consent, sexual availability, sexual attraction, how far an interaction can go, or about physical and/or mental ability to consent.
- If someone shares intimate images, pictures, videos, or content with you, discuss and honor their expectations regarding how the information may be used, shared, or disseminated.
- Do not take advantage of someone's intoxication or altered state, even if alcohol or drugs were consumed willingly.
- Acknowledge that alcohol/drugs lower sexual inhibitions and may make you vulnerable to someone who sees an impaired person as a sexual opportunity.
- Take responsibility for your alcohol/drug use.
- If possible, leave the physical presence of a sexual aggressor or otherwise violently aggressive person.
- Communicate limits/boundaries and respect the limits/boundaries of others.
- Clearly and firmly say "No" to a sexual aggressor.
- If someone is nearby, ask for help. Bystander intervention preventing rape and other forms of sexual assault is everyone's responsibility. You can help prevent sexual misconduct and other forms of harassment. Always assess a situation to determine the safest/best possible course of action for all concerned.
- Step in to change the course of an interaction.
- Make an excuse to get someone out of a dangerous situation.



- Warn a potential or perceived perpetrator that their actions may lead to severe consequences.
- Refuse to leave the company of a potential victim despite efforts of an aggressor/pursuer to get them alone.
- Call the police or security.
- Remain at the scene of observed misconduct to offer a witness statement subsequent to police or security intervention.
- Participate in activities that seek to hold an aggressor accountable.
- Have honest conversations about sexual violence and harassment.
- Refuse to participate in conversations that degrade and objectify others sexually.
- Commit to being part of the solution before you find yourself in a position to stop misconduct.
- When you suspect someone has experienced sexual violence or harassment, ask them.
- When someone says they experienced sexual violence or harassment, believe and support them.

### ***Alcohol and Date Rape Drugs***

#### **Alcohol**

Alcohol causes greater misperceptions by reducing the ability to process complex stimuli, resulting in poor decision-making and reduced ability to communicate your own or respect another person's boundaries.

In more than 75 percent of college rapes, alcohol was involved in some way.

#### **Rohypnol and GHB**

Rohypnol and GHB are called the date rape drugs because when they are slipped into someone's drink, a sexual assault can take place without the victim being able to remember what happened.

#### **Rohypnol**

Referred to as "roofies," "roopies," "circles," and the "forget pills," rohypnol works like a tranquilizer. It causes muscle weakness, fatigue, and slurred speech, loss of motor coordination and judgment, and amnesia that lasts up to 24 hours. It looks like an aspirin — small, white, round.

#### **GHB (Gamma-Hydroxybutyrate)**

GHB — also known as "liquid X," "salt water," or "scoop" — causes quick sedation. Its effects include drowsiness, nausea, vomiting, headaches, dizziness, coma, and death. Its most common form is clear liquid, although it also can be a white, grainy powder.

### ***Understanding Consent***

Consent is a voluntary, conscious, affirmative agreement to engage in a specific sexual act. Consent can only exist free from force, threat of force, or coercion. Rules apply when assessing whether consent has been/was given.

- Consent can never be assumed.
- Consent cannot be implied from the lack of explicit consent or the lack of explicit dissent.
- Where there is use of threat or force by the accused, the lack of verbal or physical resistance or the submission by the victim does not constitute consent.
- The manner of dress of the victim does not constitute consent.
- Past consent to sexual contact and/or a shared sexual history does not imply consent to future sexual contact.
- A person who initially consents to sexual contact including penetration may withdraw continued consent at any time during the course of that interaction.
- Consent to some form of sexual activity cannot automatically be taken as consent to any other form of sexual activity.
- Intoxication due to use of alcohol or drugs may impair an individual's capacity to consent freely and may render an individual incapable of giving consent.
- A power differential between people engaged in a sexual act presumes the inability to consent for the less-powerful person (e.g., the student in a student-employee interaction; the supervisee in a direct report-supervisor interaction).

## 14.00 REGISTERED SEX OFFENDER INFORMATION

*(Location of Registered Sex Offender Information)*

The Campus Sex Crimes Prevention Act is a federal law enacted Oct. 28, 2000, that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education or working or volunteering on campus.

The act amended the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act*, which requires sex offenders already required to register in a state to provide notice, as required under state law, to each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. Furthermore, it requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate state records or data systems. These changes took effect Oct. 28, 2002.

It also amends the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* to require institutions of higher education to issue a statement, in addition to other disclosures required under that act, advising the campus community about where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. These changes took effect Oct. 28, 2002, and this notice took place beginning with the annual security report due Oct. 1, 2003.

The Office of Accountability and Compliance and the University of Maryland, Baltimore Police Department receive annual training on the issues related to dating violence, domestic violence,

sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.

Lastly, the act amends the *Family Educational Rights and Privacy Act of 1974* to clarify that nothing in that act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders. It also requires the secretary of education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

To find the sex offender registry for Maryland, visit [www.dpscs.state.md.us/onlineservs/socem/default.shtml](http://www.dpscs.state.md.us/onlineservs/socem/default.shtml). This website provides access to information on registrants employed or enrolled at Maryland institutions of higher education.

## 15.00 HATE VIOLENCE

### 15.01 Reporting Hate Violence

Reporting hate violence is a crucial component in the development of a more tolerant society and a hate-free campus environment. If you have been the target of a hate crime or hate bias-motivated incident, you are encouraged to report the occurrence to the University of Maryland, Baltimore Police Department (UMBPD). Under the Clery Act, each institution must report, by geographic location and by category of prejudice, any of the hate violence statistics for specified crimes (murder, manslaughter, sex offenses, robbery, aggravated assault, simple assault, burglary, motor vehicle theft, arson, and any other crime involving bodily injury reported to the local police agencies or to the campus security authority) that manifests evidence that the victim was intentionally selected because of the perpetrator's actual or perceived pre-formed negative attitude towards a groups of persons based on any of the following characteristics:

- **Race:** Common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites);
- **Gender:** Male or female;
- **Gender identity:** Self-image, appearance, behavior, or expression being different from that traditionally associated with the person's gender at birth;
- **Religion:** Beliefs regarding the origin and purpose of the universe and the existence or non-existence of a supreme being (e.g., Catholics, Jews, Protestants, atheists);
- **Sexual orientation:** Sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gay, lesbian, heterosexual);
- **Ethnicity:** A common heritage, often consisting of a common language, common culture, and/or ideology that stresses common ancestry;
- **National origin:** A pre-formed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions (e.g., Arabs, Hispanics); or

- **Disability:** Physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

## 15.02 Procedures for Responding to Hate/Bias Incidents

The University of Maryland, Baltimore has an established procedure for responding to hate/bias incidents on campus. Please refer to *Attachment IX* for the complete procedures.

## 16.00 CRIME STATISTICS

*(Collection of Crime Statistics for the Annual Report)*

In compliance with the Clery Act, the University of Maryland, Baltimore Police Department (UMBPD) has the responsibility to report certain crime statistics to the Department of Education. Additionally, UMBPD must comply with other state and federal crime statistics reporting mandates. There is a vast difference in reporting requirements between the Clery Report and other state and federal crime statistics reporting mandates. Clery Act reporting requires the reporting of student disciplinary referrals that are not required by state or federal law enforcement. The Clery Act also mandates the collection of crime data from non-law enforcement personnel identified as campus security authorities (refer to Section 9.04).

This report contains crime statistics that have been compiled from the 2019 calendar year and the two previous years. The statistics reported in **Section 16.02** have been compiled from data collected from three reporting sources: (1) UMBPD, (2) the Baltimore Police Department (BPD), and (3) University of Maryland, Baltimore (UMB) campus security authorities (non-police).

Crime statistics gathered by UMBPD are collected and reported on an annual/calendar year basis. Crime statistics for “public property” on each table have been collected from BPD crime data. UMB campus security authorities (Section 9.04) convey “reportable crimes” using the Clery Incident Report Form available at [www.umaryland.edu/police](http://www.umaryland.edu/police). Click on “Contact Us” and then “Clery Incident Report Form” to locate this form. Any reportable crime made to a campus security authority can be immediately transmitted to UMBPD via fax machine or campus mail.

### 16.01 Reporting Locations/Offense Statistics

#### 1. On-campus

Any building or property owned, leased, or under the control of UMB is subject to statistics reporting.

#### 2. On-campus residential facilities

All on-campus residential buildings are subject to offense statistics reporting.

### ***3. Non-campus properties***

Offense statistics are required for non-campus property or buildings owned or controlled by UMB that are frequently used by students and are not within the same reasonably contiguous geographic area of the institution, or any building/property that is owned or controlled by a student organization that is officially recognized by the institution.

### ***4. Public properties***

Offense statistics for public property located immediately adjacent to and easily accessible from campus, including: thoroughfares, sidewalks, streets, lands, parks, and beaches (property not owned or controlled by UMB and not a private residence or business).

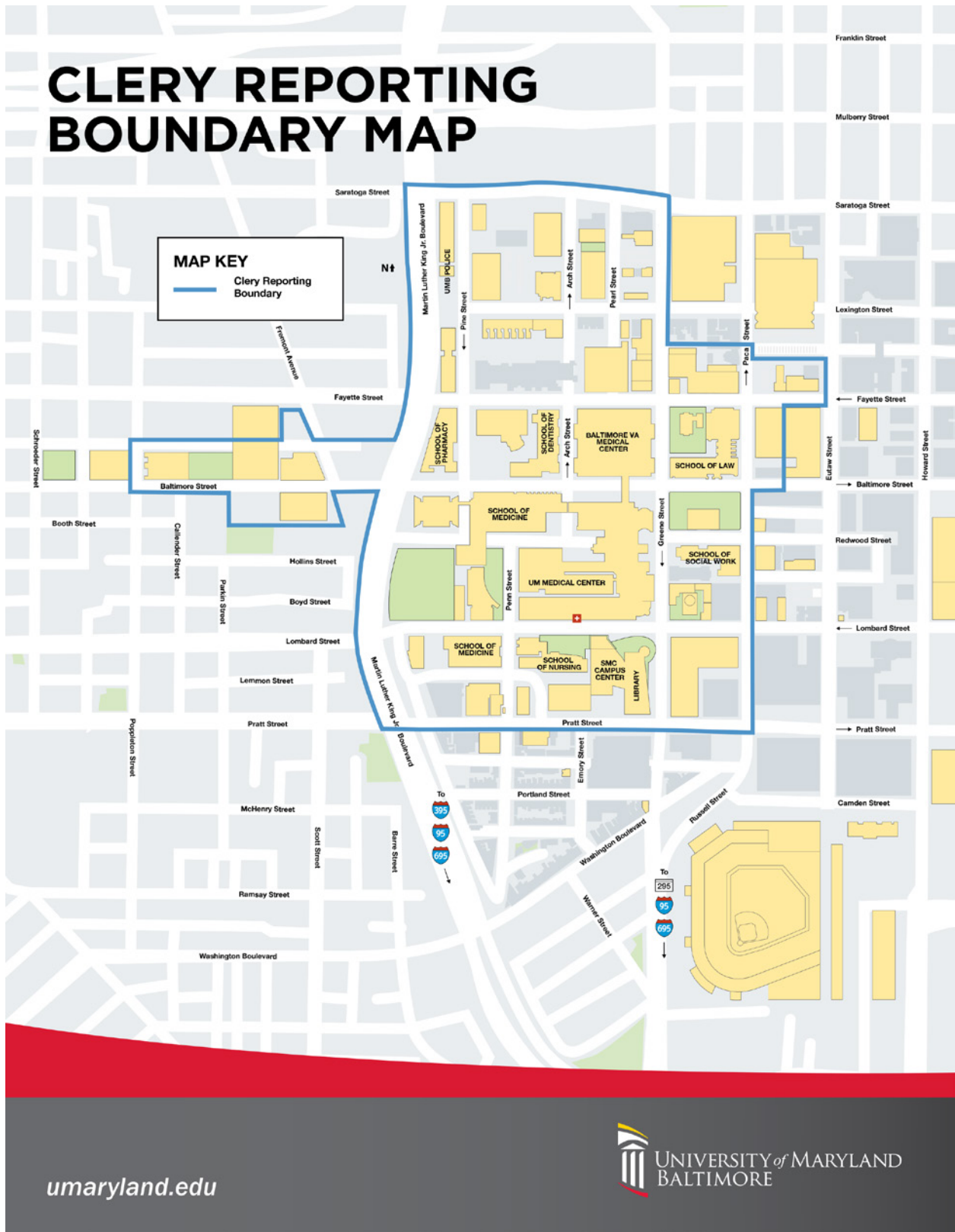
Public property reporting areas identified by UMB are as follows:

The UMB campus is located within BPD's Central, Western, and Southern districts. The area surrounding the campus is both residential and commercial. To access crime statistics from BPD, visit the department's website at [www.baltimorepolice.org](http://www.baltimorepolice.org).

### ***Campus Boundary Map***

UMBPD is required to report crimes that occur within the campus boundary for buildings and property that are owned, leased, or controlled by the University and are used to support its educational purposes. The map on the next page displays the campus boundaries. UMBPD has a concurrent jurisdiction agreement with BPD. The agreement defines the areas of shared responsibility between the two police agencies. The concurrent jurisdiction area includes areas that expand beyond the campus boundaries that are not required to be included in this report.

# CLERY REPORTING BOUNDARY MAP



Map as of December 2019

## 16.02 Crime Statistics, Baltimore Campus — Three-Year Comparison

CRIME REPORTS						
Offense	Year	On Campus*	In Dorms, Residential Facilities	Non-Campus Buildings Property**	On Public Property	Total
Murder & Non-Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	2	2
Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Rape	2019	1	0	0	0	1
	2018	0	0	0	2	2
	2017	0	0	0	0	0
Fondling	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	1	0	0	0	1
Incest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Robbery	2019	0	0	0	17	17
	2018	3	1	0	14	17
	2017	1	0	0	10	11
Aggravated Assault	2019	0	0	0	4	4
	2018	2	0	0	8	10
	2017	0	0	0	5	5
Burglary	2019	3	0	0	0	3
	2018	3	1	0	0	3
	2017	0	0	0	1	1
Motor Vehicle Theft	2019	0	0	0	6	6
	2018	0	0	0	5	5
	2017	0	0	0	4	4
Arson	2019	1	0	0	0	1
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Hate Crimes	2019	1	0	0	0	1
	2018	0	0	0	0	0
	2017	0	0	0	0	0

There was one unfounded crime in 2017, eight unfounded crimes in 2018, and one unfounded crime in 2019.

<b>CRIME REPORTS</b>						
<b>Offense</b>	<b>Year</b>	<b>On Campus*</b>	<b>In Dorms, Residential Facilities</b>	<b>Non-Campus Buildings Property**</b>	<b>On Public Property</b>	<b>Total</b>
<b>Domestic Violence</b>	2019	5	0	0	6	11
	2018	0	0	0	4	4
	2017	1	0	0	5	6
<b>Dating Violence</b>	2019	0	0	0	0	0
	2018	2	1	0	1	3
	2017	1	1	0	1	2
<b>Stalking</b>	2019	4	0	0	1	5
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>ARRESTS</b>						
<b>Liquor Law Violations</b>	2019	0	0	0	0	0
	2018	0	0	0	1	1
	2017	0	0	0	3	3
<b>Drug Law Violations</b>	2019	0	0	0	45	45
	2018	0	0	0	3	3
	2017	0	0	0	28	28
<b>Illegal Weapons Possession</b>	2019	1	0	0	11	12
	2018	0	0	0	2	2
	2017	0	0	0	1	1
<b>CAMPUS DISCIPLINARY REFERRALS</b>						
<b>Liquor Law Violations</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Drug Law Violations</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Illegal Weapons Possession</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0

\*On Campus — This category includes all on-campus incidents, including those listed in the category to the right, “In Dorms, Residential Facilities”. Therefore, the two categories are not cumulative, but duplicative.

\*\*This includes satellite locations:

- Cecil County - Principio Health Center (Dental Office #2)
- The Kimpton Hotel - Washington, D.C. (February and March)
- The Knickerbocker Hotel - Chicago, Illinois (March)
- West Lampeter Township (School of Medicine - Amish Research Clinic)
- Maryland Department of Health - Police Department (Spring Grove Hospital)

2019: The 2019 statistics from the Baltimore Police Department (BPD) are included in the report.

2018: The 2018 statistics from the Baltimore Police Department are included in the report.

2017: The 2017 statistics from the Baltimore Police Department are included in the report.

The 2017, 2018, and 2019 report provided by BPD is included in a separate table (**Section 16.03**). The reports shown in 16.03 are duplicative to 16.02, not cumulative.



**16.03 Crime Statistics, Baltimore Police Department – Three-Year Comparison**

<b>BALTIMORE POLICE DEPARTMENT CRIME REPORTS</b>						
<b>Offense</b>	<b>Year</b>	<b>On Campus</b>	<b>In Dorms, Residential Facilities</b>	<b>Non-Campus Buildings Property</b>	<b>On Public Property</b>	<b>Total</b>
<b>Murder &amp; Non-Negligent Manslaughter</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Negligent Manslaughter</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Rape</b>	2019	0	0	0	0	0
	2018	0	0	0	2	2
	2017	0	0	0	0	0
<b>Fondling</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Incest</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Statutory Rape</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Robbery</b>	2019	0	0	0	11	11
	2018	0	0	0	10	10
	2017	0	0	0	12	12
<b>Aggravated Assault</b>	2019	0	0	0	3	3
	2018	0	0	0	8	8
	2017	0	0	0	5	5
<b>Burglary</b>	2019	1	0	0	0	1
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Motor Vehicle Theft</b>	2019	0	0	0	5	5
	2018	0	0	0	1	1
	2017	0	0	0	3	3
<b>Arson</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Hate Crimes</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Domestic Violence</b>	2019	4	0	0	5	9
	2018	0	0	0	1	1
	2017	0	0	0	2	2

<b>BALTIMORE POLICE DEPARTMENT CRIME REPORTS</b>						
<b>Offense</b>	<b>Year</b>	<b>On Campus</b>	<b>In Dorms, Residential Facilities</b>	<b>Non-Campus Buildings Property</b>	<b>On Public Property</b>	<b>Total</b>
<b>Dating Violence</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Stalking</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>ARRESTS</b>						
<b>Liquor Law Violations</b>	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Drug Law Violations</b>	2019	0	0	0	33	33
	2018	0	0	0	9	9
	2017	0	0	0	29	29
<b>Illegal Weapons Possession</b>	2019	1	0	0	4	5
	2018	0	0	0	7	7
	2017	0	0	0	0	0

### **16.04 Crime Statistics, Universities at Shady Grove — Three-Year Comparison**

The Universities at Shady Grove (USG) is a regional center located in Rockville, Md., that supports programs from nine institutions within the University System of Maryland. Students attend classes at USG but are still considered students of their “home campus.” In addition, employees at USG can be affiliated with any of the nine institutions.

Please go to [www.shadygrove.umd.edu/about/public-safety](http://www.shadygrove.umd.edu/about/public-safety) for the USG Annual Security Report that is compiled and distributed annually in compliance with the Clery Act. This publication contains crime statistics and statements of security policy. Annually, prior to Oct. 1, current students and employees are sent an email message that includes a link to this brochure and notification that the current edition of the *Safety & Security* publication has been posted on the Universities at Shady Grove website. Printed copies may be obtained from the 24-hour security desk located in the Camille Kendall Academic Center on the Shady Grove campus.

Crime statistics for USG are reported, in their entirety, by each of the nine institutions that conduct classes at USG.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) mandates the manner and format in which statistics are to be collected and published. Statistical updates, if any, will be posted online at [www.shadygrove.umd.edu/about/public-safety](http://www.shadygrove.umd.edu/about/public-safety).

<b>THE UNIVERSITIES AT SHADY GROVE <sup>(1)</sup></b>					
<b>CRIME REPORT STATISTICS <sup>(4)</sup></b>					
<b>Category</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus Buildings or Property</b>	<b>Public Property <sup>(2)</sup></b>	<b>Total</b>
<b>Murder &amp; Non-Negligent Manslaughter</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Negligent Manslaughter</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Rape</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Fondling</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Incest</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Statutory Rape</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Robbery</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Aggravated Assault</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Burglary/B&amp;E</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Motor Vehicle Theft</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Arson</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Hate Crimes <sup>(3)</sup></b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Domestic Violence <sup>(5)</sup></b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0

<b>THE UNIVERSITIES AT SHADY GROVE <sup>(1)</sup></b>					
<b>CRIME REPORT STATISTICS <sup>(4)</sup></b>					
<b>Category</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus Buildings or Property</b>	<b>Public Property <sup>(2)</sup></b>	<b>Total</b>
<b>Dating Violence <sup>(5)</sup></b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Stalking <sup>(5)</sup></b>	2019	1	0	0	1
	2018	0	0	0	0
	2017	1	0	0	1
<b>ARREST STATISTICS</b>					
<b>Category</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus Buildings or Property</b>	<b>Public Property <sup>(2)</sup></b>	<b>Total</b>
<b>Liquor Law Violation Referrals</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Drug Law Violation Arrests</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Illegal Weapons Possession Arrests</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>CAMPUS DISCIPLINARY REFERRALS <sup>(6)</sup></b>					
<b>Category</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus Buildings or Property</b>	<b>Public Property <sup>(2)</sup></b>	<b>Total</b>
<b>Liquor Law Violation Referrals</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Drug Law Violation Referrals</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Illegal Weapons Violation Referrals</b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Unfounded Reports <sup>(7)</sup></b>	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0

1. The Universities at Shady Grove (USG) is a regional center for the University System of Maryland (USM). Degree programs provided by nine of the 12 USM institutions are offered at USG. Students from each of these nine institutions attend classes at USG and in some cases may attend classes on both campuses.
2. Statistics listed in the "Public Property" category include those that took place off campus, on public property immediately adjacent to and accessible from the campus, but not on USG property.
3. Hate Crimes are crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived Race (RA), Religion (RE), Sexual Orientation (SO), Gender (G), Ethnicity (E), Disability (D), Gender Identity (GI), or National Origin

(NO). Any numbers in small-print parentheses would indicate how many of the total number or reported incidents were motivated by each type of bias.

4. Statistics on this chart are a summation of records requested and received from the Montgomery County Police Department (which includes all Rockville City Police Department records) and the Maryland State Police. This chart additionally include all Clery reportable statistics reported to USG security officers or other Campus Security Authorities.
5. The Montgomery County Police Department does not classify crimes into this category, Statistics in this category will only be those reported or known by Campus Security Authorities or where enough information is known to allow classification.
6. Individuals not arrested, but referred for possible campus disciplinary action (e.g., first offenders required to attend educational programs.)
7. Unfounded reports are classified as unfounded based on the results of a full investigation and evidence conducted by sworn law enforcement personnel that determine the crime report is false or baseless. Reported crimes may not be classified as unfounded (or otherwise withheld or subsequently y removed) based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official. Cases where 911 is dialed accidentally are not considered to be unfounded reports.

