

2024



ANNUAL SECURITY AND FIRE SAFETY REPORT

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Note: The 2024 Annual Security and Fire Safety Report was updated on Oct. 10, 2024, to correct the location of a rape reported by the Baltimore Police Department and to correct the At a Glance statistics on Page 10 to include a rape that occurred in 2018 but was reported and counted in 2023. It occurred at a non-campus location.

Non-Discrimination Policy Statement

The University of Maryland, Baltimore (UMB), does not discriminate on the basis of sex and prohibits discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to UMB’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. UMB’s Title IX Coordinator is Stephanie Suerth, Acting, 410-706-5212, titleix@umaryland.edu.

UMB’s Title IX non-discrimination policy and grievance procedures are located at www.umaryland.edu/titleix/policies-and-procedures or in the UMB Policy Library located at <https://www.umaryland.edu/policies-and-procedures/library>.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to www.umaryland.edu/titleix, which includes links to the UMB Hotline.

1.00 WELCOME TO THE UNIVERSITY OF MARYLAND, BALTIMORE

Welcome to the University of Maryland, Baltimore (UMB) — a vibrant university located in the largest city in Maryland. 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 *2024 Annual Security and Fire Safety 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 University policies and practices intended to promote crime awareness, campus safety, and emergency preparedness, 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.

2.00 FROM THE PRESIDENT

Oct. 1, 2024

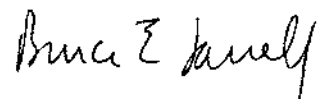
To the UMB Community:

At the University of Maryland, Baltimore (UMB), we are guided by our core values and committed to transparency and accountability. The *2024 Annual Security and Fire Safety Report* is one way that we share information about safety on campus. So many of the best and brightest people come to UMB to learn, work, and serve. I am glad to share that UMB remains one of the safest places in downtown Baltimore.

UMB Police and Public Safety is tasked with safeguarding the people of our University. It is a progressive, community-oriented department whose mission is to promote a safe and secure campus environment for students, faculty, staff, and visitors. I thank the department for its work on campus and in the community.

In this report, we disclose data on incidents occurring at UMB, provide instructions for reporting crimes to the UMB Police and Public Safety, and detail the resources you can use to protect yourself and your property. I thank you for taking the time to read the report and learn more about safety at our University.

Sincerely,



Bruce E. Jarrell, MD, FACS
President



3.00 FROM THE ASSISTANT VICE PRESIDENT FOR PUBLIC SAFETY AND CHIEF OF POLICE

Oct. 1, 2024

To the UMB Community:

The safety of our University of Maryland, Baltimore (UMB) students, employees, and visitors is our top priority. I'm proud to say that crime remains low and UMB remains one of the safest places in downtown Baltimore to learn, work, and visit.

We attribute much of this success to our department's community engagement and data-driven policing strategies. Still, crime does occur. In 2023, we noticed a marked increase in motor vehicle thefts, which include electric scooter thefts and attempted vehicle thefts. This mirrors a national upward trend in motor vehicle thefts. In 2023, Maryland's motor vehicle thefts rose by 63 percent, according to the National Insurance Crime Bureau.

As you look closer, you'll see that nearly all motor vehicle thefts occurred on public property. Parking in UMB garages is a great way to keep yourself and your property safe.

Our *2024 Annual Security and Fire Safety Report* contains much more than statistics. Within these pages, you'll find important University and community resources, safety tips, trainings, and more. I hope you'll take the time to learn more about UMB public safety and take advantage of these many opportunities.

Sincerely,



Thomas Leone, MSL

Assistant Vice President for Public Safety and Chief of Police



4.00 INTRODUCTION

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (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.

4.01 Annual Clery Notice Compliance

Notice of the Annual Security and Fire Safety Report

In accordance with the guidelines established by the University of Maryland, Baltimore (UMB) and pursuant to the Clery Act, all currently enrolled students, employees, prospective students, and prospective employees are entitled to request and receive a copy of the University's *Annual Security and Fire Safety Report*.

The report contains crime statistics about certain specified crimes/incidents that have been reported to UMB Police and Public Safety 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 (or 6-6882 from an on-campus phone); in person from UMB Police and Public Safety at 222 N. Pine St., Baltimore, MD 21201; or by visiting the [UMB Clery Report website](#).





The *Annual Security and Fire Safety Report* is distributed on or before Oct. 1 each year in the following ways:

A. Current Students and Employees

1. Electronic mail
Annual email to all students, faculty, and staff
2. Webpage postings
[University of Maryland, Baltimore Police and Public Safety](#)
3. Publications
The *Annual Security and Fire Safety Report* is available by request in hard copy at UMB Police and Public Safety at 222 N. Pine St., Baltimore, MD 21201.

B. Prospective Students and Employees

1. Webpage postings
[University of Maryland, Baltimore Police and Public Safety
Office of Accountability and Compliance](#)
2. Publications
The *Annual Security and Fire Safety Report* is available by request in hard copy at UMB Police and Public Safety at 222 N. Pine St., Baltimore, MD 21201.

4.02 Police Daily Crime and Fire Log

A 60-day daily log of all criminal offenses and fires reported on campus is maintained by UMB Police and Public Safety and is [available online](#). The public may also access the report in person between 8 a.m. and 4 p.m., Monday through Friday, at 222 N. Pine St., Baltimore, MD 21201, excluding holidays when the University is closed.

UMB Police and Public Safety may withhold information from the 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. Crime log information dating back more than 60 days is available at www.umaryland.edu/police/crime-and-safety-statistics/crime-log-archive.

UMB Police and Public Safety also provides policing services for the University of Baltimore (UBalt) through a public safety partnership that began in March 2022. As a result, UMB Police and Public Safety's website provides a separate daily crime log focused on UBalt.

AT A GLANCE

2024 ANNUAL SECURITY AND FIRE SAFETY REPORT



UNIVERSITY OF MARYLAND, BALTIMORE (UMB)

UMB is a vibrant university composed of six professional schools and the interdisciplinary School of Graduate Studies. It is located in Baltimore, the largest city in Maryland.

UMB 2023 CRIME STATISTICS*

CRIME	UMB	BPD
Murder	0	0
Manslaughter	0	0
Rape	2**	1
Fondling	0	0
Incest	0	0
Statutory Rape	0	0
Robbery	2	1
Aggravated Assault	7	4
Burglary	0	0
Motor Vehicle Theft	22	23
Arson	0	0
Hate Crime	0	0
Domestic Violence	4	4
Dating Violence	0	1
Stalking	0	0

UMB 2023 FIRE STATISTICS†

Number of Fires	0
Fire-Related Injuries	0
Fire-Related Deaths	0
Fire-Related Property Damage	0

* See [Section 17.02](#) for full crime statistics.

** One rape occurred in 2018 but was reported and counted in 2023. It occurred at a non-campus location.

† See [Section 9.01](#) for full fire statistics.

ABOUT THIS REPORT

The *Annual Security and Fire Safety Report* provides specific crime and arrest statistics within UMB's Clery geography. 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 UMB Police and Public Safety headquarters at 214 N. Pine St., Baltimore, MD 21201, or by visiting the UMB Clery Report website at umaryland.edu/clery-report.

ABOUT UMB POLICE AND PUBLIC SAFETY

As of January 2024, the department includes:

- more than **80** POLICE OFFICERS
- more than **90** SECURITY OFFICERS
- approximately **25** SUPPORT STAFF
- **3** members of the OFFICE OF THE FIRE MARSHAL

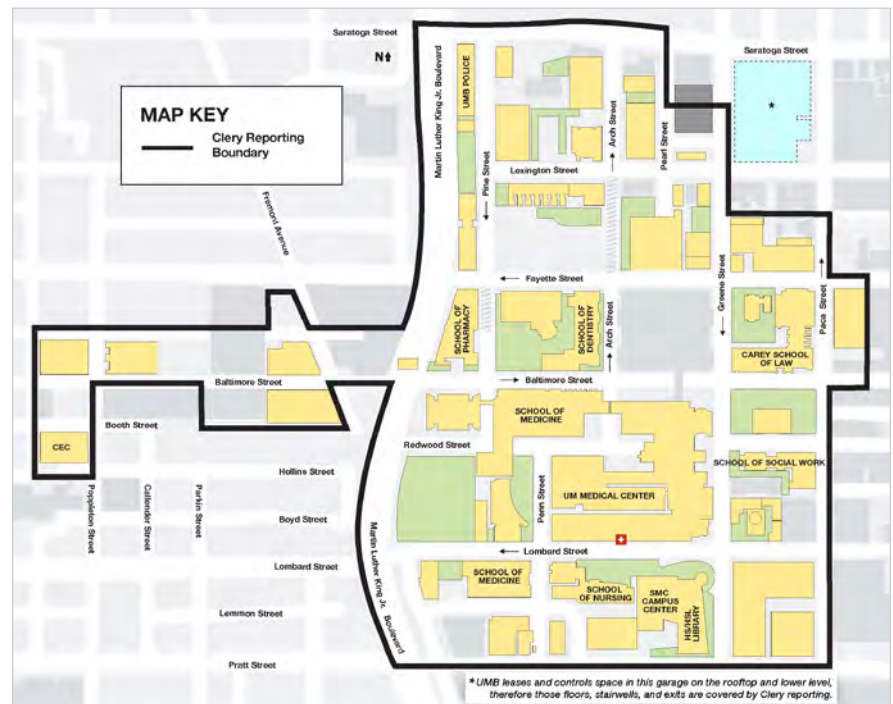


IF YOU ARE A VICTIM OR WITNESS A CRIME

- In an emergency, always call 911,
- To report a non-emergency crime, call UMB Police and Public Safety at 410-706-6882 (6-6882 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.

CLERY REPORTING BOUNDARY MAP‡

‡ As of October 2024



UMB PROGRAMS, EVENTS, AND SAFETY SUPPORT



COMMUNITY MEETINGS

UMB Police and Public Safety 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 is offered to 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.

➤ ***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 nationally known and respected program teaches realistic self-defense tactics and techniques. Courses are offered for both men and women in the UMB



community. R.A.D. begins with awareness, prevention, risk reduction, and risk avoidance before progressing to the basics of hands-on defense training. Basic and advanced courses are taught to students, faculty, and staff by UMB Police and Public Safety instructors.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) AND SECURITY SURVEYS

UMB Police and Public Safety employees evaluate security-related matters and make suggestions for improvements in physical security systems. This includes performing 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.

UMB PUBLIC SAFETY WEBSITE

The website is regularly updated with crime prevention tips, crime statistics, and UMB Police and Public Safety resources.



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.



SAFE WALK/SAFE RIDE

UMB Police and Public Safety’s Safe Walk service is available on campus 24 hours a day by calling 410-706-6882 (6-6882 from an on-campus phone). The Safe Ride service is available on campus and in neighboring communities from 7 a.m. to 1 a.m., 365 days a year. A Safe Ride can be requested through the Mobile UMB App or by calling 410-706-6882 (6-6882 from an on-campus phone).

6.00 UMB POLICE AND PUBLIC SAFETY

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

- Office of the Chief of Police
- Operations Division
- Support Services Division
- Professional Standards and Training Division
- Security and Compliance Division
- Office of the Fire Marshal

6.01 Police Authority

UMB Police and Public Safety is a full-service law enforcement agency. The department evolved from a security force in 1948 to its status as a police department in 1975. UMB police officers have the responsibility of providing a full range of policing services to the University community. UMB Police and Public Safety has complete authority to apprehend and arrest anyone involved in illegal acts on campus and in areas immediately adjacent to the campus. The 80-plus sworn police officers in UMB Police and Public Safety 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, UMB Police and Public Safety is responsible for enforcing state and local laws and University regulations.



UMB Police and Public Safety's civilian security officers do not have arrest powers ([Section 6.07](#)). UMB Police and Public Safety may refer students to the Division of Student Affairs of their appropriate school for violations of the University's/school's rules and student code of conduct or honor code.

UMB Police and Public Safety 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 UMB Police and Public Safety to receive crime information that is reportable for Clery Act purposes.

Besides being fully prepared to respond to emergencies and investigate criminal offenses, UMB Police and Public Safety emphasizes a philosophy of quality service to all members of the University community. UMB Police and Public Safety has adopted the philosophy of community policing in an effort to improve the overall quality of life on campus.

UMB Police and Public Safety 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.

UMB Police and Public Safety 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.

Any member of the University community who is the victim of a crime on campus, or who witnesses a crime on campus, should always **call 911 in an emergency. If the victim or witness of a crime is no longer in immediate danger, call UMB Police and Public Safety at 410-706-6882 (6-6882 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 campus.

6.02 Mission Statement

The University of Maryland, Baltimore Department of Police and Public Safety'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.

6.03 Office of the Chief of Police

The assistant vice president for public safety and chief of police is the chief executive officer of the UMB Department of Police and Public Safety and reports directly to the chief business and finance office and senior vice president. The assistant vice president for public safety and 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.

The UMB Police and Emergency Management public information officer (PIO) reports directly to the assistant vice president for public safety and chief of police. The PIO is responsible for all public-facing communications for the department, including social media, marketing, media relations, and crisis communications. The PIO sends UMB Alerts in coordination with the assistant vice president for public safety and chief of police and the executive director of emergency management ([Section 11](#)).



6.04 Operations Division

The Operations Division consists of, but is not limited to, patrol operations and all of its units, personnel, and functions.

The assistant chief of operations reports to the assistant vice president for public safety and 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. Crime Prevention

Police communications operators staff UMB Police and Public Safety's communications center 24 hours a day/365 days a year. The assistant chief of support services reports to the assistant vice president for public safety and 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 Professional Standards and Training Division

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

- A. Criminal Investigations
- B. Education and Training

The assistant chief of professional standards and training reports to the assistant vice president for public safety and chief of police and has responsibilities that include, but are not limited to, the day-to-day operational efficiency of the personnel and functions assigned to the Professional Standards and Training Division.

6.07 Security and Compliance Division

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

- A. Security Division
- B. Clery Compliance

UMB Police and Public Safety employs civilian 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 University buildings during the hours of operation and providing highly visible security patrols around campus.

The executive director of security and compliance reports to the assistant vice president for public safety and chief of police and has responsibilities that include, but are not limited to, the day-to-day operational efficiency of the personnel and functions assigned to the Security and Compliance Division.

6.08 Office of the Fire Marshal

The UMB Office of the Fire Marshal (OFM) is responsible for developing and managing programs to keep UMB students, faculty, and staff safe from fire. UMB OFM acts on behalf of the Maryland Office of the State Fire Marshal. UMB OFM employees are deputized Special Assistant State Fire Marshals and are responsible for enforcing all laws of the state that relate to the prevention of fire.

The OFM director reports to the assistant vice president for public safety and chief of police and serves as the University fire marshal and chief fire protection engineer. The OFM director has responsibilities that include, but are not limited to, the day-to-day operational efficiency of the personnel and functions assigned to OFM.

6.09 Allied Police Support

Concurrent jurisdiction for law enforcement responsibilities between UMB Police and Public Safety and the Baltimore Police Department has existed through a written Memorandum of Understanding 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, UMB Police and Public Safety will partner with allied police agencies on incidents of mutual concern.

7.00 CRIME PREVENTION AND AWARENESS PROGRAMS

University of Maryland, Baltimore (UMB) Police and Public Safety, 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 UMB Police and Public Safety may offer advice and assistance regarding campus safety, each individual has the primary responsibility for their own safety.

The dedicated individuals of UMB Police and Public Safety are committed to the principles of community policing. Crime prevention/awareness programs begin with new student or employee orientation presentations. Through UMB Police and Public Safety's website, pamphlets, flyers, and the crime log, the University community and incoming students and employees are informed of crime trends, safety tips, and special programs. UMB Alerts (emergency notifications) also are made through the University's electronic mail system as noted in [Section 11.01](#).

7.01 Campus Safety/Education

UMB Police and Public Safety 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 throughout the year and by request.

Safety and Security Education Programs and Presentations

Community Meetings: UMB Police and Public Safety liaisons periodically meet with 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:** Present at onboarding for newly hired staff and faculty members every two weeks, or as requested.
- **New Students:** Present at orientation for new students in each school across UMB at the beginning of the fall semester, or as requested.
- **International Student Orientation:** Present information about crime prevention, safety, and American policing philosophies and operations to new international students, as requested.

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

Rape Aggression Defense (R.A.D.) System: This nationally known and respected program teaches realistic self-defense tactics and techniques. Courses are offered for both men and women in the UMB community. R.A.D. begins with awareness, prevention, risk reduction, and risk avoidance before progressing to the basics of hands-on defense training. Basic and advanced courses are taught to students, faculty, and staff by UMB Police and Public Safety instructors.

Crime Prevention Through Environmental Design and Security Surveys: UMB Police and Public Safety employees evaluate security-related matters and make suggestions for improvements in physical security systems. This includes performing lighting and foliage surveys during “night walks,” reviewing construction and renovation plans, and conducting related surveys of academic, administrative, and support facilities on campus. Security surveys are conducted upon request or when there is new construction or renovations at UMB.

UMB Police and Public Safety Website: The website is regularly updated with crime prevention tips, crime statistics, and UMB Police and Public Safety resources.

Emergency Phones: Direct-connect emergency and **blue light emergency phones** are strategically placed throughout the campus. Blue light emergency phones directly connect with UMB police communications operators. It’s not a panic button — callers should explain the nature and location of their emergency so police communications operators can send help.

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, to include:

- Safety cards with emergency information and phone numbers
- Website information and Clery Act information
- Active assailant preparedness information
- Emergency preparedness information



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

Annual Title IX Training: UMB requires all new students to complete Title IX training. This training includes:

- A. Risk reduction, and
- B. Bystander intervention to employ the “D’s” (Distract, Direct, and Delegate) to recognize, intervene, and assist someone in a potentially harmful situation.

UMB generally offers returning students an annual refresher courses that highlight different aspects of the full course (e.g., consent, bystander intervention, healthy relationships, or risk reduction). In response to the 2024 regulations implementing Title IX, effective Aug. 1, 2024, all students and employees received a full Title IX training course to provide information aligned with the new changes. Title IX provides informational brochures at University events that include risk reduction tips and the “D’s” of bystander intervention.

Public Safety Newsletter: A monthly subscription newsletter from UMB Police and Public Safety that includes safety tips, resources, trainings, events, and updates from public safety partners.

Letters from the Chief to the Community: An email sent from the assistant vice president for public safety and chief of police to UMB students and employees. These letters may include general public safety information, information about an incident on campus, or updates to public safety resources.

Social Media: UMB Police and Public Safety is on [Facebook](#), [X \(formerly Twitter\)](#), and [Instagram \(@PoliceUMB\)](#). These social media accounts allow two-way engagement between our department and the communities we serve.

7.02 Campus Residence Facilities

The two residence facilities on campus are locked 24 hours a day. A key or access card is required to gain entry to the gated courtyard of the University Suites at Fayette Square, through the exterior doors of the Pascault Row Apartments, and to individual rooms. The facility manager or a UMB security officer is stationed in the entry building of the Fayette Square apartments to ensure that only persons conducting official business 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:

- In an emergency, always call 911.
- 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.
- Take personal property with you when you leave. Do not leave personal property unattended.
- Report all suspicious activity immediately to UMB Police and Public Safety (410-706-6882 or 6-6882 from an on-campus phone).
- Walk in groups whenever possible, or call for a Safe Walk/Safe Ride. Always walk in well-lit areas at night.

7.03 Safe Walk/Safe Ride Program

UMB Police and Public Safety maintains a Safe Walk/Safe Ride Program in which a member of UMB Police and Public Safety will accompany students, staff, or faculty by foot or by vehicle. **The Safe Walk service is available on campus 24 hours a day** by calling 410-706-6882 (6-6882 from an on-campus phone). **The Safe Ride service is available on campus and in neighboring communities from 7 a.m. to 1 a.m.** and can be requested through the Mobile UMB App. Download the app from the App Store or Google Play and click “Safe Ride” to request a ride. People without a smartphone can request a Safe Ride by calling 410-706-6882 (6-6882 from an on-campus phone).

7.04 Recommended Preventive Practices

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 to UMB Human Resource Services (410-706-2606 or 6-2606 from an on-campus phone) and disciplined in accordance with organizational policy. Students who exhibit the following behaviors should be reported to UMB Student Affairs (410-706-5433 or 6-5433 from an on-campus phone) or to their school’s Office of Student Affairs.

- Unwelcome name-calling, obscene language, and other abusive behavior.
- Intimidation through direct or veiled verbal threats.
- Throwing objects in the workplace or learning environment regardless of the size or type of object being thrown or whether a person is the target of a thrown object.
- Physically touching another person 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 co-workers/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. Contact UMB Police and Public Safety (410-706-6882 or 6-6882 from an on-campus phone), Human Resource Services (410-706-2606 or 6-2606 from an on-campus phone), or Student Affairs (410-706-5433 or 6-5433 from an on-campus phone) for additional guidance.

DO

- ✓ Project calmness: Move and speak slowly, quietly, and confidently.
- ✓ Be an empathetic listener: Encourage the person to talk while you 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 think 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.

Sources: The International Association of Chiefs of Police's *Combating Workplace Violence: Guidelines for Employers and Law Enforcement* ¹⁴ and the Federal Bureau of Investigation publication *Workplace Violence, Issues in Response*.



8.00 CAMPUS FACILITIES ACCESS AND SECURITY

8.01 Access to Campus Facilities

Academic buildings at the University of Maryland, Baltimore (UMB) are generally open from 7 a.m. to 11:45 p.m., Monday through Friday. Building hours may vary by building and time of year. Certain academic buildings are also 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 who observe malfunctioning lights will submit work orders so repairs are made in a timely manner. No-cost security assessments are also provided in buildings and public spaces across UMB, including street lighting, cameras, door locks, and more.

8.02 UMB Housing

UMB is an urban campus with two residential facilities housing a maximum of 426 students. UMB Police and Public Safety 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 for 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 (410-706-5523 or 6-5523 from an on-campus phone) and/or UMB Police and Public Safety (410-706-6882 or 6-6882 from an on-campus phone). Residents are also advised to keep their residence hall and apartment doors locked at all times. Residents are encouraged to ask for assistance from any UMB Housing staff member, security officer, or police officer if needed.

8.04 Shuttle Bus Service

The UMB *shuttle* service provides the UMB community with a variety of bus routes that transport UMB students, faculty, and staff between the University and the Federal Hill, Mount Vernon, and Canton/Fells Point neighborhoods. UMB *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 [UMB shuttle website](#) for more information.

8.05 Parking Structures

The University maintains seven parking garages on campus and has additional spaces for students in an off-campus garage. To reduce the chance of property loss, keep your vehicle doors locked at all times. When exiting the vehicle, roll up the windows, turn off the vehicle, and take keys with you. 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 before you get into your vehicle.

9.00 FIRE SAFETY

Fire safety is a high priority at the University of Maryland, Baltimore (UMB). Fire and life safety system testing, fire safety inspections, fire drills, false alarm prevention activities, and fire safety resources for students help to reduce the risk of fire and keep residences safe. Student housing fire safety tips are available on the [UMB Office of the Fire Marshal website](#). 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.

9.01 Fire Statistics for On-Campus Student Housing Facilities

	Year	On-Campus Student Housing Facility	
		Pascault Row	University Suites at Fayette Square
Number of Fires (See details below for causal information)	2023	0	0
	2022	0	0
	2021	0	0
Number of persons receiving fire-related injuries	2023	0	0
	2022	0	0
	2021	0	0
Number of deaths related to a fire	2023	0	0
	2022	0	0
	2021	0	0
Value of property damage related to a fire	2023	0	0
	2022	0	0
	2021	0	0

9.02 Fire Log

Year	Location	Incident	Injuries	Deaths	Property Damage
2023	N/A	N/A	N/A	N/A	N/A
2022	N/A	N/A	N/A	N/A	N/A
2021	N/A	N/A	N/A	N/A	N/A

9.03 On-Campus Student Housing Fire Safety Systems

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 systems in each facility.

University Suites at Fayette Square

University Suites at Fayette Square is protected with a wet sprinkler system on occupied floors and a dry system in the parking garage levels. The fire department connection is located on the south side of the building on Fayette Street. Fire department suppression equipment has access to the west, south, and limited east sides of the structures. The

sprinkler and standpipe 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. The fire alarm system is monitored 24/7 by UMB Police and Public Safety.

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 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 a fire alarm and mass notification system consisting of manual pull stations, water flow detectors, and smoke detectors. Manual pull stations are located next to all exit doors. Smoke detectors are located throughout the entire building. Notification speakers and strobes are located in all public areas and all apartments. All apartments have low-frequency sounder-base smoke detectors, which are more effective at alerting sleeping occupants than standard tone-audible notification appliances. Four apartments have high-intensity fire alarm strobes, which are utilized to alert occupants with hearing impairments. The fire alarm system is monitored 24/7 by UMB Police and Public Safety.



