



UMBC

Sexual Misconduct, Interpersonal Violence, and Other Related Misconduct Policy

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Responsible Offices:	Office of Human Relations Office of the General Counsel
Replacement for:	UMBC VI-1.20.01 Policy on Sexual Harassment

I. Policy Statement

The University is dedicated to fostering an inclusive and welcoming environment for all members of the campus community and recognizes its responsibility to maintain a campus environment which is free from Sexual Misconduct, Interpersonal Violence, and Other Related Misconduct. This Policy embodies the University's commitment to increasing awareness of such prohibited conduct and actively promoting prevention and educational programs for community members in an effort to eliminate occurrences, prevent reoccurrences through education, disciplinary sanctions, and remedial conditions and address and remedy the discriminatory effects of Sexual Misconduct, Interpersonal Violence, and Other Related Misconduct. The University's commitment is consistent with the values and standards of an intellectual community of distinction, as well as the law and USM policies.

The University is also committed to the principles of free inquiry and expression. This Policy is not intended to abridge teaching methods, freedom of expression, or the University's educational mission.

This Policy expressly prohibits all forms of **Discrimination** and **Harassment** on the basis of sex (including pregnancy), gender, sexual orientation, or gender identity or expression (collectively referred to as "**Protected Status**") in its educational programs and activities or with respect to terms and conditions of employment. It expressly, therefore, also prohibits **Sexual Misconduct**, which is a form of sex discrimination, including **Sexual and Gender Based Harassment, Sexual Violence (including Sexual Assault and Sexual Coercion), Sexual Exploitation, and Sexual Intimidation**. This Policy expressly prohibits Interpersonal Violence, including **Relationship Violence (Dating Violence) and Domestic Violence**. This Policy further expressly prohibits **Stalking**. Finally, this Policy expressly prohibits **Retaliation** against a UMBC community member for their good faith participation in reporting, assisting others in reporting, or opposing a violation of this Policy.

Discrimination, Harassment, Sexual Misconduct, including Sexual and Gender Based Harassment, Sexual Violence (including Sexual Assault and Sexual Coercion), Sexual Exploitation, and Sexual Intimidation), Interpersonal Violence (including Relationship Violence (Dating Violence) and Domestic Violence), Stalking, and Retaliation (collectively hereafter referred to as "**Prohibited Conduct**") are defined below in **Section X** of this Policy.

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations at 34 C.F.R. Part 106, the University's Title IX Coordinator has primary responsibility for coordinating UMBC's efforts to comply with and carry out the University's responsibilities under Title IX. The Title IX Coordinator oversees the University's response to reports and complaints that relate to Prohibited Conduct, monitors outcomes, identifies and addresses any patterns, and assesses effects on the campus climate, so the University can address issues that impact the wider campus community.

Reports of Prohibited Conduct can be sent to the University's Title IX Coordinator:

Bobbie L. Hoye, Esq.

Human Relations Office/Title IX Office

University of Maryland, Baltimore County

9th Floor, Administration Building
Baltimore, MD 21202
Email: titleixcoordinator@umbc.edu
Phone: 410.455.1606
Website: <http://humanrelations.umbc.edu/>

II. Scope and Applicability of the Policy

A. UMBC Community Members Covered by This Policy

This Policy applies to the conduct of and protects all UMBC students (including but not limited to, undergraduate, graduate, exchange, visiting, professional, doctoral, and post-doctoral), and student employees, faculty, and staff.

The Policy also applies to the conduct of and protects all interns, contractors, volunteers, guests, visitors, and other third parties under circumstances within the University's control.

Moreover, the University has the discretion to apply this Policy and the applicable Procedures, to the extent practicable as determined by the University, with respect to any such conduct by a student, faculty and/or staff member even if the student graduates, withdraws, takes leave or is otherwise absent or if the student, faculty or staff member leaves the University's employ or is otherwise absent and even if the University does not learn of such conduct until after the student, faculty or staff member leaves the University's employ or is otherwise absent.

The individuals covered by this Policy, shall be collectively hereafter referred to as “**member of the UMBC community**” or “**UMBC community member.**”

B. Reporting Party and Responding Party Defined

For purposes of this Policy, **Reporting Party** is defined as anyone who has been subjected to conduct that may constitute Prohibited Conduct under this Policy, regardless of whether the Reporting Party makes a report to the University or seeks redress under this Policy. Reporting Parties can include, but are not limited to, a UMBC community member, group, organization, or team and individuals not affiliated with UMBC.