## 17.00 UMB WEAPONS POLICY - PROHIBITING WEAPONS

### XI - 2.00(A) - UMB Policy Prohibiting Weapons

(Adopted June 28, 1994; Amended March 27, 2008; April 30, 2010)

1. The University of Maryland, Baltimore (UMB) prohibits the carrying of guns, firearms, ammunition, other weapons, or replicas of weapons at the UMB campus and in any other locations owned, rented, occupied, or used by and under the control of UMB. This prohibition applies to employees, students, invitees, tenants, visitors, and other persons on UMB properties. Employees and students also are prohibited from carrying guns, firearms, ammunition, other weapons, or replicas of weapons at any off-campus location where they are assigned as part of employment or educational experience.
2. Exceptions: (a) UMB police officers and other law enforcement officers whose official duties require them to be at the UMB campus or at other locations owned, rented, occupied, or used by and under the control of UMB may carry guns, firearms, ammunition, and other weapons consistent with and in compliance with the rules and regulation of their employing agencies. (b) An individual only with prior written approval from the UMB chief of police may display or engage in a demonstration using a weapon or replica of a weapon for educational purposes.
3. Violations of this policy should be reported immediately to the UMB chief of police or, in the chief's absence or unavailability, to the UMB Police Department.
4. Employees or students in violation of this policy are subject to discipline, up to and including termination of employment or expulsion. Other persons in violation of this policy will be barred from the campus or other UMB locations for violation of this policy.
5. Criminal sanctions for violation of state, federal, or local law relating to guns, firearms, ammunition, and other weapons will be sought where applicable.

# ATTACHMENT I

## CRIME DEFINITIONS

**Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Sex Offense (Forcible):** Any sexual act directed against another person without the other person's consent (includes attempts).

- **Forcible Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Forcible Sodomy:** Oral or anal intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

**Sex Offense (Non-forcible):** Any unlawful but consensual sex act with another person (includes attempts).

- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence:** Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (b) where the existence of such a

relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others or (b) suffer substantial emotional distress.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could or probably would result in a serious potential injury if the crime were successfully completed.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with the intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classified as motor vehicle theft are all cases in which automobiles are taken by persons not having lawful access, even though the vehicles were later abandoned — including joyriding.)

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

**Weapon Law Violation:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, or possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

## ATTACHMENT II

### JEANNE CLERY ACT

#### *20 U.S.C. § 1092(f) Disclosure of Campus Security Policy and Campus Crime Statistics*

(1) Each eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

- (A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.
- (B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
- (C) A statement of current policies concerning campus law enforcement, including:
  - (i) the enforcement authority of security personnel, including their working relationship with State and local police agencies; and
  - (ii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies
- (D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
- (E) A description of programs designed to inform students and employees about the prevention of crimes.
- (F) Statistics concerning the occurrence on campus, in or on non-campus buildings or property, and on public property during the most recent calendar year, and during the two preceding calendar years for which data are available—
  - (i) of the following criminal offenses reported to campus security authorities or local police agencies:
    - I. murder;
    - II. sex offenses, forcible or non-forcible;
    - III. robbery;
    - IV. aggravated assault;
    - V. burglary;
    - VI. motor vehicle theft;
    - VII. manslaughter;
    - VIII. arson; and
    - IX. arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and
  - (ii) of the crimes described in sub-clauses (I) through (VIII) of clause (i), and other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security



authorities or local police agencies, which data shall be collected and reported according to category of prejudice.

- (G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.
- (H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 1011 i of this title.
- (I) A statement advising the campus community where law enforcement agency information provided by a State under section 14071(j) of Title 42, concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.
  - Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.
  - Each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.

(4)(A) Each institution participating in any program under this subchapter [20 U.S.C. § 1070 et seq.] and part C of subchapter I of chapter 34 of Title 42 [42 U.S.C. § 2751 et seq.] that maintains a police or security Force of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security Force, including—

- i. the nature, date, time, and general location of each crime; and ii. the disposition of the complaint, if known.

(B)(i) All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the Force or a campus security authority.

(ii) If new information about an entry into a log becomes available to a police or security Force, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security Force.

(iii) If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

(5) On an annual basis, each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 [42 U.S.C. § 2751 et seq.] shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall—

- A. review such statistics and report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on campus crime statistics by September 1, 2000;
- B. make copies of the statistics submitted to the Secretary available to the public; and
- (C) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

(6)(A) In this subsection:

- (i) The term “campus” means—
  - I. any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and
  - II. property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).
- (ii) The term “non-campus building or property” means—
  - I. any building or property owned or controlled by a student organization recognized by the institution; and
  - II. any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.
- (iii) The term “public property” means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes.

(B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.

(7) The statistics described in paragraph (1)(F) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Force of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act. Such statistics shall not identify victims of crimes or persons accused of crimes.

(8)(A) Each institution of higher education participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding:

- i. such institution’s campus sexual assault programs, which shall be aimed at prevention of sex offenses; and
- ii. the procedures followed once a sex offense has occurred.

(B) The policy described in subparagraph (A) shall address the following areas:

- i. Education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.
- ii. Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape, or other sex offenses, forcible or non-forcible.

- iii. Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.
- iv. Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that:
  - I. the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and
  - II. both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.
- v. Informing students of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses.
- vi. Notification of students of existing counseling, mental health or student services for victims of sexual assault, both on campus and in the community.
- vii. Notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

(C) Nothing in this paragraph shall be construed to confer a private right of action upon any person to enforce the provisions of this paragraph.

(9) The secretary shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.

(10) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.

(11) The secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.

(12) For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur—

- A. on campus;
- B. in or on a non-campus building or property;
- C. on public property; and
- D. in dormitories or other residential facilities for students on campus.

(13) Upon a determination pursuant to section 1094(c)(3)(B) of this title that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 1094(c)(3)(B) of this title.

(14) (A) Nothing in this subsection may be construed to:

- i. create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or
- ii. establish any standard of care.

(B) Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(15) This subsection may be cited as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## ATTACHMENT III

### REPORTING FORM

Clery Incident Report Form: *[attached]*



# UMB Police Department

## Clery Incident Report Form

This report is to be completed if victim/witness does not wish to report the incident to the University of Maryland, Baltimore Police Department.

**If the reported incident constitutes a threat to the safety of the UMB community, prior to completing this form, the CSA shall immediately telephone UMBPD at 401-706-6882.**

One purpose of Clery is to encourage reporting and collection of accurate campus crime statistics to promote crime awareness and enhance campus safety. This report form provides a uniform method of documenting the What, When, and Where of certain reportable crimes and/or non-criminal, hate-motivated incidents that have occurred and have been reported to Campus Security Authorities (CSA) other than the University of Maryland Baltimore Police Department (UMBPD). Data collected on this form is to be used to increase public safety, not to identify the victim; therefore, personal identifying information is not required.

It is the policy of UMB to encourage victims and/or witnesses to report crimes to the police and/or to a designated CSA. A complete list of CSAs can be found on the [Clery Report webpage](#). For the purposes of Clery, CSAs are required to document certain reportable crimes and non-criminal, hate-motivated incidents that have been reported to them and have occurred in the following locations:

1. On-campus property: Offense statistics for any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purpose, including buildings or property the location described herein that is owned by the University but controlled by another person and that is frequently used by students. (Excluding Residential Life buildings).
2. On-campus residential life buildings
3. Non-campus property: Offense statistics for non-campus property or building owned or controlled by the University that is frequently used by students and is not within the same reasonably contiguous geographic area of the institution, or any building/property that is owned or controlled by a student organization

that is officially recognized by the institution.

4. Public property: Offense statistics for public property located immediately adjacent to and accessible from campus, including thoroughfares, sidewalks, streets, and lands.

For Clery purposes, the student status of the offender or the victim is not a relevant fact as to whether or not this report form is to be completed. If a violation of one of the 15 violations occurs, documentation is required. Clery documentation is not satisfied by simply directing/referring the reporting party to the UMBPD. For UMBPD to satisfy the statistical reporting requirements of the Clery Act, all CSAs are required to complete this form when any of the specified offenses listed is reported to them. In addition, a person reporting a crime also shall be encouraged to report the crime to the UMB Police Department.

*NOTE: Certain individuals, specifically pastoral and professional counselors, are exempted from this requirement to report certain crimes; however, to be exempt from disclosing reported offenses, pastoral and professional counselors must be acting in the official role of pastoral or professional counselor.*

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### Crime Definitions ▾

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### Definition of Campus Security Authority (CSA) ▾

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### Instructions ▾

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**Reporting Person/Campus Security Authority**

**Phone Number**

-  -   
###      ###      ####

**Date \***

/  /    
MM      DD      YYYY

**Incident (See Crime Definitions) \***

**Name of Victim or Witness. (Write refused if they do not wish this info to be given to the Police Department) \***

**Brief Description of the Incident \***

**Date and Time the Incident Occurred \***

**Did the crime occur in a building or on the street? \***

Building     Street


**Did the crime occur on UMB owned, controlled, or leased property? \***

Yes     No

**Did the crime occur at a University sponsored activity or event? \***

Yes     No

**Please check the box below. \***

I'm not a robot   
reCAPTCHA  
Privacy - Terms

## ATTACHMENT IV

### UMB POLICY ON SEXUAL MISCONDUCT

UMB VI-1.60(A) – UMB Policy on Sexual Misconduct: *[attached]*





# Policies and Procedures

## Administration Policies

### VI-1.60(A)

## UMB Policy on Sexual Misconduct

**ADMINISTRATION** | *Approved August 14, 2020*

### RESPONSIBLE VP/AVP

[Susan C. Buskirk, DM, MS](#)

### REVISION HISTORY

Approved by the President March 30, 2015, replaced VI-1.30(A), to comply with USM VI-1.60 (eff. June 27, 2014, revised June 19, 2015); Revised August 26, 2015; Revised August 14, 2020.

## Policy Statement

### I. PURPOSE

University of Maryland, Baltimore ("UMB" or "Institution") is committed to providing a learning and working environment free from Sexual Misconduct, as defined in Section III of this Policy. UMB prohibits and will not tolerate Sexual Misconduct. Sexual Misconduct is a form of sex discrimination prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 as amended ("Title IX") and Title VII of the Civil Rights Act of 1964 as amended, and some forms of Sexual Misconduct may constitute criminal activity. UMB endeavors to foster a climate free from Sexual Misconduct through training, education, prevention programs, and policies and procedures that promote prompt reporting, prohibit retaliation, and promote timely, fair, and impartial investigation and resolution of Sexual Misconduct cases in a manner that eliminates the Sexual Misconduct, prevents its reoccurrence, and addresses its effects.

### II. SCOPE

#### A. Applicability and Jurisdiction

All students, faculty, and staff, as well as third parties and contractors under UMB control, are subject to this Policy regardless of sex, sexual orientation, gender identity, or gender expression. This Policy applies to Sexual Misconduct in connection with any UMB educational program or activity, including Sexual Misconduct (1) in any UMB facility or on any UMB property; (2) in connection with any UMB sponsored, recognized or approved program, visit, or activity, regardless of location and inclusive of the online environment; (3) that impedes equal access to any UMB educational program or activity or adversely affects the employment of a member of the UMB community; or (4) that otherwise threatens the health or safety of a member of the UMB community. Nothing in this Policy is intended to supersede or conflict with any federal compliance obligation.

Federal regulations implementing Title IX of the Education Amendments of 1972 (Title IX) require that UMB implement certain procedures when UMB obtains Actual Knowledge of Sexual Harassment in its Education Programs or Activities against a person in the United States. UMB will address all allegations to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on the campus or in an off-campus UMB program or activity, violating UMB policy. Prohibited Sexual Misconduct that violates UMB policy that does not fall under the scope of Title IX either because it occurs outside the United States or because it does not fall within Title IX's definition of Sexual Harassment will be addressed using alternate processes as more fully described in UMB's procedures.

If the Respondent is unknown or is not a member of the UMB community, the Title IX Coordinator will assist the Complainant (and the reporting party if someone other than the alleged victim has reported the Sexual Misconduct) in identifying appropriate campus and local resources and support options. UMB may take other actions as appropriate, such as barring a third party from UMB property and/or events. When the Respondent is enrolled in or employed by another USM institution, the Title IX Coordinator can assist in liaising with the appropriate individual for that institution and, in some instances, may make a report to the institution, as the alleged conduct may be prohibited by that school's policies. Similarly, the Title IX Coordinator may be able to provide support to a student or employee who reports discrimination in an externship, study abroad program, or other environment external to UMB.

#### **B. Protection of Minors**

In Maryland, a person under the age of 16 years cannot consent to sexual activity. This means that sexual contact by an individual over the age of 18 with a person younger than 16 years old may be a crime, could require an immediate report to the applicable child welfare agency and/or local law enforcement agency, and represents a potential violation of this Policy, even if the minor appeared to welcome the sexual activity. See UMB's Procedures for Reporting Suspected Child Abuse or Neglect (VI-1.50(A)) for mandatory requirements for Sexual Misconduct that includes a minor.

#### **C. Academic Freedom**

This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom.

#### **D. Guidance**

UMB encourages those who are unsure whether a situation is controlled by this Policy to ask questions and seek advice through the Title IX Office or the Consultation Line, available at <https://www.umaryland.edu/oac/consult-with-us/>.

### **III. DEFINITIONS**

#### **A. Actual Knowledge**

UMB will have actual knowledge that a violation of this Policy may have occurred when notice of the alleged violation is given to an Official with Authority to take corrective action. A report to the Title IX Coordinator or designee or received through UMB's Hotline is sufficient to provide UMB with actual knowledge.

#### **B. Advisor**

Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

#### **C. Complainant**

An individual who is alleged to be the victim of conduct that is in violation of this Policy.

#### **D. Confidential Employees**

Employees of UMB who, in relation to the services being provided on behalf of the institution, have a professional or legal obligation to keep communications confidential. A list of these individuals is listed in Section VI.C.4.

#### **E. Consent**

A knowing, voluntary, and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. Consent must be given by a person with the ability and capacity to exercise free will and make a rational and reasonable judgment. Consent may be expressed either by affirmative words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity. Consent may be withdrawn at any time. Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation, or by using one's mental or physical helplessness or incapacity. Consent cannot be implied based on the mere fact of a previous consensual dating or sexual relationship. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

If a person is **incapacitated**, which is to be deprived of their capacity or natural power, they are not able to make rational decisions and, therefore, cannot consent to sexual activity. Incapacity will be evaluated using a

reasonable person standard, e.g., would a reasonable person believe the person is/was unable to consent. Incapacitation can be caused by the consumption of alcohol, but a person who is "drunk" or intoxicated" may or may not be incapacitated; incapacitation can also be the result of being drugged, unconscious, sleep-deprived and/or ill.

**F. Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the Complainant's statement, with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**G. Domestic Violence**

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Maryland or the jurisdiction in which the crime or violence occurred.

**H. Education Program or Activity**

Includes locations, events, or circumstances over which UMB has or does exercise substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by UMB.

**I. Emergency Removal**

Removal of a party from UMB's program or activity on an emergency basis, provided UMB has undertaken an individualized safety and risk analysis, determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provided the respondent with notice and an opportunity to challenge the decision immediately following the removal.

**J. Formal Complaint**

A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment by a Respondent and requesting that UMB investigate the allegation of sexual harassment. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator.

**K. Hearing Decision-maker**

Decision-maker refers to the individual(s) who have decision-making and sanctioning authority within UMB's formal grievance process.

**L. Hearing Panelist**

Individuals who serve on hearing panels within UMB's formal grievance process.

**M. Investigator**

Investigator means the person or persons charged by UMB with gathering facts about an alleged violation of this Policy, synthesizing the evidence, and compiling this information into an investigation report.

**N. Non-confidential Employees**

Employees of UMB who do not have a professional or legal obligation to keep communications confidential as listed in Section VI.C.4.

**O. Official with Authority**

Any official of UMB with authority to institute corrective measures on behalf of the institution.

**P. Quid Pro Quo**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another and submission to such sexual conduct is made, either explicitly or implicitly, a term or condition of an individual's work or educational development or performance, or evaluation thereof.

**Q. Respondent**

A person who has been accused of violating this Policy.

**R. Retaliation**

Intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law, USM or UMB policy relating to Sexual Misconduct, or because an individual has made a report, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to Sexual Misconduct. Retaliation includes retaliatory harassment.

**S. Sex- and/or Gender-based Discrimination**

The unfair, unfavorable, or inequitable treatment of a person based on their biological sex, gender identity, gender expression, and/or sexual orientation.

**T. Sexual Assault**

An offense classified as a forcible or nonforcible sex offense, which as of 2018 have been combined in the single category "sex offenses," under the uniform crime reporting system of the Federal Bureau of Investigation and is defined as:

Any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.

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 his/her age or because of his/her temporary or permanent mental or physical incapacity

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 his/her age or because of his/her 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 his/her age or because of his/her temporary or permanent mental or physical incapacity

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 his/her age or because of his/her temporary or permanent mental or physical incapacity

Incest— Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In Maryland, pursuant to Family Law § 2-202, a man may not marry his: grandmother, mother, daughter, sister, granddaughter, grandfather's wife, wife's grandmother, father's sister, mother's sister, stepmother, wife's mother, wife's daughter, son's wife, grandson's wife, wife's granddaughter, brother's daughter or sister's daughter. A woman may not marry her: grandfather, father, son, brother, grandson, grandmother's husband, husband's grandfather, father's brother, mother's brother, stepfather, husband's father, husband's son, daughter's husband, husband's grandson, brother's son, sister's son, or granddaughter's husband.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent. In Maryland, the statutory age of consent is 16 years of age (which means the victim must be under 16); however, 14- and 15-year-olds may consent if the offender is less than four years older than the victim.

**U. Sexual Coercion**

The use of unreasonable pressure to compel another individual to initiate or continue sexual activity against the individual's will. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether to engage in sexual activity. Coercion includes but is not limited to intimidation, manipulation, threats of emotional or physical harm, and blackmail. Examples of coercion include threatening to disclose another individual's private sexual information, or threatening to harm oneself if the other party does not engage in the sexual activity.

**V. Sexual Exploitation**

Taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.

**W. Sexual Harassment**

Conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

**X. Sexual Intimidation**

Any unreasonable behavior, verbal or nonverbal, which has the effect of subjecting members of any biological sex or gender to humiliation, embarrassment, or discomfort because of their biological sex or gender. Sexual intimidation can include but is not limited to (1) threats to sexually assault another person; (2) gender or sex-based Stalking, including cyber-Stalking; or (3) engaging in indecent exposure.

**Y. Sexual Misconduct**

An umbrella term that includes Sex or Gender-based Discrimination, Dating Violence, Domestic Violence, Sexual Exploitation, Sexual Harassment, Sexual Intimidation, Sexual Violence (including Sexual Assault), and Stalking.

**Z. Sexual Violence**

A form of Sexual Harassment referring to physical sexual acts perpetrated without Consent. Sexual Violence includes rape, Sexual Assault, sexual battery, and Sexual Coercion.

**AA. Stalking**

A course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

**BB. Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment.

**IV. TITLE IX COMPLIANCE AND OVERSIGHT****Title IX Coordinator**

UMB's Title IX Coordinator oversees and coordinates UMB's compliance with all aspects of Title IX of the Education Amendments of 1972, all associated regulations promulgated under Title IX, and this Policy. The Title IX Coordinator is housed in the Office of Accountability and Compliance (OAC):

*Mary MacFadden  
Title IX Coordinator  
Office of Accountability and Compliance  
620 West Lexington Street, 5th Floor  
Baltimore, MD 21201  
410-706-2281  
titleixcompliance@umaryland.edu*

The Title IX Coordinator acts to ensure that all UMB representatives involved in the investigation, resolution, and disciplinary processes act with objectivity and impartiality. Where the Title IX Coordinator determines that a UMB representative poses a conflict of interest or bias, the Title IX Coordinator shall recuse that person(s) from the investigation, resolution, adjudication, and disciplinary processes. Concerns of bias or a potential conflict of interest by any other administrator involved in the investigation, resolution, adjudication, and disciplinary processes should be raised with the Title IX Coordinator.

The Title IX Coordinator is responsible for receiving complaints or reports of conduct that could constitute sex discrimination or sexual harassment, managing the Title IX Program, including the informal and formal grievance processes, and ensuring effective implementation of any remedies determined through UMB's

grievance process.

Reports of misconduct or discrimination committed by the Title IX Coordinator, or concerns regarding potential bias or conflict of interest by the Title IX Coordinator, should be made to UMB's Chief Accountability Officer and Vice President, Dr. Susan Buskirk; or through the UMB Hotline.

## **V. POLICY EXPECTATIONS**

### **A. Prohibitions Against Sex and Gender-based Discrimination**

UMB adheres to all federal and state laws and regulations prohibiting discrimination in public institutions of higher education. Specifically, Title IX prohibits discrimination on the basis of sex in UMB programs and activities.

UMB does not discriminate, or tolerate discrimination, against any employee, applicant for employment, student, or applicant for admission on the basis of sex, sexual orientation, gender identity or gender expression. Sex and Gender-based Discrimination is prohibited.

This Policy includes Sex and Gender-based Discrimination in both employment and access to educational opportunities, and access to services and programs provided by UMB. Therefore, any member of the UMB community who acts to deny, deprive, or limit the educational or employment access and/or opportunities of any member of the UMB community, guest, or visitor on the basis of sex or gender in violation of federal and state laws and regulations is in violation of this Policy. UMB's prohibitions on discrimination extend to its admissions and hiring processes. UMB will take steps to eliminate prohibited conduct, prevent its reoccurrence, and remedy its effects.

### **B. Prohibition Against Sexual Misconduct**

UMB does not tolerate Sexual Misconduct of or by any employee, affiliate, volunteer, student, visitor, contractor, or guest. UMB will act to remedy all forms of Sexual Misconduct.

UMB reserves the right to address offensive conduct and/or harassment not prohibited by this Policy, for example, harassment that does not rise to the level of creating a hostile environment, or is of a generic nature not based on sex or gender. Such conduct may be referred for alternative review and resolution by the Office of Accountability and Compliance (OAC) to other departments as appropriate, including to Human Resources Services (HRS) for human resource related violations and to Deans or their designees for student code of conduct violations.

## **VI. REPORTING SEXUAL MISCONDUCT**

### **A. Reporting Policy Violations to UMB**

Any person may report Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sexual Harassment).

#### **1. Employees**

All UMB Non-Confidential Employees, including students employed by UMB, who learn of or observe conduct which they believe may be a violation of this Policy are required to report it to the Title IX Coordinator or Official with Authority. Failure of a Non-Confidential Employee to report an incident or incidents of Sexual Misconduct of which they become aware is a violation of this Policy and the violator could be subject to disciplinary action.

No employee (other than UMB Police) is authorized to investigate or resolve reports of prohibited conduct without the involvement of the Title IX Coordinator.

#### **2. Students**

All UMB students are encouraged to report actual or suspected violations of this Policy.

#### **3. Third Parties**

Third Parties (e.g., contractors, visitors, etc.) are encouraged to report actual or suspected violations of this Policy.

### **B. Privacy and Confidentiality**

1. UMB is committed to protecting the privacy and confidentiality of information of all individuals involved in a Sexual Misconduct matter. Privacy and confidentiality have distinct meanings under this Policy.

Privacy generally means that information related to a report of Sexual Misconduct will be shared only with those UMB employees with a “need to know” the information in order to assist in the review, investigation, or resolution of the report. Although not bound by confidentiality, these employees will make every effort to protect the privacy interests of all individuals, consistent with due process requirements and the need for a thorough review.