9.04 Fire Drills

In 2023, both Fayette Square and Pascault Row had two fire drills during the calendar year.

9.05 Policies/Rules/Guidelines on Portable Electrical Appliances, Smoking, and Open Flames in a Student Housing Facility

The following guidelines related to electrical safety, electrical appliances, smoking, and open flames are posted on the [UMB Office of the Fire Marshal's website](#) and are included in UMB Housing's Apartment Handbook for Pascault Row and the University Suites at Fayette Square.

- Do not leave kitchen appliance unattended. Always stay in the kitchen while cooking.
- Do not daisy chain power strips together. Each power strip must be plugged directly into a wall outlet.
- Only use power strips with a UL seal.
- Do not use extension cords on a permanent basis.
- Do not use any electrical equipment that has a frayed or worn power cord.
- Limit the number of appliances that are plugged in or in use at one time.
- Do not use or possess fireworks, lighted candles, flammable fuels, or space heaters.
- Do not use or possess torchiere halogen lamps or halogen bulbs.
- Do not smoke or allow others to smoke in your room or anywhere in the building.

Smoking

In accordance with [UMB Public Safety Policy XI-1.00\(A\)](#), the following acts are prohibited:

- Smoking in any entity owned, leased, or controlled buildings or facilities, whether or not located in the University District.
- Smoking on University District property other than approved and signed smoking zones.

In accordance with this policy, smoking is strictly prohibited in and around Pascault Row and the University Suites at Fayette Square. The designated smoking area nearest to Pascault Row is located under the south overhang of the Saratoga Building. The designated smoking area nearest to Fayette Square is located on the north side of the Veterans Affairs Medical Center. Non-smoking individuals are discouraged from starting to smoke. Smokers are encouraged to stop smoking.

9.06 Procedures for Student Housing Evacuation in Case of a Fire; Procedures for Student and Employee Evacuation in Case of a Fire

The [UMB Fire and Emergency Evacuation Procedures](#) provide directions for how to respond to fires, fire alarm activations, and emergency building evacuations. These instructions apply to students, staff, faculty, visitors, and all other occupants of buildings owned by UMB. These procedures are applicable for true emergencies and drills. All drills shall be treated as actual emergencies.

To provide a safe environment for all University occupants, a building-specific Occupant Emergency Plan can be found on the [Office of Emergency Management's \(OEM\) website](#).

If the fire alarm system is active:

- Immediately evacuate the building using the nearest marked exit or exit stairwell. Do not use the elevators. Exit directly to the outside of the building.
- Once outside, follow the directions of first responders and move across the street, away from the building entrance.
- Individuals requiring evacuation assistance should go to the nearest marked exit stairwell and ask others to report their location to first responders. If they are in imminent danger, they should request evacuation assistance from others and call 911 to report their location. If unable to evacuate to the exterior of the building, seek shelter within a protected, marked exit stairwell.
- Do not re-enter the building until the “all clear” is given by emergency responders.

If the fire alarm system is not active:

- If you discover signs of fire, smoke, or other hazardous conditions, activate the building fire alarm system by using the nearest fire alarm pull station.
- Evacuate the building following the instructions above.
- Call 911 to provide additional information about the emergency.

9.07 Policies Regarding Fire Safety Education and Training Programs Provided to Students, Faculty, and Staff

The UMB Office of the Fire Marshal provides portable fire extinguisher training to all interested parties. Attendees learn about the science of fire, the different types of fires and fire extinguishers, and how to properly use a fire extinguisher. Students will have the opportunity to practice extinguishing fires using a digital fire extinguisher simulator tool. Upon successful completion of the training, attendees will receive a digital credential.

Through a partnership with UMB OEM, the UMB Office of the Fire Marshal also provides Emergency Preparedness training to help building occupants identify evacuation routes, where to seek shelter, nearby emergency equipment, and how to respond in the event of an active assailant. Aside from classroom training, occupants can complete this training independently using the [*Emergency Preparedness Checklist*](#).

Training is also provided through evacuation drills, which are conducted twice per calendar year.

Additionally, the UMB Office of the Fire Marshal routinely provides a safety tip of the month and fire code information in the UMB Public Safety Newsletter.

10.00 REPORTING CRIMINAL ACTIVITY

University of Maryland, Baltimore (UMB) Police and Public Safety has primary jurisdiction and responsibility for investigating crimes and providing police services to the University community. Police services are available 24 hours a day, 365 days a year. UMB Police and Public Safety headquarters is located at 214 N. Pine St., Baltimore, MD 21201. The police operations building is at 222 N. Pine St., Baltimore, MD 21201.

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

UMB Police and Public Safety works cooperatively with the Baltimore Police Department and the Maryland State Police in matters of mutual concern ([Section 6.09](#)). A concurrent jurisdiction agreement has been established between UMB Police and Public Safety and the Baltimore Police Department. UMB Police and Public Safety will contact the Baltimore Police Department when needed, per the concurrent jurisdiction agreement.

10.01 Emergencies

Any member of the University community who is the victim of a crime on campus, witnesses a crime on campus, or needs to report any other kind of emergency should always call 911. If the victim or witness of a crime is no longer in immediate danger, **call UMB Police and Public Safety at 410-706-6882 (6-6882 from an on-campus phone)** or push 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. UMB Police and Public Safety has staff on duty and available to assist 24 hours a day, 365 days a year. UMB Police and Public Safety will contact outside agencies for assistance if necessary or direct the University member on how to contact the appropriate agency.

10.02 Procedures

Whenever a crime is reported, a uniformed UMB police officer is dispatched to conduct the initial investigation, gather information, and seek 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 by asking detailed questions, the police officer is attempting to solve the crime and apprehend the person(s) responsible. The crime scene (the area where the incident occurred) should not be disturbed, if possible, so that physical evidence such as fingerprints can be preserved.

Each member of the University community is asked to be observant. If you notice suspicious activity or are the victim/witness of a crime, pay attention to descriptions of persons, such as clothing worn and vehicles, including license plate numbers. Any suspicious activity observed in or around your residence facility, classroom, office, or work area should be reported to UMB Police and Public Safety **immediately by calling 410-706-6882 (6-6882 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. In an emergency, always call 911.

If additional information is needed after the initial inquiry, a police officer or a detective from UMB Police and Public Safety will be assigned to conduct a follow-up investigation. The University is

committed to doing everything possible to assist victims and witnesses of crime. When you report a crime to UMB Police and Public Safety or are interviewed as a witness, the investigating officer will provide you with a Victim Assistance/Incident Information Form. 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 UMB Police and Public Safety 24 hours a day, 365 days a year. 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).

The *UMB Behavioral Evaluation and Threat Assessment Policy* establishes a zero tolerance philosophy for threats and acts of aggression or violence, guidelines for conduct, the requirement to report threats and acts of aggression or violence, and the requirement to be sensitive to and consider reporting warning signs of threats and acts of aggression or violence. In emergency situations, always call 911. In non-emergency situations, concerns can be reported to UMB's Behavioral Evaluation and Threat Assessment (BETA) Team, which coordinates a response to reports of threatening, aggressive, or violent behavior.

10.03 Limited Voluntary/Confidential Reporting

UMB encourages accurate and prompt reporting of all crimes to UMB Police and Public Safety when the victim of crime elects to, or is unable to, make such a report. UMB completes all publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim. UMB will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of UMB to provide the accommodations or protective measures.

Because police reports are public records under state law, UMB Police and Public Safety 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 10.04* of this report.



Professional and pastoral counselors are exempt from all reporting requirements when acting in their official role when the offense is disclosed. 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.

10.04 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 to report 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.

Although we encourage the reporting of campus criminal activity directly to UMB Police and Public Safety, in some instances members of the University community may choose to file a report with one of the other campus security authorities. Clery crimes disclosed to a campus security authority **must** be reported even if:

- the victim or witness does not wish to make a formal report to UMB Police and Public Safety,
- the report is second-hand, or
- the report is duplicate.

Campus security authorities should not attempt to investigate or determine whether the crime occurred. If it was disclosed, a campus security authority **must** report it. Victims and witnesses may remain anonymous.

Reports can be made through the convenient and accessible [*Clery Incident Report Form*](#), which is available on the UMB Police and Public Safety website.

If there is a threat to the safety of the UMB community, a campus security authority must immediately contact UMB Police and Public Safety at 410-706-6882 (6-6882 from an on-campus phone). In an emergency, always call 911.

For reporting purposes at UMB, campus security authorities have been identified as:

- Assistant Vice President for Public Safety and Chief of Police
- UMB police officers

- UMB security officers
- All other employees working in UMB Police and Public Safety
- Director, Parking and Transportation Services
- All parking attendants
- Student Affairs senior leadership (all schools and central administration)
- Academic Affairs senior leadership (all schools and central administration)
- Human Resource Services partners (each school)
- Associate Vice President, Human Resource Services
- Director, Employee Labor Relations
- Ombudsperson
- Title IX coordinator
- Legal counsel
- Director, Environmental Health and Safety
- Director, Employee Assistance Program
- Director, Student Counseling
- Director, UMB Housing
- Director, URecFit and Wellness
- Director, Writing Center
- Director, Educational Support and Disability Services
- Director, Intercultural Center
- Director, Global Engagement
- Director, International Services
- Health Educator, Wellness Hub
- Providers in Campus Health Services

10.05 Staff and Faculty Disciplinary Referrals

Regardless of criminal prosecution decisions, all criminal cases involving students are referred by UMB Police and Public Safety 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 officially recognized by the institution that own or control property. For more information, refer to the [UMB Code of Ethics and Conduct Policy](#) on the UMB website. Every school at UMB has its own honor code/code of conduct. Please refer to each school's website for more information.

11.00 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 in response to a significant emergency or dangerous situation involving an immediate threat to the health and/or safety of students and/or employees occurring on campus. The circumstances of any particular situation coupled with the University of Maryland, Baltimore (UMB) Police and Public Safety evaluation of the situation/threat potential will dictate the need and manner for the issuance of a timely warning or emergency notification.

In general, whenever there has been a report of a violent crime, a major property crime, or a significant emergency on campus, and UMB Police and Public Safety 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, include sending to all campus email and posting on umaryland.edu/alerts. Physical postings of bulletins in designated University buildings and residential facilities by UMB Police and Public Safety personnel may be an option depending upon the circumstances.

Any member of the larger community is able to sign up for UMB Alerts by visiting umaryland.edu/alerts. This enables anyone, including the media, lawmakers, stakeholders, and the general public, to receive this emergency information.

11.01 Emergency Notifications

UMB Police and Public Safety is tasked with making the decision on whether to issue a UMB Alert in the event of a crime. The alert shall include, but not be limited to, the following information 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

UMB Alerts will never include the names and other personally identifying information of victims or witnesses. By releasing emergency information in a timely manner, members of the UMB community can take action to prevent similar occurrences.



Figure 1

11.02 Distribution Procedures

There is no single best method to distribute a UMB Alert. Depending upon the circumstances of the particular case, a UMB Alert will often be limited to Universitywide email distribution and text messaging. Other situations may necessitate the physical posting of bulletins in designated campus areas or calling the University community on desk phones and/or cellphones. All UMB Alerts are posted on the UMB Emergency website at umaryland.edu/alerts and sent through the Mobile UMB App. UMB Alerts, the UMB website, the mobile app, and social media are all publicly available and used to notify our larger community.

The UMB Alerts procedure is part of the UMB Emergency Operations Plan (EOP) Emergency Communications Annex ([Attachment VIII](#)).

Emergency notifications are issued in situations where the responsible authority (UMB assistant vice president for public safety and chief of police, UMB executive director of emergency management, or their designee) identifies an immediate threat to the health and/or safety of students, faculty, and/or staff. Upon learning of a significant emergency or dangerous situation, the responsible authority will verify the situation with police communication operators, police officers on the scene, and/or other reputable sources, and will notify the UMB Police and Emergency Management public information officer (PIO).

UMB will, without delay, and taking into account the safety of the UMB community, determine the content of an emergency notification and initiate the emergency notification system. UMB may not immediately issue an emergency notification for a confirmed emergency or dangerous situation if, in the opinion of the responsible authority, doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency.

The PIO will draft the emergency notification, which must be approved by the responsible authority. Once approved, the PIO will execute the emergency notification via UMB Alerts.

Timely warnings are issued for Clery crimes that occur on Clery geography when there is a serious or continuing threat to the UMB community. The UMB assistant vice president for public safety and chief of police will notify the PIO, who will draft the timely warning. Once approved by a small test group, the timely warning will be distributed by UMB's Office of Communications and Public Affairs via Universitywide email and will also be shared on social media, if appropriate. UMB is not required to issue a timely warning if the crime is reported by a pastoral or professional counselor who is acting in their official capacity when the crime was reported to them.



11.03 Distinction Between Timely Warnings and Emergency Notifications

Federal law has required that universities issue “timely warnings” for serious or ongoing 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.

11.04 Emergency Management

As part of the University’s Emergency Operations Plan (EOP), UMB uses several notification methods 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, 410-706-8622 (6-8622 from an on-campus phone)
- UMB Alerts — Everbridge
- In-building mass notification system (public address system)

According to the *University System of Maryland (USM) Policy on Emergency Conditions: Cancellation of Classes and Release of Employees*, an immediate evacuation of a campus facility is made by a person in charge or their designee. At UMB, a campus evacuation may be determined by the executive director of emergency management, UMB assistant vice president for public safety and chief of police, or the appropriate governmental authority. The University president must approve the cancellation of classes and/or closure of campus. If classes are not canceled and/or campus is not closed, the University president must be notified of the campus evacuation, but their approval is not required.

A notification of a campus evacuation follows the UMB Alerts distribution procedures (*Section 11.02*). Once the responsible authority notifies the PIO, the PIO drafts a UMB Alert, which is approved by the responsible authority. The PIO then sends an emergency notification via UMB Alerts. Emergency notifications are not sent to specific buildings or segments of the University, but to the UMB community as a whole.

UMB’s drills conducted in 2023 to test the emergency response and evacuation procedures were all announced and included:

- **Duty Officer Drill.** Drills involving emergency or evacuation situations. They were conducted on:
 - Jan. 3, 2023, at 10 a.m., Pine Street Annex. Exercises involved emergency procedures, other hazard (i.e., a less likely hazard).
 - Jan. 17, 2023, at 10 a.m., Pine Street Annex. Exercises included active assailant, civil disturbance, HAZMAT, severe winter weather, and structure fire.
 - Jan. 31, 2023, at 10 a.m., Pine Street Annex. All hazards involved (i.e., the response would apply to any hazard).
 - Feb. 14, 2023, at 10 a.m., Pine Street Annex. Cyberattack exercise.
 - Oct. 10, 2023, at 10 a.m., Pine Street Annex. Exercises involved hazardous materials, and high wind.
- **Continuity Exercise.** Discussion-based exercises regarding strategies to restore essential functions when disrupted by an emergency.
 - Jan. 12, 2023, at 2 p.m., Pine Street Annex. Saratoga Emergency Preparedness Training, all hazards involved.
 - Feb. 8, 2023, at 9:30 a.m., Pine Street Annex. Office of the Fire Marshal Continuity

- Strategies Workshop, all hazards involved.
- March 30, 2023, at 1:30 p.m., Pine Street Annex. Student Affairs Continuity Strategies Workshop, all hazards involved.
 - April 4, 2023, at noon, Emergency Preparedness Training, Pearl Street Garage.
 - May 22, 2023, at 10:30 a.m., BioPark Police Substation, Police Communications Relocation Exercise, all hazards and utility outage involved.
- **Crisis Management.** Exercise of university emergency plans for managing a crisis. Drill involves evacuation, shelter in place, and run-hide-fight training and walkthrough.
 - Jan. 10, 2023, at 11:30 a.m., Office of the Controller Continuity Strategies Workshop. All hazards involved.
 - Jan. 19, 2023, at 9 a.m., Donaldson Brown Riverfront Event Center, Donaldson Brown Emergency Preparedness Training. All hazards involved.
 - Feb. 03, 2023, at noon, Virtual, Emergency Preparedness – Assistance for Individuals with Disabilities. All hazards involved.
 - Feb. 14, 2023, at 1 p.m., School of Pharmacy, Pharmacy Emergency Preparedness Training. All hazards involved.
 - Aug. 24, 2023, at 11 a.m., HSRF II, HSRF II Emergency Preparedness Training. All hazards involved.
 - **UMB Alerts.** This drill tests the notification procedures for the UMB Alerts warning system and provides a link to constituents where information regarding the emergency reference guide, which includes fire and emergency evacuation information, is available.
 - May 2, 2023, at noon, Pine Street Annex, UMB Alert Drill. All hazards involved.
 - Sept. 26, 2023, at 1 p.m., Pine Street Annex, UMB Alerts/Everbridge Training. All hazards involved.
 - Oct. 4, 2023, at 2:20 p.m., Virtual, UMB Alert Annual Test. All hazards involved.
 - **Active Assailant Exercise.** Active assailant exercise for school leadership, communication, and emergency management team members. These drills emphasize where to find information about evacuation plans.
 - Nov. 30, 2023, at 3:45 p.m., SMC Campus Center. Exercise for school leadership, communication, and emergency management team members.
 - **Evacuation Drills.** The Office of the Fire Marshal (OFM) performs fire drills, which test evacuation plans, and teaches about evacuation plans in Emergency Preparedness training (in-person trainings and online 24/7 availability). Each of the Active Assailant Exercises conducted over the past year emphasized how to find information about evacuation plans.

Training and Exercises

The UMB Office of Emergency Management has an integrated preparedness portfolio that outlines the programmatic guidelines for trainings and exercises for UMB students, faculty, staff, and key emergency response personnel from the University and community. There are five components to the portfolio:

1. **Training Program Plan:** Provides the strategic framework to coordinate emergency preparedness training and exercises within UMB's larger integrated preparedness cycle (*Figure 1*).
2. **Training Needs Assessment:** Conducted every two years to identify gaps and prioritize training and exercise efforts.

- 3. Multi-Year Training and Exercise Schedule:** Documents training and exercises to be provided over a three-year period to address gaps identified by the training and exercise needs assessment.
- 4. Corrective Action Database:** Activities prioritized for action that reduce UMB's vulnerability to a threat/hazard(s) and/or enhance emergency preparedness, response, and recovery capabilities.
- 5. Wish List:** A proposed, but not yet prioritized set of trainings, exercises, mitigation projects, or other activities intended to reduce vulnerability or increase capabilities.

Trainings for the University community are based around the *Preparedness Pro* curriculum, which includes five courses: Emergency Preparedness; Cardiopulmonary Resuscitation (CPR)/Automated External Defibrillator (AED); Civilian Response to Active Shooter Training (CRASE); Stop the Bleed; and Fire Extinguisher. A digital credential is issued when individuals complete all five courses.

Trainings and exercises for key emergency responders revolve around a series that includes:

- 1. Emergency Management Team (EMT) Orientation:** Introductory and refresher training for members of the University's EMT about expectations and best practices for performing the role.
- 2. Duty Officer Drills:** Monthly game for the Office of Emergency Management on-call staff to practice managing the initial response to emergency scenarios at the University.
- 3. Unified Command/Incident Management Team (UC/IMT) Training:** Offered as just-in-time training annually before each Emergency Operations Plan exercise to prepare EMT members for specific UC/IMT roles.
- 4. Emergency Operations Plan Exercise:** Annual exercise designed to test activation and implementation of UMB's Emergency Operations Plan.
- 5. Continuity Exercise:** Annual exercise designed to test activation and implementation of school and departmental continuity plans.

UMB uses the Homeland Security Exercise and Evaluation Program as a guideline for its training and exercise program. Exercises are documented (including description of the exercise, the date, time, and whether the test was announced or unannounced) and evaluated using an after-action review process scaled to the scope and complexity of the exercise.



12.00 MISSING STUDENTS

12.01 Scope

The *University of Maryland, Baltimore (UMB) Missing Student Notification Policy and Procedure (V-5.10(A))* 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 maintains on-campus housing facilities to establish a missing student notification policy. This policy applies specifically to students who reside in UMB on-campus residential facilities (UMB Housing).

12.02 Policy and Procedure

Any person can make a missing student report. Missing student reports should be made **immediately** by calling UMB Police and Public Safety at 410-706-6882 (6-6882 from an on-campus phone) or by visiting the UMB Police and Public Safety operations building at 222 N. Pine St., Baltimore, MD 21201. There is no minimum time frame to make a report for a missing person. Individuals should report if a student is missing for 24 hours.

UMB Police and Public Safety is responsible for investigating each report and makes the determination for the University whether a student is deemed missing under UMB policy. UMB Police and Public Safety will initiate the report and notify the associate vice president for academic and student affairs and the general manager for UMB Housing.

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 emergency contact within 24 hours after a student is determined to be missing. UMB will notify the parent or guardian of a student who is under the age of 18 and not emancipated within 24 hours after a student is determined to be missing. UMB will also notify appropriate law enforcement agencies within 24 hours after a student is determined to be missing.

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

Patty Alvarez, PhD, MS
Chief Student Affairs Officer/Vice President of Student Affairs
621 W. Lexington St., Third Floor
Baltimore, MD 21201
Phone: 410-706-5433
Email: palvarez@umaryland.edu

13.00 SUBSTANCE USE

13.01 Alcohol Policies

Any person violating Maryland law and University of Maryland, Baltimore (UMB) policy regarding alcoholic beverages while on the UMB campus shall be responsible to all civil and University authorities for compliance with state and city laws and the *UMB Policy on the Use of Alcoholic Beverages at University System Institutions and Facilities (VI-8.00(A))*.

Legal Sanctions

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.

Under Maryland law, persons under 21 who possess alcohol or a false ID will receive a civil citation. Adults who provide alcohol for a minor may be charged with a misdemeanor and are subject to a fine of up to \$2,500 for the first offense and \$5,000 for a second or subsequent offense.


Health Risks

According to the *Centers for Disease Control and Prevention*, drinking too much can negatively impact your health. Excessive drinking was responsible for 1 in 5 deaths among adults ages 20-49 from 2015 to 2019. Short-term health risks include injuries (e.g., falling, drowning, motor vehicle crashes), violence (e.g., intimate partner violence), alcohol poisoning, risky sexual behavior (e.g., sexually transmitted diseases, unintended pregnancy), and miscarriage and stillbirth among pregnant women. Long-term health risks include the development of chronic diseases, including high blood pressure, heart disease, stroke, cancer, weakened immune system, memory loss, depression, anxiety, and more.

Programs and Resources

If you or someone you know needs help with alcohol misuse, resources are available:

- UMB Student Health Center: 667-214-1899
- UMB Student Counseling Center: 410-328-8404 (After hours: 410-328-8404 and press 7)
- Baltimore Intergroup Council of Alcoholics Anonymous: 410-663-1922 (24 hours)
- Substance Abuse and Mental Health Services Administration National Helpline: 1-800-622-HELP (4357)
- In an emergency, always call 911.

The University System of Maryland (USM) Policy VII-1.10 Policy on a Drug and Alcohol-Free Workplace for Employees  outlines the commitment to maintain a safe and healthy drug- and alcohol-free workplace for all USM employees, students, and visitors, and to minimize the risk that illegal drugs and controlled substances pose to USM institutions. In addition, employees may utilize the UMB *Employee Assistance Program* (EAP), which offers someone to talk to and consultation resources. The EAP program may be reached by calling 855-410-7628 or TTY 800-697-0353.

13.02 Drug Policies

The use, possession, and/or sale of illegal drugs are violations of the [UMB Substance Abuse Policy VII-1.10\(A\)](#), the faculty contract, and the terms of employment of administrative, classified, and contingent staff.

Legal Sanctions

The unlawful possession and/or sale of drugs and/or drug paraphernalia is illegal under Maryland law. Persons illegally possessing a controlled dangerous substance will be charged with a misdemeanor and are subject to:

- One year imprisonment or a fine of up to \$5,000 or both (first conviction)
- 18 months imprisonment or a fine of up to \$5,000 or both (second or third conviction)
- Two years imprisonment or a fine of up to \$5,000 or both (fourth or subsequent convictions)

Persons illegally distributing/dispensing a controlled dangerous substance or possessing a substance to indicate an intent to distribute will be charged with a felony and are subject to imprisonment not exceeding five years or a fine not exceeding \$15,000, or both. If the illegal dangerous substance is a Schedule I or Schedule II narcotic drug, the person will be charged with a felony and is subject to imprisonment not exceeding 20 years or a fine not exceeding \$15,000, or both.

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, and/or dismissal.

Health Risks

According to the [Centers for Disease Control and Prevention](#), using illicit drugs increases the incidence of blood-borne infections, including viral hepatitis, human immunodeficiency virus (HIV), and bacterial and fungal infections. According to the [U.S. Department of Health and Human Services](#), drugs can be highly addictive and can cause a variety of health risks, including asthma, anxiety, confusion, insomnia, paranoia, aggression, coma, brain damage, and even death. About 30 percent of all admissions to general hospitals and 50 percent to psychiatric hospitals have detectable substance use. Substance use accounts for approximately 150,000 deaths annually.