For purposes of this Policy, **Responding Party** is defined as anyone who has been alleged to have engaged in conduct that may constitute Prohibited Conduct under this Policy. Responding Parties can include, but are not limited to, a UMBC community member, group, organization, or team and individuals not affiliated with UMBC.

C. Jurisdiction

The University has jurisdiction over all reports of Prohibited Conduct under this Policy, made in connection with University programs and activities. Notwithstanding the below, this Policy and the accompanying Procedures applies to alleged Prohibited Conduct:

- on University premises, in any UMBC facility, office, regional center education program or activity, or property owned or controlled by the University;
- at any UMBC sponsored, recognized, or approved employment or educational program, visit, or activity, regardless of location;
- that impedes equal access to any UMBC educational program or activity or that adversely impacts the education or employment of a member of the UMBC community, regardless of where the conduct occurred; or
- that otherwise threatens the health or safety of a member of the UMBC community.

This Policy is not intended to supersede or conflict with any federal compliance obligation.

D. Reporting Suspected Child Abuse or Neglect

Any member of the UMBC community who suspects or observes a child being harmed is required to contact law enforcement by dialing 911 or 410.455.5555.

In addition, pursuant to Family Law Article of the Maryland Annotated Code, Sections 5-701 through 5-708, any member of the UMBC community, who has a reason to believe that a child has been abused or neglected, has a mandatory obligation to report that suspicion to the local department of social services or local police department **and** to the University’s Designee for reporting child abuse.

The Baltimore County Department of Social Services:	410.853.3000
University Police Department:	410.455.5555
Baltimore County Police Department:	410.887.2214
University’s Designee/UMBC Title IX Coordinator	410.455.1606

Detailed information regarding reporting suspected child abuse and neglect may be found at www.usmh.usmd.edu/regents/bylaws/SectionVI/VI150.pdf.

III. Safety on Campus

The health and safety of all UMBC community members are the University’s primary concern. The following services are available.

Emergency Blue Light Phones: Blue light emergency phones are located throughout the UMBC campus along sidewalks and buildings. By activating the phone, an individual will be automatically connected to a University Police dispatcher who is immediately alerted to the location of the phone. Additional information and the location of the emergency phones can be found at: <https://police.umbc.edu/services/emergency-phone-locations/>.

24-Hour Walking Escort Service: The University Police provide a walking escort service, 24-hours a day for anyone who feels unsafe while walking on campus. An individual can request an escort, by calling 410.455.3133.

UMBC/University Police: 24-hour police services and emergency response, acts as liaison with other agencies (e.g. courts system, medical facilities, criminal investigations), including protective order registration for on-campus enforcement and campus escorts. UMBC Police can be contacted by dialing 5.5555 from any on campus phone or 410.455.5555 from a cell phone or an outside line.

Baltimore County Police Department can be reached at 410.887.0872.

Universities at Shady Grove (“USG”) Campus Security: 24-hour campus security and emergency response, acts as liaison with local police and UMBC Police, including protective order registration for on-campus enforcement and campus escorts. USG Campus Security can be contacted by dialing 6065 from any on-campus phone or 301.738.6065 from a cell phone or an outside line. Additional information about USG’s Campus Security and related resources can be found at: <https://shadygrove.umd.edu/campus-resources/public-safety>

Local Police in ANY location can be contacted by dialing 911.

IV. Amnesty

The University encourages reporting of incidents of Prohibited Conduct and seeks to remove any barriers to reporting. The University recognizes that an individual who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential consequences for their own conduct. As such, an individual who makes a report of Prohibited Conduct to the University or law enforcement, or participates as a witness in good faith, will not be subject to disciplinary action for their own personal consumption of alcohol or drugs taken/used at or near the time of the incident of Prohibited Conduct, provided that any such violation was not an act that was reasonably likely to place the health or safety of any other person at risk.

The University may, however, initiate an educational discussion or pursue other interventions/assessments for substance abuse. Amnesty will not be extended for any violations of University policy other than alcohol/drug use. In addition, Amnesty does not preclude or prevent action by police or other legal authorities.

The use of alcohol, drugs, and/or legally prescribed medication does not justify or excuse behavior that constitutes Prohibited Conduct under this Policy.