Confidentiality means that the information shared with professionals who have been designated by UMB as confidential resources cannot be revealed to any other person without the express permission of the individual who shared the information with the professional. These designated professionals are listed in Section VI.C.4., below.

#### 2. Reporting Party's Request for Confidentiality

An individual who wishes to discuss a Sexual Misconduct matter confidentially may do so by speaking with a professional who has a legal duty to maintain confidentiality. Confidential resources for UMB students and employees are listed in Section VI.C.4., below. Information shared with these resources will not be shared with anyone without the individual's express permission, unless maintaining such confidentiality would result in imminent physical harm to the individual or other individuals. When a report involves suspected abuse of a minor, applicable laws and UMB policies require reporting to child protective services and/or local law enforcement.

#### 3. Reporting Party's Request for Privacy

If a Complainant or other reporting party does want their name to be shared, does not want an investigation to take place, or does not want a formal resolution to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate the request along with various considerations, including risks to members of the UMB community and legal requirements. UMB will take all reasonable steps to investigate and respond to the complaint consistent with a request for privacy or a request not to pursue an investigation. Where UMB is unable to take action consistent with the request of the Complainant or reporting party, the Title IX Coordinator will inform them about UMB's chosen course of action.

#### 4. Timely Warning

If a report of Sexual Misconduct discloses a serious or continuing threat to the UMB community, UMB may issue a campus-wide timely warning to protect the health or safety of the UMB community. The timely warning will not include identifying information about the reporting party.

### C. Options for Reporting

Reports of Sexual Misconduct may be made to UMB using any of the following options:

#### 1. Report by phone, e-mail or U.S. mail, directly to the Title IX Coordinator:

Mary MacFadden  
Title IX Coordinator  
Office of Accountability and Compliance  
620 West Lexington Street, 5th Floor  
Baltimore, MD 21201  
410-706-2281  
[titleixcompliance@umaryland.edu](mailto:titleixcompliance@umaryland.edu)

#### 2. Officials with Authority

Any official of UMB with authority to institute corrective measures on behalf of the institution.

#### 3. Report via the UMB Hotline:

Online: <https://secure.ethicspoint.com/domain/media/en/gui/28588/index.html>   
 Telephonically: 866-594-5220

#### 4. Confidential Reporting

On Campus:

UMB Student Counseling Center staff

UMB Employee Assistance Program staff

UMB health service providers working in their capacity as providers to assist a victim

Off Campus:

Local rape crisis centers

Domestic and/or dating violence resources, including centers and safe houses

Clergy/chaplains

Local medical facilities, including those offering SAFE (sexual assault forensic exam) services

The above resources will maintain confidentiality except in cases involving a threat of imminent physical injury, or abuse of a minor or vulnerable adult. Confidential employees who are also designated as Campus Security Authorities will submit timely anonymous, aggregate statistical information for Clery Act purposes.

Campus counselors and the Employee Assistance Program are available to help free of charge and can be seen on an emergency basis during regular business hours.

#### **D. Criminal Reporting to Law Enforcement**

Individuals experiencing Sexual Misconduct have the right to file criminal charges with law enforcement:

Baltimore Police Department (Baltimore City)  
Special Investigation Section  
601 E. Fayette Street  
Baltimore, Maryland 21202  
Emergency: 911  
Telephone: 410-396-2411

UMB Title IX personnel are available to promptly assist anyone experiencing Sexual Violence, including Sexual Assault, in making a report to the appropriate law enforcement and/or disciplinary authorities.

UMB has entered into an agreement with the Baltimore Police Department to clearly set the expectations and requirements, as required by Title IX, for referral of criminal matters to law enforcement.

#### **F. Grievance Reporting to Governmental Authorities**

Individuals experiencing Sexual Misconduct or Sex- and/or Gender-based Discrimination have the right to file a formal grievance with government authorities:

Assistant Secretary for Civil Rights  
U.S. Department of Education Office for Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: 202-453-6012  
TDD#: 877-521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Website: <http://www.ed.gov/ocr>

Employees experiencing Sexual Misconduct or Sex- and/or Gender-based Discrimination may file a formal charge with government authorities:

U.S. Equal Employment Opportunity Commission (EEOC)  
10 S. Howard Street, Third Floor  
Baltimore, MD 21201  
800-669-4000  
TTY 800-669-6820  
[eeoc.gov](http://eeoc.gov)

Maryland Commission on Civil Rights  
6 St. Paul Street, Suite 900  
Baltimore, MD 21202  
410-767-8600  
800-637-6247  
[mccr@maryland.gov](mailto:mccr@maryland.gov)

Exempt and non-exempt employees may also pursue allegations of employment discrimination under Title 5, Subtitle 2, of the State Personnel and Pensions Article, Maryland Annotated Code. If an employee wishes to proceed under Title 5, the employee must specify that preference at the time the complaint is made. Non-exempt employees have a third option; they may pursue allegations of employment discrimination under Title 13 of the Education Article, Maryland Annotated Code.

#### **F. Statement of Rights**



The following description of rights is intended to comply with State law. Many of the following rights represent UMB's Core Values and apply in all situations whether or not a Title IX Hearing is required or utilized. Some of the following rights, as noted herein, are specific to and reserved for students.

The right to be treated with dignity, respect, and sensitivity by UMB officials;

The right to a fair, impartial, and equitable investigation and resolution of all credible allegations of Sexual Misconduct made in good faith to UMB officials with authority;

The right to timely written notice of all alleged violations, the precise misconduct being alleged, the date and location of the alleged misconduct, the implicated policies and procedures, and possible sanctions;

The right to timely written notice of any material modifications to the allegations (e.g., additional incidents or allegations, additional reporting parties, unsubstantiated allegations) and any attendant adjustments needed to clarify potential policy violations implicated;

The right to disciplinary proceedings and resolutions that provide for all parties being heard;

The right to have UMB policies and procedures followed without material deviation;

The right not to be pressured to mediate or otherwise informally resolve any reported Sexual Misconduct involving violence, including Sexual Violence;

The right to determine if law enforcement or medical assistance is desired and to seek law enforcement and/or medical assistance after initially declining such assistance;

The right not to be discouraged by UMB officials from reporting Sexual Misconduct to both on-campus and off-campus authorities;

The right to be informed by UMB officials of options to notify law enforcement authorities, including on-campus and local police, and the option to be assisted by UMB authorities in notifying such authorities. This also includes the right not to be pressured to report;

The right to have allegations of violations of this Policy responded to promptly and with sensitivity by UMB law enforcement and/or other UMB officials;

The right to be informed of available Supportive Measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other student services, both on campus and in the community;

The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of Sexual Misconduct, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, need occur before this option is available. Such actions may include, but are not limited to:

- Changing an on-campus student's housing to a different on-campus location
- Assistance from UMB staff in completing the relocation
- Changing an employee's work environment (e.g. reporting structure, office relocation)
- Transportation accommodations
- Visa/immigration assistance
- Arranging to dissolve a housing contract and a pro-rated refund
- Exam, paper, and/or assignment rescheduling or adjustment
- Taking an incomplete in, or a withdrawal from, a class (may be retroactive)
- Transferring class sections
- Temporary withdrawal/leave of absence (may be retroactive)
- Campus safety escorts
- Alternative course completion options

The right to have UMB maintain such actions for as long as necessary and for protective measures to remain private, provided privacy does not impair UMB's ability to provide the accommodations or protective measures;

The right to be fully informed of relevant UMB policies and procedures as well as the nature and extent of all alleged violations;

The right to receive, sufficiently in advance, written notice of any meeting or interview involving the other party, when possible;

The right to identify and, through an Advisor, question relevant witnesses, including expert witnesses;

The right to provide the investigator(s)/Hearing Panelists/Decision-maker with a list of questions that, if deemed relevant and appropriate, may be asked by a party's Advisor of any party or witness;

The right not to have irrelevant prior sexual history admitted as evidence, except to (a) prove the source of injury; (b) prove prior Sexual Misconduct; (c) support a claim that a student has an ulterior motive; or (d) impeach a student's credibility after that student has put their own prior sexual conduct at issue;

The right of a party not to have their history of mental health counseling, treatment, or diagnosis, considered by the adjudicating official or body, unless the party consents;

The right to have access to the case file and evidence regarding the alleged acts obtained during the investigation or considered by an adjudicating officer or body, and to respond to that evidence on the record;

A fair opportunity for each party to provide the investigator(s) with their account and have that account be on the record;

The right to receive a final determination made by the adjudicating official or body regarding whether the Sexual Misconduct Policy has been violated and the basis for the determination;

The right to respond to the investigation report within the timeframes provided herein, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record;

The right to have reports of alleged Policy violations addressed by investigators, Title IX Coordinators, Hearing Panelists/Decision-maker who have received relevant annual training;

The right to meetings, interviews, and/or hearings that are closed to the public;

The right to provide and review testimony electronically or in a way in which the parties are not required to be in the physical presence of one another, as long as all hearing proceedings are live and provide the ability to see and hear the other party in real time;

The right to petition that any UMB representative in the process be recused on the basis of demonstrated bias and/or conflict of interest;

The right to have an Advisor of their choice accompany and assist the party in all meetings and/or interviews associated with the resolution process, including the right to an attorney as an Advisor as described in this Policy;

The right to be informed timely in a written notice of outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed);

The right to be informed of the grounds for appealing any finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by UMB.

#### **VII. MEDICAL ATTENTION**

Mercy Medical Center is the designated treatment center for sexual assault and domestic violence in Baltimore City where victims of sexual assault (aged 13 and older) may obtain a Sexual Assault Forensic Exam (SAFE), including Sexual Assault Evidence Collection Kits. A police report is not required in order to obtain an exam, which can be conducted up to five (5) days after an assault. Medical attention is recommended even if more than five (5) days have passed since the assault occurred.

Mercy Medical Center Emergency Room  
345 St. Paul Place  
Baltimore, Maryland 21202  
410-332-9494  
<http://www.bmoresafemercy.org/patients.html>

UMB Title IX personnel are available to promptly assist anyone experiencing sex- or gender-based violence, including sexual assault, in obtaining medical attention, including providing transportation to the nearest designated SAFE hospital.

Information on Maryland SAFE programs located outside Baltimore City is included in Section XIV. Resources, below.

#### **VIII. AMNESTY**

UMB encourages the reporting of Sexual Misconduct by victims and witnesses. Sometimes, victims or witnesses are hesitant to report misconduct or participate in resolution processes because they fear that they themselves may be accused of policy violations. It is in the best interest of the UMB community for victims and witnesses to report misconduct. To encourage reporting, UMB offers amnesty from minor policy violations related to the incident.

If the behavior was a violation of the drug or alcohol policy, and UMB is not required by law to intervene or report, UMB will offer amnesty if the violation occurred reasonably during or near the time of the alleged Sexual Misconduct, the person reported or is cooperating with UMB's investigation in good faith, and the behavior did not put another individual's health or safety at risk.

UMB encourages community members to assist victims during or after an incident when it is safe to do so, and

offers training in bystander intervention. For students who offer help to others in need, UMB pursues a policy of amnesty from minor policy violations related to the incident.

#### IX. THE RESOLUTION PROCESS

Upon receipt by the Title IX Coordinator or Official with Authority of an allegation or notice of an alleged violation of the Policy, UMB initiates its resolution process, which involves a prompt preliminary review to determine if there is reasonable cause to believe this Policy has been violated.

The Title IX Coordinator will initiate communication with the Complainant to offer Supportive Measures and determine if the Complainant wishes to file a Formal Complaint. Upon receipt of a Formal Complaint, the parties will be provided with written notice of the allegations, UMB's grievance process, including formal and informal resolution processes, the right of an Advisor of the party's choice, and UMB's policies regarding knowingly making false statements or submitting false information.

UMB will investigate allegations in a Formal Complaint. Any allegations that do not constitute an allegation of Sexual Harassment as defined in Section III.W, did not occur in UMB's education program or activity, or did not occur against a person in the United States, will be dismissed for purposes of a Formal Complaint of Sexual Harassment under Title IX; such a dismissal does not preclude UMB from taking action under this Policy, UMB's Code of Ethics and Conduct or other relevant policies.

UMB's investigatory process assumes the responsibility to ensure that the burden of proof and the burden of gathering sufficient evidence to reach a determination is borne by UMB. During the investigation process, the parties will have an equal opportunity to present witnesses, including fact and expert witness, and other inculpatory and exculpatory evidence. Neither party will be restricted from discussing the allegations or gathering and presenting relevant evidence.

To the extent allegations fall within the scope of Title IX, at the conclusion of the investigation, adjudication of the allegations will occur through a live hearing. During the hearing, as more fully described in the [Procedures](#), each party, through their Advisor, will have the opportunity to question and cross-examine the other party and any witnesses. Live hearings may be conducted with the parties located in separate rooms/locations with technology enabling the decision-maker(s), panelists, and parties to simultaneously see and hear the party or the witness answering questions. For parties that do not have an advisor, UMB will provide an Advisor of its choice, who may or may not be an attorney, for the purposes of conducting such questioning and cross-examination. An audio or audiovisual recording, or transcript, of the live hearing will be made available to the parties for inspection and review. A Determination will be made by the Decision-maker and a written Determination report will be provided to the parties simultaneously.

To the extent allegations fall partially within the scope of Title IX and partially within the scope of other policies, UMB may bifurcate matters.

The parties may appeal a Determination, or any dismissal of a Formal Complaint, on the following grounds:

Procedural irregularity that affected the outcome of the matter;

New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the Formal Complaint was made, that could affect the outcome of the matter; and

The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

In order to make a determination of whether or not a policy violation occurred, UMB uses the "preponderance of the evidence" standard, that is, whether it is *more likely than not* that a policy violation occurred.

The investigation and subsequent resolution processes determine whether the Policy has been violated. If it is determined that a policy violation occurred, UMB will promptly implement effective remedies designed to end the discrimination, prevent its reoccurrence, and address its effects.

Upon the freely given consent of both parties, an informal resolution process may be chosen in lieu of the formal process of investigation and adjudication. For those parties that agree to an Informal Process, UMB will provide a written notice of the allegation, the requirements for participation in the Informal Resolution process, the right to withdraw from the Informal Resolution process at any time before a resolution is agreed upon, and the potential consequences that may result from participating in the Informal Resolution process. Where there is an allegation of Sexual Misconduct committed by an employee against a student, the Informal Resolution process will not be offered as an option.

UMB prohibits the use of mediation to resolve policy violations where the Sexual Misconduct includes stalking, sexual assault, or sexual coercion.

**A. Advisors**

Complainants and Respondents may have an advisor of their choice attend with them all meetings and interviews within the resolution process, if they so choose.

Where a matter falls within the scope of Title IX such that a live hearing is required, Complainants and Respondents must have an advisor when a formal process is initiated and these advisors will be responsible for questioning witnesses during the live hearing of the grievance process. Each party may select whomever they wish for this role if the person(s) is eligible and available, i.e., is not a party or witness in the process and is not a minor. Examples of advisors include a licensed attorney, an advocate who is supervised by a licensed attorney, or a trained advocate. In addition, as necessary, a translator will be made available upon request of a party.

The advisor may attend meetings or interviews with the party. The advisor must attend any hearings and will be required to conduct any cross-examination on behalf of the party they are advising. The advisor may offer private consultations with the party during hearings, meetings, and interviews, except during questioning of the party. Parties may request, through the Title IX Coordinator, to have more than one Advisor. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

A current or former UMB student who makes a complaint or who responds to a complaint on which a formal Title IX investigation is initiated and who was enrolled as a student at UMB at the time of the incident that is the basis of the complaint may obtain legal counsel through the Maryland Higher Education Commission (the "Commission"). The Commission has developed a list of attorneys and legal services programs willing to represent students on a pro bono basis or at reduced fees equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation. The student may select an attorney on the Commission's list or seek an alternate attorney to whom the Commission will pay reasonable fees equivalent to those paid to attorneys under civil legal services programs. Any fees above and beyond those paid under civil legal services programs administered by the Maryland Legal Services Corporation are the responsibility of the student. The Commission will not pay attorney's fees for representation of a student in any criminal or civil matter or any administrative matter that is not a Title IX proceeding at an institution operating in Maryland. See <https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings.aspx>.

**B. Timeliness**

UMB will make a good faith effort to complete the resolution process, including any appeal, within a sixty (60) calendar day time period, which can be extended as necessary by the Title IX Coordinator, with notice to the parties.

UMB may undertake a short delay in its investigation (several days to weeks) and resolution process if circumstances require. Such circumstances include, but are not limited to, the need for language assistance, the absence of parties and/or witnesses, and/or accommodation for disabilities or health conditions. UMB will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. UMB will promptly resume its investigation and resolution process as soon as feasible. During such a delay, UMB will implement Supportive Measures as deemed appropriate. Institutional action(s) are not precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

**C. Withdrawal or Resignation During Resolution Process**

*Students:* Should a student decide not to participate in the process, the process will proceed to an appropriate resolution.

Should a student Respondent permanently withdraw from the Institution, the process will end, as the Institution no longer has disciplinary jurisdiction over the former student. However, UMB will continue to address and remedy any systemic issues, variables that have contributed to the alleged violation(s), and any ongoing effects of the alleged misconduct. The student who withdraws or leaves while the process is pending may not return to UMB and a hold will be placed on their ability to be readmitted. If the student withdraws or takes leave for a specified period of time (e.g., one semester or term), the process will continue and that student will not be permitted to return to UMB unless and until the process is concluded and, where applicable, any sanctions have been satisfied. During the process, UMB may put a hold on a Respondent's transcript or place a note on a Respondent's transcript or dean's disciplinary certification that a disciplinary matter is pending.

*Employees:* Should an employee Respondent resign from employment with unresolved allegations pending, the resolution process ends, as UMB no longer has disciplinary jurisdiction over the former employee. However, UMB will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged misconduct.

**X. SUPPORTIVE MEASURES**

Individuals involved in reported Sexual Misconduct may be entitled to Supportive Measures. In some instances, Supportive Measures such as no-contact orders, may extend beyond the conclusion of informal or formal resolution of a complaint. Supportive Measures are not sanctions.

Supportive Measures, may include, but are not limited to, the following:

- counseling
- notification of the appropriate administrative authorities regarding possible absences from employment or academic program
- extensions of deadlines or other course-related adjustments
- arrangements for alternative academic, living, or employment situations, if such alternative is available and feasible
- modifications to work or class schedules, building access points, parking lot assignments, and other similar logistics, including increased security and monitoring of certain areas of the campus
- development of a mutual no-contact order (or a no-trespass order against a non-affiliated third party)

Any request(s) for Supportive Measures should be made to the Title IX Coordinator. The Title IX Coordinator, or their designee, will contact the appropriate UMB personnel to coordinate and implement Supportive Measures.

#### **XI. SANCTIONS**

Sanctions may be imposed upon any member of the UMB community determined to have violated this Policy. The following are examples of remedial responses and sanctions that may be recommended singly or in combination:

##### **A. Student Remediations and Sanctions**

- Warning
- Probation
- Suspension
- Dismissal
- Required Counseling
- Required Training or Education
- Withholding Degree
- Revocation of Degree
- Transcript Notation
- Other Actions

##### **B. Employee Remediations and Sanctions**

- Warning – Written or Verbal
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Demotion
- Suspension without Pay
- Suspension with Pay
- Termination
- Other Actions

##### **C. Sanctioning for Sexual Misconduct**

UMB considers Sexual Assault to be the most serious sexual misconduct. Respondents found responsible for Sexual Assault violations typically receive the most severe sanctions, including suspension or dismissal for students and termination for employees. However, UMB reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of Sexual Misconduct, based on the facts and circumstances of the particular case.

*The Hearing Decision-maker or Panel reserves the right to deviate from the range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive conduct. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.*

Respondents are expected to comply with all assigned sanctions, responsive actions, and corrective actions within the timeframe specified by the Decision-maker and/or Title IX Coordinator. Failure to abide by the sanctions/actions imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/actions, including suspension, expulsion, and/or termination, and may be noted on a student's official transcript or in an employee's official record. A suspension will be lifted only after compliance is achieved to the satisfaction of the Title IX Coordinator.

#### **D. Prohibition on Retaliation**

Retaliation is any adverse action taken because of a person's participation in a protected activity. Protected activities include reporting an incident that may implicate this Policy, participating in the resolution process (as a party or witness), supporting a reporting party, Complainant or Respondent, or assisting in providing information relevant to an investigation. Protected activities also include opposing Sexual Misconduct, refusing to participate in wrongful or unlawful activities or refusing to carry out a directive that would include engaging in or hiding wrongful or unlawful activities. Adverse actions are negative professional or educational actions, that would not otherwise have been taken, to deter an individual from engaging in, or in retaliation against an individual for participating in, protected activities. Adverse actions are actions that would dissuade a reasonable person from engaging in the complaint process (either as a party or non-party witness).

Acts of alleged retaliation should be reported immediately using the UMB Hotline and will be promptly investigated as a potential separate violation of this Policy. UMB is prepared to take appropriate steps to prevent retaliation.

#### **XII. RECORDS**

Records of all allegations, investigations, formal and informal resolutions, and hearings will be kept for at least seven (7) years by the Title IX Coordinator. The Institution will also retain records of the training provided to Title IX Coordinators, investigators, and decision-makers.

#### **XIII. PREVENTION AND EDUCATION PROGRAMS**

Annually, UMB community members are expected to participate in training that addresses Title IX rights, responsibilities, and obligations, raises awareness regarding Sexual Misconduct, and seeks to prevent its occurrence. Information on mandatory training will be provided through the Title IX website.

*Training for Students:* UMB provides mandatory student training at the beginning of each academic year.

*Training for Employees:* UMB provides mandatory employee training upon hire and at the beginning of each academic year. Additional mandatory training may be required based on the employee's role within UMB.

Additionally, University Recreation and Fitness (URecFit), in collaboration with University Police, offers Rape Aggression Defense Training (RAD) on techniques for prevention and defense.

Requests for additional training can be made through the Office of Accountability and Compliance, at [www.umaryland.edu/oac](http://www.umaryland.edu/oac).

#### **XIV. RESOURCES**

##### **Mental Health & Victim Service Resources**

UMB Resources:

UMB Employee Assistance Program (Confidential Resource)  
419 W. Redwood St., Suite 560  
Baltimore, MD 21201  
Phone: 667-214-1555  
Monday to Friday, 8 a.m. to 5 p.m. (other times by appointment)  
A counselor is available by pager 24 hours a day, seven days a week — follow the instructions on the voice mail.  
[www.umb-eap.org](http://www.umb-eap.org)

UMB Student Counseling Center (Confidential Resource)  
HS/HSL Library  
601 W. Lombard St., Suite 440  
Phone: 410-328-8404; Fax: 410-328-5291

Monday to Friday, 8:30 a.m. to 5 p.m.  
Limited evening hours Mondays and Tuesdays  
[www.umaryland.edu/counseling](http://www.umaryland.edu/counseling)

UMB Office of the Ombudsperson  
Brian O. Godette, JD  
714 W. Lombard St., Room 201  
Baltimore, MD 21201  
410-706-8534  
[bgodette@umaryland.edu](mailto:bgodette@umaryland.edu)

Baltimore City Resources:

*Domestic Violence:*  
House of Ruth:  
Hotline: 410-889-RUTH (7884)  
<https://hruth.org/>

*Sexual Assault/Sexual Violence:*  
UMB has entered into an agreement with Turnaround to provide trauma-informed services to members of the UMB community who have experienced Sexual Misconduct.