Programs and Resources

If you or someone you know needs help with drug use or prescription drug misuse, resources are available:

- UMB Student Health Center: 667-214-1899
- UMB Student Counseling Center: 410-328-8404 (after hours: 410-328-8404 and press 7)
- Baltimore City Mobile Crisis Services: 410-433-5175 (24 hours)
- Substance Abuse and Mental Health Services Administration National Helpline: 1-800-622-HELP (4357)
- In an emergency, always call 911.

The University System of Maryland (USM) Policy VII-1.10 Policy on Drug and Alcohol-Free Workplace for Employees outlines the commitment to maintain a safe and healthy drug and alcohol-free workplace for all USM employees, students, and visitors, and to minimize the risk that illegal drugs and controlled substances pose to USM institutions. In addition, employees may utilize the UMB *Employee Assistance Program* (EAP), which offers someone to talk to and consultation resources. The EAP program may be reached by calling 855-410-7628 or TTY 800-697-0353.

13.03 Enforcement

The possession, sale, or furnishing of alcohol and illicit drugs on the University campus is governed by the UMB Substance Abuse Policy (*Attachment VII*), the code of conduct for each school, and state and federal laws. These laws are strictly enforced by UMB Police and Public Safety. Students and employees who violate these policies, standards of conduct, and laws are subject to University disciplinary sanctions (up to and including expulsion or termination of employment and referral for prosecution), criminal prosecution, fines, and/or imprisonment. The University encourages victims of sexual misconduct to report the incident to the Title IX office; minor violations of the alcohol and drug policies are provided amnesty (*Attachment II (VI-1.60(A) UMB Policy on Sex Discrimination)* and *Attachment III (VI-1.60(A) UMB Policy on Sexual Misconduct)*). Violators are subject to University disciplinary action, criminal prosecution, fines, and/or imprisonment.

USM is committed to maintaining a drug- and alcohol-free workplace that is compliant with federal and state laws. The following are prohibited activities under this policy on all premises owned, operated, or controlled by 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.

See *Attachment VI* for the full USM Policy on a Drug and Alcohol-Free Workplace for Employees.

13.04 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, the 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* 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*. Students may participate in drug, alcohol, and other substance use education programs conducted by *Student Health* or the *Wellness Hub*.

14.00 SEX DISCRIMINATION PREVENTION

The University of Maryland, Baltimore (UMB) is committed to a learning and working environment free from sex discrimination, which includes sexual misconduct. UMB prohibits sexual misconduct, which includes sexual assault, domestic and dating violence, and stalking as defined by Title IX of the Education Amendments of 1972 (Title IX), the Clery Act, Campus SaVE Act, and Violence Against Women Reauthorization Act (VAWA).

UMB's Title IX program is located in the Office of Accountability and Compliance (410-706-2281 or 6-2281 from an on-campus phone).

The following offices also contribute to UMB's prevention efforts and response to sexual misconduct: UMB Hotline (866-594-5220), Student Counseling Center (410-328-8404 or 8-8404 from an on-campus phone), and UMB Police and Public Safety (410-706-6882 or 6-6882 from an on-campus phone).

14.01 Definitions

Clery and VAWA Definitions

The following definitions are from the Clery Act and VAWA, which also incorporate definitions from the [*National Incident-Based Reporting System User Manual*](#).

DATING VIOLENCE

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- i. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- ii. For the purposes of this definition:
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.
- iii. For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

DOMESTIC VIOLENCE

- i. A felony or misdemeanor crime of violence committed:
 - a. By a current or former spouse or intimate partner of the victim;
 - b. By a person with whom the victim shares a child in common;
 - c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - d. 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
- e. 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 in which the crime of violence occurred.
 - ii. For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

SEXUAL ASSAULT

Under the Clery Act, Sexual Assault is defined as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. Specifically, under the FBI's NIBRS, which is part of the UCR program, rape, fondling, incest, and statutory rape are categorized as sex offenses, defined broadly as any sexual act "directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent." The definitions of rape, fondling, incest, and statutory rape as set forth by the [*FBI's June 2023 NIBRS User Manual*](#) and as incorporated by reference by the Clery Act are as follows:

- **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. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- **Fondling:** The touching of the private 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 incapacity.
- **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.

STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others, or
- Suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts that 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.
- Reasonable person means a reasonable person under similar circumstances and with similar

identities to the victim.

- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

University of Maryland, Baltimore Definitions

The following definitions are from the current policy *VI-1.60(A) UMB Policy on Sex Discrimination (Title IX)*, which became effective Aug. 1, 2024. This policy applies to incidents of sex discrimination as defined by Title IX, including incidents of dating violence, domestic violence, sexual assault, and stalking occurring on or after Aug. 1, 2024.

CONSENT

Consent is knowing and voluntary willingness to mutually participate in a particular sexual activity or behavior.

- i. Consent must be given by a person who has the ability and capacity to do so. Consent may be expressed either by words or actions.
- ii. Consent may be withdrawn at any time.
- iii. 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.
- iv. Consent cannot be implied based on the mere fact of a previous consensual dating or sexual relationship.
- v. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

DATING VIOLENCE

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.

DOMESTIC VIOLENCE

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.

SEXUAL ASSAULT

Sexual assault means an offense classified as a sex offense in the FBI's UCR program. Sex offenses are sexual acts directed against another person and include:

- i. **Non-Consensual Sexual Penetration:** Penetration, no matter how slight, of the genital or anal opening of the body of another person with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including

instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

- ii. Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- iii. Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- iv. Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

SEXUAL MISCONDUCT

Sexual misconduct is an umbrella term used in this Policy on Sexual Misconduct to encompass dating violence, domestic violence, sexual assault, and stalking. As defined by this policy, sexual misconduct is a form of sex discrimination.

STALKING

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

The following definitions are from the [VI-1.60\(A\) UMB Policy on Sexual Misconduct](#), which was in effect prior to Aug. 1, 2024, and applies only to incidents occurring on or before July 31, 2024.

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 also can 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.

SEXUAL ASSAULT

An offense classified as a forcible or non-forcible sex offense, which as of 2018 have been combined in the single category "sex offenses," under the FBI's UCR program, 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:** Non-forcible 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:** Non-forcible 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.

STALKING

A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. 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.

State of Maryland Definitions

The following definitions are from the [state of Maryland](#).

CONSENT

Maryland does not have a legal definition of consent.

DATING VIOLENCE

Maryland does not have a legal definition of dating violence.

DOMESTIC VIOLENCE

Domestic violence is defined by [Md. Code, Family Law § 4-501](#). In summary, domestic violence under Maryland law includes but is not limited to abuse occurring between: current or former spouses; cohabitants; persons related by blood, marriage, or adoption; individuals who have a child in common; and individuals who have had a recent sexual relationship. Abuse means an act that causes serious bodily harm; an act that places the victim in fear of imminent serious bodily harm; assault in any degree; rape (first or second degree) or sexual offense (third or fourth degree); attempted rape or attempted sexual offense in any degree; criminal stalking; false imprisonment; and criminal revenge porn.

SEXUAL ASSAULT

Under Md. Code, Criminal Procedure § 11-922, sexual assault is defined as "rape or a sexual offense in any degree that is specified in Md. Code, Criminal Law § 3-303 through 3-310, and § 3-314 through 3-315", which includes: rape (first degree); rape (second degree); sexual offense (third degree); sexual offense (fourth degree); attempted rape (first degree); attempted rape (second degree); sexual conduct between correction or Department of Juvenile Services employee or court-provided services provider and inmate or confined child; and continuing course of conduct with a child.

The definitions of rape and attempted rape (first and second degree), and sexual offense (third degree) are summarized as follows (the other degrees may be found at Maryland Code, Criminal

Article, § 3-303 through 3-310, § 3-314, or §3-315, and are accessible through the [Maryland General Assembly Statute webpage](#).

- **Rape and Attempted Rape (first degree):** Engaging or attempting to engage in vaginal intercourse or a sexual act with another by force, or the threat of force, without the consent of the other; or engaging or attempting to engage in vaginal intercourse or a sexual act with a victim who is under the age of 16 years, or under the age of 13 years if the person performing the act is a person 18 years of age or older; and
 - i. Employing or displaying a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;
 - ii. Suffocating, strangling, disfiguring, or inflicting serious physical injury on the victim or another in the course of committing the crime;
 - iii. Threatening, or placing the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;
 - iv. Committing the crime while aided and abetted by another; or
 - v. Committing the crime in connection with a burglary in the first, second, or third degree.
- **Rape and Attempted Rape (second degree):** Engaging or attempting to engage in vaginal intercourse or a sexual act or another:
 - i. By force, or threat of force, without the consent of the other;
 - ii. if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual; or
 - iii. if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim.
- **Sexual Offense (third degree):**
 - i. Engaging in sexual contact with another without the consent of the other; and
 - 1. Employing or displaying a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;
 - 2. Suffocating, strangling, disfiguring, or inflicting serious physical injury on the victim or another in the course of committing the crime;
 - 3. Threatening, or placing the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or
 - 4. Committing the crime while aided and abetted by another.
 - ii. Engaging in sexual contact with another if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual.

- iii. Engaging in sexual contact with another if the victim is under the age of 14 years, and the person performing the sexual contact is at least 4 years older than the victim;
 - iv. Engaging in a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old.
 - v. Engaging in vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 21 years old.
- **Sexual Act:** As used in the above definitions, and as set forth in Md. Code, Criminal Law § 3-301(d) sexual act means:
 - i. Analingus;
 - ii. Cunnilingus;
 - iii. Fellatio;
 - iv. Anal intercourse, including penetration, however slight, of the anus; or
 - v. An act in which an object or part of an individual's body penetrates, however slightly, into another individual's genital opening or anus; and that can reasonable be construed to be for sexual arousal or gratification, or for the abuse of either party.
 - vi. Sexual act does not include vaginal intercourse or an act in which an object or part of an individual's body penetrates an individual's genital opening or anus for an accepted medical purpose.
 - **Sexual Contact:** As used in the above definitions, and as set forth in Md. Code, Criminal Law § 3-301(e), sexual contact means an intentional touching of the victim's or actor's genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party; but does not include a common expression of familial or friendly affection, or an act for an accepted medical purpose.

Fondling: Maryland does not have a legal definition of fondling.

Incest: A person may not knowingly engage in vaginal intercourse with anyone whom the person may not marry under Md Code, Family Law § 2-202 (e.g., grandparent, parent, child, sibling, grandchild, grandparent's spouse, spouse's grandparent, parent's sibling, stepparent, spouse's parent, spouse's child, child's spouse, grandchild's spouse, spouse's grandchild, or sibling's child.)

Statutory Rape: Maryland does not have a formal legal definition of statutory rape, however the legal age of consent in Maryland is 16 years of age, and Md. Code, Criminal Law §§ 3-303, 3-304, 3-309, and 3-310 prohibit the rape or attempted rape of a minor by engaging or attempting to engage in vaginal intercourse or a sexual act with a victim who is under the age of 16 years, or under the age of 13 years if the person performing the act is a person 18 years of age or older. Md. Code, Criminal Law §§ 3-307 and 3-308 (sexual offense in the third and fourth degree) prohibit committing a sexual offense against a minor by engaging in sexual contact with another if the victim is under the age of 14 years and the person performing the sexual contact is at least four years older than the victim; engaging in a sexual act or vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old.

STALKING

A malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:

- i. of serious bodily injury;
- ii. of an assault in any degree;
- iii. of rape or sexual offense as defined by Md. Code, Criminal Law § 3-303 through 3-308 or attempted rape or sexual offense in any degree;
- iv. of false imprisonment; or
- v. of death; or
- vi. that a third person likely will suffer any of the acts listed above.

14.02 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 UMB Title IX coordinator by calling 410-706-5212 (6-5212 from an on-campus phone) and UMB Police and Public Safety by calling 410-706-6882 (6-6882 from an on-campus phone). The Title IX coordinator oversees UMB's resolution process and can assist with notifying 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 also can 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 the UMB community, and deter sexual harassment. Immediately after an incident, the following steps are strongly suggested:

- Get to a safe place and call 911.
- Once you are safe, call the UMB Title IX coordinator at 410-706-5212 (6-5212 from an on-campus phone).
- If you have experienced sexual violence, you are encouraged to seek a sexual assault forensic exam (SAFE). Mercy Medical Center is the designated provider of SAFE exams in the city of Baltimore. The hospital can be reached at 410-332-9000.
- You are encouraged to file a police report. You always have the right to change your mind and not pursue a criminal complaint or petition for court-ordered protection. Victims have the right to decline to notify law enforcement, if they choose.
- If you are not sure what to do, call [*TurnAround, Inc.*](#), a rape crisis and recovery center, at 410-377-8111 or its after-hours crisis line at 443-279-0379 (available 24/7). If you are not able to call, a text feature is available by texting 410-498-5956. The advocate will provide you with options. You may remain anonymous.

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.

- In Maryland, you may seek a protective order resulting from rape, sexual assault, or revenge porn. Preserving evidence is important to obtaining a protective order because the person seeking relief must prove by reasonable grounds that the protective order is needed. This includes any pictures, police reports, medical records, witness information or statements, or communications.
- The Emergency Department at Mercy Medical Center, located at 345 St. Paul Place, Baltimore, MD 21201, operates a [*SAFE program*](#) that offers free exams from trained forensic nurse examiners. They can be reached at 410-332-9000.
- You are 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.
- In Maryland, you may seek a protective order resulting from acts that place a person in fear of imminent serious bodily harm or stalking. Preserving evidence is important to obtaining a protective order because the person seeking relief must prove by reasonable grounds that the protective order is needed. This includes any pictures, police reports, medical records, witness information or statements, or communications.
- For additional information, visit victimsofcrime.org/getting-help.

14.03 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 UMB Police and Public Safety be contacted as soon as possible at 410-706-6882 (6-6882 from an on-campus phone).

Due to the sophisticated investigative resources required to properly investigate certain sex crimes, UMB Police and Public Safety has a concurrent jurisdiction agreement with the Baltimore Police Department to take primary investigative responsibility for investigating sexual assault. UMB's Title IX coordinator is responsible for receiving reports of sexual misconduct, including sexual assault, and overseeing UMB's response to sexual misconduct, such as internal investigation and resolution processes as mandated by Title IX and UMB policies and procedures.

UMB Police and Public Safety also will assign an investigator to facilitate internal University incident management and internal judicial affairs protocols.

14.04 Campus and Community Resources

Counseling, mental health, and other student services for victims of sexual misconduct are available on campus and in the community. These resources are provided in writing by UMB Police and Public Safety's victim/witness coordinator. Below is a list of resources:

Student Counseling Center

(Confidential)

SMC Campus Center

621 W. Lombard St., Suite 302

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

Phone: 410-328-8404

Fax: 410-328-5291

Website: umaryland.edu/counseling

Student Health Center

408 W. Lombard St. between Eutaw and Paca streets

Monday to Friday, 7 a.m. to 4:45 p.m.

Appointments: 667-214-2233 (external) or 4-2233 (internal)

After Hours (urgent questions, available 24/7): 667-214-2233 (external) or 4-2233 (internal)

Interim Director: Niharika Khanna, MD: 667-214-2233 or 667-214-1896

Website: umaryland.edu/studenthealth/student-health-center

Mercy Medical Center

(Sexual Assault Forensic Examiner [SAFE] program)

345 St. Paul Place

Baltimore, MD 21201

Phone: 410-332-9000

Email: bmoresafe@mdmercy.com

Website: bmoresafemeracy.org

TurnAround, Inc.

(A confidential rape crisis and recovery center and a resource for interpersonal relationship violence)

1800 N. Charles St.

Baltimore, MD 21201

Phone: 410-377-8111

Help Line: 443-279-0379

Website: 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: 800-983-7273

Website: hmcasa.org

Statewide Service Provider Directory: mcasa.org/survivors/find-a-rape-crisis-center

MCASA's Sexual Assault Legal Institute (SALI): Call 301-565-2277 or toll-free

877-496-SALI (7254)

National Sexual Assault Hotline

(Confidential)

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

National Suicide and Crisis Lifeline

Call or Text: 988

National 988 Website and Chat: 988lifeline.org

Central Maryland 988: 988helpline.org

211 Maryland (Health and Human Services Resources)

Phone: 211

Website: 211md.org

Maryland Network Against Domestic Violence

1997 Annapolis Exchange Parkway, Suite 300

Annapolis, MD 21401

Phone: 301-429-3601

Email: info@mnadv.org

Website: mnadv.org

Statewide Service Provider Directory: mnadv.org/get-help/domestic-violence-service-providers

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 24/7 Crisis Hotline

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: victimsofcrime.org

14.05 Confidentiality

For incidents on or after Aug. 1, 2024, The Title IX coordinator, or designee, will take reasonable steps to protect the privacy of the parties and witnesses during the grievance processes set forth in [VI-1.60\(A\) UMB Policy on Sex Discrimination \(Title IX\)](#) and to address any unauthorized disclosures of information or evidence obtained through the procedures for resolving grievances. UMB is obligated to maintain the confidentiality of certain information related to students and employees as a matter of state and federal law (e.g., the Family and Educational Rights and Protection Act).

To maintain the privacy of parties and witnesses, the Title IX coordinator, or designee, will only share information related to a complaint or report of conduct that may constitute sex discrimination or retaliation, information related the grievance process or informal resolution process, or other personally identifiable information obtained in the course of the procedures for adjudicating complaints subject to Title IX with:

- i. Other UMB officials on a need-to-know basis for the purpose of receiving assistance in the review, investigation, or resolution of the complaint or report; coordinating or implementing reasonable modifications for students who are pregnant or experiencing related conditions, other reasonable accommodations for individuals with disabilities, Supportive measures, sanctions, remedies; or initiating a violence risk assessment.
- ii. The complainant(s) and respondent(s);
- iii. The parties' advisors, if applicable;
- iv. Any potential or actual witnesses; or
- v. Pursuant to state or federal law (e.g., the Maryland Public Information Act).

To the extent that such information is received solely through a grievance process, that obligation extends to the parties, witnesses, and advisors.

For incidents prior to Aug. 1, 2024, and as set forth in *VI-1.60(A) UMB Policy on Sexual Misconduct*, 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 Hotline* (866-594-5220).

UMB recognizes that sexual misconduct is a sensitive subject 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 misconduct can report it through the UMB Hotline. Individuals may also seek assistance or services through confidential resources who have a professional or legal obligation to keep communications confidential.

14.06 Sexual Misconduct Education/Prevention Programs

Several crime prevention educational programs are provided to the University community throughout the year. Topics include annual Title IX training for faculty, staff, student, and affiliates; sexual harassment training for faculty and staff; UMB Police and Public Safety Safe Walk/Safe Ride; Rape Aggression Defense (R.A.D.); and information about personal safety, date rape, police services, and crime prevention tips. UMB Police and Public Safety and the Title IX program provide targeted educational and awareness information on specific topics or for special audiences upon request. Many programs are accompanied by informational bulletins, posters, crime prevention books, and pamphlets that are posted around the University to prevent crime. Most information is targeted for a specific area or time frame, such as providing crime prevention tips for resident students, protecting employee property, and working in open areas where non-employees have access.

Upon request, the UMB assistant vice president for public safety and chief of police or designee will provide crime prevention recommendations and input to any requesting University group. The Title IX office also is able to provide tailored information sessions on the University's sexual misconduct policies and resolution processes, as well as supportive services and bystander intervention.

For more information about campus safety, University security policies, or crime prevention services, call UMB Police and Public Safety 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 Safe Walk/Safe Ride program, and being alert to surroundings.

Sex Discrimination Primary Prevention and Awareness Education

UMB requires all members of the University community (students, faculty, staff, and affiliates) to complete mandatory training each year on Title IX. These annual trainings are meant to provide the members of our community with their rights and responsibilities; inform the UMB community of how to contact the Title IX coordinator and/or the UMB Hotline for confidential reporting; information on UMB's policies and procedures relating to Title IX and sex discrimination, which includes sexual misconduct; common definitions and understanding of what constitutes sex discrimination; and information on how to report and respond when sex discrimination, including sexual 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. The training includes a requirement through acknowledgment that students have read UMB's policy, which is linked to in the training. The policy includes prohibitions on sex discrimination, which includes sexual misconduct, an umbrella term for sexual assault, domestic violence, dating violence, and sexual harassment.

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 University also periodically offer programs on topics pertaining to Title IX. Beyond UMB Police and Public Safety and OAC, the University's Wellness Hub, UMB Community Collaborative on Intimate Partner Violence, URecFit and Wellness, and others contribute to awareness and education efforts.

Victim Assistance and Services

UMB provides victims/witnesses with literature and programs that assist with victim assistance and related community services available within the serviced area. Each time a crime is reported, victim/witness coordinators also provide written materials about how and to whom the offense should be reported, and options about the involvement of law enforcement and campus authorities, including notification of the victim's options to notify law enforcement and be assisted in notifying law enforcement. Information pertaining to victim/witness services includes, but is not limited to:

- UMB Resource Guide for Students on Sexual Misconduct: Campus Policies, Procedures and Victim Services (Violence Against Women Act Brochure)
 - Guidance on what to do if a student experiences sexual misconduct, including: seeking law enforcement or medical assistance; contact information for the Title IX coordinator; what to do if an incident involves a minor; information on confidentiality; UMB's policies related to sexual misconduct; and definitions of the types of sexual misconduct and retaliation.
 - Survivor decision flow chart with options for how to respond or report sexual misconduct.
 - UMB procedures for responding to sexual misconduct, which allows impacted persons to know what to expect, key contacts, and resources.
 - Strategies for students to reduce their risk of experiencing sexual misconduct.
- UMB Title IX Program Resources and References website
- UMB Police and Public Safety Victim Assistance/Incident Information Form, including: UMB Police and Public Safety victim/witness contact information; victim/witness rights and options; UMB resources; community resources; and a feedback form for UMB Police and Public Safety.
- TurnAround, Inc., counseling services
- Roberta's House counseling services
- House of Ruth domestic violence counseling and housing services
- UMB Employee Assistance Program
- Baltimore City State's Attorney's Office

Domestic Violence/Dating Violence

UMB is committed to reducing the incidence and severity of domestic and/or dating violence by recognizing it as a significant societal problem and dealing with it as a serious 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. UMB Police and Public Safety will make arrests when there is evidence of injury consistent with warrantless arrest criteria.

Domestic and dating violence occur when a person in an intimate relationship with the victim inflicts or threatens to inflict a physical injury. Intimate relationship refers to relationships that are heterosexual or homosexual and that have a sexual or emotional component or have had a sexual or emotional component in the past. An intimate relationship includes:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- 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;

- Any other person who acts against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

If there is an existing temporary protective 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. UMB Police and Public Safety 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, UMB Police and Public Safety 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 East North Ave., Baltimore, MD 21213) and which shall be served immediately by law enforcement officers.

Complainants may also wish to obtain a no-contact or similar order, or other protective measures. The University may issue an institutional no-contact order at the request of the complainant or respondent, or if appropriate, on its own volition. In addition to obtaining a no-contact order under UMB policy, students and employees may seek to obtain an order of protection under Maryland law, or in another applicable jurisdiction. The University may offer other reasonable interim and supportive measures, as appropriate.

In Maryland, victims may seek a protective order from a District Court or Circuit Court judge if the victim is the subject of an act that caused serious bodily harm or was placed in fear of imminent bodily harm or is the subject of an assault in any degree, rape or sexual offense or attempted rape or sexual offense, false imprisonment, or criminal stalking, and is the current or former spouse of the respondent; had a sexual relationship and lived with the respondent for at least 90 days within the last year, is related to the respondent by blood, marriage, or adoption; is the parent, stepparent, child, or stepchild of the respondent and lived with the respondent for at least 90 days within the last year; or has a child in common with the respondent. In all other cases (criminal harassment, criminal trespassing, and malicious destruction of property), the victim can file for a peace order from a District Court judge. For more information on obtaining a protective order or a peace order, please visit mdcourts.gov/sites/default/files/court-forms/courtforms/joint/ccdcvpo001br.pdf/ccdcvpo001br.pdf.

UMB Police and Public Safety and the Title IX coordinator are available to assist any student, faculty, or staff member who is seeking a protective order, peace order, civil protection order, or other protective order, or any other available remedy under state or federal law. Further, the University complies with law in recognizing orders of protection and encourages any person who obtains an order of protection, restraining order, or the like, whether civil or criminal in nature, to provide a copy to UMB Police and Public Safety and the Title IX coordinator. A complainant may then meet with UMB Police and Public Safety or the Title IX coordinator to develop a safety plan, which is a plan for UMB Police and Public Safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: special parking arrangements, Safe Walk/Safe Ride, changing classroom location, or allowing a student to complete assignments from home. Note that any complainant who fears for their safety may meet with UMB Police and Public Safety or the Title IX coordinator regarding a safety plan, even if they have not obtained a legal order.