V. Interim Protective Measures

Interim Protective Measures are temporary actions taken by the University prior to and during the investigation and adjudication processes, which may be applied to the Reporting Party, Responding Party, and other involved UMBC community members, who have been adversely affected, to ensure their safety and well-being, to limit undeterred campus educational and employment access, and to ensure the integrity of the investigative and/or adjudicative processes.

Interim Protective Measures are taken based on the information available at the time and are not intended to be permanent resolutions. Interim Protective Measures may be withdrawn or amended as additional information is discovered. The University will take appropriate, responsive, and prompt action to enforce Interim Protective Measures and to respond to any reports about the inadequacy or failure of another UMBC community member to abide by the Interim Protective Measures. The range of Interim Protective Measures can include, but are not limited to:

- Restricting access to the University or to certain University facilities, resources, or activities pending resolution of the report, for the Responding Party;
- University-imposed leave or suspension for the Responding Party; and
- Imposition of a campus “No Contact Order.”

VI. Supportive Measures

Supportive measures are available to the Reporting Party, Responding Party, and other involved UMBC community members who have been adversely affected, regardless of whether a formal investigation takes place. The range of Supportive Measures can include, but are not limited to:

- Access to counseling and medical services and assistance in setting up initial appointments, both on and off campus;
- Imposition of a campus “No Contact Order;”
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections, if such alternatives are available and feasible;
- Change in work schedule, work location, or job assignment, if such alternatives are available and feasible;
- Arranging for an incomplete grade in a class, a leave of absence, or withdrawal;
- Change in campus housing assignment or housing license, if such alternatives are available and feasible;
- Assistance from University support staff in completing University housing relocation;
- To the extent practicable, preserving eligibility for academic, athletic, or other scholarships, institution-based financial aid, or program eligibility; and
- Providing academic support services, such as tutoring.

VII. How to Request Interim Protective Measures and/or Supportive Measures

Interim Protective Measures and/or Supportive Measures may be requested by the Reporting Party or the Responding Party, or the University can initiate the Interim Protective Measures and/or Supportive Measures in the absence of a request, at any time, during the process. Individuals can make a request for Interim Protective Measures and/or Supportive Measures, in-person or in-writing by contacting the University’s Title IX Coordinator, any member of the Title IX Resources Team, and/or another University official. Interim Protective Measures

and/or Supportive Measures requests received by Title IX Resources Team member(s) and/or another University official(s), shall be immediately forwarded to the Title IX Coordinator.

When a request is received, the Title IX Coordinator, in consultation with the University, is responsible for implementing reasonable and appropriate Interim Protective Measures and/or Supportive Measures.

VIII. Consent

A. Consent Is?

For purposes of this Policy, Consent is defined as a knowing, voluntary, and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. It 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 or behavior. Under this definition, consent can never be assumed.

B. Consent Is Not?

For purposes of this Policy, Consent may not be inferred from silence, passivity or a lack of objection or resistance. Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation, or through the use of one's mental or physical helplessness or incapacity. The absence of a negative response, such as silence or a failure to physically resist does not equal consent.

Some behaviors and comments that do **not** indicate consent include (but are not limited to):

- Silence;
- "I don't know;"
- "Maybe;"
- A head shake;
- Lack of objection;
- Not fighting back;
- Ambiguous responses such as "uh huh" or "mm hmm" without more; and
- A verbal "no," even if it may sound indecisive or insincere.

C. Additional Guidance Regarding Consent

Alcohol and other drugs complicate engaging in sexual activity because they impair our judgment, affect our ability to read and interpret others' communication, and affect our capacity to communicate.

The use of alcohol, drugs, or other intoxicating substances does not relieve an individual of their ongoing obligation to obtain consent before initiating and/or engaging in sexual

activity or behavior. It is the responsibility of the person initiating sexual activity or behavior to make sure that they have received consent at each of those stages from all person(s) engaged in the sexual activity or behavior. If a person is not sure they have received consent or has received an unclear response, they have an obligation to seek additional information to make sure that they have received consent. Failure to do so could violate this Policy and lead to disciplinary action or sanctions. Consent cannot be based on assumptions.

- Consent to one form of sexual activity or behavior does not automatically imply consent to engage in other forms of sexual activity or behavior. Consent to one sexual act does not constitute or imply consent to another act.
- Consent must be present throughout the entire sexual activity or behavior and may be withdrawn at any time. Once consent is withdrawn, the sexual activity or behavior must cease immediately. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the sexual activity or behavior cease until the confusion is resolved.
- Consent cannot be implied based upon a previous or existing consensual dating or sexual relationship. In the context of a current relationship, consent for future sexual activity or behavior cannot be implied.