Turnaround  
The Walbert Building  
1800 N. Charles Street, Suite 404  
Baltimore, MD 21201  
24 Hour Helpline: 443-279-0379  
[www.turnaroundinc.org](http://www.turnaroundinc.org)

Maryland Resources:

Maryland Coalition Against Sexual Assault (MCASA)  
(Includes a statewide service provider directory)  
301-328-7023  
<https://mcasa.org>

Maryland SAFE Programs  
(Includes a listing of SAFE programs by County)  
[https://mcasa.org/assets/files/Maryland\\_SAFE\\_Programs\\_List\\_11.19.pdf](https://mcasa.org/assets/files/Maryland_SAFE_Programs_List_11.19.pdf)  

Sexual Assault Legal Institute (SALI)  
Toll Free: 877-496-SALI

Maryland Network Against Domestic Violence  
(Includes a statewide service provider directory)  
Office: 301-429-3601  
Statewide Helpline: 1-800-MD-HELPS  
<https://mnadv.org>

National Resources:

National Stalking Resource Center:  
202-467-8700

Victim Connect Hotline: 855-4-VICTIM (855-484-2846)  
<http://victimsofcrime.org/our-programs/stalking-resource-center/resources>

National Domestic Violence Hotline:  
1-800-779-7233  
[www.thehotline.org](http://www.thehotline.org)

National Sexual Assault Hotline:  
1-800-656-HOPE (4673)

GLBT National Help Center:  
1-888-843-4564

GLBT Youth Hotline (up to age 25):  
1-800-246-7743

## ATTACHMENT V

### EMERGENCY NOTIFICATION SAMPLE

**Armed Robbery on W. Lexington St.  
Nov. 13, 2019 at 10:45 p.m. (22:45)**

UMB Alert - An armed robbery occurred in the 500 blk. of W. Lexington St. at 6:48 PM Wednesday. Two suspects wearing dark clothing were last seen fleeing westbound on W. Lexington St. Details at [umaryland.edu/alerts](http://umaryland.edu/alerts). If you have information or wish to report suspicious activity, please call UMB Police at (410) 706-6882 or 6x6882 on campus. You may also call this number for Safe Walk/Safe Ride assistance.



## ATTACHMENT VI

### UNIVERSITY SYSTEM OF MARYLAND POLICY ON SEXUAL HARASSMENT

USM VI-1.60 – University System of Maryland Policy on Sexual Harassment: *[attached]*

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**VI-1.60 - UNIVERSITY SYSTEM OF MARYLAND POLICY ON SEXUAL HARASSMENT** (Approved by the Board of Regents, June 27, 2014; Amended June 19, 2015; Amended June 21, 2019; Amended July 22, 2020<sup>1</sup>)**PURPOSE AND APPLICABILITY**

The University System of Maryland (USM) is committed to providing a working and learning environment free from Sexual Harassment<sup>2</sup> through training, education, prevention programs, and policies and procedures that promote prompt reporting, prohibit Retaliation, and promote timely, fair, and impartial investigation and resolution in a manner that eliminates the Sexual Harassment, prevents its recurrence, and addresses its effects.

All students, faculty, and staff of USM institutions (including USM regional centers), as well as the USM Office and third parties and contractors under USM or USM constituent institution control, are subject to this Policy.

Federal regulations implementing Title IX of the Education Amendments of 1972 (Title IX) require that USM institutions implement certain procedures when an institution obtains Actual Knowledge of Sexual Harassment in its Education Program or Activity against a person in the United States. Actual Knowledge means notice of Sexual Harassment or allegations of Sexual Harassment to a USM institution's Title IX Coordinator or any official of the institution who has authority to institute corrective measures on behalf of the institution. A USM institution's Education Program or Activity includes locations, events, or circumstances over which a USM institution exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a USM institution.

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<sup>1</sup> This amendment is effective August 14, 2020. On May 6, 2020, the United States Department of Education released new Title IX regulations, effective August 14, 2020 (the "2020 Title IX Regulations"). The 2020 Title IX Regulations require some modifications to this Policy. Several plaintiffs have filed lawsuits seeking to block some of the provisions in the 2020 Title IX Regulations. Should a court strike down, either temporarily or permanently, any portion of the 2020 Title IX Regulations, USM shall make any necessary modifications to this Policy, which will become effective immediately. USM may also revert back to the June 21, 2019, version of this Policy.

<sup>2</sup> Capitalized terms are defined in this Policy.

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This Policy addresses USM institutions' obligations under Title IX and state law. Institutions should additionally prohibit other forms of sexual misconduct under their respective institutional policies, and should implement fair and equitable procedures to address such allegations.

**I. Definitions**

For purposes of this Policy, the following definitions apply.

- A. Actual Knowledge** means notice of Sexual Harassment or allegations of Sexual Harassment to a USM institution's Title IX Coordinator or any official of a USM institution who has authority to institute corrective measures on behalf of the USM institution.
- B. Complainant** is an individual who is alleged to be the victim of Sexual Harassment.
- C. Education Program or Activity** of a USM institution includes locations, events, or circumstances over which a USM institution exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a USM institution.
- D. 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 Complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- E. Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth Complainant protected from those acts by domestic or family violence laws of Maryland.
- F. Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the institution investigate the allegation. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the Education Program or Activity of the institution with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by e-mail, or any additional method designated by the institution.
  - 1. **"Document filed by a Complainant"** means a document or electronic submission that contains the Complainant's physical or digital signature,

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or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

- G. Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- H. Retaliation** means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has made a report or complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to Sexual Harassment. Retaliation includes bringing charges against an individual for violations of other institutional policies that do not involve Sexual Harassment, but arise out of the same facts or circumstances as a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX.
- I. Sexual Assault** means an offense classified as a sex offense in the uniform crime reporting system of the Federal Bureau of Investigation. Sex offenses are any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also, unlawful sexual intercourse.
1. **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 his/her age or because of his/her temporary or permanent mental or physical incapacity.
  2. **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 his/her age or because of his/her temporary or permanent mental or physical incapacity.
  3. **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 his/her age or because of his/her temporary or permanent mental or physical incapacity.
  4. **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 his/her age or because of his/her temporary or permanent mental or physical incapacity.
  5. **Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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6. **Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent.<sup>3</sup>

**J. Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Education Program or Activity; or
3. Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

**K. Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

**L. Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the institution's educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

## II. Institutional Obligations

### A. Response

An institution with Actual Knowledge of Sexual Harassment in its Education Program or Activity against a person in the United States must respond promptly in a manner that is not deliberately indifferent. A response is "deliberately indifferent" if it is clearly unreasonable in light of the known circumstances.

### B. Title IX Compliance Oversight

#### 1. Title IX Coordinator

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<sup>3</sup> The age of consent in Maryland is 16. See Md. Code Ann., Crim. Law §§ 3-301 through 307.

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Each USM institution must designate and authorize at least one employee to coordinate its efforts to comply with Title IX and this Policy, and that employee must be referred to as the “Title IX Coordinator.” The Title IX Coordinator is responsible for coordinating the effective implementation of remedies, including Supportive Measures.

**2. Title IX Team**

Depending on the size and specific needs of the institution, the institution may want to identify a Title IX Team, which may include the Title IX Coordinator, Deputy Title IX Coordinators, Title IX investigators, representatives from campus safety, Student Affairs, the Provost’s Office, and Human Resources, and any other institution employees or third-party contractors, as necessary to fulfill the institution’s obligations under this Policy.

The Title IX Coordinator shall be responsible for coordinating the activities of the Title IX Team.

**C. Notice of Nondiscrimination**

1. **Content.** Each institution must publish a notice of nondiscrimination that contains the following content:
  - a. A statement that the institution does not discriminate on the basis of sex in the Education Program or Activity that it operates, the institution is required by Title IX not to discriminate in such a manner, and the requirement not to discriminate extends to admission and employment;
  - b. A statement that inquiries concerning the application of Title IX may be referred to the institution’s Title IX Coordinator or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both; and
  - c. The name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s).
2. **Dissemination of Notice.** The notice must be widely distributed to all students, employees, applicants for admission and employment, and other relevant persons (including all unions or professional organizations holding collective bargaining or professional agreements with the institution). The notice must be prominently displayed on the institution’s website and included in publications of general distribution that provide information to students and employees about the institution’s services and

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policies, including each handbook or catalog that it makes available to persons entitled to a notification.

**D. Each institution shall adopt and publish a policy that:**

1. Includes a statement prohibiting Sexual Harassment in its Education Program or Activity;
2. Includes a statement prohibiting Retaliation;
3. Adopts the definitions in this Policy for Title IX Sexual Harassment and defines relevant terms not defined in this Policy, such as consent;
4. Informs victims of a Sexual Assault of the right to file criminal charges with the appropriate law enforcement officials;
5. Provides for the prompt assistance of institution authorities, at the request of the victim, in notifying the appropriate law enforcement officials and the Title IX Coordinator of an incident of Sexual Assault;
6. Designates the nearest hospitals equipped with the Maryland Department of State Police Sexual Assault Evidence Collection Kit;
7. Informs victims of the importance of preserving evidence as may be necessary to prove criminal conduct or obtain orders of protection;
8. Provides for full and prompt cooperation from institution personnel in obtaining appropriate medical attention, including transporting a victim to the nearest designated hospital;
9. Offers counseling to a victim of Sexual Assault from mental health services provided by the institution, other victim service entities, or the nearest State-designated rape crisis program;
10. Provides for, after a Sexual Assault has been reported, and upon the request of the alleged victim, the transfer of the alleged victim to alternative classes or housing, if such alternatives are available and feasible;
11. Identifies the institution's amnesty policy for parties or witnesses who violate drug use, alcohol, or other student conduct policies. At a minimum, institutions must have an amnesty policy that prohibits student conduct action (except for a mandatory intervention for substance abuse) for a violation of alcohol or drug use policies by a student who reports Sexual Harassment to the institution or law enforcement or participates in a Sexual Harassment matter as a witness, if the institution determines that:

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- a. the violation occurred during or near the time of the alleged Sexual Harassment;
- b. the student made the report of Sexual Harassment, or is participating in an investigation as a witness, in good faith; and
- c. the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.

**E. Each institution shall adopt and publish procedures that include the following provisions:**

1. Require that, when an institution has Actual Knowledge of Sexual Harassment, the Title IX Coordinator promptly contact the Complainant to:
  - a. Explain the process for filing a Formal Complaint;
  - b. Discuss the availability of Supportive Measures;
  - c. Consider the Complainant's wishes with respect to Supportive Measures; and
  - d. Inform Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint.
2. **Supportive Measures.** Describe the range of Supportive Measures available to Complainants and Respondents.
3. **How to Report Sexual Harassment or Retaliation:**
  - a. Any person may report Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report;
  - b. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
4. **Equitable Treatment.** Treat Complainants and Respondents equitably by:
  - a. Providing remedies to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent, and by using procedures that comply with Title IX when investigating and adjudicating allegations of Sexual Harassment before the imposition of any sanctions or other actions that are not Supportive Measures against a Respondent (remedies must be designed to restore or preserve equal access to the institution's Education Program or Activity);



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- b. Providing an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
  - c. Applying any provisions, rules, or practices used to investigate and adjudicate complaints under Title IX equally to both parties.
- 5. Objective Evaluation of Evidence.** Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person’s status as a Complainant, Respondent, or witness.
- 6. No Conflict or Bias.** Require that any individual designated as a Title IX Coordinator, investigator, or decision-maker; any decision-making body for a hearing or appeal; or any person designated to facilitate an informal resolution process, not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- 7. Presumption of Non-Responsibility.** Include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the process.
- 8. Reasonably Prompt Time Frames.** Include reasonably prompt time frames for conclusion of the investigation and adjudication process—including reasonably prompt time frames for filing and resolving appeals and informal resolution processes (if any)—and a process that allows for the temporary delay of the investigation and adjudication process or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.
- a. **“Good cause”** may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- 9. Sanctions and Remedies.** Describe the range of, or list, the possible sanctions that may be imposed on a Respondent and the possible remedies that may be provided to a Complainant that the institution may implement following any determination of responsibility.
- 10. Standard of Evidence.** Specify the “preponderance of the evidence” as the standard of evidence, which shall be the same standard of evidence for Formal Complaints against students as for Formal Complaints against employees (including faculty), and apply the same standard of evidence to all Formal Complaints of Sexual Harassment and for all allegations of

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institutional policy violations involving discrimination or harm to another individual.

**11. Restrictions on Consideration of Certain Evidence.**

- a. The institution shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege;
- b. The institution cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the institution obtains that party's voluntary, written consent to do so.
  - i. An adjudicating official or decision-making body is prohibited from considering evidence about a student's history of mental health counseling, treatment, or diagnosis, unless the student consents.

**12. Notice.** Upon receipt of a Formal Complaint, the institution must provide written notice to known parties:

- a. Of the investigation and adjudication process, including any informal process;
- b. Of the allegations of Sexual Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
  - i. **"Sufficient details"** include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known;
- c. Of a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the investigation and adjudication process;
- d. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
- e. Of any provision in the institution's policies that prohibits knowingly making false statements or knowingly submitting false information during the investigation and adjudication process; and
- f. That if the institution decides to investigate additional allegations not included in the original notice, it must provide notice of the additional allegations to the parties whose identities are known.

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**13. Dismissal of Formal Complaints.**

- a. **Mandatory Dismissal.** If the conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved, did not occur in the institution's Education Program or Activity, or did not occur against a person in the United States, then the institution must dismiss the Formal Complaint with regard to that conduct for the purposes of Sexual Harassment under Title IX; such a dismissal does not preclude action under another provision of the institution's policies.
- b. **Permissive Dismissal.** The institution may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
  - i. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
  - ii. the Respondent is no longer enrolled or employed by the institution; or
  - iii. specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- c. Upon dismissal, the institution must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

**14. Consolidation of Formal Complaints.** An institution may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

**15. Investigation of a Formal Complaint.** When investigating a Formal Complaint and throughout the investigation and adjudication process, the institution must:

- a. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the institution and not on the parties,
- b. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- c. Provide the parties with the same opportunities to have others present during any investigation or adjudication proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in

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- any meeting or proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the meetings or proceedings, as long as the restrictions apply equally to both parties;
- d. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
  - e. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.
    - i. Prior to completion of the investigative report, the institution must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.
    - ii. The institution must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
  - f. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

**16. Live Hearing with Cross-Examination for Formal Complaints.**

- a. Institutions must provide for a live hearing for Formal Complaints.
- b. At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- c. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally
- d. At the request of either party, the institution must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to

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- simultaneously see and hear the party or the witness answering questions.
- e. Only relevant cross-examination and other questions may be asked of a party or witness.
  - f. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
  - g. If a party does not have an advisor present at the live hearing, the institution must provide without fee or charge to that party, an advisor of the institution's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
  - h. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
  - i. An adjudicating official or body is prohibited from considering a student Respondent's prior sexual history with an individual other than a party to the proceedings, except to:
    - i. Prove prior sexual misconduct;
    - ii. Support a claim that a student has an ulterior motive; or
    - iii. Impeach a student's credibility after that student has put his or her own prior sexual conduct at issue.
  - j. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
  - k. Live hearings may be conducted with all parties physically present in the same geographic location or, at the institution's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
  - l. Institutions must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

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- 17. Determination Regarding Responsibility.** The decision-maker(s), who cannot be the same as the Title IX Coordinator or the investigator(s), must issue, simultaneously, a written determination regarding responsibility, which must include:
- a. Identification of the allegations potentially constituting Sexual Harassment;
  - b. A description of the procedural steps taken from receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - c. Findings of fact supporting the determination;
  - d. Conclusions regarding the application of the institution's policy to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any sanctions the institution imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Education Program or Activity will be provided to the Complainant; and
  - f. Procedures and permissible bases for parties to appeal.
- 18. Appeals.** Provide an appeal process that is equally available to the parties and include the procedures and permissible bases for the Complainant and Respondent to appeal;
- a. An institution must offer both parties an appeal from a determination regarding responsibility, and from an institution's dismissal of a Formal Complaint or any allegations therein, on the following bases:
    - i. Procedural irregularity that affected the outcome of the matter;
    - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
    - iii. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
  - b. An institution may offer an appeal equally to both parties on additional bases.
  - c. As to all appeals, the institution must:
    - i. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
    - ii. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the

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- determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- iii. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- iv. Issue a written decision describing the result of the appeal and the rationale for the result; and
- v. Provide the written decision simultaneously to both parties.

**19. Final Decision.** The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

**20. Informal Resolution Process.** Permit the use of mediation or other informal resolution process for resolving allegations of Sexual Harassment subject to the following conditions:

- a. An institution may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Sexual Harassment.
- b. An institution may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a Formal Complaint is filed.
- c. At any time prior to reaching a determination regarding responsibility, the institution may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the institution:
  - i. Provides to the parties a written notice disclosing:
    - 1) the allegations,
    - 2) the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation and adjudication process with respect to the Formal Complaint, and
    - 3) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
  - ii. Obtains the parties' voluntary, written consent to the informal resolution process; and

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- iii. Does not offer or facilitate an informal resolution process to resolve allegations of Sexual Assault, sexual coercion, or allegations that an employee sexually harassed a student.

**21. Confidentiality.** Describe any institutional policies governing confidentiality, including that:

- a. Formal investigations must not restrict the ability of either party to discuss allegations or gather and present relevant evidence;
- b. Institutions must maintain as confidential any Supportive Measures provided to the parties, to the extent that maintaining confidentiality would not impair the ability to provide measures; and
- c. Institutions must keep confidential the identity of anyone who has made a report or filed a Formal Complaint of Sexual Harassment, anyone who has been reported as perpetrator, any Respondent, and any witness, except as permitted by FERPA or required by law or to carry out the purposes of the Title IX regulations.

**22. Prohibited Content.** In addition to other prohibitions, an institution's policies and procedures must not:

- a. Require the institution to wait until a concurrent law enforcement proceeding concludes to begin any investigation, Supportive Measures, or hearing; and
- b. Discourage a student from retaining an attorney.

**23. Student Rights.** Each Institution's investigation and adjudication procedures shall include a description of the rights of student Complainants and Respondents, including:

- a. Treatment with dignity, respect, and sensitivity by institution officials during all phases of the disciplinary proceedings;
- b. A fair and impartial investigation;
- c. Disciplinary proceedings and resolutions that are prompt and equitable and provide an opportunity for the parties to be heard;
- d. Timely written notice of:
  - i. The reported violation, including the date, time, and location of the alleged violation, and the range of potential sanctions associated with the alleged violation;
  - ii. The party's rights and responsibilities under the institution's policies and procedures and information regarding other civil and criminal options;
  - iii. The date, time, and location of each hearing, meeting, or interview that the party is required or permitted to attend;



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- iv. A final determination made by the adjudicating official or body regarding whether a policy violation occurred and the basis for the determination;
  - v. Any sanction imposed, as permitted by law; and
  - vi. The party's rights to appeal and a description of the appeal process;
- e. Participation in the disciplinary proceedings, including:
- i. Access to the case file and evidence regarding the incident obtained by the institution during the investigation or considered by the adjudicating official or body, with personally identifiable or other information redacted as required by applicable law;
  - ii. Offering testimony at a hearing;
  - iii. Submitting evidence, witness lists, and suggested specific questions to be posed to the other party involved in the disciplinary proceedings by investigators or the adjudicating official or body;
  - iv. Providing and reviewing testimony electronically or in a way in which the parties are not required to be in the physical presence of one another;
  - v. Reviewing and providing written responses to reports and proposed findings; and
  - vi. Appealing a determination or sanction.
- f. Assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate throughout the disciplinary proceedings, including by the attorney or advocate's:
- i. Attendance at hearings, meetings, and interviews with the party;
  - ii. Private consultations with the party during hearings, meetings, and interviews, except during questioning of the party at a hearing; and
  - iii. Assistance with the party's exercise of any right during the disciplinary proceedings; and
- g. Notwithstanding whether a student accesses counsel paid for by the Maryland Higher Education Commission (MHEC), the presence of no more than two people, including a personal supporter of the party's choice, an attorney, or an advocate, at any hearing, meeting, or interview during the disciplinary proceedings;
- h. Provide a student party with notice, presented in an appropriate and sensitive format, before the start of the disciplinary proceedings, of:

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- i. The student's right to the assistance of an attorney or an advocate;
  - ii. The legal service organizations and referral services available to the student; and
  - iii. The student's right to have a personal supporter of the student's choice at any hearing, meeting, or interview during the disciplinary proceedings;
- i. Permit a current or former student who makes a complaint or responds to a complaint on which a formal Title IX investigation is initiated, and who was enrolled as a student at the institution at the time of the incident that is the basis of the complaint, to access counsel paid for by MHEC, unless the student knowingly and voluntarily chooses not to have counsel, and provide that in accordance with COMAR 13B.09.01:
    - i. A student may select and retain an attorney before the conclusion of the formal Title IX proceedings;
    - ii. A student may obtain from MHEC, through MHEC's website, a list of licensed attorneys who have indicated that they will represent such students in Title IX proceedings on a pro bono basis or for reduced legal fees; and
    - iii. A student's attorney may seek reimbursement of certain legal costs and fees from MHEC's Legal Representation Fund for Title IX proceedings, subject to the availability of funding.

**III. Other Federal and State Nondiscrimination Laws**

Nothing in this Policy affects institutions' obligations to address, or employees' rights to report, discrimination and retaliation under federal and state nondiscrimination laws.

**IV. Clery Act Compliance**

In handling Sexual Harassment reports, each institution remains responsible for complying with the requirements of the Crime Awareness and Campus Security Act of 1990 ("Clery Act") and its amendments. Institutions must comply with Clery Act requirements, including crime recording and reporting requirements, where compliance is not otherwise reached by actions under this policy.

**V. Agreements with Local Law Enforcement and Rape Crisis Programs**

Each institution must, at a minimum, pursue formalized agreements with (1) the institution's local law enforcement agency and (2) a State designated rape crisis program and/or federally recognized sexual assault coalition. Agreements with law enforcement agencies must comply with Title IX and clearly state when an institution

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will refer a matter to a local law enforcement agency. Agreements with rape crisis or sexual assault programs must formalize a commitment to provide trauma-informed services to victims of sexual assault and to improve the institution's overall response to sexual assault.

**VI. Training****A. Prevention and Awareness Education**

Each institution must develop and implement preventive education, directed toward both employees and students, to help reduce the occurrence of Sexual Harassment. At a minimum, these educational initiatives must contain information regarding what constitutes Sexual Harassment, definitions of consent and prohibited conduct, the institution's procedures, bystander intervention, risk reduction, and the consequences of engaging in Sexual Harassment. These educational initiatives shall be for all incoming students and new employees. Each institution also must develop ongoing prevention and awareness campaigns for all students and employees addressing, at a minimum, the same information. Educational initiatives for employees shall comply with Md. Code Ann., State Pers. & Pens. § 2-203.1.

**B. Training for Persons Involved in Sexual Harassment Cases**

Institutions must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of Sexual Harassment, the scope of the institution's Education Program or Activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Institutions must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Institutions also must ensure that investigators receive training on issues of relevance to create investigative reports that fairly summarize relevant evidence.

Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

**VII. Campus Sexual Assault Climate Survey**

On or before March 1, 2016, and at least every two (2) years thereafter, each institution shall: (1) develop an appropriate Sexual Assault campus climate survey using nationally recognized best practices for research and climate surveys; and (2)

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administer the Sexual Assault campus climate survey to students in accordance with the procedures set by MHEC. On or before June 1, 2016, and at least every two (2) years thereafter, each institution shall submit to MHEC a report in accordance with the requirements set forth in Md. Code Ann., Educ. § 11-601(g).

**VIII. Recordkeeping for Sexual Harassment Cases**

Each institution must maintain, for seven years, records of:

1. Each Sexual Harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the Education Program or Activity;
2. Any appeal and the result thereof;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

Each institution must make these training materials publicly available on its website.

Each institution must create and maintain for seven years records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the institution must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its Education Program or Activity. If an institution does not provide a Complainant with Supportive Measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the institution in the future from providing additional explanations or detailing additional measures taken.

This policy should be cross-referenced with USM BOR VI-1.50 Policy on the Reporting of Child Abuse & Neglect.

## ATTACHMENT VII

### ACCOUNTABILITY AND COMPLIANCE PROCEDURES

- A. UMB Procedures for Resolving Sexual Misconduct Complaints Under the Jurisdiction of Title IX of the Education Amendment of 1972 “Title IX Procedures” [*attached*]



# Policies and Procedures

## Accountability and Compliance Procedures

### UMB Procedures for Resolving Sexual Misconduct Complaints Under the Jurisdiction of Title IX of the Education Amendment of 1972 "Title IX Procedures"

ADMINISTRATION, ACCOUNTABILITY AND COMPLIANCE | *Approved August 14, 2020*

#### Purpose

To describe how UMB will act on any formal or informal notice/complaint of violation of the UMB Policy on Sexual Misconduct ("the Policy") that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as "Title IX Procedures".

#### Applicability

The procedures below apply only to Qualifying Allegations of sexual harassment that are subject to the federal regulations implementing Title IX of the Education Amendment of 1972 (Title IX) (including sexual assault, dating violence, domestic violence, and stalking) involving students, staff, administrator, or faculty members.

#### Procedure

##### 1. Overview

UMB will act on any formal or informal notice/complaint of violation of the UMB Policy on Sexual Misconduct ("the Policy") that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as "Title IX Procedures".

The procedures below apply only to Qualifying Allegations of sexual harassment that are subject to the federal regulations implementing Title IX of the Education Amendment of 1972 (Title IX) (including sexual assault, dating violence, domestic violence, and stalking) involving students, staff, administrator, or faculty members.

Allegations of Prohibited Sexual Misconduct that violate the Policy that do not fall under the scope of Title IX are not Qualifying Allegations and will be resolved following UMB Procedures for Resolving Sexual Misconduct Complaints Outside the Title IX of the Education Amendments of

1972 (Non-Title IX Procedures). The UMB Title IX Coordinator is responsible for determining if an allegation is a Qualifying Allegation. An allegation pertaining to Sexual Misconduct that occurred outside the United States and an allegation pertaining to Sexual Misconduct that does not satisfy the definition of Sexual Harassment under Title IX are not Qualifying Allegations.

The procedures below may be used to resolve non-sexual misconduct violations of UMB policy if the collateral misconduct arises from the investigation of or occurring in conjunction with the alleged discriminatory sexual conduct. Other allegations of misconduct, unrelated to sexual misconduct allegations covered by the UMB Policy will be addressed through other appropriate UMB procedures. This procedure incorporates by reference the definitions in the UMB Policy.

## **2. Notice/Complaint**

Upon the Title IX Coordinator's receipt of a complaint or notice alleging violation of the UMB Policy, the Title IX Coordinator will initiate a prompt Initial Assessment to determine the next steps UMB will take.

If a Complainant does not wish to disclose their personally identifiable information (i.e. wishes to remain anonymous) and/or does not wish to proceed, the Complainant may make such a request to the Title IX Coordinator. Regardless of their choice, the Title IX Coordinator, or their designee, will offer Supportive Measures to the Complainant as appropriate.

## **3. Initial Assessment**

Following receipt of notice or a complaint of an alleged violation of the Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.

If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.

If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.

The Title IX Coordinator reaches out to the Complainant to offer supportive measures.

The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.

The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.

If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.

If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution. Either party may terminate the informal resolution process and proceed through the formal grievance process at any time up until an agreement is entered.

If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX,

The alleged conduct would constitute Sexual Harassment within an Education Program or Activity against a person in the United States if substantiated; and

The Complainant is participating or attempting to participate in an Education Program or Activity, including the admissions or hiring process, at the time the Complainant files a Formal Complaint.

If it does, the Title IX Coordinator will initiate the formal investigation and grievance process under the Title IX Procedures, directing the investigation to address:

an incident, and/or

a pattern of alleged misconduct, and/or

a culture/climate issue, based on the nature of the complaint.

If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply and refers the matter for resolution under Non-Title IX Procedures or other relevant resolution process.

Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX, and does not limit UMB’s authority to address a complaint with an appropriate process and remedies.

At the discretion of the Title IX Officer or designee, multiple reports may be consolidated into one Informal Resolution and/or investigation if the information related to each incident is relevant in reaching a resolution. Matters may be consolidated where the matters involve multiple Complainants, multiple Respondents, or related facts and circumstances involving the same Parties, including those arising out of the same or different events(s).

**a. Violence Risk Assessment**

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the UMB Behavioral Awareness and Threat Assessment (BETA) team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;

Whether the Title IX Coordinator should pursue/sign a Formal Complaint absent a willing/able Complainant;

Whether to put the investigation on the footing of incident and/or pattern and/or climate;

To help identify potential predatory conduct;

To help assess/identify grooming behaviors;

Whether it is reasonable to try to resolve a complaint through Informal Resolution, and what modality may be most successful;

Whether to permit a voluntary withdrawal by the Respondent;

Whether to impose transcript notation or communicate with a transfer about a Respondent;

Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or

Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

A VRA authorized by the Title IX Coordinator should occur in collaboration with the UMB BETA team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement,



criminology, human resources, and psychology.

UMB's Policy XI-3.00(A) UMB Behavioral Evaluation and Threat Assessment Policy can be found [here](#).

***b. Dismissal (Mandatory and Discretionary)***

UMB must dismiss a Formal Complaint or any allegations therein if under the Title IX Procedures, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in UMB's Policy on Sexual Misconduct, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the UMB (including buildings or property controlled by recognized student organizations), and/or UMB does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the UMB.

UMB may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by UMB; or
- 3) Specific circumstances prevent UMB from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, UMB will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. The written notice of dismissal will also include, if the Formal Complaint was dismissed due to falling outside the scope of Title IX, if the allegations will be addressed using Non-Title IX Procedures. For complaints that will be addressed using Non-Title IX Procedures, Alleged Violations of the Policy on Sexual Misconduct: Non-Title IX Procedures ("Non-Title IX Procedures").

This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

**4. Counterclaims**

UMB is obligated to ensure that the grievance process is not abused for retaliatory purposes. UMB permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

**5. Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

UMB may permit parties to have more than one Advisor upon request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

As a public entity, UMB fully respects and accords the Weingarten rights of employees. For parties who are entitled to union representation, UMB will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are not permitted to have union representation or Advisors in grievance process interviews or meetings.

**a. Who Can Serve as an Advisor**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the UMB community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from UMB, the Advisor will be trained by UMB and be familiar with UMB's resolution process.

If the parties choose an Advisor from outside the pool of those identified by UMB, the Advisor may not have been trained by UMB and may not be familiar with UMB policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

**b. Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and UMB's policies and procedures.

**c. Advisor's Role in Meetings and Interviews**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

UMB cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, UMB is not obligated to provide an attorney.

**d. Advisors in Hearings/UMB-Appointed Advisor**

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, UMB will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, UMB will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

**e. Advisor Violations of UMB Policy**

All Advisors are subject to the same UMB policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors may not address UMB officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors may ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

***f. Sharing Information with the Advisor***

UMB expects that the parties may wish to have UMB share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

UMB provides a consent form that authorizes UMB to share such information directly with their Advisor. The parties must complete and submit this form to the Title IX Coordinator before UMB is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, UMB will not comply with that request. It is the responsibility of the parties to provide information to their Advisor, including communications.

***g. Privacy of Records Shared with Advisor***

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by UMB. UMB may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by UMB's privacy expectations.

***h. Expectations of an Advisor***

UMB generally expects an Advisor to adjust their schedule to allow them to attend meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

UMB may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

***i. Expectations of the Parties with Respect to Advisors***

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

***j. Assistance in Securing an Advisor***

UMB provides an Advisor to either Party for the specific purpose of conducting cross-examination if the Party has not chosen an Advisor. Advisors may be chosen from the UMB Community. UMB does not guarantee an Advisor will have legal knowledge or expertise.

For representation, Respondents may wish to contact organizations such as:

FACE (<http://www.facecampusequality.org>)

SAVE (<http://www.saveservices.org>).


Complainants may wish to contact organizations such as:

The Victim Rights Law Center (<http://www.victimrights.org>)

The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.

The Time's Up Legal Defense Fund: <https://nwlrc.org/times-up-legal-defense-fund/> 

***k. Legal Representation Fund for Title IX Proceedings (Students Only)***

A current or former UMB student who makes a complaint or who responds to a complaint on which a formal Title IX investigation is initiated and who was enrolled as a student at UMB at the time of the incident that is the basis of the complaint may obtain legal counsel through the Maryland Higher Education Commission (the "Commission"). The Commission has developed a list of attorneys and legal services programs willing to represent students on a pro bono basis or at reduced fees equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation. The student may select an attorney on the Commission's list or seek an alternate attorney to whom the Commission will pay reasonable fees equivalent to those paid to attorneys under civil legal services programs. Any fees above and beyond those paid under civil legal services programs administered by the Maryland Legal Services Corporation are the responsibility of the student. The Commission will not pay attorney's fees for representation of a student in any criminal or civil matter or any administrative matter that is not a Title IX proceeding at an institution operating in Maryland. See <https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings.aspx> .

**6. Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with UMB's policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. UMB encourages parties to discuss any sharing of information with their Advisors before doing so.

***a. Informal Resolution***

Informal Resolution can include three different approaches:

When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.

When the parties agree to resolve the matter through an alternate resolution mechanism as described below, usually before a formal investigation takes place; see discussion in b., below.

When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in c., below.

To initiate Informal Resolution, a Complainant needs to submit a Formal Complaint. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the Title IX Coordinator, or their designee, will provide the parties with written notice on behalf of UMB of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by UMB.

UMB will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution. Upon conclusion of the Informal Resolution, the parties will be provided a written copy of the terms of resolution agreement.

***b. Alternate Resolution Mechanism***

Alternate Resolution is an informal mechanism by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate remedial/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

***c. Respondent Accepts Responsibility for Alleged Violations***

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and UMB are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of UMB policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon

terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or remedial actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

***d. Negotiated Resolution***

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and UMB. Negotiated Resolutions are not appealable.

**7. Grievance Process Pool**

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process.

***a. Pool Member Roles***

Members of the Pool are trained annually, and can serve in the following roles, based on the training received and at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution process
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as a hearing Panelist
- To serve as an Appeal Decision-maker

***b. Pool Member Appointment***

The Chief Accountability Officer, who may consult with the Title IX Coordinator or other relevant parties, appoints the Pool, which acts with independence and impartiality. Some members of the Pool may be trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases. Some members of the Pool will have permanent roles. This process of role assignment may be the result of particular training, skills, aptitudes, or talents identified that make them best suited to particular roles.

***c. Pool Member Training***

The Pool members receive annual training. Training will be specific to the roles the Pool member may hold and may include, but is not limited to:

- The scope of the UMB’s Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance

How to implement appropriate and situation-specific remedies

How to investigate in a thorough, reliable, and impartial manner

How to uphold fairness, equity, and due process

How to weigh evidence

How to conduct questioning

How to assess credibility

Impartiality and objectivity

How to render findings and generate clear, concise, evidence-based rationales

The definitions of all offenses

How to apply definitions used by UMB with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy

How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes

How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias

Any technology to be used at a live hearing

Issues of relevance of questions and evidence

Issues of relevance to create an investigation report that fairly summarizes relevant evidence

How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations

Recordkeeping

Not all members of the Pool will receive training in skills applicable to roles they will not serve.

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are UMB employees), and Chairs. All Pool members are required to attend trainings related to their roles annually. The materials used to train all members of the Pool are publicly posted here: [www.umaryland.edu/titleix/training](http://www.umaryland.edu/titleix/training).

**d. Pool Membership**

The Pool includes:

members of the Title IX team

representative(s) from each of the Schools to serve as Hearing Panelists

Senior administration personnel

Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

**8. Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

A meaningful summary of all of allegations,

The identity of the involved parties (if known),

The precise misconduct being alleged,

The date and location of the alleged incident(s) (if known),

The specific policies implicated,

A description of the applicable procedures,

A statement of the potential sanctions/remedial actions that could result,

A statement that UMB presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,

A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,

A statement about the UMB's policy on retaliation,

Information about the privacy of the process,

Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,

A statement informing the parties that UMB's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,

Detail on how the party may request disability accommodations during the interview process,

A link to or physical copy of the UMB's VAWA Brochure

The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and

An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official UMB records, or emailed to the parties' UMB-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

#### **9. Resolution Timeline**

UMB will make a good faith effort to complete the resolution process within a sixty (60) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as a estimate of how much additional time will be needed to complete the process.

#### **10. Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints a Pool member, or members, to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

#### **11. Ensuring Impartiality**

Any individual, including the Title IX Coordinator, Deputy Title IX Coordinator, Investigator, Decision-maker(s), and Hearing Panelists, materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and



the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Chief Accountability Officer.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

UMB is committed to due process. It operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by a preponderance of the evidence.

#### **12. Investigation Timeline**

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

UMB will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

#### **13. Delays in the Investigation Process and Interactions with Law Enforcement**

UMB may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

UMB will communicate in writing the anticipated duration of the delay and reason to the parties, and provide the parties with status updates if necessary. UMB will promptly resume its investigation and resolution process as soon as feasible. During such a delay, UMB will implement supportive measures as deemed appropriate.

UMB's action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

#### **14. Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant

- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures

- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated

- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation

Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties

Meet with the Complainant to finalize their interview/statement, if necessary

Prepare and send the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations

The NOIA will include:

- a. The University's complete Policy and Procedures as set forth herein;
- b. The allegations of Prohibited Conduct as defined by the Policy;
- c. Identities of the Parties involved, if known;
- d. Date(s), location(s), and time(s) of the alleged incident(s), if known;
- e. Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the adjudication process;
- f. Parties may have an Advisor of their choice, who may be an attorney and who may inspect and review evidence;
- g. If Parties do not select an Advisor of their choice, the University will provide a trained Advisor for purposes of performing cross-examination on behalf of that Party at the Hearing;
- h. Parties may have a Support Person of their choice;
- i. Advisement that knowingly making false statements or knowingly submitting false information during the investigation and adjudication process is prohibited under Section XII of the Policy;
- j. If the University decides to investigate additional allegations about either Party that are not in the original notice, the Parties will receive an amended notice containing the additional allegations; and
- k. The range of potential Sanctions associated with the alleged Prohibited Conduct.

Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings

Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible

When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose

Interview all available, relevant witnesses and conduct follow-up interviews as necessary

Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions

Complete the investigation promptly and without unreasonable deviation from the intended timeline

Provide regular status updates to the parties throughout the investigation

Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding

Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included

The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report

Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if a consent form has been properly completed and so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which UMB does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses

The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period

The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review

The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and, if the proper Consent forms are completed, their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

#### **15. Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are employees of UMB are required to cooperate with and participate in UMB's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. UMB will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

#### **16. Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

#### **17. Evidentiary Considerations in the Investigation**

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence

about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

#### **18. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

The Chief Accountability Officer, or their designee, serves as the Decision-maker for hearings. The panel members for each hearing will be drawn from the Pool using a randomization process once any individuals in the Pool have been eliminated due to participation in the investigatory process, conflicts of interest, or bias.

#### **19. Hearing Decision-maker Composition**

The single Decision-maker will Chair the hearing.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Panelists in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

#### **20. Evidentiary Considerations in the Hearing**

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming UMB uses a progressive discipline system. This information is only considered at the sanction stage of the process, and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a determination based on a preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

#### **21. Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/remedial actions that could result.

The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.

Any technology that will be used to facilitate the hearing.

Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.

A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.

Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.

A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.

Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and UMB will appoint one. Each party must have an Advisor present. There are no exceptions.

A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.

An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.

An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by UMB and remain within the 60 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

## **22. Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

### **23. Pre-Hearing Preparation**

The Chair or hearing facilitator after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker and Panelists at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

The parties and advisors will receive written notice of procedures for the hearing at least five (5) days in advance.

### **24. Pre-Hearing Meetings**

The Chair may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions or topics each party wishes to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The

Chair may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

#### **25. Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Panelists and the parties and the witnesses will then be excused.

#### **26. Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

#### **27. The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of any member of the Hearing Panel on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator, either the Title IX Coordinator or an individual appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

#### **28. Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Hearing Panelists and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Hearing Panel should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

The pre-hearing meeting(s) may be recorded.

### **29. Testimony and Questioning**

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Hearing Panel and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Hearing Panelist at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

### **30. Refusal to Submit to Cross-Examination and Inferences**

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission. Similarly, statements can be relied upon when questions are posed by the Hearing Panelists, as distinguished from questions posed by Advisors through cross-examination.

The Hearing Panelists may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Hearing Panelists may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with UMB's established rules of decorum for the hearing, UMB may require the party to use a different Advisor. If a UMB-provided Advisor refuses to comply with the rules of decorum, UMB may provide that party with a different Advisor to conduct cross-examination on behalf of that party.



**31. Recording Hearings**

Hearings (but not deliberations) are recorded by UMB for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Hearing Panelists, the parties, their Advisors, and appropriate administrators of UMB will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

**32. Deliberation, Decision-making, and Standard of Proof**

The Hearing Panelists will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Hearing Panelists may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Hearing Panelists may – at their discretion – consider the statements, but they are not binding.

The Hearing Panelists will review the statements and any pertinent conduct history that may have been provided by the party's School or administrative unit and will determine the appropriate sanction(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any remedial actions or sanctions.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within five (5) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

**33. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome, which may be reviewed by legal counsel. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable remedial actions and/or sanction(s) with the parties and their Advisors within seven (7) business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official UMB records, or emailed to the parties' UMB-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by UMB from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy

to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent UMB is permitted to share such information under state or federal law; any sanctions issued which UMB is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the UMB's educational or employment program or activity, to the extent UMB is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by UMB to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

### **34. Sanctions**

Factors considered when determining a sanction/remedial action may include, but are not limited to:

The nature, severity of, and circumstances surrounding the violation(s)

The Respondent's disciplinary history

Previous allegations or allegations involving similar conduct

The need for sanctions/remedial actions to bring an end to the discrimination, harassment, and/or retaliation

The need for sanctions/remedial actions to prevent the future recurrence of

The need to remedy the effects of the discrimination, harassment, and/or discrimination, harassment, and/or retaliation on the Complainant and the community

The impact on the parties

Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in the Policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities or entities.

#### **a. Student Sanctions**

The following are examples of remedial responses and sanctions that may be recommended singly or in combination:

**Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any UMB policy, procedure, or directive will result in more severe sanctions/remedial actions.

**Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

**Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at UMB.

**Dismissal:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend UMB-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript.

**Required Counseling:** A mandate to meet with and engage in either UMB-sponsored or external

counseling to better comprehend the misconduct and its effects.

**Required Training or Education:** A mandate to engage in either UMB-sponsored or external training or educational programs to better comprehend the misconduct and its effects.

**Withholding Degree:** UMB may withhold a student's degree for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.

**Revocation of Degree:** UMB reserves the right to revoke a degree previously awarded from the UMB for fraud, misrepresentation, and/or other violation of UMB policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

**Transcript Notation:** A permanent notation on the student's official transcript of the policy violation.

**Other Actions:** In addition to or in place of the above sanctions, UMB may assign any other sanctions as deemed appropriate.

***b. Employee Sanctions/Remedial Actions***

The following are examples of remedial responses and sanctions that may be recommended singly or in combination:

**Warning – Verbal or Written:** A formal verbal or written statement that the conduct was unacceptable and a warning that further violation of any UMB policy, procedure, or directive will result in more severe sanctions/remedial actions.

**Performance Improvement Plan:** Inclusion of the violation on the employee's Performance Improvement Plan with corrective actions to be taken by the employee.

**Required Counseling:** A mandate to meet with and engage in either UMB-sponsored or external counseling to better comprehend the misconduct and its effects.

**Required Training or Education:** A mandate to engage in either UMB-sponsored or external training or educational programs to better comprehend the misconduct and its effects.

**Demotion:** Lowering the employee's status, title, and, if appropriate, pay.

**Suspension with pay:** Termination of employee's status for a definite period of time not to exceed two years and/or until specific criteria are met. Employees who return from suspension with pay are automatically placed on probation for a period to be determined at the time of suspension. The employee will continue to receive their base salary during the suspension period.

**Suspension without pay:** Termination of employee's status for a definite period of time not to exceed two years and/or until specific criteria are met. Employees who return from suspension with pay are automatically placed on probation for a period to be determined at the time of suspension. The employee will not receive their salary during the suspension period.

**Termination:** UMB will end its employment agreement with the employee. The employee will not be eligible to be re-hired by UMB.

**Other Actions:** In addition to or in place of the above sanctions/remedial actions, UMB may assign any other remedial actions as deemed appropriate.

**36. Withdrawal or Resignation While Charges Pending**

***a. Students***

The Policy on Sexual Misconduct provides the potential outcomes should a student withdraw or resign with charges are pending.

***b. Employees***

The Policy on Sexual Misconduct provides the potential outcomes should an employee resign with

charges are pending.

### **37. Appeals**

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker ("Appeal Chair") will hear the appeal, who has not been previously involved in the process, including any dismissal appeal that may have been heard.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review of the Request for Appeal is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

#### **a. Grounds for Appeal**

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigator(s), or Hearing Panelist(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Hearing Panelists.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Hearing Panelists will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Hearing Panelist(s), as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Appeal Chair will render a decision in no more than seven (7) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which UMB is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent UMB is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official UMB records, or emailed to the parties' UMB-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

***b. Sanctions Status During the Appeal***

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be maintained or, if necessary reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

UMB may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

***c. Appeal Considerations***

Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/remedial action(s) only if there is a compelling justification to do so.

Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

An appeal is not an opportunity for the Appeal Chair to substitute his/her judgment for that of the original Decision-maker(s) merely because he/she disagree with the finding and/or sanction(s).

The Appeal Chair may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.

Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).

In rare cases where a procedural [or substantive] error cannot be cured by the original Hearing Panelist(s) (as in cases of bias), the appeal may order a new hearing with a new Hearing Panelist(s).

The results of a remand to the Hearing Panelists cannot be appealed.