Domestic violence programs in Baltimore:

House of Ruth Maryland
2201 Argonne Drive

Baltimore, MD 21218
Phone: 410-889-0840
Hotline: 410-889-7884
Website: hruth.org

TurnAround, Inc.
1800 N. Charles St.
Baltimore, MD 21201
Phone: 410-837-7000
Help Line: 443-279-0379
Website: turnaroundinc.org

For more information, see the [Md. Code, Family Law Title 4](#) (Section 4-101, et seq.).

14.07 Campus Policy and Procedures for Reporting and Adjudicating Complaints of Sexual Misconduct

Reports of sexual misconduct must be made to UMB's Title IX coordinator.

Stephanie Suerth, MPA, BS, CCEP
Acting Title IX Coordinator

Direct:

Email: ssuerth@umaryland.edu
Phone: 410-706-5212

Title IX:

620 W. Lexington St., Fifth Floor
Baltimore, MD 21201
Phone: 410-706-2281
Email: titleix@umaryland.edu
Website: umaryland.edu/titleix

For incidents that occur on or after Aug. 1, 2024, the procedures for filing a complaint and campus investigation proceedings are found in [VI-1.60\(A\) UMB Policy on Sex Discrimination \(Title IX\)](#). For incidents that occurred prior to Aug. 1, 2024, the procedures for filing a complaint and campus investigation proceedings are found in the [VI-1.60\(A\) 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. The procedural documents are [UMB Procedures for Resolving Sexual Misconduct Complaints Under the Jurisdiction of Title IX of the Education Amendments of 1972 "Title IX Procedures"](#) and [UMB Procedures for Resolving Sexual Misconduct Complaints Outside the Jurisdiction of Title IX of the Education Amendments 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 from the initial investigation to the final result. During the University 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 misconduct. 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. Proven sexual misconduct will result in remedial and University disciplinary actions that may include, but are not limited to, suspension, expulsion, or dismissal.

Both the complainant and the respondent are entitled to receive simultaneous written notification of any change to the result of the investigation, procedures to appeal the result, and when the results of the investigation are final.

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 is trained annually and participate in ongoing professional development opportunities on issues related to sexual discrimination, sexual harassment, domestic violence, dating violence, sexual assault, and stalking. All University personnel who participate in the resolution process, dependent on their role, receive annual training (as long as they continue to serve in their role) on how to conduct an investigation and hearing processes, to promote practices that protect the safety of our campus community and promotes accountability.

UMB publishes de-identified information on allegations of sexual assault at umaryland.edu/titleix/title-ix-reporting-analytics. UMB is required to submit a report based on its biannual (every two years) climate survey on sexual misconduct to the Maryland Higher Education Commission. The surveys are anonymous and no identifying information is received or reported.

14.08 Victims' Rights

When a student or employee reports that they have been a victim of sexual misconduct, whether the offense occurred on or off campus, UMB will provide the student or employee with written information regarding the student's or employee's rights and options as dictated by the applicable policy, and which may include but are not limited to:

- The importance of preserving evidence;
- How and to whom the alleged offense should be reported;
- Options about the involvement of law enforcement and campus authorities, including the victim's right to notify proper law enforcement authorities, be assisted by Title IX personnel in notifying law enforcement authorities, and decline to notify law enforcement and University authorities;
- Where applicable, the rights of victims and the University's process for orders of protection, no-contact orders, restraining orders, or similar orders issued by a court or the University;
- Information about confidentiality of victims and other necessary parties, as well as how the University will meet its obligations to complete publicly available recordkeeping without including personally identifying information to the extent possible;
- Information about how confidentiality of accommodations and supportive measures or remedies provided to the victim will be maintained to the extent possible;
- Information about supportive measures or remedies that may be available to the victim, including but not limited to: access to existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services both on-campus and off-campus; and changes to academic, living, transportation,

and working situations or protective measures if requested and reasonably available; and

- An explanation of the procedures for institutional disciplinary action.

Other rights or assistance may be afforded to student and employee victims under Maryland and federal law, as well as University policies such as *VI-1.60(A) UMB Policy on Sex Discrimination*, which applies to incidents occurring on or after Aug. 1, 2024; and *VI-1.60(A) UMB Policy on Sexual Misconduct*, which addresses all incidents prior to Aug. 1, 2024.

These rights, resources, accommodations, and protective measures are available if a victim requests them and they are reasonably available, regardless of whether the victim chooses to report the crime to UMB Police and Public Safety or local law enforcement.

14.09 Rape on College Campuses

Although you may never have been personally involved in a situation involving sexual misconduct, including sexual assault, chances are that someone you know has been. The following material will address the subject of acquaintance rape — a problem that is increasing on college campuses. It will define acquaintance rape, offer suggestions on how to prevent it, and give information on how to help a victim.

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. The two types of rape are:

- 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 friend — forces you to have sex or has sex with you without consent, it is still rape. Sexual assault, including rape, 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. 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.
- 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 is everyone's responsibility; it can prevent rape and other forms of sexual assault. Always assess a situation to determine the safest/best possible course of action for all concerned.
- Step in to change the course of a negative 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 if you are concerned for the safety of yourself or others.
- 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 misconduct 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 misconduct or sexual harassment, ask them.
- When someone says they experienced sexual misconduct or harassment, offer support and do not dismiss them.

Alcohol and Date Rape Drugs

ALCOHOL

Alcohol reduces the ability to process complex stimuli, resulting in poor decision-making and reduced ability to communicate boundaries.

Alcohol was involved in some way in more than 75 percent of college rapes.

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, slurred speech, loss of motor coordination and judgment, and amnesia that lasts up to 24 hours. It looks like an aspirin — small, white, and 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 also 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 is freely 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 and/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).

15.00 REGISTERED SEX OFFENDER INFORMATION

The Campus Sex Crimes Prevention Act is a federal law enacted in 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.

It also amends the Clery Act to require institutions of higher education to issue a statement, in addition to other disclosures required under that act, advising the university 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 University of Maryland, Baltimore (UMB) Office of Accountability and Compliance and UMB Police and Public Safety receive annual training on the issues related to sexual misconduct 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. This website provides access to information on registrants employed or enrolled at Maryland institutions of higher education.




16.00 HATE VIOLENCE

16.01 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 University of Maryland, Baltimore (UMB) Police and Public Safety. 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 toward a group of persons based on any of the following characteristics as determined by the Clery Act:

- **Race:** A group of persons who possess 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.
- **Religion:** A group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or non-existence of a supreme being.
- **Sexual Orientation:** A person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex.
- **Gender:** Actual or perceived gender.
- **Gender Identity:** Actual or perceived gender identity (e.g., transgender or gender non-conforming individuals).
- **Ethnicity:** A group of people whose members identify with each other through a common heritage, often consisting of a common language, common culture and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.
- **National Origin:** Actual or perceived country of birth.
- **Disability:** Physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

16.02 Procedures for Responding to Hate/Bias Incidents

UMB Police and Public Safety has an established standard operating procedure, [*Policy 319 Hate Crimes*](#) , for responding to hate crimes on campus. The University additionally has procedures for investigating responding to complaints of discrimination: [*VI-1.00\(C\) UMB Notice of Non-Discrimination*](#), [*VI-1.00\(D\) Standard Operating Procedures for Resolution of Employee Complaints Alleging Discrimination*](#), and [*VI-1.00\(E\) Procedures for Resolution of Complaints Alleging Discrimination*](#).

17.00 CRIME STATISTICS

In compliance with the Clery Act, University of Maryland, Baltimore (UMB) Police and Public Safety has the responsibility to report certain crime statistics to the U.S. Department of Education. Additionally, UMB Police and Public Safety must comply with other state and federal crime statistics reporting mandates. There is a vast difference in reporting requirements between the Clery Act 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 ([Section 10.04](#)).

This report contains crime statistics that have been compiled from the 2023 calendar year and the two previous years. The statistics reported in [Section 17.02](#) have been compiled from data collected from the following reporting sources: (1) UMB Police and Public Safety, (2) the Baltimore Police Department (BPD), (3) UMB campus security authorities (non-police), and (4) any other law enforcement agency with jurisdiction over an off-campus location.

Crime statistics gathered by UMB Police and Public Safety 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 10.04](#)) convey “reportable crimes” using the [Clery Incident Report Form](#).

17.01 Reporting Locations/Offense Statistics

1. On Campus

Any building or property owned, leased, or under the control of UMB is subject to offense 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

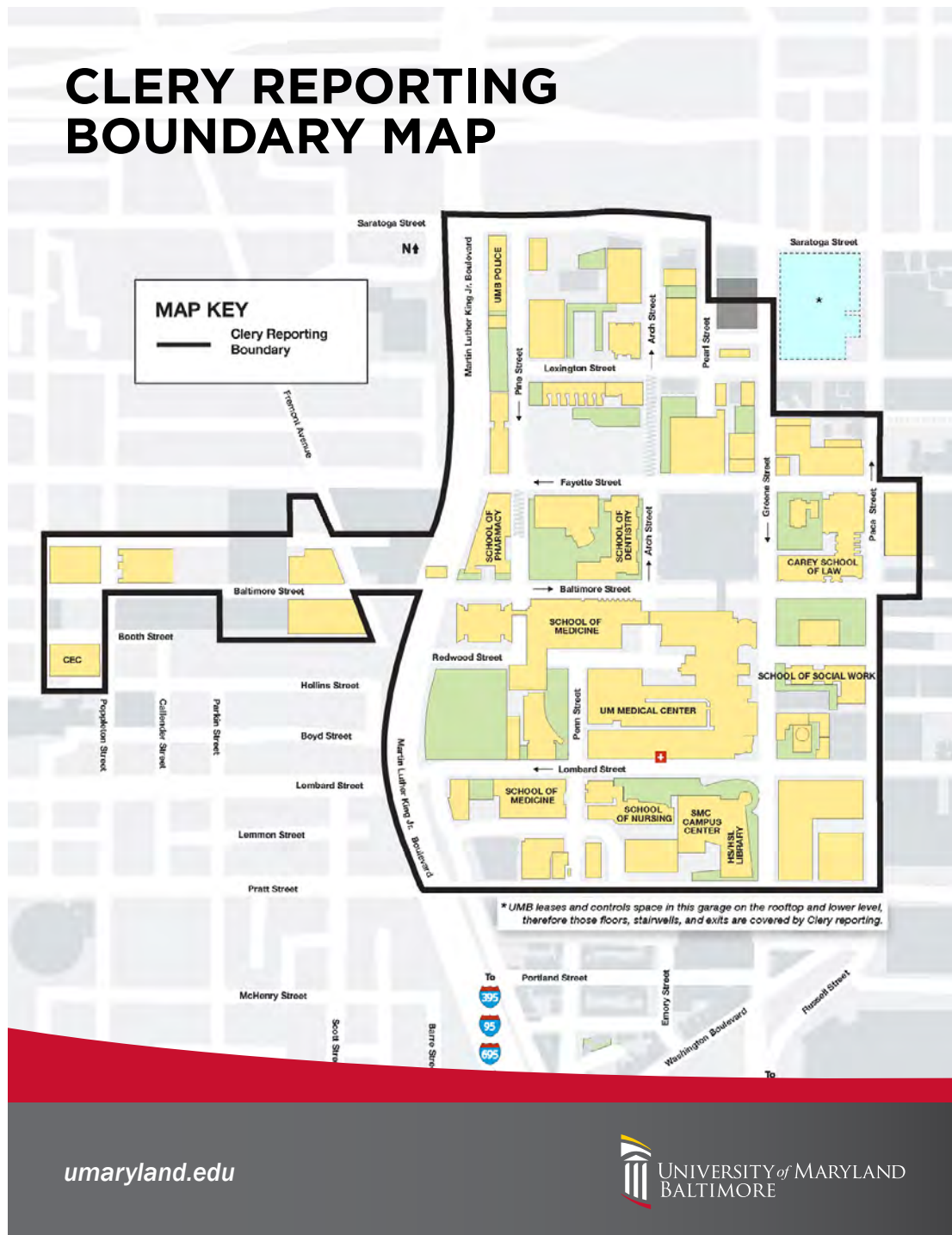
Offense statistics for public property located immediately adjacent to and easily accessible from campus, including: thoroughfares, sidewalks, streets, lands, parks, and beaches (property not owned or controlled by UMB and not a private residence or business).

Public property reporting areas identified by UMB include locations within BPD’s Central, Western, and Southern districts. The area surrounding the campus is both residential and commercial. Crime statistics for BPD can be found on [the department’s website](#).

Campus Boundary Map

UMB Police and Public Safety 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 below displays the campus boundaries. UMB Police and Public Safety 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 October 2024

17.02 Crime Statistics, Baltimore Campus — Three-Year Comparison

UNIVERSITY OF MARYLAND, BALTIMORE CRIME STATISTICS						
Offense	Year	On Campus*	In Dorms, Residential Facilities	Non-Campus Buildings/Property**	On Public Property	Total
Murder and Non-Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	1	1	1	0	2^
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Fondling	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	1	1
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	1	0	0	1	2
	2022	2	0	0	3	5
	2021	0	0	0	1	1
Aggravated Assault	2023	5	0	1	1	7^^
	2022	5	0	0	0	5^^
	2021	2	0	0	0	2
Burglary	2023	0	0	0	0	0
	2022	1	0	0	0	1^^^
	2021	1	0	0	0	1
Motor Vehicle Theft	2023	1	0	0	21	22
	2022	2	0	0	2	4
	2021	0	0	0	1	1
Arson	2023	0	0	0	0	0
	2022	1	0	0	0	1
	2021	0	0	0	0	0
Domestic Violence	2023	0	0	0	4	4
	2022	1	0	0	3	4
	2021	0	0	0	4	4
Dating Violence	2023	0	0	0	0	0
	2022	0	0	0	1	1
	2021	1	0	0	0	1

UNIVERSITY OF MARYLAND, BALTIMORE CRIME STATISTICS						
Offense	Year	On Campus*	In Dorms, Residential Facilities	Non-Campus Buildings/Property**	On Public Property	Total
Stalking	2023	0	0	0	0	0
	2022	2	0	0	0	2
	2021	1	0	0	0	1
ARRESTS						
Liquor Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Violations	2023	1	0	0	0	1
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Illegal Weapons Possession	2023	1	0	0	3	4
	2022	0	0	0	0	0
	2021	0	0	0	0	0
CAMPUS DISCIPLINARY REFERRALS						
Liquor Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Illegal Weapons Possession	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

Hate Crime Statistics

Hate crimes are criminal offenses that manifest evidence that the victim was intentionally targeted because of the victim's actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability. These incidents are reported for criminal homicide, manslaughter, sex offenses (rape, fondling, incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, and any other crime involving bodily injury, as well as, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism.

- 2023: No hate crimes were reported.
- 2022: No hate crimes were reported.
- 2021: One hate crime of vandalism motivated by racial bias was reported on campus. Due to a clerical error, this incident was omitted in the 2022 *Annual Security and Fire Safety Report*.

Unfounded Crime Statistics

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 removed) based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official.

- 2023: There were two unfounded crimes reported by UMB Police and Public Safety.

- 2022: There were two unfounded crimes reported by the University of Maryland, Baltimore Police and Public Safety and two unfounded crimes reported by the Spring Grove Police Department.
- 2021: There were two unfounded crimes reported by UMB Police and Public Safety.

The 2023, 2022, and 2021 crime statistics provided by the Baltimore Police Department (BPD) and the Universities at Shady Grove are included in separate tables (*Section 17.03* and *17.04*, respectively) in this report. The statistics from BPD and the Universities at Shady Grove are in addition to the statistics from the University of Maryland, Baltimore and are not duplicative.

*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 locations:

- Cecil County - Principio Health Center (Dental Office #2)
- West Lampeter Township, Lancaster, Pa. (School of Medicine - Amish Research Clinic)
- Maryland Department of Health - Police Department (Spring Grove Hospital - 55 Wade Ave., Catonsville, Md. 21228)
- Donaldson Brown Riverfront Event Center, Port Deposit, Md.

^ One rape occurred in 2018 but was reported and counted in 2023. It occurred at a non-campus location. The second rape was reported by a third party using the UMB Hotline and was being processed at the time of publication.

^^ In 2023, five of the seven counts of aggravated assault occurred in the University of Maryland Medical Center (UMMC). Five occurred in the UMMC Emergency Room, four of which predominantly involved police, security, and staff. In 2022, four of the five counts of aggravated assault occurred in UMMC.

^^^A burglary previously reported on public property in 2022 has been removed in accordance with the U.S. Department of Education guidelines. The burglary occurred in a trailer owned by a private contractor and therefore was not under UMB control.



17.03 Crime Statistics, Baltimore Police Department — Three-Year Comparison

BALTIMORE POLICE CRIME STATISTICS**						
Offense	Year	On Campus*	In Dorms, Residential Facilities	Non-Campus Buildings/Property	On Public Property	Total
Murder and Non-Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	1	0	0	0	1
	2022	0	0	0	0	0
	2021	1	0	0	0	1
Fondling	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	0	1	1
	2022	0	0	0	1	1
	2021	1	0	0	3	4
Aggravated Assault	2023	0	0	0	4	4
	2022	0	0	0	4	4
	2021	0	0	0	5	5
Burglary	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2023	3	0	0	20	23
	2022	2	0	0	6	8
	2021	1	0	0	7	8
Arson	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Domestic Violence	2023	0	0	0	4	4
	2022	0	0	0	0	0
	2021	0	0	0	2	2
Dating Violence	2023	0	0	0	1	1
	2022	0	0	0	0	0
	2021	0	0	0	0	0

BALTIMORE POLICE CRIME STATISTICS**						
Offense	Year	On Campus*	In Dorms, Residential Facilities	Non-Campus Buildings/Property	On Public Property	Total
Stalking	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
ARRESTS						
Liquor Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Violations	2023	0	0	0	1	1
	2022	0	0	0	2	2
	2021	0	0	0	0	0
Illegal Weapons Possession	2023	1	0	0	0	1
	2022	1	0	0	4	5
	2021	0	0	0	1	1

Hate Crime Statistics

Hate crimes are criminal offenses that manifest evidence that the victim was intentionally targeted because of the victim's actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability. These incidents are reported for criminal homicide, manslaughter, sex offenses (rape, fondling, incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, and any other crime involving bodily injury, as well as larceny-theft, simple assault, intimidation, and destruction/damage/vandalism.

- 2023: No hate crimes were reported.
- 2022: No hate crimes were reported.
- 2021: No hate crimes were reported.

Unfounded Crime Statistics

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 removed) based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official.

- 2023: No unfounded crimes were reported.
- 2022: No unfounded crimes were reported.
- 2021: No unfounded crimes were reported.

*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.

**A complete list of crimes for July 2022 was not provided by the Baltimore Police Department in time for this report.

17.04 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 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 USG 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 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.

THE UNIVERSITIES AT SHADY GROVE ¹					
CRIME REPORT STATISTICS ⁴					
Category	Year	On Campus	Non-Campus Buildings or Property	Public Property ²	Total
Murder and Non-Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Fondling	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Incest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Statutory Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

THE UNIVERSITIES AT SHADY GROVE¹					
CRIME REPORT STATISTICS⁴					
Category	Year	On Campus	Non-Campus Buildings or Property	Public Property²	Total
Robbery	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2023	0	0	0	0
	2022	0	0	1	1
	2021	0	0	0	0
Burglary/B&E	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arson	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Hate Crimes ³	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Domestic Violence ⁵	2023	0	0	0	0
	2022	0	0	0	0
	2021	1	0	0	1
Dating Violence ⁵	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Stalking ⁵	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
ARREST STATISTICS					
Liquor Law Violation: Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Drug Law Violation: Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Weapons Law: Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	1	0	0	1

THE UNIVERSITIES AT SHADY GROVE¹					
CRIME REPORT STATISTICS⁴					
Category	Year	On Campus	Non-Campus Buildings or Property	Public Property²	Total
CAMPUS DISCIPLINARY REFERRALS⁶					
Liquor Law Violation: Referrals	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Drug Law Violation: Referrals	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Weapons Law: Referrals	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
UNFOUNDED REPORTS⁷					
Unfounded Reports⁷	2023	0	0	0	0
	2022	0	0	0	0
	2021	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 USG and their home 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, religion, sexual orientation, gender, ethnicity, disability, gender identity, or national origin. Any numbers in small-print parentheses would indicate how many of the total number of 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 includes all Clery reportable statistics reported to USG security officers or other campus security authorities (CSAs), including those reported to partner institution CSAs.
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 CSAs 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 removed) based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official.

ATTACHMENT I

Crime Definitions

Sources: [FBI National Incident-Based Reporting System User Manual](#); [Violence Against Women Act](#); [Clery Act](#)

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.

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.

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.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, or 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).

Hate Bias (in which the crime is associated): Institutions are required to release statistics concerning hate crimes and shall indicate every occurrence of crime involving bodily injury in which the victim was targeted because of their actual or perceived race, gender, religion, sexual orientation, gender identity, ethnicity, or disability.

Hate Crime: A crime reported to UMB Police and Public Safety, the Baltimore Police Department, other law enforcement agencies, or a campus security authority that shows the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Additional crimes included in hate crime reporting:

- **Destruction/Damage/Vandalism of Property:** To destroy willfully or maliciously, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

For Clery reporting purposes, hate crimes include any of the following offenses that are motivated by bias:

- **Aggravated Assault**
- **Burglary**
- **Motor Vehicle Theft**
- **Murder and Non-Negligent Manslaughter**
- **Robbery**
- **Sexual Assault**

Liquor Law Violations: The violation of laws or ordinances 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.)*

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

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. *(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.

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.

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

- **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 their temporary or permanent mental or physical incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **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.
- **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 their temporary or permanent mental or physical incapacity.

- **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.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Weapon Violation: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as the 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.





This is the current UMB Policy VI-1.60(A), Policy on Sex Discrimination, which became effective on August 1, 2024, and replaced VI-1.60(A) Policy on Sexual Misconduct. The UMB Policy on Sex Discrimination applies to incidents occurring on or after August 1, 2024.

UMB Policy on Sex Discrimination (Title IX) VI-1.60(A)

Administration | Effective August 1, 2024

Responsible VP/AVP

Susan C. Buskirk, DM, MS

Revision History

Approved by the President March 30, 2015, replaced V1-1.30(A), to comply with USM VI-1.60 (eff. June 27, 2014, revised June 19, 2015); Revised August 26, 2015; Revised August 14, 2020. Revised March 24, 2023 to update links; Revised August 1, 2024 to comply with revisions to USM VI-1.60 (eff. August 1, 2024) and to replaces UMB VI-1.01(A); UMB VI-1.05(A); UMB VI-1.05(B); UMB VI-1.60(A)-1; UMB VI-1.60(B); and UMB VI-1.60(C).

Policy Statement

I. PURPOSE

The University of Maryland, Baltimore (“UMB” or “the University”) is committed to providing a working and learning environment free from Sex Discrimination, as defined in the Definitions section, below,¹ through training, education, prevention programs, and policies and procedures that promote prompt reporting, prohibit Sex Discrimination and Retaliation, and promote a timely, fair, and impartial investigation and resolution in a manner that eliminates Sex Discrimination, prevents its recurrence, and addresses its effects.

UMB also prohibits any policy, practice, or procedure, or any employment action, concerning the current, potential, or past Parental Status, family status or marital status of a Student, employee, or applicant for admission or employment, that treats persons differently on the basis of sex.

II. APPLICABILITY

All UMB Students, faculty and staff employees, applicants for admission or employment, and third parties and contractors under UMB control, are subject to this Policy. This Policy applies to Sex Discrimination occurring within UMB’s Education Program or Activity and fulfills the obligations of UMB to address Sex Discrimination prohibited by Title IX of the Education Amendments of 1972 (“Title IX”). This Policy implements the University System of Maryland (“USM”) VI-1.60 Policy on Sex Discrimination.

¹ Capitalized terms are defined in this Policy.

Conduct described by this Policy but not prohibited under Title IX (including, but not limited to the conduct, defined in Section IV, below), conduct that amounts to discrimination on the basis of other protected classes, and conduct that violates other UMB or USM policy, shall be governed by other appropriate UMB policies, procedures, and processes.

A. Protection of Minors. In Maryland, a person under the age of 16 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 VI-1.50(A) Procedures for Reporting Suspected Child Abuse and Neglect for additional mandatory requirements for sexual misconduct that involves a minor.

B. Academic Freedom. This Policy is not intended 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.

C. Guidance. UMB encourages those who are unsure of 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-withus/>.

III. DEFINITIONS

For purposes of this Policy, the following definitions apply:

A. Complainant is an individual who is alleged to have been subjected to Sex Discrimination who is a Student or employee, or who was participating or attempting to participate in the Education Program or Activity at the time of the alleged Sex Discrimination, whether or not that individual initiated the Complaint.²

B. Complaint means an oral or written request to the University that objectively can be understood as a request to investigate and make a determination about alleged Sex Discrimination.