To determine whether consent was obtained, the University will examine whether or not the person initiating sexual activity or behavior knew or whether a sober and reasonable person in the same position should have known whether the other person gave consent.

IX. Incapacitation/Incapacitated

For the purposes of this Policy, Incapacitation is a state in which a person's decision-making ability is impaired such that the person lacks the ability to understand the "who, what, where, why, or how" of their sexual activity or behavior. Incapacity is a state in which someone cannot make a decision because they lack the ability to fully understand what is happening and therefore cannot consent even if they appear to be a willing participant.

Incapacitation may result from a number of causes. A person can be incapacitated through the use of drugs, alcohol or any other intoxicating substance, or when they are unconscious, asleep or otherwise unaware the sexual activity or behavior is occurring. Further, mental or physical disabilities or cognitive impairments can cause an individual to lack the capacity to consent to sexual activity or behavior. Incapacitation may also occur when a person is physically restrained against their will, so the person is physically unable to resist or consent to sexual activity or behavior.

Alcohol and/or drugs are the primary causes of Incapacitation. Where alcohol and/or drugs are involved, Incapacitation is a state beyond intoxication, impair in judgment, or "drunkenness." Because the impact of alcohol and/or drug use varies from person to person, when evaluating whether an individual (Reporting Party) is/was Incapacitated, and therefore

unable to give Consent, the University will assess relevant factors¹, which may include but are not limited to:

- Whether a witness may have known how much the Reporting Party consumed
- Slurred speech
- Bloodshot eyes
- The smell of alcohol on the breath
- Shaky equilibrium
- Inability to walk unassisted
- Vomiting
- Outrageous or unusual behavior

Further, for the purposes of determining Consent, the University will consider whether the Responding Party “knew” that the Reporting Party was Incapacitated and *if not*, whether the Responding Party “should have known,” that the Reporting Party was Incapacitated. The University will make this determination by assessing whether, based on the totality of the context, a sober, reasonable person in the same situation (as the Responding Party) “knew” and/or “should have known” that the Reporting Party was Incapacitated.

X. Prohibited Conduct and Other Related Misconduct

A. Discrimination

This Policy prohibits Discrimination. For purposes of this Policy, Discrimination is defined as any unlawful preference or prejudice to a UMBC community member as compared to others, that is based on the UMBC community member’s Protected Status (**sex (including pregnancy), gender, sexual orientation, or gender identity or expression**), and that is sufficiently serious to unreasonably interfere with or limit a UMBC community member’s: access to employment or conditions and benefits of employment; ability to participate in, access, or benefit from educational programs, services, or activities; or ability to participate in, access, or benefit from the University’s extracurricular programs.

B. Sexual Misconduct

This Policy prohibits Sexual Misconduct. For purposes of this Policy, Sexual Misconduct is defined as a form of Discrimination, which includes Sexual and Gender Based Harassment, Sexual Violence (including Sexual Assault and Sexual Coercion), Sexual Exploitation, Sexual Intimidation, and Stalking, as defined below.

¹ This is not an exhaustive list. Some factors adopted from the 2017 edition of The ATIXA Playbook, Best Practices for the Post-Regulatory Era.

1. Sexual and Gender Based Harassment

This Policy Prohibits Sexual and Gender Based Harassment. For purposes of this Policy, Sexual and Gender Based Harassment includes Quid Pro Quo Harassment and Hostile Environment Harassment.

a. Quid Pro Quo Harassment

This Policy prohibits Quid Pro Quo Harassment. For purposes of this Policy, Quid Pro Quo Harassment is defined as any unwelcome sexual advance, unwelcome request for sexual favors, unwelcome verbal, physical, electronic, or other conduct of a sexual nature, that targets a UMBC community member because of their Protected Status, when: 1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a University sponsored, recognized, or approved program, visit, or activity; or 2. Submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation related decisions affecting an individual.

b. Hostile Environment Harassment

This Policy prohibits Hostile Environment Harassment. For purposes of this Policy, Hostile Environment Harassment is defined as any unwelcome sexual advance, unwelcome request for sexual favors, unwelcome verbal, physical, electronic or other conduct of a sexual nature, that targets a UMBC community member because of their Protected Status, when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive to create a working, academic, residential, or social environment, that a reasonable person in similar circumstances would find intimidating, hostile, humiliating, demeaning, or sexually offensive. An isolated incident, unless sufficiently severe or pervasive, does not amount to Hostile Environment Harassment.