In cases in which the appeal results in reinstatement to UMB or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

**38. Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

Referral to counseling and health services

Referral to the Employee Assistance Program

Education to the individual and/or the community

Permanent alteration of housing assignments

Permanent alteration of work arrangements for employees

Provision of campus safety escorts

Climate surveys

Provision of transportation accommodations

Implementation of long-term contact limitations between the parties

Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by UMB to the Respondent to ensure no effective denial of educational access.

UMB will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair UMB's ability to provide these services.

### **39. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Remedial Actions**

All Respondents are expected to comply with the assigned sanctions, remedial actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from UMB and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

### **40. Recordkeeping**

UMB will maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to UMB's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. UMB will make these training materials publicly available on UMB's website or available for public inspection upon request; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to UMB's education program or activity; and
  - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

UMB will also maintain any and all records in accordance with state and federal laws.

#### **41. Disabilities Accommodations in the Resolution Process**

UMB is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the UMB's resolution process.

Students needing such accommodations or support should complete the Disability and Reasonable Accommodations form located on the Educational Support and Disability Services website located at: <https://www.umaryland.edu/disabilityservices/for-students/how-to-request-accommodations/>. Employees should complete the Request for Reasonable Accommodation form and submitting it to Human Resource Services (HRS) Employee Labor Relations (ELR), Office of Diversity, ADA and Affirmative Action located at <https://www.umaryland.edu/hrs/current-employees/diversity-ada-aa/americans-with-disabilities-act/>. Students and employees seeking accommodations or support should inform the Title IX Coordinator when they have submitted the request(s) to allow for consultation to determine which accommodations are appropriate and necessary for full participation in the process.

#### **42. Revision of this Policy and Procedures**

These procedures supersede any previous procedures for addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. UMB reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in these procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

THESE PROCEDURES WERE ADAPTED FROM ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL

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#### **RELATED POLICIES**

[UMB POLICY ON SEXUAL MISCONDUCT](#)

## **ACCOUNTABILITY AND COMPLIANCE PROCEDURES**

- B. UMB Procedures for Resolving Sexual Misconduct Complaints Outside the Jurisdiction of Title IX of the Education Amendment of 1972 “Non-Title IX Procedures” [*attached*]





# Policies and Procedures

## Accountability and Compliance Procedures

### UMB Procedures for Resolving Sexual Misconduct Complaints Outside the Jurisdiction of Title IX of the Education Amendment of 1972 "Non-Title IX Procedures"

ADMINISTRATION, ACCOUNTABILITY AND COMPLIANCE | *Approved August 14, 2020*

#### Purpose

To describe how UMB will respond to allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties, that do not fall into under the jurisdiction of the federal regulations implementing Title IX of the Education Amendment of 1972 (Title IX).

#### Applicability

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties, that do not fall into under the jurisdiction of the federal regulations implementing Title IX of the Education Amendment of 1972 (Title IX).

#### Procedure

UMB will act on any formal or informal allegation or notice of violation of the UMB Policy on Sexual Misconduct that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in UMB's Policy on Sexual Misconduct.

##### 1. Overview

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties, that do not fall into under the jurisdiction of the federal regulations implementing Title IX of the Education Amendment of 1972 (Title IX). Allegations that are assessed to be potential violations of the UMB Policy on Sexual Misconduct that are within the scope of Title IX will be processed using the UMB Procedures for Resolving Sexual Misconduct Complaints Under the Jurisdiction of Federal Regulations Implementing Title IX of the Education Amendment of 1972 "Title IX Procedures." VAWA Section 304 requirements apply to this, or any alternative process, for reports that fall under VAWA. Title IX requirements outside of Section 106.30 (based on the

original 1975 regulations, the 2001 Revised Guidance, etc.) may also apply to these Non-Title IX Procedures.

These procedures may also be used to resolve non-sexual misconduct violations of UMB policy if the collateral misconduct arises from the investigation of or occurring in conjunction with the alleged discriminatory sexual conduct. Other allegations of misconduct unrelated to sexual misconduct allegations will be addressed through other appropriate UMB procedures.

These procedures incorporate by reference the definitions in the UMB Policy.

## **2. Initial Assessment**

Following intake, receipt of notice, or a complaint of an alleged violation of the UMB's Policy on Sexual Misconduct (the "Policy"), the Title IX Coordinator engages in a prompt Initial Assessment and a reasonable cause assessment to determine if there is sufficient evidence to support further review of the complaint under the UMB Policy, and to determine the next steps UMB will take. The Initial Assessment typically takes one to five business days.

If the initial assessment determines the alleged misconduct does not fall under the scope of Title IX but may be violation of the UMB Policy the Title IX Coordinator will send a Notice of Dismissal under the Title IX Procedures that includes confirmation these Non-Title IX Procedures will be applied to assess and address the alleged misconduct.

The initial assessment includes, but is not limited to:

The Title IX Coordinator reaches out to the Complainant to offer supportive measures.

The Title IX Coordinator works with the Complainant to ensure they have an Advisor.

The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.

If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their preferences and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.

If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, [which informal mechanism may serve the situation best or is available] and may seek to determine if the Respondent is also willing to engage in Informal Resolution.

If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:

Incident, and/or

A potential pattern of misconduct, and/or

A culture/climate issue.

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the UMB Behavioral Awareness and Threat Assessment (BETA) Team as part of the Initial Assessment. A VRA can aid in ten critical and/or required determinations, including:

Interim suspension of a Respondent who is a threat to health/safety;

Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant;

Whether to put the investigation on the footing of incident and/or pattern and/or climate;

To help identify potentially predatory conduct;

To help assess/identify grooming behaviors;

Whether to permit a voluntary withdrawal by the Respondent;

Whether to impose transcript notation or communicate with a transfer about a Respondent;

Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Based on the Initial Assessment, UMB will initiate one of two responses under these Non-Title IX Procedures:

**Informal Resolution** – typically used for less serious offenses and only when all parties agree, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.

**Administrative Resolution following Formal Investigation** – formal investigation of allegation(s) and recommended findings, subject to a determination by a Decision-maker and the opportunity to appeal to an Appeal Panel/Appeal Decision-maker.

The Formal Investigation and the subsequent Administrative Resolution determine whether the UMB Policy has been violated. If so, UMB will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the Initial Assessment, the Informal Resolution or the Administrative Resolution, the process will end if the Title IX Coordinator determines that the alleged misconduct is subject not to the jurisdiction of the UMB Policy or that there is insufficient evidence to support further Informal Resolution or Administrative Resolution activity under the UMB Policy. In which case, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the determination to end the Informal Resolution or Administrative Resolution and/re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, with oversight of the Chief Accountability Officer, and must be based on good cause shown.

### **3. Counterclaims**

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. UMB is obligated to ensure that any process is not abused for retaliatory purposes.

UMB permits the filing of counterclaims, and uses the Initial Assessment, described above, to assess whether the allegations are made in good faith and if there is evidence supporting a conclusion the allegation was made for purposes of retaliatory or other improper purposes, in which case the Title IX Coordinator may dismiss the counterclaim, subject to a Respondent's request that the Title IX Coordinator review the dismissal and re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator with oversight of the Chief Accountability Officer and must be based on good cause shown. This decision may be appealed by either party within five (5) days of receipt of the written decision to dismiss through the process included for appeals herein. Counterclaims will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same Informal Resolution or Administrative Resolution - Formal Investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of UMB Policy.

### **4. Advisors**

#### ***a. Expectations of an Advisor***

An individual serving as an Advisor should not accept role the before considering UMB's expectations as follows:

UMB generally expects an Advisor to have a sufficiently flexible schedule to allow the Advisor to attend all meetings when planned. UMB will consider requests to change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable burden or delay.

UMB may also make reasonable provisions to allow an Advisor who cannot attend a meeting in person to attend a meeting by telephone, video conferencing, or other similar technology as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by UMB policies and procedures may be required to select an alternative Advisor.

Advisors are expected to consult with their advisees without disrupting UMB meetings or interviews. Advisors do not represent parties in the process as legal advocates. The Advisor's role is only to advise their advisee.

***b. Expectations of the Parties with Respect to Advisors***

Each party may choose an Advisor who is eligible and available to accompany them throughout the process. The Advisor can be anyone, including an attorney, but cannot be someone who is also a witness in the process or whom otherwise may be involved in or have a direct interest in the circumstances of the complaint. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator if they change Advisors at any time.

UMB will not copy the Advisor on all communications between the UMB and the party. It is the responsibility of the parties to keep their Advisors informed. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records and information.

For parties who are entitled to union representation, UMB will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are/are not permitted to have union representation or Advisors in grievance process interviews or meetings.

At the discretion of the Title IX Coordinator, more than one Advisor may be permitted to the parties, upon request. For equity purposes, if one party is allowed another Advisor, the other party must be allowed one to as well.

***c. Assistance in Securing an Advisor***

UMB does not provide Advisors under this Non-Title IX Procedure.

For representation, Respondents may wish to contact organizations such as:

FACE (<http://www.facecampusequality.org>)

SAVE (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

The Victim Rights Law Center (<http://www.victimrights.org>)

The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association

The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/> 

## **5. Resolution Options**

Proceedings under the Policy, records of the matter, including copies of evidence and related communications, are confidential. All persons present at any time during the resolution process are expected to maintain the confidentiality of the proceedings.

While there is an expectation of confidentiality regarding interviews, the parties have discretion to share their own experiences with others if they so choose, provided confidential and legally protected information is not improperly shared. Parties are also encouraged to discuss the appropriateness of sharing information with their Advisors first before making disclosures.

### ***a. Informal Resolution***

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternate Resolution, or when the Respondent accepts responsibility for violating the Policy, or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails, Administrative Resolution may be pursued.

#### ***i. Alternate Resolution***

Alternate Resolution is a type of Informal Resolution process, and includes options such as mediation or restorative practices, by which the parties mutually agree to resolve an allegation. It may be used for less serious, yet potentially offensive, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternate Resolution.

The Title IX Coordinator determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.

In an Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to reach an effective resolution, if possible.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate corrective actions to achieve compliance.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process is completed should the parties and the Title IX Coordinator believe it could be beneficial. The results of Alternate Resolution are not appealable.

#### ***ii. Respondent Accepts Responsibility for Alleged Violations***

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator makes a determination that the individual has admitted to violation of UMB Policy.

The Title IX Coordinator then determines appropriate sanction(s) or remedial actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or remedial actions, which are promptly implemented, the resolution process is over. The Complainant will be informed of this outcome. And conclusion of the complaint will be recorded in the Title IX Coordinator files.

If the Respondent accepts responsibility for some of the alleged policy violations but not others. The Title IX Coordinator will determine appropriate sanction(s) or remedial actions, to be promptly implemented, for admitted violations. The remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the procedures above.

**iii. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies UMB and all parties.

**b. Administrative Resolution – Formal Investigation**

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the UMB Policy which is outside the scope of Title IX at any time during the process. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties. Typically, notice to a party or witness of an Investigation interview is given at least 48 hours in advance of the interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification of an Investigation will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official UMB records, or emailed to the parties' UMB-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification of an Investigation will identify the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

UMB aims to complete all investigations within a thirty (30) business days, which can be extended as necessary by the Title IX Coordinator when good cause has been shown, with notice to the parties as appropriate. Investigations are completed expeditiously, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

UMB will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

UMB may undertake a short delay in its investigation (several days to weeks) to allow evidence collection when criminal charges based on the same behaviors that invoke UMB's resolution process are being investigated by law enforcement. UMB will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

UMB action(s) are not typically delayed, altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Once the decision is made to commence an investigation, the Title IX Coordinator assigns an Investigator to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed. At the sole discretion of the Title IX Coordinator, more than one Investigator may be assigned.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during this process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and

supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied if necessary. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the Chief Accountability Officer.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all relevant evidence, on the record.

## **6. Investigation**

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

Determine the identity and contact information of the Complainant

In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures

Identify all policies implicated by the alleged misconduct

Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy

If there is insufficient evidence to support an Investigation of the allegation, the process is closed with no further action. The decision to close the Investigation on this basis is appealable for reconsideration to the Investigator or the Title IX Coordinator.

Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses

Meet with the Complainant to obtain information for a full and final statement, if necessary

Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.

Notice should inform the parties of their right to have the assistance of an Advisor of their choosing present for all meetings attended by the advisee

When formal notice is given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/remedial actions that could result

Give an instruction to the parties to preserve any evidence that is directly related to the allegations

Provide the parties and witnesses with an opportunity to review and verify the accuracy of Investigator's summary notes from interviews and meetings with that specific party or witness.

Make good faith efforts to notify the parties of any meeting or interview involving the other party for informational purposes, in advance when possible

Interview all relevant individuals and conduct follow-up interviews as necessary

Allow each party the opportunity to submit questions they wish the Investigator(s) to ask of the other party and witnesses for review and approval of the Title IX Coordinator. The decision of final questions to be presented is made by the Title IX Coordinator in consultation with the Investigator.

Complete the investigation promptly and without unreasonable deviation from the intended timeline

Provide regular status updates to the parties throughout the investigation

Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to determine a finding

Write a comprehensive investigation report fully summarizing the investigation and all evidence

Provide parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)

Provide each party with a full and fair opportunity to respond to the report in writing within seven (7) days and incorporate that response into the report

Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that reasonable limits on opportunities to comment are observed so the investigation is not unduly delayed.

Share the report with the Title IX Coordinator or legal counsel for review and feedback.

Provide the final report to the Title IX Coordinator that summarizes, assesses, and synthesizes evidence without making a finding, conclusion, determination or recommendation.

Provide the final report to the Title IX Coordinator.

## **7. Determination**

Within five (5) business days of receiving the Investigator's report, the Chief Accountability Officer will designate a Decision-maker to review the report, any evidence, and all responses, then make the final determination on the basis of the preponderance of the evidence. At the sole discretion of the Chief Accountability Officer, the Investigator's report may be provided to a team of decision-makers for review and determination.

If the record is incomplete, the Title IX Coordinator/Decision-maker may return the report to the Investigator for re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including meeting with the parties or any witnesses, if needed.

The Title IX Coordinator or Decision-maker may invite and consider impact statements from the parties if and when determining appropriate sanction(s), if any.

The Title IX Coordinator then timely provides the parties with a written Notice of Outcome to include findings, any sanction(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties.

## **8. Additional Details of the Investigation Process**

### ***a. Witness responsibilities***

Witnesses (as distinguished from the parties) who are faculty or staff of UMB are required to cooperate with and participate in UMB's investigation and resolution process. Failure of a witness to cooperate with and/or participate in the investigation or resolution process constitutes a violation of Policy and may be subject to discipline.

### ***b. Remote processes***

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) or Decision-maker determine that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is normally considered not ideal. Where remote technologies are used, UMB makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

### ***c. Recording***



No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

**d. Evidence**

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

**e. Sexual history/patterns**

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or (3) the character of the parties.

**f. Previous allegations/violations**

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct. This information will be included in the Investigator's Report.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s), if UMB uses a progressive discipline system.

**g. Character witnesses**

Neither the Title IX Coordinator nor the Investigator(s) will meet with character witnesses, but the Investigator(s) may accept up to two (2) letters supporting the character of each of the parties. Such letters must be provided to the Investigator(s) prior to the report being finalized; otherwise, the parties have waived their right to provide such letters. Any impact letters provided to the Investigator will become part of the evidentiary file.

**h. Notification of outcome**

If the Respondent admits to the violation(s), or is found in violation, the Decision-maker, in consultation with other administrators as appropriate, determines sanction(s) and/or remedial actions, which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community. This process will include consultation with the appropriate Dean or Conduct Review Board, as applicable. If the admission occurs prior to referral for Administrative Review, the Chief Accountability Officer will assign a Decision-maker for the purpose of determining the sanction.

The Title IX Coordinator informs the parties of the determination within five (5) business days of the decision, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official UMB records; or emailed to the parties' UMB-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which UMB is permitted to share pursuant to state or federal law, and the rationale supporting the essential findings to the extent UMB is permitted to share the information under applicable law.

The notice will detail when the determination is considered final and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found below.

### **9. Sanctions**

Factors considered when determining any sanction(s)/remedial action(s) may include, but are not limited to:

The nature, severity of, and circumstances surrounding the violation

An individual's disciplinary history

Previous allegations or allegations involving similar conduct

The need for sanctions/remedial actions to bring an end to the discrimination, harassment, and/or retaliation

The need for sanctions/remedial actions to prevent the future recurrence of discrimination, harassment, and/or retaliation

The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community

The impact on the parties

Any other information deemed relevant by the Decision-maker

In determining sanctions, the process will include consultation with the appropriate Dean or Conduct Review Board, as applicable. The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

#### **a. Student Sanctions/Remedial Actions**

The following are examples of remedial responses and sanctions that may be recommended singly or in combination:

**Warning:** A formal statement identifying conduct that was found to be a violation and a warning that further violation of any UMB policy, procedure, or directive will result in more or potentially more severe sanctions/remedial actions.

**Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified UMB-related social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

**Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at UMB.

**Dismissal:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend UMB-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript.

**Required Counseling:** A mandate to meet with and engage in either UMB-sponsored or external counseling to better comprehend the misconduct and its effects.

**Required Training or Education:** A mandate to engage in either UMB-sponsored or external training or educational programs to better comprehend the misconduct and its effects.

**Withholding Degree:** UMB may withhold a student's degree for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending

or as a sanction if the student is found responsible for an alleged violation.

Revocation of Degree: UMB reserves the right to revoke a degree previously awarded by UMB as a sanction if the student is found responsible for an alleged violation.

Transcript Notation: A permanent notation on the student's official transcript of the policy violation.

Other Actions: In addition to or in place of the above sanctions, UMB may assign any other sanctions as deemed appropriate.

***b. Employee Sanctions/Remedial Actions***

The following are examples of remedial responses and sanctions that may be recommended singly or in combination:

Warning – Verbal or Written: A formal verbal or written statement that the conduct was unacceptable and a warning that further violation of any UMB policy, procedure, or directive will result in more severe sanctions/remedial actions.

Performance Improvement Plan: Inclusion of the violation on the employee's Performance Improvement Plan with corrective actions to be taken by the employee.

Required Counseling: A mandate to meet with and engage in either UMB-sponsored or external counseling to better comprehend the misconduct and its effects.

Required Training or Education: A mandate to engage in either UMB-sponsored or external training or educational programs to better comprehend the misconduct and its effects.

Demotion: Lowering the employee's status, title, and, if appropriate, pay.

Suspension with pay: Termination of employee's status for a definite period of time not to exceed two years and/or until specific criteria are met. Employees who return from suspension with pay are automatically placed on probation for a period to be determined at the time of suspension. The employee will continue to receive their base salary during the suspension period.

Suspension without pay: Termination of employee's status for a definite period of time not to exceed two years and/or until specific criteria are met. Employees who return from suspension with pay are automatically placed on probation for a period to be determined at the time of suspension. The employee will not receive their salary during the suspension period.

Termination: UMB will end its employment agreement with the employee. The employee will not be eligible to be re-hired by UMB.

Other Actions: In addition to or in place of the above sanctions/remedial actions, UMB may assign any other remedial actions as deemed appropriate.

**10. Withdrawal or Resignation While Charges Pending**

***a. Students***

The UMB Policy on Sexual Misconduct provides the potential outcomes should a student withdrawal or resign with charges are pending.

***b. Employees***

The UMB Policy on Sexual Misconduct provides the potential outcomes should an employee resign with charges are pending.

**11. Appeals**

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the written finding of the Title IX Coordinator or Decision-maker. Any party may appeal the findings only under the grounds described below.

The President, or the President's designee, is appointed as the Appeal Decision-maker. Any party

may appeal, but appeals are limited to the following grounds:

A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, failure to correctly apply the evidentiary standard).

To consider new evidence, unknown or could not be made available during the investigation, and that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the appeal.

The Title IX Coordinator, investigator(s), or Decision-maker(s) had a significant conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent, or a related interest not disclosed that materially affected the outcome of the matter.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies) or other appropriate persons such as the Investigator(s), who may file a response within five (5) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within five (5) business days. These responses or appeal requests will be shared with each party. The Appeal Decision-maker will review the appeal request(s) within seven (7) business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the appeal will be dismissed.

When the Appeal Decision-maker finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

Decisions by the Appeal Decision-maker are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/remedial action(s) only if there is compelling justification to do so.

Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator/Decision-maker merely because they disagree with the finding and/or sanction(s).

Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Decision-maker.

Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

For students: Graduation, study abroad, internships/ externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.

All parties will be informed in writing within (7) business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.

Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand.

In rare cases when a procedural [or substantive] error cannot be cured by the original Investigator(s) and/or Decision-maker (as in cases of bias), the Appeal Decision-maker may recommend a new investigation and/or Administrative Resolution process, including new resolution Decision-maker(s).

In cases in which the appeal results in Respondent's reinstatement to UMB or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

#### **12. Long-Term Remedies/Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements that may appropriately be made available by UMB to the Respondent.

#### **13. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Remedial Actions**

All Respondents are expected to comply with sanctions, remedial actions, and corrective actions within the timeframe specified by the Title IX Coordinator.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/remedial/corrective action(s), including suspension, expulsion, and/or termination from UMB and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

#### **14. Recordkeeping**

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept for a minimum of seven (7) years, or as required by state or federal law or institutional policy, by the Title IX Coordinator in the Title IX case database.

#### **15. Disabilities Accommodation in the Resolution Process**

UMB is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the UMB's resolution process.

Students needing such accommodations or support should complete the Disability and Reasonable Accommodations form located on the Educational Support and Disability Services website located at: <https://www.umaryland.edu/disabilityservices/for-students/how-to-request>

[accommodations/](#). Employees should complete the Request for Reasonable Accommodation form and submitting it to Human Resource Services (HRS) Employee Labor Relations (ELR), Office of Diversity, ADA and Affirmative Action located at <https://www.umaryland.edu/hrs/current-employees/diversity-ada-aa/americans-with-disabilities-act/>. Students and employees seeking accommodations or support should inform the Title IX Coordinator when they have submitted the request(s) to allow for consultation to determine which accommodations are appropriate and necessary for full participation in the process.

**16. Revision**

These procedures will be reviewed and updated annually by the Title IX Coordinator. UMB reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (in the Policy and Procedures section of UMB’s Title IX website located at <https://www.umaryland.edu/titleix/policies-and-reporting-requirements/>, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this procedure.

At the discretion of UMB, Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

THESE PROCEDURES WERE ADAPTED FROM ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL

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<b>RELATED POLICIES</b>
<a href="#">UMB POLICY ON SEXUAL MISCONDUCT</a>

## ATTACHMENT VIII

### USM POLICY ON SUBSTANCE ABUSE

A. Section VII - 1.10 Policy on a Drug and Alcohol-Free Workplace for Employees [*attached*]

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**USM Bylaws, Policies and Procedures of the Board of Regents**

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**VII - 1.10 - POLICY ON A DRUG AND ALCOHOL-FREE WORKPLACE FOR EMPLOYEES**

(Approved by the Board of Regents, January 2, 1989; Amended October 9, 2015)

**I. PURPOSE**

This policy is intended to affirm the University of System of Maryland (USM) commitment to maintain a safe and healthy drug and alcohol-free workplace for all employees, students and visitors, and to minimize the risk that illegal drugs and controlled substances pose to USM institutions.