C. Confidential Employees are:

- i. Employees whose communications are privileged or confidential under Federal or State law;³
- ii. Employees whose communications are specifically designated as confidential for the purpose of providing services related to potential Sex Discrimination; or
- iii. Employees who are conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex Discrimination.⁴

D. Consent is knowing and voluntary willingness to mutually participate in a particular sexual activity or behavior.

- i. Consent must be given by a person who has the ability and capacity to do so.

² A parent, guardian, or other authorized legal representative with the legal right to act on behalf of the Complainant may also file a Complaint on behalf of a Complainant.

³ The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.

⁴ The employee's confidential status is only with respect to information received while conducting the study.

- ii. Consent may be expressed either by words or actions.
- iii. Consent may be withdrawn at any time.
- iv. 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.
- v. Consent cannot be implied based on the mere fact of a previous consensual dating or sexual relationship.
- vi. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

E. Education Program or Activity includes all operations of UMB in the United States, including, but not limited to, all conduct⁵ over which UMB exercises disciplinary authority and all conduct that occurs in any building owned or controlled by a student organization that is officially recognized by UMB. UMB shall address a Sex-Based Hostile Environment under its Education Program or Activity even when some conduct alleged to be contributing to the hostile environment occurred outside UMB's Education Program or Activity or outside of the United States.

F. Employees with Authority are employees, other than Confidential Employees, who have the authority to institute corrective measures or who are responsible for administrative leadership, teaching, or advising.

G. 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.

H. 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.

I. Gender Identity means an individual's sense of their gender which may or may not be different from their sex assigned at birth.

J. Members of the Public mean individuals who are not Students or faculty or staff employees and who are not directly participating or attempting to participate in UMB Education Programs or Activities, but who may have connection to or be involved in such activities (e.g., patients, clients, visitors, affiliates over whom the University does not exercise control, etc.).

K. Parental or Family Status means the current, potential, or past status of an individual who is, with respect to another person who is under the age of 18 or is 18 or older but is incapable of self-care because of physical or mental disability:

⁵ Such conduct may occur in-person or through the use of technology such as e-mail, texts, social media applications, etc.

- i. A biological, step, adoptive, or foster parent;
- ii. A legal custodian or guardian;
- iii. In loco parentis; or
- iv. Actively seeking legal custody, guardianship, visitation, or adoption.

L. Party means a Complainant or Respondent.

M. Pregnancy or Related Conditions means the current, past, or potential presence of any of the following conditions:

- i. Pregnancy, childbirth, termination of pregnancy, or lactation;
- ii. Recovery from pregnancy, childbirth, termination of pregnancy, or lactation; or
- iii. Medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation.

N. Protected Activity includes making a good faith report or complaint under this Policy, opposing a practice one reasonably considers to be discriminatory under this Policy, or otherwise participating in any manner of the investigative or grievance processes covered by this Policy.

O. Relevant as used with respect to evidence or questions for Parties or witnesses means related to the allegations of Sex Discrimination or Retaliation under investigation as part of the grievance processes provided in this Policy. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex Discrimination occurred, and evidence is Relevant when it may aid a decisionmaker (such as the Title IX Coordinator, Title IX Coordinator's designee, Provost, or Provost's designee) in determining whether the alleged Sex Discrimination occurred.

P. Remedies are measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to UMB's Education Program or Activity limited or denied by Sex Discrimination. These nonpunitive measures are provided to restore or preserve that person's access to UMB's Education Program or Activity after the University makes a determination that Sex Discrimination occurred.

Q. Respondent means a person who is alleged to have violated UMB's prohibition of Sex Discrimination under this Policy.

R. Retaliation means intimidating, threatening, coercing, or discriminating against any individual by the University, a Student, or an employee or other person authorized by UMB to provide aid, benefit, or service under the UMB Education Program or Activity, for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has reported information, made a Complaint, testified, assisted, participated or refused to participate in any manner in an investigation, grievance process, informal resolution process, proceeding, or hearing related to Sex Discrimination.

- i. Retaliation includes bringing charges against an individual for violations of other UMB policies that do not involve Sex Discrimination but arise out of the same facts or circumstances as a Complaint, for the purpose of interfering with any right or privilege secured by Title IX.
- ii. Retaliation may also include "peer retaliation" which means a Student retaliating

against another Student, regardless of whether they were a Respondent, Complainant, or witness in a grievance process or informal resolution process under this Policy.

- iii. Nothing in this definition or Policy precludes UMB from requiring an employee or other person authorized by UMB to provide aid, benefit, or service under UMB's Education Program or Activity to participate as a witness in, or otherwise assist with, an investigation or other process under this Policy.

S. Sanctions mean consequences imposed on a Respondent following a determination that the Respondent violated UMB's prohibition of Title IX Sex Discrimination or Retaliation.

T. 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 sexual acts directed against another person and include:

- i. Non-Consensual Sexual Penetration—Penetration, no matter how slight, of the genital or anal opening of the body of another person with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- ii. Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- iii. Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- iv. Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.⁶

U. Sex-Based Harassment is a form of Sex Discrimination prohibited by Title IX,⁷ and means sexual harassment and other harassment on the basis of sex, including Sex Stereotypes, Sex Characteristics, Pregnancy or Related Conditions, Sexual Orientation, and Gender Identity, and that satisfies one or more of the following:

- i. Quid Pro Quo Harassment—An employee, agent, or other person authorized by UMB to provide an aid, benefit, or service under UMB's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- ii. Hostile Environment Harassment—Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from UMB's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific

⁶ See Md. Code Ann., Crim. Law §§ 3-301 through 3-307.

⁷ See Section IV for a definition of non-Title IX discrimination, including non-Title IX sex-based harassment, which is subject to other state and federal laws, as well as other UMB policies and procedures.

inquiry that includes consideration of the following:

1. The degree to which the conduct affected the Complainant's ability to access UMB's Education Program or Activity;
2. The type, frequency, and duration of the conduct;
3. The Parties' ages, roles within UMB's Education Program or Activity, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the conduct;
4. The location of the conduct and the context in which the conduct occurred; and
5. Other Sex-Based Harassment directed at the Complainant in UMB's Education Program or Activity.

iii. Sexual Misconduct—Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined throughout this Definitions section.

V. Sex Characteristics means physiological sex-based characteristics, including a person's anatomy, hormones, and chromosomes associated with male or female bodies and which may or may not be related to a person's reproductive capacity; intersex traits; and other physiological sex characteristics that differ from or align with expectations generally associated with male or female bodies.

W. Sex Discrimination means exclusion from participation in or being denied the benefits of any Education Program or Activity of UMB on the basis of sex, including Sex Stereotypes, Sex Characteristics, Sexual Orientation, Gender Identity, and Pregnancy or Related Conditions. Sex-Based Harassment is a form of Sex Discrimination.⁸

X. Sex Stereotypes means fixed or generalized expectations regarding a person's aptitudes, behavior, self-presentation, or other attributes based on sex.

Y. Sexual Orientation means the identification, perception, or status of an individual as to that individual's physical, romantic, or emotional attraction to another person.

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

AA. Student means a person who has gained admission to UMB.

BB. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- i. Restore or preserve that Party's access to the University's Education Program or Activity, including measures that are designed to protect the safety of the Parties or the University's educational environment; or
- ii. Provide support during the Title IX grievance processes or informal resolution process.

⁸ In circumstances where different treatment or separation on the basis of sex is permitted, UMB prohibits different treatment or separation on the basis of sex in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, except as permitted by 20 U.S.C. §§ 1681 and 1686 and their corresponding regulations.

Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact applied to one or more Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, training and education programs related to Sex-Based Harassment, no-contact or no-trespass orders, and other similar measures.

IV. NON-TITLE IX DISCRIMINATION

Unlawful discrimination, including sex-based discrimination, is regulated by other state and federal laws and prohibited by USM and UMB policies on non-discrimination and equal opportunity.

Definitions provided in this section are pursuant to Maryland or federal law other than Title IX. Sex-based discriminatory conduct that does not meet the definitions of Title IX Sex Discrimination or Title IX Sex-Based Harassment as defined in Section III shall be addressed by other applicable UMB policies and procedures.

A. Maryland Fair Employment Practices Act (“FEPA” or “Title 20”). Set forth in Md. Code Ann., State Gov’t § 20-601, *et seq.*

- i. Discrimination Prohibited. FEPA prohibits employers from discriminating against employees (or applicants for employment) on the basis of an individual’s race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or disability.
- ii. Harassment as a Form of Discrimination. FEPA prohibits harassment as a form of employment discrimination but defines harassment differently than Title IX. Sex-based harassment means unwelcome and offensive conduct, which need not be severe or pervasive, where:
 1. The conduct is based on sex, sexual orientation or gender identity;⁹ or that consists of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature; and
 2. Submission to the conduct is made either explicitly or implicitly a term or condition of the employment of an individual;
 3. Submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or
 4. Based on the totality of the circumstances, the conduct creates a working environment that a reasonable person would perceive to be abusive or hostile.

B. Title VII of the Civil Rights Act of 1964 (“Title VII”). Set forth in 42 U.S.C. §§ 2000e-2000e-17, as amended.

- i. Discrimination Prohibited. Title VII prohibits employers from discriminating against employees (or applicants for employment) on the basis of race, color, religion, sex (including pregnancy, childbirth, and related conditions, sexual orientation, and gender identity), or national origin.

⁹ FEPA has its own separate definitions of sexual orientation, and gender identity.

- ii. Harassment as a Form of Discrimination. Title VII prohibits harassment as a form of employment discrimination but defines harassment differently than Title IX. Sex-based harassment means unwelcome conduct that is based on sex where:
 1. Enduring the offensive conduct becomes a condition of continued employment, or
 2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

V. REPORTING

UMB encourages the prompt reporting of an allegation of Sex Discrimination or Retaliation, whenever possible. Reporting of an incident close in time to its occurrence will enhance UMB's ability to promptly and effectively investigate complaints, protect the UMB community, and discipline and educate offenders.

- A. The following persons have a right to make a Complaints of Sex-Based Harassment, requesting that UMB investigate and make a determination about alleged discrimination under Title IX:
 - i. A Complainant;
 - ii. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant;
 - iii. The Title IX Coordinator, after making the determination specified in Absence or Withdrawal of Complaint or Allegations Section below.
- B. In addition to the persons listed in paragraph above, the following individuals who observe, become aware of, or have been subjected to forms of Sex Discrimination other than Sex-Based Harassment, may also submit a Complaint:
 - i. Any Student or employee; or
 - ii. Any person other than a Student or employee who was participating or attempting to participate in a UMB Education Program or Activity at the time of the alleged Sex Discrimination.
- C. Any individual may report an incident of Sex Discrimination or Retaliation, regardless of whether they are the alleged victim, and such reports may be made at any time.
- D. Complaints or reports of Sex Discrimination or Retaliation should be made through any of the following methods:
 - i. Title IX Coordinator
Stephanie Suerth, MPA, CCEP
Acting Title IX Coordinator
Office of Accountability and Compliance
620 West Lexington Street
Baltimore, MD 21201
Direct Telephone: (410) 706-5212
Email: Titleix@umaryland.edu

ii. UMB EthicsPoint Hotline

1. Reports may be submitted to the UMB EthicsPoint Hotline anonymously.¹⁰
2. UMB Hotline Webpage: <https://www.umb.edu/umbhotline/>
3. File a report online: <https://secure.ethicspoint.com/domain/media/en/gui/28588/index.html>
4. File a report by telephone: 866-594-5220

iii. Confidential Reporting

1. On Campus Confidential Reporting
 - a. UMB Student Counseling Center staff
 - b. UMB Employee Assistance Program staff
 - c. UMB Health Service Providers (working in their capacity as providers to assist a victim)
2. Off Campus Confidential Reporting
 - a. Local rape crisis centers
 - b. Domestic and/or dating violence resources, including centers and safe houses
 - c. Clergy/chaplains
 - d. Local medical facilities, including those offering SAFE (Sexual Assault Forensic Exam) services
3. 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.
4. The Student Counseling Center and the Employee Assistance Program are available resources that provide free and confidential services.

iv. Criminal Reporting to Law Enforcement

1. Individuals who have been subjected to Sexual Assault 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
2. Upon request, UMB Title IX personnel are available to promptly assist Complainants alleged to have been subjected to Sexual Assault in notifying appropriate law enforcement.

¹⁰ Anonymity cannot be guaranteed. In many cases, anonymous complaints can be harder to investigate and adjudicate. UMB prohibits Retaliation against a person because that person has made a Complaint.

3. 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.

v. Grievance Reporting to Governmental Authorities

1. All individuals

Individuals who have been subjected to Sex Discrimination have the right to file a formal grievance with governmental 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

Website: <https://www.ed.gov/about/ed-offices/ocr>

2. Employees

- a. Employees who have been subjected to Sex Discrimination may file a formal charge with governmental authorities:

- i. 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

- ii. Maryland Commission on Civil Rights (MCCR)

6 St. Paul Street, Suite 900

Baltimore, MD 21202

410-767-8600

800-637-6247

mccr@maryland.gov

- b. Applicants or employees may file a complaint with the Office of Statewide Equal Employment Opportunity Coordinator to pursue allegations of employment discrimination under Md. Code Ann., State Pers. & Pens. § 5-201 et seq. (Title 5). If an employee wishes to proceed under Title 5, the employee must specify that preference at the time the complaint is made.

E. Responsibilities of UMB Faculty and Staff Employees to Report

- i. Pregnancy or Related Conditions. If a Student, or a person who has the legal right to act on behalf of the Student, informs any employee, including faculty members and staff employees, of the Student's Pregnancy or Related Conditions, the employee must provide that person with the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to ensure equal access to the University's Education Program or Activity

and the prevention of Sex Discrimination. Employees need not provide the Title IX Coordinator's contact information if the employee reasonably believes that the Title IX Coordinator has already been notified.

- ii. Confidential Employees. Confidential Employees are required to explain to any person who informs the Confidential Employee of conduct that may reasonably constitute Sex Discrimination under Title IX:
 1. The employee's status as confidential for purposes of notification under Title IX, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that may constitute Sex Discrimination;
 2. How to contact the Title IX Coordinator and how to make a Complaint of Sex Discrimination; and
 3. That the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an informal resolution process or an investigation under the appropriate grievance process.
- iii. Employees with Authority. Employees with Authority are required to notify the Title IX Coordinator when the employee has information about conduct that may reasonably constitute Sex Discrimination under Title IX.
- iv. All other employees who are not Confidential Employees or Employees with Authority. All other employees are required to either:
 1. Notify the Title IX Coordinator when the employee has information about conduct that may reasonably constitute Sex Discrimination under Title IX; or
 2. Provide the contact information of the Title IX Coordinator and information about how to make a Complaint of Sex Discrimination to any person who provides the employee with information about conduct that may reasonably constitute Sex Discrimination under Title IX.
- v. Student-Employees. Student-employees will be required to adhere to the notification requirements applicable to all other employees who are not Confidential Employees or Employees with Authority, as set forth above, only to the extent that they are provided such information that may reasonably constitute Sex Discrimination under Title IX while they are on-duty as an employee (i.e., while "clocked in").

F. Bad Faith Reports or False Statements. Parties, witnesses, or others participating in the processes described in this Policy are prohibited from knowingly making false statements or knowingly submitting false information during Title IX processes. Complaints or statements made in bad faith are not legally protected from reprisal or disciplinary action. Parties, witnesses, or others participating in the processes will not be disciplined for making "false statements" solely based on UMB's eventual determination that Sex Discrimination did or did not occur.

G. Measures to Facilitate Reporting and Participation. UMB encourages the reporting of Sex Discrimination by individuals who have been subjected to Sex Discrimination and by witnesses. Sometimes, such individuals and witnesses are hesitant to report

Sex Discrimination or to 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 individuals who have been subjected to Sex Discrimination and witnesses to report misconduct.

- i. Amnesty. To encourage reporting, UMB prohibits student conduct action, except for mandatory interventions for substance abuse or where UMB is required by law to make a report, for a violation of alcohol or drug use policies by a Student who reports Sex-Based Harassment to UMB or to law enforcement, or who participates in the grievance process for allegations of Sex-Based Harassment as a witness, if UMB determines that:
 1. The violation occurred during or near the time of the alleged Sex-Based Harassment;
 2. The Student made the report of Sex-Based Harassment, or is participating in an investigation as a witness, in good faith; and
 3. The violation was not an act that was reasonably likely to place the health or safety of another individual at risk.
- ii. Bystander Intervention. UMB encourages community members to assist individuals who have been subjected to Sex-Based Harassment or Sex Discrimination during or after an incident when it is safe to do so. UMB offers training in bystander intervention.
- iii. Consensual Sexual Conduct. To encourage reporting and participation, UMB will not discipline Parties, witnesses, or others participating in the process for engaging in consensual sexual conduct based solely on UMB's eventual determination whether Sex Discrimination occurred. This provision is not intended to alter or replace the requirements of UMB VII-2.10(B) Policy Concerning Consensual Relationships.

H. Monitoring. The Title IX Coordinator shall:

- i. Monitor the UMB Education Program or Activity for barriers to reporting information about conduct that may reasonably constitute Sex Discrimination; and
- ii. Take steps reasonably calculated to address such barriers.

VI.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
410-332-9000
<https://bmoresafemercy.org/>

UMB Title IX personnel are available to promptly assist Complainants who have been subjected to Sexual Assault, in obtaining medical attention, including providing transportation to the nearest designated SAFE hospital.

Information on Maryland SAFE programs located outside of Baltimore City is available on the Title IX Coordinator's website.

VII. PRIVACY

The Title IX Coordinator, or designee, will take reasonable steps to protect the privacy of the Parties and witnesses during the grievances processes and informal resolution process set forth in this Policy and to address any unauthorized disclosures of information or evidence obtained solely through the processes set forth in this Policy, to the extent possible. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance process or informal resolution process. The Parties are prohibited from engaging in Retaliation, including against witnesses. UMB is obligated to maintain the confidentiality of certain information related to students and employees as a matter of state and federal law (e.g., the Family and Educational Rights and Protection Act). To the extent that such information is received solely through a grievance process or informal resolution process, that obligation extends to the Parties, witnesses, and advisors.

A. Title IX Coordinator or Designee. To maintain the privacy of Parties and witnesses, the Title IX Coordinator, or designee, will only share information related to a Complaint or report of conduct that may constitute Sex Discrimination or Retaliation, information related the grievance process or informal resolution process, or other personally identifiable information obtained in the course of the grievance processes or informal resolution process set forth in this Policy with:

- i. Other UMB officials on a need-to-know basis for the purpose of receiving assistance in the review, investigation, or resolution of the Complaint or report; coordinating or implementing reasonable modifications for Students who are Pregnant or experiencing Related Conditions, other reasonable accommodations for individuals with disabilities, Supportive Measures, Sanctions, Remedies; or initiating a Violence Risk Assessment.
- ii. The Complainant(s) and Respondent(s);
- iii. The Parties' advisors, if applicable; or
- iv. Any potential or actual witnesses; or
- v. Pursuant to state or federal law (e.g., the Maryland Public Information Act).

B. Parties. To the extent that Relevant evidence or other records obtained solely through the grievance process or informal resolution process are shared by a Complainant or Respondent with a witness, family member, advisor, or other third party, the Complainant or Respondent must inform those individuals that the information is to remain confidential and may not be shared or discussed with anyone other than those who are already known to have such knowledge (e.g., other witnesses or family members who have also been provided such information).

- i. The evidence and records obtained solely through the grievance process or

informal resolution process may not be publicly disclosed by any Party, advisor, or witness.

- ii. This expectation of privacy extends to any information disclosed by the Title IX Coordinator, or designated investigator(s), to the Parties or witnesses during interviews or other meetings, particularly as it related to other witness or Party statements.

C. Witnesses. Any potential or actual witnesses who are contacted by the Title IX Coordinator, or designee, or by a Party, are expected to adhere to the privacy expectations set forth in this Section.

D. Failure to Comply. Failure to comply with this Privacy Section may result in separate disciplinary action.

E. First Amendment. Nothing in this Section should be construed as a restriction of an individual's First Amendment or other protected rights.

F. Reporting to Governmental Authorities and Legal Actions. Nothing in this Section should be construed as a restriction of an individual's protected rights to file good faith reports to applicable governmental authorities or to seek other legal action.

VIII. PREGNANCY RELATED CONDITIONS

A. Employees.

Reasonable accommodations for employees experiencing Pregnancy or Related Conditions are offered pursuant to the Pregnant Fair Workers Act¹¹ as required by USM VI-1.00 Policy on Non-Discrimination and Equal Opportunity and UMB's non-discrimination policies.

B. Students.

Treatment of Students experiencing Pregnancy or Related Conditions will be provided in the same manner and under the same policies as any other temporary medical conditions with respect to medical or hospital benefits, services, or any other policies the UMB operates or participates in with respect to Students in UMB's Education Program or Activity.

- i. Reasonable modifications for Students experiencing Pregnancy or Related Conditions are offered pursuant to and governed by this Policy and related processes.
- ii. Requests for reasonable modifications by Students experiencing Pregnancy or Related Conditions, or persons who have the legal right to act on behalf of the Student, should be directed to the Title IX Coordinator, or designee, such as the Office of Educational Support and Disability Services ("ESDS").
- iii. Each reasonable modification shall be based on the Student's individualized needs, in consultation with the Student, and designed to ensure equal access to UMB's Education Program or Activity.
- iv. The Title IX Coordinator, or designee, will facilitate the provision and implementation of reasonable modifications, but may either consult or coordinate with ESDS or delegate the responsibility to ESDS.

¹¹ See 42 U.S.C. § 2000gg(3) and implementing regulations 29 C.F.R. § 1636.

- v. A modification that would fundamentally alter the nature of UMB's Education Program or Activity is not reasonable.
- vi. Students have the discretion to accept or decline each reasonable modification offered by the Title IX Coordinator.
- vii. Students may voluntarily access any separate and comparable portion of the UMB Education Program or Activity.
- viii. Students may take a voluntary leave of absence for a period of time determined by the Student's medical provider, or the period of time permitted by UMB or school policy, whichever is greater. Upon return from a leave of absence, the Student must be reinstated to the same academic status and (to the extent possible) extracurricular status that the Student held when the leave began.
- ix. Documentation or Certification.
 1. Documentation for reasonable modifications will not be required unless it is necessary for the Title IX Coordinator, or designee, to determine what reasonable modifications are needed or whether to take additional actions.
 2. Certification that a Student who is Pregnant or is experiencing a Related Condition is physically able to participate in a class, program, or activity, will not be required unless:
 - a. The certified level of physical ability or health is necessary for the class, program, or activity;
 - b. UMB requires such certifications of all Students participating in the class, program, or activity; and
 - c. The information obtained through the certification is not used as a basis for prohibited discrimination.

IX. LACTATION SPACE

UMB provides dedicated lactation spaces for all Students, faculty and staff employees, and visitors. These lactation spaces are clean, shielded from view, free of intrusion from others, and may be used for expressing milk or breastfeeding as needed. For more information about UMB's lactation spaces, see the SMC Campus Center Lactation Center website: <https://www.umaryland.edu/campuscenter/building-resources/lactation-center/>.

X. PROCEDURES FOR ADJUDICATING COMPLAINTS SUBJECT TO TITLE IX

A. Initial Assessment. The Title IX Coordinator is responsible for receiving and reviewing a broad range of concerns and complaints which may or may not implicate Title IX.

- i. Purpose of Initial Assessment. When receiving a complaint, concern, or report, the Title IX Coordinator, or designee, shall conduct an Initial Assessment which is intended to evaluate:
 1. Whether the factual allegations contained in an initial complaint or report may reasonably constitute Sex Discrimination or Retaliation under Title IX such that they should be subject to the processes set forth below;
 2. Whether the factual allegations contained in an initial complaint or report

- should be investigated or reviewed under a different non-discrimination policy and procedures; or
3. Whether the factual allegations should be referred to another office / unit (e.g., Human Resource Services, Student Affairs, etc.) where the factual allegations would not reasonably constitute discrimination or retaliation under the University's non-discrimination policies, but may warrant review, investigation, or other action for other reasons.
- ii. Gathering Basic Information. As part of the Initial Assessment, the Title IX Coordinator may speak to the Complainant or gather other preliminary information necessary to complete the Assessment.
 - iii. Additional Considerations for Initial Assessment. In performing this evaluation, the Title IX Coordinator shall consider whether the individual is participating in a UMB Educational Program or Activity; the degree of control the University has over the alleged Respondent; and the degree of control the University has over the environment in which the conduct occurred.
 1. Member of the Public. The University encourages Members of the Public to bring forward complaints or concerns as appropriate. However, Members of the Public are not considered Complainants under this Policy. Any complaints or concerns brought forward by a Member of the Public will be evaluated by the Title IX Coordinator, or designee, for determination of which policy, procedures, or other process to which the matter should be referred.
 2. Conduct Not Subject to Title IX. The University reserves the right, and may have obligations under other laws, to review and address concerns involving individuals for whom the University has disciplinary authority even where the factual allegations contained in an initial complaint or report do not reasonably constitute Sex Discrimination or Retaliation under Title IX. In these situations, the Title IX Coordinator will determine which other policy, procedures, or other process to which the matter should be referred.
 - a. By way of example, patient care concerns should be referred to the applicable healthcare facility.
 - b. By way of example, employee complaints of sex-based discrimination in the workplace that do not reasonably constitute Sex Discrimination or Retaliation under Title IX should be referred to UMB's non-discrimination and retaliation policies.