Hostile Environment Harassment is also defined as harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex or gender or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the individual's actual or perceived sex, gender, sexual orientation, or gender identity or expression.

In evaluating the severity or pervasiveness of the conduct, the University assesses the conduct from both an objective and a subjective perspective. In assessing the conduct based on an objective perspective, the University will evaluate the conduct from the perspective of a reasonable person (reasonable person standard) in the Reporting Party's position, considering all the circumstances and the totality of the context.

In assessing the conduct based on a subjective perspective, the University will evaluate the conduct from the perspective of the Reporting Party, considering all the circumstances and the totality of the context.

Severity or pervasiveness is determined by considering the *relevant circumstances* and the totality of the context, including but not limited to: the degree to which the conduct affected one or more UMBC community member's education or work environment; type, frequency, and duration of the conduct; the identity of and relationship between the Responding Party and the Reporting Party; the number of individuals involved; and other incidents that the Responding Party was involved and/or found responsible, at the school.

The more serious the conduct, the less need there is to show a repetitive series of incidents to prove Hostile Environment Harassment, particularly if the conduct is physical. A single or isolated incident, unless sufficiently severe or pervasive, does not amount to Hostile Environment Harassment. However, a single or isolated incident of Sexual Violence may constitute Hostile Environment Harassment.

2. Sexual Violence

This Policy prohibits Sexual Violence. For purposes of this Policy, Sexual Violence includes Sexual Assault and Sexual Coercion. Sexual Violence is defined as physical sexual acts perpetrated or attempted without consent.

a. Sexual Assault I

This Policy prohibits Sexual Assault I. For purposes of this Policy, Sexual Assault I is defined as any act of non-consensual sexual intercourse (vaginal, anal, or oral). For purposes of this Policy, non-consensual sexual intercourse can occur between UMBC community members and between a UMBC community member and a Non-UMBC community member. Sexual intercourse includes vaginal or anal penetration (however slight) by a penis, object, tongue, finger, or any body part; and oral copulation involving mouth to genital or genital to mouth contact.

b. Sexual Assault II

This Policy prohibits Sexual Assault II. For purposes of this Policy, Sexual Assault II is defined as any act of non-consensual sexual contact (however slight) without consent. For purposes of this Policy, non-consensual sexual contact can occur between UMBC community members and between a UMBC community member and a Non-UMBC community member. Non-consensual sexual contact means any intentional touching of the intimate body parts of another person, causing another person to touch someone's intimate body parts, or disrobing or exposure of another person without consent. Intimate body parts may include genitalia, groin, breast, buttocks, or clothing covering them, or any other body part that is touched in a sexual manner. Non-consensual sexual contact also includes attempted non-consensual sexual intercourse.

c. Sexual Coercion

This Policy prohibits Sexual Coercion. For purposes of this Policy, Sexual Coercion means the use of unreasonable pressure in an effort 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 individuals' freedom of will and ability to choose whether or not 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 individuals' private sexual information, or threatening to harm oneself if the other party does not engage in the sexual activity.

3. Sexual Exploitation

This Policy prohibits Sexual Exploitation. For purposes of this Policy, Sexual Exploitation occurs when a person(s) takes non-consensual sexual advantage of another, for their own advantage or benefit, or for the benefit or advantage of anyone other than the person being exploited. Non-consensual sexual advantage refers to any action and/or conduct taken without consent in furtherance to benefit from, to take advantage of, or to attain sexual opportunity.

The following are examples of actions and/or conduct that may constitute Sexual Exploitation under the Policy²:

- Voyeurism or Peeping is intentionally observing, spying on, or listening to person(s) involved in sexual activity or behavior or in any state of undress, without their consent.
- Voyeurism or Peeping also occurs when an individual allows others to observe sexual activity or behavior of another person or allows others to observe another person in any state of undress, without the consent of all the person(s) involved.
- Photographing or recording someone (via audio, video or otherwise) involved in sexual activity or behavior, or in any state of undress, without their consent.
- Sharing images such as photographs or video/audio of someone involved in sexual activity or behavior or in a state of undress, without their consent. This is applicable to anyone in possession of the images/audio, even if the individual in possession of the images/audio was not responsible for the creation of the original images/audio and was not engaged in the recorded sexual activity or behavior.
- Stealthing is removing a condom during sexual intercourse without the consent of the other person; or the act of intentionally misleading another person to believe a condom is being used during sexual intercourse.