**II. POLICY**

- A. The USM is committed to maintaining a drug and alcohol-free workplace that is compliant with applicable federal and state laws. The following are prohibited activities under this policy on all premises owned, operated or controlled by the USM and its institutions:
1. the unlawful possession, use, distribution, dispensation, sale or manufacture of illegal controlled substances by covered employees;
  2. the use by covered employees of any prescription drug in a manner inconsistent with its medically prescribed, intended use, or under circumstances where such use is not permitted;
  3. reporting to work or working under the influence of drugs or alcohol by covered employees; and,
  4. hiring anyone who is known to currently abuse drugs or alcohol who is not actively engaged in a bona fide drug or alcohol abuse assistance or rehabilitation program.
- B. As a condition of USM employment, all employees must abide by the terms of this policy. Employees found to be in violation of this policy are engaged in serious misconduct and may be subject to appropriate disciplinary action applicable in their institution, and/or required to participate in appropriate drug and/or alcohol abuse rehabilitation programs.

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**USM Bylaws, Policies and Procedures of the Board of Regents**

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**III. APPLICABILITY**

- A. This policy applies to all USM regular and contingent faculty and staff, postdoctoral assistants, graduate assistants, and student employees.
- B. Employees working on a federal grant or contract must notify their supervisor or Department head of any criminal drug convictions in the workplace no later than 5 days after such conviction. Within 10 days of the reported conviction, the Institution must provide written notice to any federal sponsor of grants or contracts on which the convicted employee was working.
- C. To the extent that federal or state law standards are more stringent than the requirements of this policy, the applicable federal or state standards shall apply.

**IV. GENERAL**

- A. Possible violations of the provisions of this policy shall be referred to the institution's Chief Human Resources Officer or other designated institutional official for investigation and when warranted, determination of appropriate administrative/disciplinary action, up to and including termination and, if warranted, referral for criminal prosecution.
- B. Any disciplinary actions imposed shall be consistent with the nature of the violation, and may include, but are not limited to, counseling, reprimand, suspension, demotions, denial of pay increment, denial of promotion, unsatisfactory performance evaluation, reassignment, termination; and/or employee assistance program (EAP) referral to an appropriate rehabilitation program. An institution may make successful completion of a rehabilitation program a condition of continued employment for the employee.
- C. Employees for whom successful completion of a rehabilitation program is a condition of continued employment shall provide documentation of successful completion of a program designated by the institution.
- D. All records related to an employee's substance abuse are confidential and shall be kept by the appropriate administrator of the EAP or other designated institutional official. Such records shall not be included in the employee's personnel file. However, personnel files may contain non-medical records related to disciplinary actions taken as a result of violation of this policy.

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**USM Bylaws, Policies and Procedures of the Board of Regents**

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- E. Institutions may designate certain positions as “sensitive”. Violations of this policy by persons employed in “sensitive” positions shall constitute willfull misconduct and shall be deemed grounds for immediate removal of the employee from the duties of the position, pending further investigation. Examples of such positions include:
1. Positions with a significant degree of responsibility for the safety of one or more persons where impaired performance could result in death or injury to the employee or one or more persons;
  2. Positions requiring the carrying of a firearm;
  3. Positions directly involved in narcotics law enforcement or efforts to interdict the flow of narcotics;
  4. Positions having substantial access to, control and/or research use of a controlled dangerous substances;
  5. Positions having access to Tier 1 biological select agents and toxins (BSAT); and,
  6. Positions, as determined by the President or designee in writing, for which impairment may result in significant harm to public safety or security, or present a threat to the health or safety of institution students, employees or visitors.

**V. SUBSTANCE TESTING**

The President or designee of each USM institution shall determine the sensitive positions that are subject to testing for substance abuse. Each institution shall develop procedures on pre-employment and random drug testing for those positions determined to be sensitive. The Institution Human Resources Department shall maintain a list of those eligible for random testing. Employees in sensitive positions shall be individually notified of such designation and of the provisions of this policy, by the appropriate administrator.

**VI. NOTIFICATION AND REVIEW**

Each institution shall establish drug abuse awareness programs to promote the maintenance of a workplace free of alcohol and drug abuse and to inform employees about:

VII - 1.10-3

**USM Bylaws, Policies and Procedures of the Board of Regents**

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- A. The USM Drug and Alcohol-Free Workplace Policy;
- B. The dangers of alcohol and drug abuse;
- C. Available counseling, rehabilitation, and employee assistance programs; and
- D. The consequences that may be imposed upon employees for violations of this policy.

**VII. IMPLEMENTATION**

Each president shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its institutional website.

VII - 1.10-4

## **UMB POLICY ON SUBSTANCE ABUSE**

B. Section VII - 1.10(A) - UMB Substance Abuse Policy [*attached*]



# Policies and Procedures

## Human Resources Policies

VII-1.10(A)

### UMB Substance Abuse Policy

**HUMAN RESOURCES** | *Approved August 1, 1990*

**RESPONSIBLE VP/AVP**

[Roger J. Ward, EdD, JD, MPA](#)

#### Purpose

The UMB Substance Abuse Policy is designed to: (1) observe state executive orders and State and Federal laws; (2) promote a campus free of illegal drug use; (3) stress moderation, safety, and individual accountability by those who choose to drink alcohol; (4) provide a campus atmosphere free of coercion for those who choose not to drink alcohol; (5) maintain a community where the effects of abuse are minimal and where problem behavior is reduced; (6) provide information and education on the health risks associated with drug and alcohol abuse; and (7) provide confidential and effective guidance and counseling for those with special needs related to substance abuse.

**BACKGROUND:** Substance abuse is a serious national crisis which has had a detrimental effect on the lives of many of our citizens, and has exerted a negative effect on the operation of academic institutions. Every university experiences a loss of productivity due to drug and alcohol related absenteeism, injuries on the job, decreased work quality and wasted dollars. Substance abusing employees and students function below established standards, may make impaired decisions, may have negative effects on their co-workers and peers, and are not as alert as non-using employees and students. The illegal use of the University campus as a marketplace for drugs endangers the health, safety and welfare of all individuals associated with the campus. Every university must maintain an environment which eliminates this waste and supports the health, well-being and productivity of all its employees and students as they carry out their responsibilities. A campus free of substance abuse is fundamental to promote efficient, effective and responsive education, research and service.

**HEALTH RISKS:** Substance abuse is recognized as the number one public health problem in the United States. Approximately 30% of all admissions to general hospitals and 50% to psychiatric hospitals have detectable substance abuse. Substance abuse accounts for approximately 150,000 deaths annually. This includes deaths from stroke, disease of the heart and liver, and all alcohol and drug related suicides, homicides and accidents. Early detection can minimize or prevent the devastating consequences of substance abuse.

#### Policy Statement

The unlawful manufacture, distribution, dispensing, possession or use of drugs is prohibited at UMB.

B. Alcohol may only be used legally and responsibly on campus or in any location while the employee or student is on official UMB business. Organizers of any on-campus functions where alcohol is served must present a plan to the administration responsible for that particular area (i.e. Dean's Office if the function is in a School, Office of Campus Life if the function is held in the Student Union).

C. All employees and students must report to work, on all premises owned, operated, or controlled by the USM and its institutions in a fit condition to perform. Reporting to work or working while impaired by drugs or alcohol is a violation of this policy and shall subject the employee or student to the appropriate disciplinary or rehabilitative action.

D. As a condition of employment every employee must abide by the terms of this policy and notify his/her supervisor of any criminal drug conviction.

1. Such notice should be given no later than five days after such conviction.

2. For all employees working on a Federal Grant:

a. Within ten days of receiving notification of a criminal drug statute conviction which occurred in the workplace, UMB will report the conviction to the granting agency.

E. As a condition of enrollment every student must abide by the terms of this policy and notify his/her Dean's office of any drug or alcohol related conviction.

1. Such notice should be given no later than five days after such conviction.

F. UMB will take either or both of the following actions after receiving notice of a conviction.

1. Require the convicted employee to participate in a substance abuse assistance or rehabilitation program, and/or,

2. Subject the convicted employee to the appropriate disciplinary action, up to, and including, termination or expulsion.

G. UMB will impose disciplinary sanctions on employees and, if appropriate, referral for prosecution for violations of the standards of conduct required by paragraphs A. - D. of this policy. The sanctions not listed in any order, may be progressive or consistent with the nature of the violation and include, but are not limited to:

1. Employees - Counseling, Reprimand, Suspension, Demotion, Denial of Pay Increment, Denial of Promotion, Unsatisfactory Performance Evaluation, Reassignment, Termination; and/or Employee Assistance Program (EAP) Referral, Completion of an appropriate Rehabilitation Program.

H. UMB will establish alcohol and drug abuse awareness programs to inform employees and students about:

1. The dangers of drug and alcohol abuse on the campus;

2. UMB's policy of maintaining a campus free of drug and alcohol abuse;

3. Any available counseling, rehabilitation, and employee assistance programs; and

4. The penalties that may be imposed upon employees or students for drug and/or alcohol abuse violations occurring on the campus.

I. UMB will give each employee and student a copy of this policy. A biennial review will be conducted to determine the program's effectiveness and the consistent imposition of sanctions.

LEGAL SANCTIONS: Students and employees at the University of Maryland, Baltimore are subject to federal, state, and local laws for the possession and distribution of illegal drugs.

Federal law 21 USCA, sections 841 and 844 to 845a (1990), states that it is unlawful to possess any controlled substance, including marijuana, cocaine, or heroin, for any illegal purpose. If the substance is cocaine, or contains a cocaine base, the penalty for simple possession is a fine and/or imprisonment from 5 to 20 years. For other illegal drugs, the penalty for simple possession is a fine of at least \$1000 and/or imprisonment for up to 3 years. The penalties increase if the possession includes intent to manufacture, distribute, or dispense a controlled substance, especially if done so near a public or private elementary, vocational, or secondary school, or a public or private college or university. Additionally, any person who violates this law shall also be liable to the U.S. for any amount up to \$10,000 in civil penalties.

In addition to the federal laws, the State of Maryland has its own laws dealing with distribution, manufacturing, and possession of controlled substances.

Art. 27, Section 286, Ann. Code of Maryland (1989 Supp.)

For the manufacture, distribution, dispensation, or possession with intent to distribute the following:

- a) 50 pounds or more of marijuana
- b) 448 grams or more of cocaine or cocaine mixture
- c) 28 grams or more of morphine or opium mixture
- d) 1000 dosage units of lysergic acid diethylamide or mixture
- e) 16 ounces or more of phencyclidine in liquid form
- f) 448 grams or more of any mixture containing phencyclidine
- g) 448 grams or more of methamphetamine or mixture

Penalty

1st Offense

No less than 5 years  
or if "drug kingpin"

2nd Offense

Twice that otherwise  
authorized by law

not less than 20 years nor more than 40 years; fine of not more than \$1,000,000

A person who manufactures, distributes, dispenses or possesses with the intent to distribute a controlled dangerous substance in, on, or within 1000 feet of an elementary or secondary school will be subject to an additional term of not more than 20 years or a fine of not more than \$20,000 or both for a first offense, and a term for not less than 5 or more than 40 years or a fine of not more than \$40,000 or both for a second offense. [Art. 27, Section 286, Ann. Code of Maryland. (1990)].

Art. 27, Section 287, Ann. Code of Maryland

Miscellaneous

Individuals who have been convicted of a controlled dangerous substance offense on or after January 1, 1991 are required to disclose that fact when applying for a license or a license renewal. The licensing authority may refuse to issue the license or impose appropriate conditions on the license (except for noncommercial driver's licenses). Drug Enforcement Act of 1990, House Bill 515.

Md. Ann. Code Art. 27, section 286 (1989), states that any person who unlawfully manufactures or distributes any controlled dangerous substances may be fined up to \$25,000 and may be imprisoned for up to 20 years for a first offense. Also, in Baltimore City, under Article 19, section 58C of the City Code, it is illegal to loiter in a certified drug free zone, with penalties of imprisonment of up to 30 days and a fine of up to \$400.

Students and employees at the University of Maryland, Baltimore are subject to state laws for drinking and obtaining alcohol.

It is illegal in the State of Maryland, Md. Ann. Code Art. 27, sections 400 to 403B, for any person under 21 to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them. It is also illegal in most situations to furnish alcohol to a person under 21, or to obtain alcohol on behalf of a person under 21. The penalty is a fine of up to \$500 for a first offense, and up to \$1000 for repeat offenses.

Also, it is illegal in the State of Maryland, Md. Ann. Code, Transportation Article, section 21-902, for any person to drive or attempt to drive while intoxicated or under the influence of drugs and/or alcohol. The penalty is a fine of up to \$1000 and/or 1 year of imprisonment for a first offense, \$2000 and/or 2 years for a second offense and to \$3,000 and/or 3 years for a third offense.

Maryland Ann. Code Article 27, Section 211, states that it is illegal in the State of Maryland to drink alcohol on any public property or shopping center, mall, or other retail establishment, with a penalty of a fine up to \$100. Section 207 states that it is illegal to be intoxicated and create a disturbance or endanger the safety of property or another person. The penalty is a fine of up to \$100 and/or imprisonment not exceeding 90 days.

This section describing Legal Sanctions is not intended to be exhaustive of all laws regarding drug and alcohol related offenses.

## Definitions

A. "Substance" means alcohol and/or drugs.

B. "Alcohol" means ethyl alcohol (ethanol).

C. "Drugs" means any substance, including controlled dangerous substances but excluding alcohol, that when taken into the body may impair one's mental faculties or cause changes in mood and/or physical performance.

D. "Substance Abuse" means:

1. A pattern of intentional and inappropriate use of any substance, legal or illegal, that interferes with any of several major life functions, including an individual's educational and/or job performance;
2. Any illegal drug use;
3. Intentional misuse of any over-the-counter drug, in cases where such misuse impairs job performance; or
4. Use of any prescription drug in a manner inconsistent with its medically prescribed, intended use, or under circumstances where use is not permitted.

E. "Employee" refers to faculty, associate staff and classified regular, contractual, temporary or if-and-when-needed appointees.

F. "Conviction" means any disposition by a court of law other than a dismissal or a finding of not guilty.

### RELATED POLICIES

[USM Policy on a Drug and Alcohol-Free Workplace for Employees](#)



## ATTACHMENT IX

### UNIVERSITY OF MARYLAND, BALTIMORE PROCEDURES FOR RESPONDING TO HATE/BIAS INCIDENTS

#### **I. Purpose and Applicability:**

- A. The essential nature of the University of Maryland, Baltimore (UMB) requires an atmosphere of tolerance and understanding of diverse groups, ideas, and opinions. Acts of destruction, violence, or harassment that are racially, ethnically, religiously, and/or otherwise motivated against the personal property of others or infringe on the rights and freedom of others will not be tolerated at UMB. Individuals committing such acts at the University are subject to campus judicial and personnel action including suspension, expulsion, or termination.
- B. The University will investigate and report hate/bias incidents or crimes as required by applicable laws and regulations, including Maryland Code Crimes Article Section 10-303 and Maryland Code Public Safety Article Section 2-207.

#### **II. Prohibitive Conduct:**

Acts of harassment, violence, and/or destruction of property because of another's race, color, religion, age, national origin, sex, sexual orientation, or disability are prohibited.

#### **III. Reporting Hate/Bias Incidents:**

- A. Anyone who is a victim of or learns of a hate/bias incident should report the incident to any of the following offices on campus:

UMB Police Department	410-706-6882 (non-emergency)
UMB Housing	410-706-5523
Office of Human Resources	410-706-7302 (faculty and staff)
Office of Academic Affairs <sup>1</sup>	410-706-1850 (students)
- B. UMB Housing or the Office of Human Resources or any school official will notify the University of Maryland, Baltimore Police Department (UMBPD).
- C. UMBPD will conduct an initial investigation and assessment to determine if the matter should be handled by police or another campus office.
- D. If UMBPD determines that the incident does not involve criminal activity, it will contact the Office of Human Resources, UMB Housing, or the appropriate school authority as determined by the status of the alleged victim and status of the alleged perpetrator (student, faculty, staff, visitor, etc.), so that the appropriate administrative action, if warranted, can be taken pursuant to existing procedures.

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1. *Rather than report to the Office of Human Resources and the Office of Academic Affairs for faculty/staff and students, respectively, anyone on campus who is a victim of or learns of a hate/bias incident should report it the Office of Accountability and Compliance at 410-706-2281.*

**IV. Communication with University Administration:**

- A. UMBPD, the Dean of Student Affairs, Legal Counsel, and the Office of Human Resources responding to the complaint will communicate information about the incident promptly to the Behavioral Evaluation and Threat Assessment Team (BETA) and the Office of the President.
- B. The nature of the incident will dictate the appropriate courses of action:
  1. **Criminal Behavior:**  
If the incident is determined to be a crime, UMBPD will conduct a criminal investigation, offer support services to the victim, and make the appropriate notifications of an incident to other University administrators. If the person responsible for the crime is a student, faculty, or staff member, in addition to criminal prosecution, appropriate referrals will be made to the UMB Housing and/or the Office of Human Resources, and/or the school's dean of student affairs for necessary action.
  2. **Violation of Residence Facility Rules and Contract:**  
UMB Housing will determine if an incident is in violation of residence facility rules and, if so, determine appropriate disciplinary action.
  3. **Violation of UMB Personnel Policies and Procedures:**  
An incident occurring in the work environment will be subject to review and action by the Office of Human Resources.
  4. **Violation of the UMB Code of Student Conduct:**  
The Office of Student Judicial Programs for each UMB school administers the Code of Student Conduct. Incidents found to be in violation of the individual codes will be subject to disciplinary action up to and including suspension or expulsion from the University.

**V. Ongoing Educational Programs:**

The Office of Human Resources is charged with designing and implementing educational programs and cross-cultural activities designed to promote tolerance and an appreciation of diversity for faculty and staff. Campus Life Services is charged with designing and implementing educational programs and multicultural activities for students.

**VI. Behavioral Evaluation and Threat Assessment Team:**

- A. The University has established a Behavioral Evaluation and Threat Assessment (BETA) Team. The purpose of the team is to provide a coordinated, multidisciplinary response to acts of hate/bias. The Hate/Bias Response Team shall meet on a periodic, as-needed basis to review and respond appropriately to reported hate/bias incidents.
- B. The composition of the response team is as follows:

**Core BETA:**

Chief of Police, UMBPD  
 Executive Director, Student Counseling Center  
 Assistant Vice President, Academic and Student Affairs  
 Manager, Employee Assistance Program  
 Director, Employee Health

Director, Labor Relations, Human Resources  
Office of University Counsel

It is the responsibility of BETA to identify any patterns, trends, or upsurges in hate/bias activity. BETA will work with other departments and schools on campus to develop action-oriented steps to address identified patterns.

## ATTACHMENT X

### POLICY ON THREATS AND VIOLENCE

Section XI - 3.00(A) UMB Behavioral Evaluation and Threat Assessment Policy: [*attached*]



# Policies and Procedures

## Public Safety Policies

XI-3.00(A)

### UMB Behavioral Evaluation and Threat Assessment Policy

**PUBLIC SAFETY** | *Approved September 29, 2017*

**RESPONSIBLE VP/AVP**

[Roger J. Ward, EdD, JD, MPA](#)

#### Policy Statement

##### I. Purpose

This Policy (Policy) is intended to promote a safe environment for all University of Maryland, Baltimore (UMB) students, faculty, staff, volunteers, visitors, and affiliate employees. This Policy establishes (a) a zero tolerance philosophy for threats and acts of aggression or violence; (b) guidelines for conduct; (c) the requirement to report threats and acts of aggression or violence; and (d) the requirement to be sensitive to and consider reporting warning signs of threats and acts of aggression or violence.

##### II. Definitions

**A. Affiliate:** (1) a faculty practice organization (or its subsidiary) established with authorization of the Board of Regents, (2) the University of Maryland Medical Center (UMMC), (3) University Physicians, Inc., (4) the Baltimore Veterans Administration Medical Center (VAMC), or (5) any affiliated entity, foundation, or alumni organization established with authorization of the Board of Regents.

**B. Affiliate Personnel:** A person who is an employee, agent, contractor, invitee, or volunteer of an Affiliate.

**C. Aggression:** Oral or written statements or physical actions that intentionally or recklessly create reasonable fear or apprehension of, or cause, (1) bodily harm, (2) threat to the safety of another person, or (3) damage to physical property.

**D. BETA Team:** Behavioral Evaluation and Threat Assessment Team

**E. Campus:** Any location on the UMB campus (including UMMC). Also, any work or education site owned, leased, operated, or controlled by UMB.

**F. Off-campus Sites:** Locations other than the Campus where students, faculty or staff are assigned to work or study (for example, clinical placement sites, Shady Grove, hospitals other

than UMMC). The VAMC is an Off-campus Site.

**G. Educational Interest:** A School Official's legitimate need to review an education record in order to fulfill his or her professional responsibilities for UMB. These responsibilities include, for all employees, maintaining the safety and security of the campus. This exception applies whether or not there is an emergency situation.

**H. Education Records:** Records in paper, electronic, photographic and other formats which contain information directly related to a student and which are maintained in official working files by UMB. This includes University Associate's Reports (see VII.E.3.j.) kept by the BETA Team. Information gained by UMB about a student through observation of or through conversation with the student or others is not an Education Record unless reduced to writing.

**I. School Official:** (1) A person employed by UMB or the University System of Maryland administration in an administrative, supervisory, academic, or research position (including law enforcement personnel and health staff); (2) a person or company acting as UMB's contractor to provide a service that otherwise would or could be provided by UMB employees or officials (for example, attorneys, auditors, health care providers, and collection agents); (3) a person employed by a management company for UMB affiliated housing located on UMB-owned property; (4) a person serving on the Board of Regents; or (5) a student serving on an official committee, such as a disciplinary or grievance committee, or assisting a School Official in performing his/her professional responsibilities for UMB.

**J. Threat:** An intentional or reckless indication that a person may commit an act of Aggression or Violence toward a person or thing.

**K. Threatening, Aggressive or Violent Behavior:** Conduct (whether or not intended to be humorous) which is objectively or reasonably perceived by another as a Threat, as Violence, or as Aggression.

Examples of such conduct include, but are not limited to, the conduct described below:

1. Unwelcome name-calling; disparaging or excessively obscene language; hate speech; and other abusive language.
2. Direct or indirect Threats.
3. Carrying or possessing a gun, firearm, ammunition, other weapon or replica of a weapon on Campus or at Off-campus Sites, excluding law enforcement officers required to do so or individuals with prior written approval from the UMB Chief of Police.
4. Physically intimidating actions, including but not limited to acts such as obscene gestures, "getting in someone's face," and fist shaking.
5. Touching another person (by direct contact or with an object) in an intimidating, malicious or sexual manner. This includes, but is not limited to, acts such as hitting, slapping, poking, kicking, pinching, grabbing, and pushing.
6. Throwing objects in the workplace, regardless of the size or type of object being thrown and whether a person is the target of the thrown object.

**L. University Associates:** Students, faculty and staff of UMB on Campus and at Off-campus Sites; also, volunteers, visiting students and scholars, Affiliate Personnel, and invitees on Campus (for example, vendors, applicants, clients, patients, museum visitors).