B. Steps for Adjudicating Title IX Complaints. The steps and protocols for adjudicating Title IX Complaints are set forth below.

- i. Preliminary Review. Upon completing an Initial Assessment that a Complaint might constitute Sex Discrimination or Retaliation as defined by Title IX, the Title IX Coordinator will engage in a Preliminary Review. The order in which the Preliminary Review is completed may vary based on the nature of the allegations, but the Preliminary Review will include:
 1. Preliminary fact-finding necessary for initiating the grievance process (e.g.,

- identifying enrollment or employment relationship of the Parties relative to UMB, UMB ownership or control of the locations of the alleged incidents, etc.).
2. Evaluation of whether the facts, as alleged, should prompt an Emergency Removal or Violence Risk Assessment.
 - a. The Title IX Coordinator has the discretion to initiate an Emergency Removal and Violence Risk Assessment at any point in time after a Complaint has been received.
 - b. The Emergency Removal process is described in the Other Responsibilities and Authority of Title IX Coordinator section below.
 3. Evaluation of Supportive Measures, which shall include:
 - a. Which Supportive Measures are reasonably available.
 - b. Inquiry into which university personnel or office has the ability to implement Supportive Measures.
 - c. Evaluation of the impact of Supportive Measures on the operations of the impacted unit.
 - d. For employees, this may include discussions with Human Resource Services and/or the appropriate supervisory officials.
 - e. For Students, this may include discussions with the VP for Student Affairs, Dean of Student Affairs, and/or other appropriate academic personnel.
 4. Preliminary discussion with Complainant about options for Informal Resolution, if appropriate.
 5. Intake interview with the Complainant, which shall also include:
 - a. Providing the Complainant with this Policy and Procedures and answering any questions about the process;
 - b. Offering to coordinate Supportive Measures as deemed reasonably available and appropriate by the Title IX Coordinator; and
 - c. For Complainants alleging they have been subjected to Sexual Assault, offering assistance in notifying appropriate law enforcement or in seeking medical attention.
 6. A determination of whether the facts, as alleged, should be:
 - a. Adjudicated as a Complaint of Title IX Retaliation or Title IX Sex Discrimination other than Sex-Based Harassment involving a Student Complainant or Student Respondent as set forth below in Grievance Process A;
 - b. Adjudicated as a Complaint of Title IX Sex-Based Harassment involving a Student Complainant or Student Respondent as set forth below in Grievance Process B; or

- c. Dismissed pursuant to the Dismissal of Complaints section set forth below.

B. Steps for Adjudicating Title IX Complaints. The steps and protocols for adjudicating Title IX Complaints are set forth below.

- i. Preliminary Review. Upon completing an Initial Assessment that a Complaint might constitute Sex Discrimination or Retaliation as defined by Title IX, the Title IX Coordinator will engage in a Preliminary Review. The order in which the Preliminary Review is completed may vary based on the nature of the allegations, but the Preliminary Review will include:
 1. Preliminary fact-finding necessary for initiating the grievance process (e.g., identifying enrollment or employment relationship of the Parties relative to UMB, UMB ownership or control of the locations of the alleged incidents, etc.).
 2. Evaluation of whether the facts, as alleged, should prompt an Emergency Removal or Violence Risk Assessment.
 - a. The Title IX Coordinator has the discretion to initiate an Emergency Removal and Violence Risk Assessment at any point in time after a Complaint has been received.
 - b. The Emergency Removal process is described in the Other Responsibilities and Authority of Title IX Coordinator section below.
 3. Evaluation of Supportive Measures, which shall include:
 - a. Which Supportive Measures are reasonably available.
 - b. Inquiry into which university personnel or office has the ability to implement Supportive Measures.
 - c. Evaluation of the impact of Supportive Measures on the operations of the impacted unit.
 - d. For employees, this may include discussions with Human Resource Services and/or the appropriate supervisory officials.
 - e. For Students, this may include discussions with the VP for Student Affairs, Dean of Student Affairs, and/or other appropriate academic personnel.
 4. Preliminary discussion with Complainant about options for Informal Resolution, if appropriate.
 5. Intake interview with the Complainant, which shall also include:
 - a. Providing the Complainant with this Policy and Procedures and answering any questions about the process;
 - b. Offering to coordinate Supportive Measures as deemed reasonably available and appropriate by the Title IX Coordinator; and
 - c. For Complainants alleging they have been subjected to Sexual Assault, offering assistance in notifying appropriate law

enforcement or in seeking medical attention.

6. A determination of whether the facts, as alleged, should be:
 - a. Adjudicated as a Complaint of Title IX Retaliation or Title IX Sex Discrimination other than Sex-Based Harassment involving a Student Complainant or Student Respondent as set forth below in Grievance Process A;
 - b. Adjudicated as a Complaint of Title IX Sex-Based Harassment involving a Student Complainant or Student Respondent as set forth below in Grievance Process B; or
 - c. Dismissed pursuant to the Dismissal of Complaints section set forth below.
- ii. Grievance Process A. If, after completion of the Preliminary Review, the Title IX Coordinator determines that Grievance Process A applies, the Title IX Coordinator shall initiate the process described in this section.
 1. Initiation of Grievance Process A. Initiation of Grievance Process A shall include contacting the Respondent and providing them a Notice of Allegation. A copy of the Notice of Allegation will also be provided to the Complainant.

The Notice of Allegation shall include:

- a. A copy of or link to this Policy describing the grievance process, including any informal resolution process that is available and/or has been requested by the Complainant;
- b. The allegations, including sufficient details known at the time to allow the Respondent to prepare a response before any initial interview;
- c. At minimum, sufficient details include the identities of the Parties involved in the alleged incident, the conduct allegedly constituting Title IX Sex Discrimination or Title IX Retaliation, and the dates and locations of the alleged incidents to the extent these details are known by the Title IX Coordinator at the time.
- d. A statement that Retaliation is prohibited;
- e. A statement that this Policy prohibits knowingly making false statements or knowingly submitting false information during the Title IX processes;
- f. A statement confirming that the Parties are entitled to an equal opportunity to access the Relevant and not otherwise Impermissible Evidence or an accurate description of evidence;
- g. A statement that the Parties will have an opportunity to provide Relevant and not otherwise Impermissible Evidence to the Title IX Coordinator, or designated investigator(s), who are trained and shall be impartial;

- h. A statement confirming the presumption that the Respondent is not responsible until a determination has been made as described in the Final Determination and Sanctions or Remedies (Grievance Process A) section below or at the conclusion of an appeal of the final determination (if applicable);
- i. A statement that any findings must be based on a preponderance of the evidence;
- j. An offer to meet with the Respondent prior to any initial interview to answer questions about the process in the same manner as has been afforded to the Complainant; and
- k. A notice of availability of Supportive Measures, to the extent not already discussed with the Respondent.

If, in the course of investigation, the Title IX Coordinator, or designated investigator(s), decides to investigate additional allegations of Title IX Sex Discrimination or Title IX Retaliation that were not included in the original Notice of Allegations, the Title IX Coordinator, or designated investigator(s), will provide additional written notice to the Parties whose identities are known.

- 2. Investigation of Complaint (Grievance Process A). To ensure an adequate, reliable, and impartial investigation of Complaints and throughout the investigation and adjudication process, the Title IX Coordinator, or designee, will ensure that the burden is on UMB, not the Parties, to conduct an investigation that gathers sufficient Relevant evidence to determine whether Title IX Sex Discrimination or Title IX Retaliation occurred.
 - a. Conflicts of Interest. The Title IX Coordinator, designated investigator(s), or any person designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent.
 - i. The Title IX Coordinator, designated investigator, or any person designated to facilitate an informal resolution process, are required to disclose any material conflict of interest or appearance of conflict in the matter. The Title IX Coordinator will disqualify any person with actual or apparent conflict of interest, which may include recusing themselves.
 - ii. The Complainant and Respondent will be informed of the designated investigator(s) or other persons designated to facilitate an informal resolution process for the purpose of identifying any conflict of interest issues in advance. Parties have an obligation to notify the Title IX Coordinator immediately upon learning of a conflict of interest or known bias. Where there is a conflict of interest involving the Title IX Coordinator, the Chief Accountability Officer or the Provost

should be notified.

- b. Outline of Investigation. The Title IX Coordinator, or designated investigator(s), shall develop a tentative outline or plan for the scope of the investigation.
 - i. The scope of investigation should be focused on determining whether a preponderance of the evidence supports a factual finding that the allegations contained in the Notice of Allegation occurred and whether a preponderance of the evidence would support a finding that the context in which any factual findings occurred constitute a finding that the Respondent has engaged in Sex Discrimination or Retaliation as defined by Title IX.
 - ii. The outline of investigation should generally include names of witnesses to be interviewed, offices to be contacted to provide additional documentation or information, preferred order of interviews, and generally anticipated timelines.
- c. Opportunity to Pose Questions. Upon completion of the outline of investigation, the Title IX Coordinator, or designated investigator(s), shall provide each Party with a list of names of witnesses to be interviewed and shall provide the Parties with a reasonable time and opportunity to propose such questions that the Party wants asked of any Party or witness, and to have those questions asked by the Title IX Coordinator, or designated investigator(s), during one or more individual meetings, including follow-up meetings.
- d. Scheduling Interviews. The Title IX Coordinator, or designated investigator(s), may contact witnesses by email or phone to schedule interviews. All witnesses will be informed of the privacy requirements set forth in the Privacy Section and are expected to adhere to those requirements even if they are not formally interviewed pursuant to the processes set forth in this Policy.
- e. Recording of Interviews. All interviews of witnesses or Parties must be recorded in a way that either the recording or transcript can be made available to each Party. Notwithstanding this requirement, the Title IX Coordinator, or designated investigator(s), may elect to submit written questions and receive written responses from witnesses or Parties, particularly where they represent follow up.
- f. Opportunity to Pose Follow Up Questions. The Title IX Coordinator, or designated investigator(s), shall provide a copy of all recordings or transcripts of interviews (or written questions and answers where applicable) to each Party and shall provide the Parties reasonably sufficient amount of time to review the interview or statements so that the Party has a reasonable opportunity to propose any follow-up questions. This may require the Party to listen to the audio or view the audiovisual recording in-person in the office or a secured meeting place selected by the Title IX

Coordinator, or designated investigator(s).

- g. List of Witnesses. The Title IX Coordinator, or designated investigator(s), has discretion to determine which witnesses should be interviewed, with consideration given to the names of witnesses provided by the Complainant and Respondent. The Title IX Coordinator, or designated investigator(s), is not obligated to interview every witness identified where the information would be unreasonably duplicative, of limited relevance to the Notice of Allegations, or is intended to elicit the provision of otherwise Impermissible Evidence, as defined by this Policy (e.g., one Party proposing the other's Party's psychologist as a witness).
- h. Review for Relevant and Impermissible Evidence. The Title IX Coordinator, or designated investigator(s), shall review all evidence gathered through the investigation and determine what evidence is Relevant and what is Impermissible Evidence. Similarly, the Title IX Coordinator, or designated investigator(s), must determine whether a proposed question is Relevant and would not elicit Impermissible Evidence prior to the question being posed and must explain the decision to exclude any question that is not Relevant or would elicit Impermissible Evidence.
 - i. Any question that is Relevant and would not elicit Impermissible Evidence must be asked except questions that are unclear or harassing in nature. Parties must be given the opportunity to clarify questions, and if sufficiently clarified or revised so as to no longer be unclear or harassing in nature, then the question will be asked.
 - ii. The Title IX Coordinator, or designated investigator(s), may choose to place less or no weight on statements by a Party or witness who refuses to respond to questions deemed Relevant that would not elicit Impermissible Evidence. The Title IX Coordinator, or designated investigator(s), must not draw an inference about whether Sex-Based Harassment occurred based on a Party's or witness's refusal to respond to such questions.
- i. Professional Conduct During Investigation. Parties and witnesses must still adhere to the appropriate UMB codes, rules, and policies on professional and student conduct. Failure to comply may result in separate disciplinary action under the appropriate UMB policy or procedure.
- j. Draft Investigation Report. Upon completion of all interviews, including any follow-up questions or interviews, the Title IX Coordinator, or designated investigator(s), shall evaluate the Relevant evidence that has been obtained for purposes of making a determination, using the preponderance of the evidence standard, whether Sex Discrimination or Retaliation as defined by Title IX occurred. Prior to making this determination, the Title IX

Coordinator, or designated investigator(s), shall compile a Draft Investigation Report, which will be reviewed and approved by the Title IX Coordinator for compliance with this Policy before it is provided to the Parties. The form of the Draft Investigation Report is not prescribed but should minimally contain the following:

- i. A description of any allegations by the Complainant which, if true, may reasonably constitute Sex Discrimination or Retaliation as defined by Title IX.
 - ii. A description of Respondent's response or explanation provided to any allegations described.
 - iii. A summary of the investigative process which may include things such as the number of interviews, names of witnesses, relevant documents reviewed, etc.
 - iv. A description of any relevant witness statements, including, where applicable, any explanations for why certain statements have been given more or less weight or credibility.
 - v. A description of any proposed relevant factual findings to be made by a preponderance of the evidence, which should generally include a proposed finding of whether the particular factual allegations by the Complainant are substantiated and a proposed finding of whether the particular responses or explanations by the Respondent are substantiated.
- k. Opportunity for Review and Comment. Upon completion of the Draft Investigation Report, the Title IX Coordinator, or designated investigator(s), shall provide a copy of the Draft Investigation Report to both Parties. Parties shall be given five (5) business days to submit in writing any additional comments, corrections, or supplemental information. This is the final opportunity for the Parties to identify any additional Relevant information and to review statements for accuracy.
- i. Upon receipt of any additional comments, corrections, or supplemental information, the Title IX Coordinator, or designated investigator(s), should provide a copy of these comments to the other Party. Where appropriate based on the materiality of the supplemental comments, corrections, or supplemental information, the Title IX Coordinator, or designated investigator(s), may permit the other Party an additional three (3) business days to submit any response which should be limited to the scope of the additional comments, corrections, or supplemental information.
 - ii. The Title IX Coordinator, or designated investigator(s), will evaluate the responses and may take additional investigative steps including posing follow-up questions to witnesses or Parties or interviewing additional witnesses consistent with the investigative steps set forth above.

- I. End of Investigation. After the Parties have been provided an opportunity for review and comment as described above, the Draft Investigation Report will be finalized by the Title IX Coordinator, or designated investigator(s), constituting the end of the investigation.
3. Final Investigation Report and Recommended Determination (Grievance Process A). At the end of the investigation as set forth above, the designated investigator(s), shall make a recommended determination of whether Sex Discrimination or Retaliation as defined by Title IX has occurred using the preponderance of the evidence standard.
 - a. In making this recommendation, the designated investigator(s) shall set forth their rationale for the recommended determination in writing appended to Final Investigation Report. The form of the written rationale is not prescribed but should minimally contain a summary of the analysis used to reach the recommended determination. This should generally include evaluation of the specific elements of the definitions provided in this Policy.
 - i. By way of example, where a Complaint alleges Hostile Environment Harassment, the rationale appended to the Final Investigation Report should set forth any factual findings that establish: 1) that the conduct is sex-based and unwelcome; 2) that based on a totality of the circumstances, the conduct is subjectively and objectively offensive; and 3) that the conduct is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from UMB's Education Program or Activity. This should include consideration of:
 1. The degree to which the conduct affected the Complainant's ability to access UMB's Education Program or Activity;
 2. The type, frequency, and duration of the conduct;
 3. The Parties' ages, roles within UMB's Education Program or Activity, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the conduct;
 4. The location of the conduct and the context in which the conduct occurred; and
 5. Other Sex-Based Harassment in UMB's Education Program or Activity.
 - ii. By way of example, where a Complaint alleges the Respondent is engaged in Stalking, the rationale appended to the Final Investigation Report should set forth any factual findings that establish that the Respondent: 1) engaged in a course of conduct; 2) directed at the Complaint; and 3) that would cause

- a reasonable person to fear for their safety or safety of other or suffer substantial emotional distress.
- iii. By way of example, where a Complaint alleges the Respondent treated the Complainant differently because of their sex (i.e., engaged in Sex Discrimination), the rationale appended to the Final Investigation Report should set forth: 1) any factual findings that establish a prima facie case of Sex Discrimination; 2) any legitimate non-discriminatory reasons for the differential treatment' and 3) any evidence of pretext.
 - iv. By way of example, where a Complaint alleges Respondent has engaged in Retaliation, the rationale appended to the Final Investigation Report should set forth: 1) the Protected Activity engaged in by the Complainant; 2) any factual findings constituting intimidation, threats, coercion, or discrimination; and 3) any factual findings demonstrating a causal connection between the Protected Activity and the Retaliatory acts.
- b. The Final Investigation Report including the recommended determination with written rationale will be transmitted to the Title IX Coordinator for review and approval.
 - i. The Title IX Coordinator shall review the Final Investigation Report and recommended Determination for conformity with the requirements set forth above.
 - i. Where applicable, the Title IX Coordinator may require a designated investigator to modify the Final Investigation Report or written rationale and/or conduct further investigation as necessary to fulfill the obligations of this Policy.
4. Final Determination and Sanctions or Remedies (Grievance Process A). When the Investigation steps described above are complete and the Final Investigation Report including the recommended determination, and written rationale has been transmitted to the Title IX Coordinator, the Title IX Coordinator, or designee, shall make a final determination of whether Sex Discrimination or Retaliation as defined by Title IX has occurred using the preponderance of the evidence standard.
- a. If a determination is made that Sex Discrimination or Retaliation occurred, the Title IX Coordinator, or designee, shall consult with the appropriate University official(s) (i.e., Respondent's Dean, Vice President, or designee) in deciding the appropriate Sanctions or Remedies, if any, in accordance with the Sanctions or Remedies section below.
 - b. The Title IX Coordinator, or designee, may set forth any additional rationale for the final determination as applicable.
 - c. The Title IX Coordinator, or designee, shall contemporaneously provide both parties the Final Investigation Report, final determination and written rationale, along with a description of the

permissible bases for appeal and appeal process as set forth in the Appeals section below.

- d. Separately, the Title IX Coordinator, or designee, shall provide the Respondent with notice of any Sanctions to be imposed if a determination has been made that the Respondent is responsible for Sex Discrimination or Retaliation.
 - e. Separately, the Title IX Coordinator, or designee, shall provide the Complainant with notice of any Remedies to be provided to the Complainant if a determination has been made that the Respondent is responsible for Sex Discrimination or Retaliation.
- iii. Grievance Process B. If after completion of the Preliminary Review, the Title IX Coordinator determines that Grievance Process B applies, the Title IX Coordinator shall initiate the process described in this section.
1. Initiation of Grievance Process B. Initiation of Grievance B Process shall include contacting the Respondent and providing them a Notice of Allegation. A copy of the Notice of Allegation will also be provided to the Complainant.

If the Title IX Coordinator, or designee, has reasonable concerns for the safety of any person as a result of the Title IX Coordinator, or designee, providing a Notice of Allegations, the Title IX Coordinator, or designee, may reasonably delay providing the Notice of Allegations in order to address the safety concerns appropriately.

Reasonable concerns must be made based on an individualized safety and risk analysis and not mere speculation or stereotypes.

The Notice of Allegation shall include:

- a. A copy of or link to this Policy describing the Grievance Process, including any Informal Resolution process that is available and/or has been requested by the Complainant;
- b. The allegations, including sufficient details known at the time to allow the Respondent to prepare a response before any initial interview;
- c. At minimum, sufficient details include the identities of the Parties involved in the alleged incident, the conduct allegedly constituting Title IX Sex-Based Harassment, and the dates and locations of the alleged incidents to the extent these details are known by the Title IX Coordinator at the time.
- d. A statement that Retaliation is prohibited;
- e. A statement that this Policy prohibits knowingly making false statements or knowingly submitting false information during the Title IX processes;
- f. A statement confirming that the Parties are entitled to an

- equal opportunity to access the Relevant and not otherwise Impermissible Evidence or an accurate description of evidence;
- g. A statement that the Parties will have an opportunity to provide Relevant and not otherwise Impermissible Evidence to the Title IX Coordinator, or designated investigator(s), who are trained and shall be impartial;
 - h. A statement confirming the presumption that the Respondent is not responsible until a determination has been made as described in the Final Determination and Sanctions or Remedies (Grievance Process B) section below or at the conclusion of an appeal of the final determination (if applicable);
 - i. A statement that any findings must be based on a preponderance of the evidence;
 - j. An offer to meet with the Respondent prior to any initial interview to answer questions about the process in the same manner as has been afforded to the Complainant;
 - k. A notice of availability of Supportive Measures, to the extent not already discussed with the Respondent; and
 - l. A statement that an advisor is permitted and that the advisor may be, but is not required to be an attorney.

If, in the course of investigation, the Title IX Coordinator, or designated investigator(s), decides to investigate additional allegations of Title IX Sex-Based Harassment that are not included in the original Notice of Allegations, the Title IX Coordinator, or designated investigator(s), will provide an additional Notice of Allegations to the Parties whose identities are known.

2. Investigation of Complaint (Grievance Process B). To ensure an adequate, reliable, and impartial investigation of Complaints and throughout the investigation and adjudication process, the Title IX Coordinator, or designee, will ensure that the burden is on UMB, not the Parties, to conduct an investigation that gathers sufficient Relevant evidence to determine whether Title IX Sex-Based Harassment occurred.
 - a. Conflicts of Interest. The Title IX Coordinator, designated investigator(s), or any person designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent.
 - i. The Title IX Coordinator, designated investigator, or any person designated to facilitate an informal resolution process, are required to disclose any material conflict of interest or appearance of conflict in the matter. The Title IX Coordinator will disqualify any person with actual or apparent conflict of interest, which may include recusing themselves.

- ii. Schedule of Advisor. It is the responsibility of the Parties to select an advisor who has a sufficiently flexible schedules to allow the advisor to attend any meeting that the Party wishes to have an advisor present; or to inform the selected advisor of this expectation. The Title IX Coordinator, or designee, will consider requests to change scheduled meetings to accommodate an advisor's schedule but will agree to change scheduled meetings if it does not cause an unreasonable burden or delay on the grievance process.
- iii. Restrictions on Participation. The Title IX Coordinator, or designee, will not limit the Party's choice or presence of any advisor except that the Title IX Coordinator, or designee, may establish restrictions regarding the extent to which an advisor may participate. Such restrictions will apply equally to all Parties. If a Party's advisor fails to adhere to such restrictions, the Title IX Coordinator, or designee, may ask a Party's advisor to leave the meeting.
- iv. Selection of Alternate Advisors. The Title IX Coordinator may recommend or require a Party to select an alternate advisor in the following circumstances:
 - 1. If the advisor's employment (job title) with UMB would create a conflict of interest;
 - 2. If the advisor repeatedly fails to adhere to the restrictions placed by the Title IX Coordinator, or designee;
 - 3. Upon an advisor's continuous disruptions, unprofessional conduct, or failure to abide UMB policies, procedures, and codes of conduct; or
 - 4. If an advisor is repeatedly unavailable at times requested by the Party.
- v. Communications. It is the responsibility of the Parties to inform their advisors of any communications from the Title IX Coordinator, or designee.
- f. Scheduling Witness Interviews. The Title IX Coordinator, or designated investigator(s), may contact witnesses by email or phone to schedule interviews. All witnesses will be informed of the requirements set forth in the Privacy section above, and expected to adhere to those requirements, even if they are not formally interviewed pursuant to the processes set forth in this Policy.
- g. Recording of Interviews. All interviews of witnesses or Parties must be recorded in a way that either the recording or transcript can be made available to each Party. Notwithstanding this requirement, the Title IX Coordinator, or designated investigator(s), may elect to submit written questions and receive written responses from witnesses or Parties, particularly where they represent follow up.