² This is not an exhaustive list of actions and/or conduct which may constitute Sexual Exploitation under the Policy.

- Prostituting another person.
- Inducing Incapacitation of another by providing drugs, alcohol, or other substances—with or without their knowledge—with the intent to impair their ability to withhold consent or their ability to knowingly consent to sexual activity or behavior, regardless of whether sexual activity or behavior actually occurs. If sexual activity or behavior does occur, such conduct may also constitute Sexual Assault.

4. Sexual Intimidation

This Policy prohibits Sexual Intimidation. For the purposes of this Policy, Sexual Intimidation means threatening behavior of a sexual nature directed at another person, such as threatening to Sexually Assault another person, or engaging in Indecent Exposure.

For purposes of this Policy, threatening to Sexually Assault another person occurs when someone threatens to inflict Sexual Assault I and/or II upon another person, in order to intimidate or frighten, which creates a hostile environment. The threats may be carried out, including but not limited to, in person, text, phone call, and/or online.

For purposes of this Policy, Indecent Exposure is exposing one's intimate parts, such as genitalia, groin, breast and/or buttocks to someone without their consent. This behavior is the deliberate showing of intimate parts of the body and may, but does not necessarily have to, include a sexual act. Engaging in sexual activity in public, witnessed by non-consenting person(s), is also a form of Indecent Exposure.

5. Stalking

This Policy prohibits Stalking. For purposes of this Policy, Stalking is defined as repeated, unwanted attention (physical, verbal, or electronic contact) or any other course of conduct, directed at an individual, that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances. Stalking may involve individuals who are known to one another, or who have a current or previous relationship, or may involve individuals who are strangers.

For purposes of this Policy, incidents of Stalking can also involve the use of technology (internet, social media, email, GPS tracking, and/or other telecommunications/electronic technologies). This type of Stalking is considered Cyberstalking. Cyberstalking is defined as repeated, unwanted attention, or any other course of conduct, through the use of technology (internet, email, and/or other telecommunications/electronic technologies), directed at an individual, that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances. Cyberstalking may involve individuals who are known to one another,

or who have a current or previous relationship, or may involve individuals who are strangers.

C. Interpersonal Violence

This Policy prohibits Interpersonal Violence. For purposes of the Policy, Interpersonal Violence encompasses a broad range of behaviors, including Sexual Assault I and/or II, physical, emotional, sexual, or economic abuse and other acts, threats, or a pattern of abusive behavior intended to control, intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound another. Interpersonal Violence includes Relationship Violence (Dating Violence) and Domestic Violence.

1. Relationship Violence (Dating Violence)

This Policy prohibits Relationship Violence (Dating Violence). For purposes of this Policy, Relationship Violence (Dating Violence) encompasses a broad range of behaviors, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party.

The existence of a social 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.

2. Domestic Violence

The Policy prohibits Domestic Violence. For purposes of this Policy, Domestic Violence encompasses a broad range of behaviors committed by: a.) a Reporting Party's current or former spouse or intimate partner; b.) a person with whom the Reporting Party shares a child in common; c.) a person who is cohabitating with or has cohabitated with the Reporting Party as a spouse or intimate partner; d.) a person similarly situated to a spouse of the Reporting Party; or e.) any other person who is protected from those acts under the domestic or family violence laws of Maryland. Domestic Violence can be a single act or a pattern of behavior.

D. Other Related Misconduct

1. Retaliation

This Policy prohibits Retaliation. For purposes of this Policy, Retaliation is defined as intimidating, threatening, coercive, or discriminatory action, inaction, conduct, or words, taken against a UMBC community member, for the purpose of interfering with any right or privilege secured by law or this Policy that is intended to discourage a reasonable person from engaging in a Protected Activity. Retaliation does not include petty slights and annoyances. Violations of a University issued No Contact Order and Retaliatory Harassment can constitute Retaliation under this Policy.

Protected Activity includes a UMBC community member's: good faith participation in filing, reporting, investigating, or resolving an alleged violation of this Policy; opposition to policies, practices, or actions that a UMBC community member has a good faith and reasonable belief are in violation of this Policy; providing assistance to another UMBC community member in filing or reporting an alleged violation of this Policy; or participation as a witness in an investigation of an alleged violation of this Policy. Protected Activity does not include unlawful activities such as acts or threats of violence.