**M. Violence:** Any intentional or reckless act that causes (1) pain or injury to another person; or (2) damage to property

**III. Warning Signs** *[that may precede or be indicative of violent behavior]*

**A.** University Associates are encouraged to be alert to Warning Signs below and to report Warning Signs exhibited by another University Associate to appropriate School/Department administrators and/or UMB offices trained in evaluating such behavior. University Associates, regardless of their professional training and experience, are encouraged *not* to attempt to evaluate and respond to Warning Signs without seeking assistance from UMB resources.

**B.** Unfortunately, there is no proven method of predicting when someone may become violent. It is important to keep this in mind when attempts are made to identify Warning Signs. It is particularly important to consider the context of things considered to be Warning Signs. For example, voice tone, level of familiarity with the person making troubling statements, and the presence of other Warning Signs should all be considered. Below are some indicators that warrant closer attention and may warrant intervention and/or reporting.

1. Making threats of suicide or statements about hurting one's self. Threats might be direct, or indirect (for example, hints).
2. Making implied threats of Violence.
3. Expressing fascination with firearms, other weapons, or bombs, or asserting ownership of firearms, other weapons, or bombs, or the materials to manufacture them.
4. Expressing fascination with weaponization of chemical or biological materials, or asserting the ability to produce such weapons.
5. Having a known history of Violence.
6. Preoccupation with computer games, movies, television, music, and/or stories about Violence.
7. Identification with criminal or terrorist individuals, acts and/or philosophy.
8. Making frequent or recurrent suggestions that incidents of publicized Violence may be repeated at UMB.
9. Maintaining a preoccupation with incidents of publicized Violence (for example, collecting articles and photos, showing fascination with perpetrators of Violence).
10. Intimidating others; acting with belligerence or defiance toward others; frequently becoming confrontational.
11. Crossing professional and personal boundaries (for example, excessive phone calls, text messages, or e-mails; excessive impromptu visits; giving gifts inappropriately).
12. Being easily provoked; showing sudden or erratic agitation with others.
13. Blaming others for anything that goes wrong; failure to acknowledge any personal responsibility for disappointments or difficulties.
14. Showing recent, marked academic (or job) performance decline.
15. Demonstrating notable changes in personality, mood or behavior.
16. Giving away personal possessions.
17. Showing notable decline in personal hygiene and personal appearance.
18. Abusing alcohol or other drugs, particularly marked increase in substance abuse.
19. Behavior reflecting social isolation/alienation.

**C.** In addition, listed below are some situational contexts that would not be considered Warning Signs in and of themselves. Knowledge of such contexts may influence judgment about the level of risk indicated by Warning Signs. Knowledge of some of these contexts may indicate that more proactive efforts are needed to increase support in an effort to prevent Violence against one's self or others.

1. Anticipation of severe consequences, such as failing out of school or being expelled due to serious conduct code violations (especially if shame or embarrassment is heightened due to situational and/or cultural factors).
  2. Lack of support regarding a history of actual or perceived victimization (discrimination, bullying, or other forms of oppression around race, nationality, religion, sexual orientation, gender identity or expression, physical characteristics, mental functioning, disability, etc.).
  3. Severe stressors in personal life (for example, financial, health, family or marital problems).
- D.** Each School will provide its students with instructions concerning a School contact who can assist a student in reporting Warning Signs exhibited by a fellow student.

#### **IV. Policy**

- A.** University Associates must feel secure at the Campus and in Off-campus Sites in order to focus on their studies, research, duties, and responsibilities. Threatening, Aggressive or Violent Behavior by any University Associate toward another University Associate, or toward the community on Campus or at an Off-campus Site, will not be tolerated.
- B.** Any University Associate having knowledge of Threatening, Aggressive or Violent Behavior toward another University Associate on Campus *must* report the behavior immediately to the University Police. The University Associate also may report the behavior to a BETA Team member, the Employee Assistance Program, the UMB Counseling Center, an appropriate school/department administrator, the Office of the Vice President for Academic Affairs, Employee/Labor Relations - Human Resource Services, or the Office of Student and Employee Health.
- C.** University Associates are encouraged to report Warning Signs exhibited by another University Associate. Warning Signs may be reported to a BETA Team member, the Employee Assistance Program, the UMB Counseling Center, an appropriate school/department administrator, the Office of the Vice President for Academic Affairs, Employee/Labor Relations - Human Resource Services, or the Office of Student and Employee Health.
- D.** A University Associate who is a victim of Threatening, Aggressive or Violent Behavior may be assisted, with limited confidentiality, by administrative and counseling (for faculty, staff and students of UMB) services available at the Campus. Any University Associate responsible for Threatening, Aggressive or Violent Behavior will be subject to appropriate administrative/disciplinary action up to and including expulsion from school (for students), termination of employment (for faculty and staff of UMB), and removal from UMB premises (for volunteers and other invitees).
- E.** UMB will not condone any form of retaliation against a University Associate who reports in good faith Threatening, Aggressive or Violent Behavior or Warning Signs. Similarly, UMB will not condone the deliberate filing of false reports of Threatening, Aggressive or Violent Behavior or Warning Signs.
- F.** Reports of Threatening, Aggressive or Violent Behavior by a UMB faculty, staff or student at an Off-campus Site are subject to this Policy as well as the policies of the Off-campus Site and applicable local laws. Reports that a person affiliated with an Off-campus Site, or Affiliate Personnel, is responsible for Threatening, Aggressive or Violent Behavior toward a UMB faculty, staff or student are subject to this Policy to the extent practical in order to protect the UMB faculty, staff, or student and/or to remove him or her from a potentially harmful Off-campus Site.
- G.** If a University Associate reports Threatening, Aggressive or Violent Behavior by Affiliate Personnel, UMB will notify appropriate officials of the Affiliate and seek cooperation from the Affiliate to investigate and resolve the matter.
- H.** Nothing in this Policy will be interpreted to require the UMB Police or any other law



enforcement unit to delay investigations, arrests, or other appropriate law enforcement actions for the protection of University Associates or the public.

#### **V. Confidentiality**

Under UMB policy and applicable law, it is permissible for School Officials to disclose personally identifiable information to other School Officials who have an Educational Interest in order to fulfill a professional responsibility to UMB and/or University Associates. Similar disclosures may be made to appropriate individuals outside UMB in connection with a health and safety emergency after considering the severity of the matter, the need for information, the time required to deal with the emergency, and the ability of those to whom a disclosure is made to deal with the emergency. Institutional investigations of charges may require the complainant's identity to be known by the accused. Information gained by UMB about a student through observation of or through conversation with the student or others and not reduced to writing should be treated sensitively but is not confidential.

#### **VI. Behavioral Evaluation and Threat Assessment (BETA) Team**

**A.** The Behavioral Evaluation and Threat Assessment (BETA) Team coordinates activities responsive to reports of Threatening, Aggressive or Violent Behavior. The BETA Team consists of appointed, standing representatives of the following offices: Employee/Labor Relations - Human Resource Services (410-706-7302); Employee Assistance Program (410-328-5860); UMB Counseling Center (410-328-8404); University Police (24-hour emergency service at x 711, 410-706-6882, 410-706-3333); Office of the Vice President for Academic Affairs (410-706-1850); and Student and Employee Health Services (410-328-2686). An attorney from the UMB Office of University Counsel (410-706-5353) will serve as legal advisor to the BETA Team and will involve the Office of the Attorney General of Maryland as necessary. The BETA Team Chair may include a representative from the Office of External Affairs (410-706-5020) on a case by case basis. The BETA Team Chair may add other representatives on an ad-hoc basis. The BETA Team roster will be posted on the UMB website and other designated places.

**B.** All standing and ad-hoc members of the BETA Team are considered to be (1) School Officials who have legitimate educational interests in accessing the education records of a student involved in an incident referred to the BETA Team; and (2) UMB officials with a legitimate interest in accessing the employment records and/or other personal information of a University Associate other than a student involved in an incident referred to the BETA Team.

**C.** The representative from the University Police will chair the BETA Team. The BETA Team will hold regular meetings on a bi-annual basis. Special meetings to address reports of Threatening, Aggressive or Violent Behavior may be called by the Chair or designee, at the request of any BETA Team member(s), or at the request of the UMB President, a Dean, or Vice President. Special meetings may be held in person, by conference call, or by a combination thereof. Alternates may participate if a BETA Team member is unavailable; at least four members or their alternates must participate to achieve a quorum.

#### **VII. General Procedures**

**A.** A University Associate who has been subject to Threatening, Aggressive or Violent Behavior on Campus must report the incident immediately to the University Police. A University Associate may make an additional report about the incident to a BETA Team member (link roster on the UMB website), the Employee Assistance Program, the UMB Counseling Center, an appropriate school/department administrator, the Office of the Vice President for Academic Affairs, Employee/Labor Relations - Human Resource Services, or the Office of Student and Employee Health.

**B.** A University Associate who has been subject to Threatening, Aggressive, or Violent Behavior off campus and is concerned that the behavior may lead to Aggression or Violence on Campus or at an Off-campus Site must report incidents immediately and seek assistance, as appropriate,

from the University Police. In such cases, reports should also be made to the security or police unit having jurisdiction over the site where the Threatening, Aggressive, or Violent Behavior took place, or the Off-campus Site involved. Matters occurring off campus, including at Off-campus Sites, are not under the jurisdiction of University Police.

**C.** All reports and identities of involved University Associates will be shared with others only on a need-to-know basis. (See Section V. Confidentiality.)

**D.** Reasonable precautions will be taken to protect victims of, and those reporting, Threatening, Aggressive or Violent Behavior.

**E. Responsibilities**

1. Responsibilities of University Associates Who Have Been Subject to Threatening, Aggressive or Violent Behavior.

a. Notify:

i. the University Police immediately to report Threatening, Aggressive or Violent Behavior (see definitions in Sections II. C.,J.,K.,M.); and

ii. also, at the option of the University Associate, the Employee Assistance Program, the UMB Counseling Center, appropriate school/department administrator, and/or a member of the BETA Team, to report incidents of Threatening, Aggressive or Violent Behavior (see Sections II. C.,J.,K.,M.), or Warning Signs (see Section III) and of the need for assistance.

b. If necessary, discuss with appropriate school/department administrator and/or Employee/Labor Relations - Human Resource Services, options available for scheduling, leave, work location, academic assignment location, classes, means of travel to and from work/school, parking assignment, return to duty, activities on campus, etc. that may reduce risk of exposure to continuing Threatening, Aggressive or Violent Behavior.

c. If possible, provide to University Police a recent photograph of the individual perpetrating the Threatening, Aggressive, or Violent Behavior.

d. Maintain close communications with the assigned BETA Team liaison (see Section VII.E.3.b.) to report any developments and to receive assistance.

2. Responsibilities of School/ Department administrators

Be aware of Warning Signs (see Section III) of University Associates, and, if appropriate, make referrals to Employee Assistance Program, UMB Counseling Center or other health services.

Be alert to and report real or potential Threatening, Violent or Aggressive Behaviors of University Associates.

Be aware of unusual absences of University Associates.

Be aware of any signs of physical abuse of University Associates.

Be available to support University Associates who wish to discuss and may need to report Threatening, Violent or Aggressive Behavior on the University Associate's Report Form (attached).

Complete and submit the University Associate's Report Form (attached) if aware that it has not or will not be submitted by the involved University Associate.

Consult the University Police and/or a representative of the BETA Team to discuss observations and concerns and to discuss a strategy to deal with Threatening, Violent or Aggressive Behavior.

Maintain confidentiality of any involved University Associate or anyone reporting Threatening, Aggressive or Violent Behavior, except as required by this Policy and otherwise on a need-to-know basis (See Confidentiality, Section V.)

Honor all civil protection orders (restraining orders or other court ordered sanctions) by coordination and contact with the University Police.

Ensure that a reporting University Associate has provided information including a recent photograph of the threatening person, if available, to the University Police.

Be sensitive to the reporting University Associate's needs and to the seriousness of the situation. Be prepared to make modifications to work or class schedules, locations and other operational situations on at least a temporary basis.

Provide the reporting University Associate with a copy of this Policy and other supporting information.

Maintain close communications with the BETA Team to report any developments and to receive assistance.

### 3. Responsibilities of the BETA Team

When a report is received by any BETA Team member, that member will contact the Chair, who will call a special BETA Team meeting promptly to share information with BETA Team members and, if appropriate, conduct an assessment of the reported incident and develop a strategy and plan.

Assign a member to act as resource and/or liaison to both the reporting University Associate and the school/department administrator in handling the situation.

Cooperate and communicate regularly with the reporting University Associate and the appropriate school/department administrator.

Develop a safety plan for the reporting University Associate.

Work with the school/department to develop administrative options and arrangements.

If a reporting University Associate and/or UMB student, faculty or staff responsible for the reported behavior has been referred to a shelter or counseling resource, maintain liaison with the resource and the person(s) referred.

Maintain confidentiality of any involved University Associate or anyone reporting Threatening, Aggressive or Violent Behavior, except as required by this Policy and otherwise on a need-to-know basis. (See Confidentiality, Section V.)

Coordinate BETA Team effort with action under other relevant policies (for example, sexual harassment policy, school judicial board policies).

Regularly review strategies and plans, as necessary, for on-going situations/incidents.

Keep records of reports and BETA Team actions to assess risk and to evaluate UMB response to Threatening, Aggressive or Violent Behavior. Copies of documents will be maintained by the Chair of the BETA Team.

### F. Administrative/Disciplinary Process/Consequences

1. A University Associate reported to have committed incidents of Threatening, Aggressive or Violent Behavior may be subject to appropriate administrative/disciplinary processes. Staff members are governed by appropriate policies for non-exempt and exempt staff which could result in penalties up to and including discharge. UMB students or faculty will be referred to the appropriate School's Dean for action under established School and UMB procedures, which could result in penalties up to and including expulsion of students or termination of faculty appointments.

2. Administrative/disciplinary remedies available to address Threatening, Aggressive or Violent Behavior by UMB students include, but are not limited to: (a) administrative counseling; (b) reprimand, suspension, reassignment, or community service; (c) withheld or unsatisfactory references or certifications for post-degree training or employment, licensing, and employment-

related academic assignments; (d) permanent or temporary entry of notations in student files; (e) denial of, or removal from, UMB-operated or affiliated student housing; (f) expulsion; (g) voluntary or mandatory UMB Counseling Center referral and treatment; or (h) psychological or psychiatric evaluation.

3. Administrative/disciplinary actions available to address Threatening, Aggressive or Violent Behavior by UMB faculty or staff include, but are not limited to: (a) administrative counseling; (b) reprimand, suspension, and/or demotion; (c) denial of pay increase or promotion; (d) unsatisfactory performance evaluation; (e) reassignment; (f) termination; (g) voluntary or mandatory Employee Assistance Program referral and treatment; or (h) psychological or psychiatric evaluation.

4. UMB students, faculty and staff are subject to arrest and criminal prosecution for unlawful conduct. Arrest and criminal prosecution will be considered in cases of Threatening, Aggressive or Violent Behavior. Administrative and disciplinary processes are independent of criminal prosecutions.

5. Persons who are not UMB students, faculty or staff who commit incidents of Threats, Aggression, or Violence at the Campus will be removed from the Campus under authority of the President. In addition, they are subject to arrest and criminal prosecution for unlawful conduct.

## **Downloads**

University Associate's Report [08/12]  
 Behavioral Evaluation and Threat Assessment (BETA) Team

# UNIVERSITY OF MARYLAND, BALTIMORE

University Associate Name: \_\_\_\_\_ I.D. # \_\_\_\_\_

**Last**                      **First**                      **Middle**  
 Date of Birth: \_\_\_\_\_ Student: \_\_\_\_\_ or Employee: \_\_\_\_\_ Full Time or  
 Part Time (*circle one*)

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_  
**Address**                      **City**                      **State**    **Zip Code**

Present Title: \_\_\_\_\_ Employment/School  
 Start Date: \_\_\_\_\_

Dept./School: \_\_\_\_\_ Supervisor  
 /Advisor: \_\_\_\_\_

**Last**                      **First**  
 Dept/School Address: \_\_\_\_\_

**Address**                      **City**                      **State**    **Zip**  
**Code**

Date of Incident: \_\_\_\_\_ Time: \_\_\_\_\_ am / pm

Incident Location: \_\_\_\_\_  
 \_\_\_\_\_  
**City**                      **Address**  
                                  **State**    **Zip code**

When was incident reported to Supervisor/Advisor? Date: \_\_\_\_\_  
 Time: \_\_\_\_\_ am / pm

Describe the incident in detail (*your activities at that time*):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Describe any physical injury and specific part(s) of body affected:  
 \_\_\_\_\_  
 \_\_\_\_\_

Was medical treatment sought? If so, where?  
 \_\_\_\_\_  
**Address**  
 \_\_\_\_\_  
**City**                      **State**                      **Zip Code**

Name(s) of witness(es):  
 \_\_\_\_\_  
**Name**                      **Phone**  
 \_\_\_\_\_  
**Name**                      **Phone**

Signature of University Associate: \_\_\_\_\_ Date: \_\_\_\_\_

**FAX Immediately to:**  
**UMB Police**  
**410-706-0952 (fax)**

## ATTACHMENT XI

### UMB Alerts Procedure

The University of Maryland, Baltimore Police Department (UMBPD) is committed to providing the UMB campus and surrounding communities with innovative solutions and best practices in the delivery of law enforcement services. As part of this quest for continual improvement, the department regularly reviews alerts procedures and boundaries.

UMB Alerts will be sent in the following situations:

- A significant emergency or dangerous situation on campus that is happening at the moment or is ongoing. The incident can impact the entire campus or may be targeted to a segment.
- Incidents that occur off campus (outside the blue boundary on the campus map) when the suspect(s)/perpetrator(s) are determined to be a direct threat to the University community, as determined by the chief of police or their designee.
- Under special circumstances with the recommendation of the chief of police and approval of the president or their designee. Examples might be civil unrest, traffic issues, or special weather-related events, which will be clearly marked as such.

The UMB Office of Communications and Public Affairs is responsible for sending the above-named alerts and advisories after being requested by the chief of police or their designee, except under special circumstances or times of urgency or limited resources when the chief of police will send the communication.

UMB Alerts will not be sent in the following situations.

- Incidents that happen outside of the blue boundary — regardless of whether a UMB student or employee is involved, except in the circumstance noted above.
- Incidents that occur within the blue boundary but are reported to UMBPD significantly after the fact.

## APPENDICES

### RECOMMENDED PREVENTIVE PRACTICES

Preventive measures can include pre-employment screening, identifying problem situations and risk factors, and security preparations.

Pre-employment screening: Identifying and screening out potentially violent people before hiring is an obvious means of preventing workplace violence.

Pre-employment screening practices must, however, be consistent with privacy protections and anti-discrimination laws.

To ensure that practices are consistent with privacy protection and anti-discrimination laws, it is strongly recommended that you discuss these practices with the Office of Human Resources. As an applicant is examined, the following should be taken into consideration as potential areas of concern:

- Indications of current abuse of drugs or alcohol.
- Past conflicts (especially if violence was involved) with coworkers.
- Past convictions for violent crimes.
- Indications of a defensive, hostile attitude.
- A history of frequent job changes.
- A tendency to blame others for problems.

Operation of effective employee and student assistance programs aids in early identification and intervention efforts for those employees or students who may be displaying signs of emotional stress or who may be experiencing one or more of the life experiences commonly associated with psychological or emotional trouble.

#### ***Recognizing Inappropriate Behavior***

Inappropriate behavior is often a warning sign of potential hostility or violence. When left unchecked, it can escalate to higher levels.

Employees who exhibit the following behaviors should be reported and disciplined in accordance with organizational policy:

- Unwelcome name-calling, obscene language, and other abusive behavior.
- Intimidation through direct or veiled verbal threats.
- Throwing objects in the workplace regardless of the size or type of object being thrown or whether a person is the target of a thrown object.
- Physically touching another employee in an intimidating, malicious, or sexually harassing manner. This includes such acts as hitting, slapping, poking, kicking, pinching, grabbing, and pushing.
- Physically intimidating others, including such acts as obscene gestures, “getting in your face” and fist-shaking.

### ***Warning Signs of Potentially Violent Individuals***

There is no exact method to predict when a person will become violent. One or more of these warning signs may be displayed before a person becomes violent but does not necessarily indicate that an individual will become violent. A display of these signs should trigger concern as they are usually exhibited by people experiencing problems.

- Irrational beliefs and ideas
- Verbal, non-verbal, or written threats or intimidation
- Fascination with weaponry and/or acts of violence
- Expressions of a plan to hurt themselves or others
- Externalization of blame
- Unreciprocated romantic obsession
- Taking up much of supervisor's time with behavior or performance problems
- Fear reaction among coworkers/clients
- Drastic change in belief systems
- Displays of unwarranted anger
- New or increased source of stress at home or work
- Inability to take criticism
- Feelings of being victimized
- Intoxication from alcohol or other substances
- Expressions of hopelessness or heightened anxiety
- Productivity and/or attendance problems
- Violence toward inanimate objects
- Stealing or sabotaging projects or equipment

Follow these suggestions in your daily interactions with people to de-escalate potentially violent situations. If at any time a person's behavior starts to escalate beyond your comfort zone, disengage.

### ***DO***

- Project calmness: Move and speak slowly, quietly, and confidently.
- Be an empathetic listener: Encourage the person to talk and listen patiently.
- Focus your attention on the other person to let them know you are interested in what they have to say.
- Maintain a relaxed yet attentive posture and position yourself at a right angle rather than directly in front of the other person.
- Acknowledge the person's feelings. Indicate that you can see they are upset.
- Request small, specific favors such as asking the person to move to a quieter area.
- Establish ground rules if unreasonable behavior persists. Calmly describe the consequences of any violent behavior.
- Use delaying tactics that will give the person time to calm down. For example, offer a drink of water (in a disposable cup).
- Be reassuring and point out choices. Break big problems into smaller, more manageable problems.
- Accept criticism in a positive way. When a complaint might be true, use statements like, "You're probably right," or "It was my fault." If the criticism seems unwarranted, ask clarifying questions.



- Ask for their recommendations. Repeat back to them what you feel they are requesting of you.
- Arrange yourself so that a visitor cannot block your access to an exit between you and the person.

**DO NOT**

- Use styles of communication that generate hostility such as apathy, brush-off, coldness, condescension, robot-like communication, going strictly by the rules, or giving the runaround.
- Reject all of a person's demands from the start.
- Pose in challenging stances such as standing directly opposite someone, hands on hips or crossing your arms. Avoid any physical contact, finger-pointing, or long periods of fixed eye contact.
- Make sudden movements that can be seen as threatening. Notice the tone, volume, and rate of your speech.
- Challenge, threaten, or dare the individual. Never belittle the person or make them feel foolish.
- Criticize or act impatiently toward the agitated individual.
- Attempt to bargain with a threatening individual.
- Try to make the situation seem less serious than it is.
- Make false statements or promises you cannot keep.
- Try to impart a lot of technical or complicated information when emotions are high.
- Take sides or agree with distortions.
- Invade the individual's personal space. Make sure there is a space of 3 to 6 feet.

Note: Much of the material in this document has been taken from two main sources: The International Association of Chiefs of Police's *Model Policy on Workplace Violence* and the Federal Bureau of Investigation publication *Workplace Violence, Issues in Response*.