- h. Opportunity to Pose Follow Up Questions. The Title IX Coordinator, or designated investigator(s), shall provide a copy of all recordings or transcripts of interviews (or written questions and answers where applicable) to each Party and shall provide the Parties reasonably sufficient amount of time to review the interview or statements so that the Party has a reasonable opportunity to consult their advisor and propose any follow-up questions. This may require the Party and their advisor to listen to the audio or view the audiovisual recording in-person in the office or a secured meeting place selected by the Title IX Coordinator, or designated investigator(s).
- i. List of Witnesses. The Title IX Coordinator, or designated investigator(s), has discretion to determine which witnesses should be interviewed, with consideration given to the names of witnesses provided by the Complainant and Respondent. The Title IX Coordinator, or designated investigator(s), is not obligated to interview every witness identified where the information would be unreasonably duplicative, of limited relevance to the Notice of Allegations, or is intended to elicit the provision of otherwise Impermissible Evidence, as defined by this Policy (e.g., one Party proposing the other's Party's psychologist as a witness).
- j. Review for Relevant and Impermissible Evidence. The Title IX Coordinator, or designated investigator(s), shall review all evidence gathered through the investigation and determine what evidence is Relevant and what is Impermissible Evidence. Similarly, the Title IX Coordinator, or designated investigator(s), must determine whether a proposed question is Relevant and would not elicit Impermissible Evidence prior to the question being posed and must explain the decision to exclude any question that is not Relevant or would elicit Impermissible Evidence.
 - i. Any question that is Relevant and would not elicit Impermissible Evidence must be asked except questions that are unclear or harassing in nature. Parties must be given the opportunity to clarify questions, and if sufficiently clarified or revised so as to no longer be unclear or harassing in nature, then the question will be asked.
 - ii. The Title IX Coordinator, or designated investigator(s), may choose to place less or no weight on statements by a Party or witness who refuses to respond to questions deemed Relevant that would not elicit Impermissible Evidence. The Title IX Coordinator, or designated investigator(s), must not draw an inference about whether Sex-Based Harassment occurred based on a Party's or witness's refusal to respond to such questions.
- k. Professional Conduct During Investigation. Parties and witnesses must still adhere to the appropriate UMB codes, rules, and policies

on professional and student conduct. Failure to comply may result in separate disciplinary action under the appropriate UMB policy or procedure.

- I. Draft Investigation Report. Upon completion of all interviews, including any follow-up questions or interviews, the Title IX Coordinator, or designated investigator(s), shall evaluate the Relevant evidence that has been obtained for purposes of making a determination, using the preponderance of the evidence standard, whether Sex-based Harassment as defined by Title IX occurred. Prior to making this determination, the Title IX Coordinator, or designated investigator(s), shall compile a Draft Investigation Report, which will be reviewed and approved by the Title IX Coordinator for compliance with this Policy before it is provided to the Parties. The form of the Draft Investigation Report is not prescribed but should minimally contain the following:
 - i. A description of any allegations by the Complainant which, if true, may reasonably constitute Sex-based Harassment as defined by Title IX.
 - ii. A description of Respondent's response or explanation provided to any allegations described.
 - iii. A summary of the investigative process which may include things such as the number of interviews, names of witnesses, relevant documents reviewed, etc.
 - iv. A description of any relevant witness statements, including, where applicable, any explanations for why certain statements have been given more or less weight or credibility.
 - v. A description of any proposed relevant factual findings to be made by a preponderance of the evidence, which should generally include a proposed finding of whether the particular factual allegations by the Complainant are substantiated and a proposed finding of whether the particular responses or explanations by the Respondent are substantiated.
- m. Opportunity for Review and Comment. Upon completion of the Draft Investigation Report, the Title IX Coordinator, or designated investigator(s), shall provide a copy of the Draft Investigation Report to both Parties. Parties shall be given five (5) business days to submit in writing any additional comments, corrections, or supplemental information. This is the final opportunity for the Parties to identify any additional Relevant information and to review statements for accuracy.
 - i. Upon receipt of any additional comments, corrections, or supplemental information, the Title IX Coordinator, or designated investigator(s), should provide a copy of these comments to the other Party. Where appropriate based on the materiality of the supplemental comments, corrections,

- or supplemental information, the Title IX Coordinator, or designated investigator(s), may permit the other Party an additional three (3) business days to submit any response which should be limited to the scope of the additional comments, corrections, or supplemental information.
- ii. The Title IX Coordinator, or designated investigator(s), will evaluate the responses and may take additional investigative steps including posing follow-up questions to witnesses or Parties or interviewing additional witnesses consistent with the investigative steps set forth above.
 - n. End of Investigation. After the Parties have been provided an opportunity for review and comment as described above, the Draft Investigation Report will be finalized by the Title IX Coordinator, or designated investigator(s), constituting the end of the investigation.
3. Final Investigation Report and Recommended Determination (Grievance Process B). At the end of the investigation as set forth above, the designated investigator(s), shall make a recommended determination of whether Sex-Based Harassment as defined by Title IX has occurred using the preponderance of the evidence standard.
- a. In making this recommendation, the designated investigator shall set forth their rationale for the recommended determination in writing appended to Final Investigation Report. The form of the written rationale is not prescribed but should minimally contain a summary of the analysis used to reach the recommended determination. This should generally include evaluation of the specific elements of the definitions provided in this Policy.
 - i. By way of example, where a Complaint alleges Hostile Environment Harassment, the rationale appended to the Final Investigation Report should set forth any factual findings that establish: 1) that the conduct is sex-based and unwelcome; 2) that based on a totality of the circumstances, the conduct is subjectively and objectively offensive; and 3) that the conduct is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from UMB's Education Program or Activity. This should include consideration of:
 1. The degree to which the conduct affected the Complainant's ability to access UMB's Education Program or Activity;
 2. The type, frequency, and duration of the conduct;
 3. The Parties' ages, roles within UMB's Education Program or Activity, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the conduct;

4. The location of the conduct and the context in which the conduct occurred; and
 5. Other Sex-Based Harassment in UMB's Education Program or Activity.
- ii. By way of example, where a Complaint alleges the Respondent is engaged in Stalking, the rationale appended to the Final Investigation Report should set forth any factual findings that establish that the Respondent: 1) engaged in a course of conduct; 2) directed at the Complaint; and 3) that would cause a reasonable person to fear for their safety or safety of other or suffer substantial emotional distress.
- b. The Final Investigation Report including the recommended determination with written rationale will be transmitted to the Title IX Coordinator for review and approval.
 - i. The Title IX Coordinator shall review the Final Investigation Report and recommended Determination for conformity with the requirements set forth above.
 - ii. Where applicable, the Title IX Coordinator may require a designated investigator to modify the Final Investigation Report or written rationale and/or conduct further investigation as necessary to fulfill the obligations of this Policy.
4. Final Determination and Sanctions or Remedies (Grievance Process B). When the Investigation steps described above are complete and the Final Investigation Report including the recommended determination, and written rationale has been transmitted to the Title IX Coordinator, the Title IX Coordinator, or designee, shall make a final determination of whether Sex-Based Harassment as defined by Title IX has occurred using the preponderance of the evidence standard.
- a. If a determination is made that Sex-Based Harassment occurred, the Title IX Coordinator, or designee, shall consult with the appropriate University official(s) (i.e., Respondent's Dean, Vice President, or designee) in deciding the appropriate Sanctions or Remedies, if any, in accordance with the Sanctions or Remedies section below.
 - b. The Title IX Coordinator, or designee, may set forth any additional rationale for the final determination as applicable.
 - c. The Title IX Coordinator, or designee, shall contemporaneously provide the Final Investigation Report, final determination and written rationale, and notice of Sanctions or Remedies to be imposed to the Parties along with a description of the permissible bases for appeal and appeal process as set forth in the Appeals

section below.¹²

- iv. Appeals of Final Determinations (Grievance Process A & B). Either the Complainant or Respondent may appeal the final determination by submitting their written statement of appeal to the Provost, or impartial designee.
 1. Statement of Appeal. Statements of appeal must be submitted within ten (10) business days of receiving the Final Investigation Report and written determination. Appeals submitted after ten (10) business days may be dismissed. A statement of appeal must state the basis or bases for appeal and it must clearly identify which aspects of the grievance process, Final Investigation Report, or written rationale for determination support the appeal. New factual material not a part of that record will not be considered on appeal unless it represents new evidence that would change the outcome and was not reasonably available when the determination was made.
 2. Bases for Appeal. Appeals will only be considered on one or more of the following bases:
 - a. Procedural irregularity that would change the outcome of the determination;
 - b. New evidence that would change the outcome that was not reasonably available when the determination was made; or
 - c. The Title IX Coordinator, or designated Investigator(s), had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome of the determination.
 3. Narrowly Tailored Review. Appeals are not intended to allow for a new investigation of the matter. Instead, the review will be narrowly tailored to the specific grounds requested in the appeal. In most cases, appeals are confined to a review of the written record and the pertinent documentation.
 4. Process for Reviewing Appeals. Upon receipt of a statement of appeal, the Provost, or impartial designee, will:
 - a. Request a copy of the Final Investigation Report, final determination and written rationale from the Title IX Coordinator, or designee.
 - b. Share the statement of appeal with the other Party, who may file a response or submit their own statement of appeal on separate grounds within five business days; and
 - c. Review the appeal.

¹² In the circumstance where a final determination of Sexual Misconduct involves a Student Complainant or Student Respondent under Grievance Process B, the Student Party may appeal the Sanction to be imposed as required by Md. Code Ann., Educ. § 11-601(d)(3)(v)(6). The Title IX Coordinator, or designee, is responsible for notifying the Student Party of this right to appeal as an additional bases of appeal.

- i. The Provost, or impartial designee, will promptly review the statement of appeal, responses, and any associated documentation. Generally, this shall occur within thirty (30) days of receipt of all requested materials.
 - ii. The Provost, or impartial designee, will take one of the following actions:
 1. Dismiss an appeal if not based on a permissible basis for appeal, or if the appeal was not timely filed with the Provost, or impartial designee. In this situation, the Provost, or impartial designee, will inform the Parties of the dismissal of the appeal and the rationale for the dismissal.
 2. Affirm or modify the determination. In this situation, the Provost, or impartial designee, will inform the Parties of the result of the appeal and the rationale for the result.
 3. Return the matter to the Title IX Coordinator, or designated Investigator(s), with instructions to cure a procedural irregularity or to assess the weight and impact of newly discovered Relevant evidence.
5. Curative Actions Prompted by Appeal. If the matter is returned to the Title IX Coordinator, or designated investigator(s), to cure a procedural irregularity or to assess the weight and impact of newly discovered Relevant evidence:
- a. The Title IX Coordinator, or designated Investigator(s), will:
 - i. Maintain the same standards of investigation and review as set forth in the grievance processes.
 - ii. Amend the Final Investigation Report to include:
 1. A summary of the newly discovered Relevant evidence and factual findings based on a preponderance of the evidence standard;
 2. A description of the steps taken to cure a procedural irregularity; and
 3. A written rationale for whether the original determination should be affirmed or altered in whole or in part as a result of the curing of a procedural irregularity or assessment of newly discovered Relevant evidence.
 - iii. Submit the amended Final Investigation Report, amended final determination, and amended written rationale to the Parties and to the Provost, or impartial designee.
 - b. The Provost, or impartial designee, will:
 - i. Allow the Parties five (5) business days to submit any responses directly to the Provost, or impartial designee;

- ii. Review the amended Final Investigation Report, amended final determination, amended written rationale, and any responses provided by the Parties. Based on this review, the Provost, or impartial designee, will affirm or modify the determination; and
 - iii. Inform the Parties of the result of the appeal and the rationale for the result.
6. Curative Actions Not Possible. In the event that the Provost, or impartial designee, determines that a basis for appeal exists which cannot be reasonably cured by the Title IX Coordinator, or designated investigator(s) (e.g., a conflict of interest that would change the outcome of the determination), the Provost, or impartial designee, shall consult with the Chief Accountability Officer and Office of University Counsel to determine which remedy should apply in consideration of the Party's due process rights and the University's interests in promptly and effectively responding to Complaints of Sex Discrimination.
- v. Conclusion of Steps for Adjudicating Title IX Complaints. Once the appeal of a determination is decided and the Provost, or designee, has informed the Parties and Title IX Coordinator, or designee, of the result, the outcome is final; further appeals will not be accepted by UMB and this will conclude the Steps for Adjudicating Title IX Complaints. If no appeal of the determination is filed, the outcome is final on the date after which the appeals period has passed.

The Title IX Coordinator, or designee, shall take any further actions required by the final determination.

1. Providing Notifications to Parties:

- a. Any Sanctions or Remedies applicable to that Party;
- b. The date upon which the determination has been made final;
- c. A statement that Retaliation is prohibited;
- d. A reminder of the privacy requirements set forth in the Privacy Section, above; and
- e. A copy of the amended Final Investigation Report, if applicable and not already provided.

2. Reevaluation of Supportive Measures:

- a. Irrespective of the determination, the Title IX Coordinator, or designee, should reevaluate Supportive Measures.
- b. The Title IX Coordinator, or designee, may continue or modify Supportive Measures as deemed necessary and consistent with this Policy and to ensure that Supportive Measures would not otherwise violate any individual's protected rights under federal or state law.
- c. The Title IX Coordinator, or designee, should engage the same process of evaluation as set forth in the Supportive Measures

section below.

3. Providing Notifications to Others, including:
 - a. University official(s) necessary for implementation of Sanctions or Remedies;
 - b. University official(s) as appropriate; and
 - c. Third parties as mandated by federal and state law, or agreements or Memoranda of Understanding.

XI. SANCTIONS OR REMEDIES

The process for deciding, communicating and implementing Sanctions or Remedies, and information about appealing Sanctions¹³ (if applicable) is described in this Section.

A. Deciding Sanctions or Remedies. The Title IX Coordinator shall consult with the appropriate University official(s) to decide appropriate Sanctions to impose or appropriate Remedies to implement in order to restore or preserve a Party or other individual's access to a UMB Education Program or Activity after a determination has been made by a preponderance of the evidence that Sex Discrimination has occurred.

- i. Sanctions. The Title IX Coordinator, or designee, shall consult with and make a recommendation for Sanctions to the Respondent's Dean, Vice President, or designee, who will make a final decision on appropriate Sanctions to be imposed.
 1. Range of Sanctions for Students. Students who have been found responsible, by a preponderance of the evidence, for engaging in Sex Discrimination or Retaliation as defined by Title IX may be subjected to one or more of the following Sanctions:
 - a. Written Reprimand: A formal statement identifying conduct that was found to be a violation of this Policy and a warning that further conduct of a similar nature may result in more severe sanctions.
 - b. Placement on Probationary Status: A formal designation that a Student is on probation.
 - c. Suspension of University Privileges: Specific terms and length of the suspension of University privileges will be articulated and may include, but are not limited to, denial of specified UMB-related social privileges, exclusion from cocurricular activities, exclusion from designated areas of campus, exclusion from participation in student leadership roles, and/or suspension from other privileges as deemed appropriate.
 - d. Suspension of Enrollment: Termination of student status for a defined period of time not to exceed two years and/or until specific criteria are met. Students who return from a Suspension of Enrollment may be placed on a Probationary Status as a condition of their re-enrollment.
 - e. Dismissal/Expulsion: Permanent termination of student status. This sanction will be noted permanently on the Student's official transcript.
 - f. No Contact Directive: Requirement that a Student not have any contact

¹³ Remedies are non-punitive and not subject to appeal.

- with specifically named Complainant(s) or witnesses for a defined period of time.
- g. Campus Banning: Revocation of rights to be on campus or parts of campus or to attend UMB-sponsored events, consistent with the provisions of Md. Code Ann., Educ. § 26102.
 - h. Withholding Degree: UMB may withhold a Student's degree for a defined period of time and/or deny a Student participation in commencement activities.
 - i. 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 of this Policy.
 - j. Transcript Notation: A permanent notation on the Student's official transcript.
 - k. Other Actions: In addition to or in place of the Sanctions described above, UMB may assign any other Sanction deemed appropriate (e.g., participating in mandatory education or training).
2. Range of Sanctions for Employees. Employees who have been found responsible, by a preponderance of the evidence, for engaging in Sex Discrimination or Retaliation as defined by Title IX may be subjected to one or more of the following Sanctions:
- a. Written Reprimand: A formal statement identifying conduct that was found to be a violation of this Policy and a warning that further conduct of a similar nature may result in more severe sanctions.
 - b. Forfeiture of Leave: A requirement that an employee forfeit up to 15 days (8 hours per day) of accrued annual leave.
 - c. Demotion: Lowering the employee's status, title, and, if appropriate, pay.
 - d. Suspension of University Privileges: Specific terms and length of the suspension of University privileges will be articulated and may include, but are not limited to, denial of specified UMB-related social privileges, exclusion from nonwork related UMB-sponsored activities, exclusion from designated areas of campus, exclusion from participation in employee leadership roles, and/or suspension from other privileges as deemed appropriate.
 - e. Suspension Without Pay: A requirement that an employee not work and not receive pay for a defined period of time equal to one (1) or more full days and generally no more than thirty (30) days.
 - f. Termination: The separation of an employee in accordance with applicable UMB policies or procedures. This may include, as appropriate under the circumstances, termination for cause/misconduct, termination with notice, an option for resignation in lieu of termination, ineligibility for rehire by UMB, and/or termination with prejudice.

- ii. Notifications. Upon Conclusion of Steps for Adjudicating Title IX Complaints, the Title IX Coordinator shall communicate information about Sanctions or Remedies as necessary to facilitate implementation and/or as necessary to make any mandatory notifications.

C. Appeals of Sanctions. Upon Conclusion of Steps for Adjudicating Title IX Complaints, if a final determination has been made that the Respondent is responsible for Sex Discrimination or Retaliation pursuant to Grievance Process A or Grievance Process B, the Respondent may appeal the Sanctions to be imposed where allowed by separate UMB grievance policies and procedures.

- i. Employee Respondents. UMB Employees may grieve disciplinary actions depending on the rights afforded to them based on their employee status (e.g., Exempt Staff, Non-Exempt Staff, Faculty) and the applicable USM or UMB Appointment, Rank and Tenure Policies, other faculty policies, applicable collective bargaining agreements, or other procedures under state law or USM or UMB policy. Employees may not grieve administrative and/or other remedies that do not constitute formal disciplinary action. For more information, employee Respondents should contact the Title IX Coordinator or Human Resource Services.
- ii. Student Respondents. Rights and processes to appeal disciplinary actions depend on the policies of the applicable School or program. For more information, Student Respondents should contact the Title IX Coordinator or their Student Affairs Dean.
- iii. Student Rights in Sexual Misconduct Matters: In the circumstance where a final determination of Sexual Misconduct involves a Student Complainant or Student Respondent under Grievance Process B, the Student may appeal the Sanction to be imposed as required by Md. Code Ann., Educ. § 11601(d)(3)(v)(6).
 1. Appeals pursuant to this subsection shall be made at the same time and using the same process set forth in the Appeals section above.
 2. The Title IX Coordinator, or designee, is responsible for notifying Students of this right to appeal Sanctions.

XII. SUPPORTIVE MEASURES

Upon notification of a Complaint of Sex Discrimination, the Title IX Coordinator will offer and coordinate Supportive Measures as deemed reasonably available by the Title IX Coordinator, or designee.

- A. Any request(s) for Supportive Measures should be made to the Title IX Coordinator.
 - i. The Title IX Coordinator, or designee, will consult with the appropriate UMB personnel to determine, coordinate, and implement Supportive Measures with consideration of the operational needs of the unit.
 - ii. Examples of Supportive Measures are provided in Definitions section above.
 - iii. Supportive Measures are not Sanctions.
- B. Supportive Measures are available to:
 - i. Complainants after a Complaint has been made; and
 - ii. Respondents after the initiation of the grievance process.

- C. In some instances, Supportive Measures such as no-contact directives, may extend beyond the conclusion of informal or formal resolution of a Complaint.
- D. Information about Supportive Measures provided to a Party will not be disclosed to persons other than the individual to whom they apply. Supportive Measures of one Party will not be disclosed to the other Party unless necessary to provide the Supportive Measure, restore or preserve the Party's access to the Education Program or Activity, or when an exception applies.
- E. Parties are entitled to timely challenge the decision of the Title IX Coordinator, or designee, to provide, deny, modify, or terminate Supportive Measures applicable to them. Parties may also timely challenge a decision regarding Supportive Measures applicable to them if circumstances change materially.
 - i. Challenges made pursuant to this Section will be reviewed by an impartial decision-maker (i.e., someone other than the Title IX Coordinator, or designee, who made the challenged decision) who has authority to modify or reverse the decision of the Title IX Coordinator, or designee, if the impartial decision-maker determines that the initial decision to provide, deny, modify, or terminate the Supportive Measures was inconsistent with the definition of Supportive Measures.
 - ii. In most cases, the Provost shall serve as the impartial decision-maker unless the Provost was otherwise involved in the implementation of challenged decision in which case the Provost shall identify an impartial designee.
- F. Where appropriate, the Title IX Coordinator, or designee, may modify or terminate Supportive Measures at the conclusion of the grievance process or informal resolution process, or may continue Supportive Measures beyond that point.
- G. If the Complainant or Respondent is a Student with a disability, the Title IX Coordinator, or designee, may consult, as appropriate, with the Office of Educational Support and Disability Services ("ESDS") to determine how to comply with Section 504 of the Rehabilitation Act in implementation of Supportive Measures.

XIII. OTHER RESPONSIBILITIES AND AUTHORITY OF TITLE IX COORDINATOR

- A. Absence or Withdrawal of Complaint or Allegations.** In the absence of a Complaint or the withdrawal of any of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator, or designee, has the authority to determine whether to initiate a Complaint of Sex Discrimination or Retaliation. Factors for consideration include:
 - i. Whether the Complainant has requested not to proceed with the Complaint;
 - ii. The Complainant's reasonable safety concerns regarding initiating a Complaint;
 - iii. The risk that additional acts of Sex Discrimination or Retaliation would occur if a Complaint were not initiated;
 - iv. The severity of the alleged Sex Discrimination or Retaliation, including whether the Sex Discrimination, if established, would require the removal of the Respondent from campus or imposition of another disciplinary Sanction to end the Sex Discrimination and prevent recurrence;
 - v. The age and relationship of the Parties, including whether the Respondent is an

employee;

- vi. The scope of the alleged Sex Discrimination or Retaliation, including information suggesting a pattern, ongoing Sex Discrimination or Retaliation, or Sex Discrimination or Retaliation alleged to have impacted multiple individuals;
- vii. The availability of evidence to assist the Title IX Coordinator, Title IX Coordinator's designee, Provost, or Provost's designee, in determining whether Sex Discrimination or Retaliation occurred; and
- viii. Whether UMB could end the alleged Sex Discrimination or Retaliation and prevent its recurrence without initiating the grievance process.

After considering these factors, as well as other relevant factors, if the Title IX Coordinator, or designee, determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct, as alleged, prevents UMB from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator, or designee, may initiate a Complaint. If the Title IX Coordinator, or designee, initiates a Complaint, the Title IX Coordinator, or designee, must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures.

The Title IX Coordinator, or designee, need not initiate a Complaint or consider these factors if the Title IX Coordinator, or designee, reasonably determines that the conduct as alleged could not constitute Sex Discrimination or Retaliation. In such circumstances, the Title IX Coordinator, or designee, has the discretion to investigate the conduct under other UMB policies or procedures, or to refer the matter to another appropriate UMB or School department (e.g., Human Resource Services, Student Affairs, etc.).

B. Ongoing Remedial or Supportive Measures. Regardless of whether a Complaint is initiated, the Title IX Coordinator, or designee, is authorized to take other appropriate and effective steps to effectuate Supportive Measures or other remedial measures consistent with this Policy and Title IX that would not otherwise violate any individual's protected rights under federal or state law.

C. Consolidation of Complaints. The Title IX Coordinator, or designee, is authorized to consolidate Complaints of Sex Discrimination 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 Sex Discrimination arise out of the same facts or circumstances.

D. Student Employees. When a Complainant alleging Sex-Based Harassment is both a Student and an employee, the Title IX Coordinator will make a fact-specific determination as to whether the requirements of Grievance Process B apply. This determination will include, but is not limited to:

- i. Whether the Parties' primary relationship is employment or education; and
- ii. Whether the alleged conduct occurred while the Student-employee was performing employment-related work.

E. Equitable Treatment. The Title IX Coordinator, or designee, is responsible for treating

Complainants and Respondents equitably throughout the Title IX grievance process. Equitable treatment includes:

- i. Providing Remedies designed to restore or preserve equal access to UMB's Education Program or Activity to a Complainant where a determination of responsibility for Sex Discrimination or Retaliation has been made against the Respondent, and by using procedures that comply with Title IX when investigating and adjudicating allegations of Sex Discrimination or Retaliation before the imposition of any Sanctions or other actions that are not Supportive Measures against a Respondent;
- ii. Providing an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- iii. Applying any provisions, rules, or practices used to investigate and adjudicate Complaints under Title IX equally to both Parties.

F. Presumption that Respondent is Not Responsible. UMB is committed to due process. It operates with the presumption that the Respondent is not responsible for the reported Sex Discrimination or Retaliation unless and until the Respondent is determined to be responsible for a Policy violation by a preponderance of the evidence at the conclusion of these Procedures. The Title IX Coordinator, or designee, is responsible for ensuring this presumption is adhered to appropriately.

G. Emergency Removal.

- i. At any point in time after receiving a Complaint or employee notification of conduct that may reasonably constitute Sex Discrimination or Retaliation, the Title IX is authorized to determine that an imminent and serious threat to the health or safety of a Complainant or any Students, employees, or other persons arising from the allegations of Sex Discrimination justifies removal of the Respondent on an emergency basis.
- ii. In such cases, a Violence Risk Assessment ("VRA") should be conducted by the UMB Behavioral Awareness and Threat Assessment ("BETA") team. The 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. The VRA is an individualized safety and risk analysis. It is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment.
- iii. Refusal to cooperate in the VRA may result in a charge of failure to comply within the appropriate Student or employee conduct process.
- iv. Respondents who are removed from a UMB Education Program or Activity under this Section will be provided with notice and an opportunity to challenge the decision immediately following the removal.
- v. For more information, see UMB XI-3.00(A) Behavioral Evaluation and Threat Assessment Policy.

H. Administrative Leave. Employee Respondents may be placed on administrative leave from employment responsibilities during the pendency of the grievance process. Such placement will be for non-disciplinary and non-punitive reasons. In consultation with an

employee Respondent's supervisor, the Title IX Coordinator, or designee, is authorized to recommend administrative leave be approved by the President.

I. Evidence. Evidentiary evaluations and determinations are the responsibility and authority of the Title IX Coordinator, or designated investigator(s).

- i. Objective Evaluation of Evidence. The Title IX Coordinator, or designated investigator(s), shall objectively evaluate all Relevant evidence—including both inculpatory and exculpatory evidence. Furthermore, credibility determinations shall not be based on a person's status as a Complainant, Respondent, or witness.
- i. Impermissible Evidence. The Title IX Coordinator, or designated investigator(s), will not elicit, consider, require, rely upon, allow, disclose, access, or otherwise use any of the following as evidence ("Impermissible Evidence"), regardless of whether they are Relevant, unless an exception has been determined by the Title IX Coordinator, or designated investigator(s), to apply:
 1. Information protected under a legally recognized privilege or evidence provided to a Confidential Employee, unless the person holding such privilege has voluntarily waived the privilege;
 2. Records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment of a Party or witness, unless the Title IX Coordinator obtains that Party's or witness's voluntary, written consent to do so.
 3. A Student's history of mental health counseling, treatment, or diagnosis, unless the Student consents.
 4. Evidence relating to a Complainant's sexual interests or prior sexual conduct, except the following is permitted:
 - a. Evidence about the Complainant's prior sexual conduct that is offered to prove that someone other than the Respondent committed the alleged conduct; or
 - b. Evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between Complainant and Respondent does not by itself demonstrate or imply that the Complainant's consent occurred in the events alleged.
 5. Evidence relating to a Respondent's prior sexual history with an individual other than a Party to the proceedings, except to prove prior sexual misconduct; support a claim that a Respondent has an ulterior motive; or impeach a Respondent's credibility after that Respondent has put the Respondent's own prior sexual conduct at issue.

XIV. DISMISSAL OF COMPLAINTS

A. Reasons for Dismissal. At any point during the Steps for Adjudicating Title IX Complaints, the Title IX Coordinator may dismiss a Complaint for any of the following reasons:

- i. The Title IX Coordinator, or designee, is unable to identify the Respondent after taking reasonable steps to do so;
- ii. The Respondent is not participating in the UMB Education Program or Activity or is not employed by UMB;
- iii. The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint on behalf of UMB, and the Title IX Coordinator determines that without the Complainant's withdrawn allegations any conduct that remains would not constitute Sex Discrimination, if proven.
- iv. The Title IX Coordinator determines that the conduct alleged, if proven, would not constitute Sex Discrimination, after taking reasonable steps to clarify the allegations with the Complainant.

B. Notification of Dismissal. Upon dismissal, the Title IX Coordinator will promptly notify the Parties of the dismissal, including the basis of dismissal and the Complainant's opportunity to appeal dismissal in accordance with Appeals of Dismissal section below.

- i. If the dismissal occurs before the Respondent has been notified of the allegations, then the Notice of Dismissal will only be provided to the Complainant.
- ii. If the dismissal occurs after the Respondent has been notified of the allegations, then the Notice of Dismissal will be provided contemporaneously to both the Complainant and the Respondent or provided to the Respondent promptly after being provided to the Complainant.

C. Bases for Appeal of Dismissal. The following are permitted bases for appeal:

- i. Procedural irregularity that would change the outcome of the dismissal;
- ii. New evidence that would change the outcome of the dismissal that was not reasonably available when the dismissal was made; or
- iii. The Title IX Coordinator, or designated Investigator(s), had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome of the dismissal.

D. Appeals of Dismissal. Appeals of dismissals must be submitted to the Provost, or impartial designee, within five (5) business days of receipt of the dismissal. If a dismissal is appealed, the Title IX Coordinator, or designee, must:

- i. Notify the Parties, including providing the Notice of Allegations to the Respondent if not previously notified.
- ii. Implement appeal of dismissal processes equally for the Parties;
- iii. Ensure that the Provost, or impartial designee, has received training and did not participate in the investigation or dismissal;
- iv. Provide the Parties a reasonable and equal opportunity to make a written statement in support of or challenging the outcome; and
- v. Notify the Parties of the result of the appeal of dismissal and the basis for the result.

E. Post Dismissal Supportive Measures. Upon dismissal, the Title IX Coordinator, or designee, must offer Supportive Measures to Complainant or Respondent, as appropriate.

F. Post Dismissal Remedial Measures. Upon dismissal, the Title IX Coordinator must take other appropriate prompt and effective remedial measures to ensure that Sex Discrimination does not continue or occur within UMB's Education Program or Activity.

XV. PROMPT ADJUDICATION OF COMPLAINTS

The Title IX Coordinator, or designee, will make a good faith effort to complete all stages of the grievance process as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the investigation.

A. Timeframes of Major Stages of Procedures for Adjudicating Complaints Subject to Title IX. UMB has established reasonably prompt timeframes of the major stages of the grievance process. Generally, these timeframes are as follows. However, the nature of a particular Complaint, number of witnesses, responsiveness or availability of Parties or witnesses, existence/absence of documentary evidence to be reviewed, and other factors may affect the timeframes:

- i. Preliminary Review – Ten (10) business days
- ii. Investigation of Complaint (which includes preparation of Draft Investigation Report and providing Parties opportunity to review and comment)
 1. Grievance Process A – Ninety (90) business days
 2. Grievance Process B – One Hundred (100) business days
- iii. Final Determination (Grievance Process A & B) – Twenty (20) business days
- iv. Appeals of Final Determination (Grievance Process A & B) – Thirty (30) business days

B. Delays or Extensions of Timeframes. The Title IX Coordinator, or designee, has the discretion to permit reasonable delays or extensions of timeframes on a case-by-case basis.

The Title IX Coordinator, or designee, will provide written notice to the Complainant and Respondent of any extension of the timeframe and the reasons for delay.

XVI. INFORMAL RESOLUTION PROCESS

At any time prior to reaching a final determination regarding responsibility, the Title IX Coordinator, or designee, may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

To facilitate an informal resolution process, the Title IX Coordinator, or designee:

- A. Must obtain the voluntary, written consent of all Parties to proceed with the informal resolution process. UMB 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 Complaints of Sex Discrimination.

- B. May not require the Parties to participate in an informal resolution process.
- C. Shall provide the Parties a written Notice of Informal Resolution disclosing:
 - i. The allegations;
 - ii. The requirements of the informal resolution process, including that at any time prior to the Parties' agreement to a resolution, any Party may withdraw from the informal resolution process and initiate the appropriate grievance process;
 - iii. That the Parties' agreement to a resolution at the conclusion of the informal resolution process precludes the Parties from initiating or resuming a grievance process arising from the same allegations;
 - iv. The potential terms that may be requested or offered in an informal resolution agreement, including a notice that the agreement is binding only on the Parties; and
 - v. What information will be maintained by UMB and how UMB could disclose such information for use in a grievance process, if initiated or resumed.
- D. May not offer or facilitate an informal resolution process to resolve allegations of Sexual Assault or sexual coercion.
- E. May not use the same facilitator for informal resolution to investigate or decide a matter under the appropriate grievance process.
- F. Will maintain the requirement that any person designated to facilitate an informal resolution process must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent; and will be appropriately trained.
- G. Have the discretion to decline to offer an informal resolution:
 - i. Despite one or more of the Parties' wishes; or
 - ii. If it is determined by the Title IX Coordinator, or designee, that the alleged conduct would present a future risk of harm to others.

XVII. STUDENT RIGHTS IN SEXUAL MISCONDUCT MATTERS

Student Complainants and Student Respondents have certain rights under Maryland law¹⁴ when participating in Grievance Process B for Complaints alleging Sexual Misconduct, including:

- A. Treatment with dignity, respect, and sensitivity by Institution officials during all phases of the grievance process.
- B. A fair and impartial investigation.
- C. Grievance processes 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

¹⁴ See Md. Code Ann., Educ. § 11-601.

- violation, and the range of potential Sanctions associated with the alleged violation;
 - ii. The Party's rights and responsibilities under UMB's policies and procedures and information regarding other civil and criminal options;
 - iii. The date, time, and location of each meeting or interview that the Party is required or permitted to attend;
 - iv. A final determination made by the Title IX Coordinator, or designee, 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 grievance process, including:
- i. Access to the case file and evidence regarding the incident obtained by UMB during the investigation or considered by the Title IX Coordinator, or designee, with personally identifiable or other information redacted as required by applicable law;
 - ii. The opportunity to be interviewed and/or offer statements to the Title IX Coordinator, or designee;
 - iii. Submitting evidence, witness lists, and suggested specific questions to be posed to the other Party involved in the grievance process by the Title IX Coordinator, or designated investigator(s);
 - 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 factual findings; and
 - vi. Appealing a determination of whether Sexual Misconduct occurred or appealing a Sanction.
- F. Assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate throughout the grievance process, including by the attorney or advocate's:
- i. Attendance at meetings or interviews with the Party;
 - ii. Private consultations with the Party during meetings or interviews, except during questioning of the Party during an interview; and
 - iii. Assistance with the Party's exercise of any right during the grievance process.
- 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 meeting or interview during the grievance process.
- H. Notice to a Student Party, presented in an appropriate and sensitive format, before the start of the disciplinary proceedings, of:
- 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 meeting or interview during the grievance process.
- I. Access to counsel paid for by MHEC for a current or former student who makes a Complaint or responds to a Complaint on which a 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, unless the student knowingly and voluntarily chooses not to have counsel, in accordance with COMAR 13B.09.01:
- i. A student may select and retain an attorney before the conclusion of the formal Title IX grievance process;
 - 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 grievance process 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 grievance process, subject to the availability of funding.

XVIII.RECORDKEEPING

For seven (7) years, UMB shall maintain records of:

- A. Each Complaint of Title IX Sex Discrimination, records documenting the grievance process or informal resolution process, and the resulting outcome;
- B. Records documenting any action taken for each notification the Title IX Coordinator receives of information about conduct that may reasonably constitute Title IX Sex Discrimination; and
- C. All materials used for Title IX training of Students and employees.



This is the rescinded UMB Policy VI-1.60(A), Policy on Sexual Misconduct, which was replaced by VI-1.60(A) Policy on Sex Discrimination as of August 1, 2024 (Attachment II). This Policy on Sexual Misconduct applies to incidents occurring prior to August 1, 2024.

UMB Policy on Sexual Misconduct VI-1.60(A)

Administration | Effective August 14, 2020, to July 31, 2024

Responsible VP/AVP

Susan C. Buskirk, DM, MS

Revision History

Approved by the President March 30, 2015, replaced V1-1.30(A), to comply with USM V1-1.60 (eff. June 27, 2014, revised June 19, 2015); Revised August 26, 2015; Revised August 14, 2020.

Policy Statement

I. PURPOSE

The 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 non-forcible 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 — Non-forcible 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 — Non-forcible 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 non-verbal, 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.

AB. 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):

Stephanie Suerth, MPA, BS, CCEP
Acting Title IX Coordinator
Director, Special Projects
Office of Accountability & Compliance
410-706-5212
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 Universitywide 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, email, or U.S. mail directly to the Title IX Coordinator:

Stephanie Suerth, MPA, BS, CCEP
Acting Title IX Coordinator
Office of Accountability and Compliance
620 W. Lexington St., 5th Floor
Baltimore, MD 21201
410-706-5212
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>
By phone: 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 St.
Baltimore, MD 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.

E. 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 Ave., SW
Washington, DC 20202-1100
Customer Service Hotline: 800-421-3481
Fax: 202-453-6012
TDD: 877-521-2172
Email: OCR@ed.gov
Website: <https://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 St., Third Floor
Baltimore, MD 21201
800-669-4000 | TTY 800-669-6820
eeoc.gov

Maryland Commission on Civil Rights
6 St. Paul St., Suite 900

Baltimore, MD 21202
410-767-8600 | 800-637-6247
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 prorated 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 therefore (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 (age 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, MD 21202
410-332-9494
<https://bmoresafemeracy.org>

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.

To make a determination of whether or not a policy violation occurred, UMB uses the "preponderance of the evidence" standard; e.g., 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, which 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.

XIV. RESOURCES

Mental Health and 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 voicemail.

www.umaryland.edu/hrs/current-employees/well-being/employee-assistance-program-eap

UMB Student Counseling Center (Confidential Resource)

Health Sciences and Human Services 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

UMB Office of the Ombudsperson

Brian O. Godette, JD

714 W. Lombard St., Room 201

Baltimore, MD 21201

410-706-8534

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 St., Suite 404

Baltimore, MD 21201

24 Hour Helpline: 443-279-0379

www.turnaroundinc.org

Maryland Resources:

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

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)
<https://victimconnect.org>

National Domestic Violence Hotline:
1-800-779-7233
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 IV



These procedures, **UMB Procedures for Resolving Sexual Misconduct Complaints Under the Jurisdiction of Title IX of the Education Amendments of 1972 “Title IX Procedures”**, have been replaced by VI-1.60(A) Policy on Sex Discrimination as of August 1, 2024. These Title IX Procedures apply to incidents occurring prior to August 1, 2024.

UMB Procedures for Resolving Sexual Misconduct Complaints Under the Jurisdiction of Title IX of the Education Amendments of 1972 “Title IX Procedures”

Administration, Accountability and Compliance | Effective August 14, 2020, to July 31, 2024

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 Amendments 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 Amendments 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 at <https://www.umb.edu/policies-and-procedures/library/public-safety/policies/xi-300a.php>.

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, whether the allegations will be addressed using UMB's Procedures for Resolving Sexual Misconduct Complaints Outside the Jurisdiction of Title IX of the Education Amendments of 1972 "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 (www.facecampus.equality.org)
- SAVE (www.saveservices.org).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (victimrights.org)

- The National Center for Victims of Crime ([victimsofcrime.org](https://www.victimsofcrime.org)), which maintains the Crime Victim's Bar Association.
- The Time's Up Legal Defense Fund ([nwlc.org/times-up-legal-defense-fund](https://www.nwlc.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 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 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.

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 an 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:
 - The University's complete Policy and Procedures as set forth herein;

- The allegations of Prohibited Conduct as defined by the Policy;
 - Identities of the Parties involved, if known;
 - Date(s), location(s), and time(s) of the alleged incident(s), if known;
 - 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;
 - Parties may have an Advisor of their choice, who may be an attorney and who may inspect and review evidence;
 - 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;
 - Parties may have a Support Person of their choice;
 - 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;
 - 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
 - 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-Maker. 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 withdrawal 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 disagrees 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:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary sanctions imposed on the Respondent;
- Any remedies provided to the Complainant designed to restore or preserve equal access to UMB's education program or activity;
- Any appeal and the result therefrom;
- Any Informal Resolution and the result therefrom;
- 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
- 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: 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 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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These procedures, **UMB Procedures for Resolving Sexual Misconduct Complaints Outside the Jurisdiction of Title IX of the Education Amendments of 1972 “Non-Title IX Procedures”**, have been replaced by VI-1.60(A) Policy on Sex Discrimination as of August 1, 2024. These Non-Title IX Procedures apply to incidents occurring prior to August 1, 2024.

UMB Procedures for Resolving Sexual Misconduct Complaints Outside the Jurisdiction of Title IX of the Education Amendments of 1972 “Non-Title IX Procedures”

Administration, Accountability and Compliance | Effective August 14, 2020, to July 31, 2024

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 Amendments 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 Amendments 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 (www.facecampus.equality.org)
- SAVE (www.saveservices.org).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (victimrights.org)
- The National Center for Victims of Crime (victimsofcrime.org), which maintains the Crime Victim's Bar Association.
- The Time's Up Legal Defense Fund (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, though 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: 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

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 www.umaryland.edu/titleix/policies-and-procedures, 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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USM Policy on a Drug and Alcohol-Free Workplace for Employees (Section VII - 1.10)

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.

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.
- E. Institutions may designate certain positions as "sensitive". Violations of this policy by persons employed in "sensitive" positions shall constitute willful 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:

- 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.





UMB Substance Abuse Policy Section VII - 1.10(A)

Human Resources | Approved August 1, 1990

Responsible VP/AVP

Dawn M. Rhodes, DBA, MBA

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

- A. 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 non-commercial 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.





UMB Alerts Procedure

From the "Alert and Warning" chapter of the University of Maryland, Baltimore (UMB) Emergency Communications Annex:

Introduction

UMB relies primarily upon the UMB Alert system to disseminate alerts and warnings. The UMB Chief of Police and the Executive Director of the Office of Emergency Management are UMB's Responsible Authorities tasked with confirming the existence of a significant emergency or dangerous situation impacting the UMB community and initiating an Emergency Notification. The Chief or Executive Director may delegate this authority to on-call personnel in order to limit the time necessary to send Emergency Notifications.

The UMB Chief of Police, or a designee, will serve as the sole Responsible Authority for Emergency Notifications in instances involving criminal or suspected criminal activity.

Emergency Notifications

GENERAL

Emergency Notifications are relayed during any significant emergency or dangerous situation anywhere within the University's Clery geography. An Emergency Notification will be issued in situations where, in the opinion of the Responsible Authority, there is an immediate threat to the health and safety of students, faculty, and/or staff where an Emergency Notification would likely limit or prevent loss of life or injury. Unlike timely warnings, applications for emergency notifications are broader than crime and may include any immediate threat, including weather incidents, gas leaks, fires, disease outbreak, and more.

Emergency Notifications may also be sent under special circumstances if sending an alert may prevent an emergency. By promoting awareness and sending instructions prior to a notice event, it is possible that potential emergencies can be mitigated and prevented.

UMB will, without delay, and taking into account the safety of the UMB community, determine the content of an Emergency Notification and initiate the Emergency Notification system. UMB may not immediately issue an Emergency Notification for a confirmed emergency or dangerous situation if, in the opinion of the Responsible Authority, doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency.

INITIATION

The Police Communication Center (PCC), Assistant Chief of Operations, Assistant Chief of Support Services, or a designee may be notified about a significant emergency, dangerous situation, or ongoing threat from a variety of sources including, but not limited to:

- UMB police officers
- Other UMB departments such as Environmental Health and Safety, Maintenance and Operations
- External agencies residing on UMB's campus such as UMMC, VA Medical Center, or State Anatomy Board

Upon learning of a significant emergency or dangerous situation, the PCC, Assistant Chief of Operations, Assistant Chief of Support Services, or a designee will notify the Responsible Authority of the significant emergency or dangerous situation by direct phone call, radio, in-person, or an internal message sent via the UMB Alert system.

THREAT CONFIRMATION

The Responsible Authority will take the necessary steps to verify that a legitimate emergency or dangerous situation exists and will notify the Police and Emergency Management PIO upon the completion of their assessment.

MESSAGE EXECUTION

Once an immediate emergency or dangerous situation is confirmed, the Police and Emergency Management PIO will send an Emergency Notification through the UMB Alert system using either (a) an existing template in Everbridge or, (b) if no template exists for the immediate threat, the Police and Emergency Management PIO will create a custom message. Custom Emergency Notification messages must receive approval from the Responsible Authority before initiating the Emergency Notification.

In the event that the Police and Emergency Management PIO is unavailable, the Executive Director of Media Relations, or their designee, will serve as back-up for sending Emergency Notifications.

TARGET AUDIENCE

Emergency Notifications will be sent to all contacts registered in the UMB Alerts system. Emergency Notifications in the UMB Alert system will not be sent to discrete targeted groups.

MESSAGE CONTENT

Emergency Notification messaging will generally follow the below methodology at the discretion of the Responsible Authority:

- *First message.* The first UMB Alert is intended to alert the community of an imminent threat or dangerous situation. It should include only clear, basic life-safety information and instructions.
- *Follow-up message.* A second follow-up confirmation message may be sent with additional pertinent information, important details, and/or an all-clear, as appropriate. Follow-up messages are sent during or immediately following the immediate threat or dangerous situation as a UMB Alert.

- *Concluding or reassurance message.* Following the conclusion of an incident, a follow-up reassurance message may be distributed, detailing the resolution and any additional pertinent information. The reassurance message will generally be written as a letter from the Responsible Authority and will be disseminated through email utilizing OCPA's Constant Contact system.

Timely Warnings

Timely warnings are communications to the UMB Community that a crime identified in the Clery Act has occurred within the University's Clery geographic boundary and is considered by UMB to represent a serious or continuing threat to the UMB community. If, in the opinion of the UMB Police Chief or designee, the criminal threat presents an immediate threat to the health and safety of students, faculty, and staff, an Emergency Notification will be issued in lieu of a Timely Warning.

Crimes included for consideration as Timely Warnings include, but are not limited to: murder, negligent manslaughter, robbery, aggravated assault, rape, fondling, incest, statutory rape, arson, burglary, motor vehicle theft, weapon law violations, drug abuse violations, liquor law violations, hate crimes, and larceny. Timely warnings will be written as a letter from the UMB Police Chief and will be posted on umaryland.edu/police. The letter will additionally be disseminated through email utilizing OCPA's Constant Contact system, and through social media, as appropriate.

The following steps will be taken to initiate a Timely Warning:

1. The UMB Police Chief or their designee will determine whether the incident warrants a Timely Warning. Consideration will be given to whether the incident is:
 - a. Serious or continuing in nature
 - b. A Clery crime
 - c. Within the Clery Act geographic area
2. The UMB Police Chief or their designee will notify the Police and Emergency Management PIO of the incident and the need for a Timely Warning. The Police and Emergency Management PIO will be provided all pertinent information related to the incident through the Police Chief or their designee.
3. The Police and Emergency Management PIO will draft a Timely Warning letter.
4. The Police Chief will review and approve the Timely Warning letter.
5. The Police and Emergency Management PIO will send the letter for review to the OCPA Associate Vice President, and Executive Director of Media Relations.
6. OCPA will send the draft Timely Warning to OCPA's internal Constant Contact Test Group for additional editorial review within 30 minutes of receipt. The Timely Warning Constant Contact Test Group will include:
 - a. Vice President, Administration and Finance
 - b. Senior Vice President for External Relations and Special Assistant to the President
 - c. Associate Vice President, OCPA
 - d. Executive Director of Media Relations, OCPA

- e. Director of Editorial Services, OCPA
 - f. UMB Police Chief
 - g. Police and Emergency Management PIO
 - h. Executive Director, Office of Emergency Management
 - i. Assistant Vice President, Student Affairs
 - j. Advisor to the President
7. Once Test Group edits are approved, OCPA will send the Timely Warning to the UMB community using Constant Contact. The Police and Emergency Management PIO will post the Timely Warning to the webpage, Letters from the Chief to the Community.
 8. The letter will be shared by the Police and Emergency Management PIO to the UMB Police and Public Safety social media pages, as appropriate.

FOLLOW-UP AND REASSURANCE MESSAGES

If needed, follow-up messages will be sent as an Emergency Notification. Follow-up messages will be sent during or immediately following an immediate threat or dangerous situation.

If needed, concluding or reassurance messages will be written and disseminated.

Procedures to Test Emergency Response and Evacuation Procedures

From the 'Testing and Maintenance' chapter of the University of Maryland, Baltimore Emergency Communications Annex

The UMB Alerts system will be tested annually to validate communications, notifications, alerts, and warnings capabilities. The exercise may additionally test the emergency response and/or other emergency-related procedures, including JIS and JIC procedures.

Overall results from testing this annex, procedures, and systems, including both emergency and crisis communications, will be documented with the following information: a description of the exercises, date, actions/outcomes, and opportunities for improvement. All corrective actions will be tracked and addressed on the UMB master Improvement/Corrective Actions Plan.