2. Complicity

This Policy prohibits Complicity. For purposes of this Policy, Complicity is defined as any act that knowingly aids, facilitates, promotes, or encourages the commission of a violation of this Policy.

3. Violation of Interim Protective Measure and/or a Supportive Measure

This Policy prohibits Violations of Interim Protective Measures and/or Supportive Measures. For purposes of this Policy, Violation of an Interim Protective Measure and/or Supportive Measure is defined as intentional and knowing behavior/conduct in violation of any condition of an order issued by a University official. Violations of a University issued No Contact Order can constitute a Violation of an Interim Protective Measure and/or Supportive Measure under this Policy.

XI. University Employee Reporting Obligations

The University values the privacy of its students, faculty, and staff and will make every effort to respect and safeguard the information they share. Information related to a report made under this Policy will only be shared with others, on a limited need-to-know basis. However, pursuant to federal and state law, in some circumstances, certain UMBC community members have specific reporting obligations.

A. Responsible Employees Reporting/Referral Obligations

The University recognizes that some UMBC community members may be most comfortable disclosing information about an incident of Prohibited Conduct to someone they know. Many University employees have been designated as Responsible Employees.

For purposes of this Policy, a Responsible Employee is defined as including any UMBC community member who (1) has the authority to take action regarding Prohibited Conduct covered under this Policy; (2) is an employee who has been given the duty of reporting/referring Prohibited Conduct under this Policy; or (3) is someone another UMBC community member could reasonably believe has this authority or duty.

Responsible Employees are ***Non-Confidential*** which means they will safeguard the UMBC community member's privacy, however **they are required to immediately share the known details** of an incident of Prohibited Conduct (date, time, location, names of parties involved, description of the incident, etc.), to the Title IX Coordinator and other need-to-know University officials. Responsible Employees will try to ensure that any UMBC community member making a disclosure to a Responsible Employee, understands the Responsible Employee's reporting/referral obligations. Those identified below have been designated as Responsible Employees

- Title IX Coordinator;
- All Title IX Team Members;
- All employees in Human Relations;
- All employees in Human Resources;
- All employees in the Office of the General Counsel;
- All employees in the Office of Accessibility and Resources
- All University Police employees;
- All UMBC Administrators (President, Provost, Vice Presidents, Vice Provosts, Deans, Associate Deans, Directors, Department Chairs);
- All UMBC Supervisors (excluding Supervisory Confidential Resources);
- All UMBC Faculty (including Adjunct and Part-time);
- All UMBC Graduate Assistants;
- All UMBC Academic Advisors;
- All UMBC Athletic Coaches (including Volunteer Coaches) and Advisors;
- All UMBC Resident Assistants in residential housing; and
- All UMBC First Responders (excluding First Responders who are Confidential Resources).

B. Responsible Employees Failure to Report (Make Referral)

Some Responsible Employees may feel uncomfortable making reports/referrals to the University regarding disclosures of Sexual Misconduct and/or Interpersonal Violence. Nevertheless, it is imperative that all Responsible Employees abide by their reporting/referral obligations. Thus, any Responsible Employee who is found to have knowingly failed to make a report/referral to the Title IX Coordinator, regarding a known instance of Prohibited Conduct, is in violation of this Policy and may be subject to disciplinary action.

C. Confidential Resources

1. *Pastoral Counseling*: Professional, licensed, or ordained clergy, who provide pastoral counseling to members of the UMBC community at the University, are Confidential Resources.

INTERFAITH CENTER (IFC): (Only Pastoral Counselors at the IFC are Confidential Resources) Provides space for students, staff and faculty from all religious and spiritual backgrounds to meet, worship, discuss, and celebrate their individual and collective faiths and belief systems, 410.455.3657.

2. Professional Licensed Mental Health Providers: Professional, licensed mental health providers who provide mental-health counseling to members of the UMBC community, and also those who act in roles under the supervision of a licensed counselor, through the UMBC Counseling Center (for students) and the Employee Assistance Program (for employees) are Confidential Resources.

UMBC COUNSELING CENTER: Counseling and mental health services provided by licensed professionals (on-call after hours), including referrals to off-campus services for students, 410.455.2472.

UNIVERSITIES at SHADY GROVE CENTER FOR COUNSELING & CONSULTATION: Provides comprehensive counseling, psychological, and consultative services to the students, faculty, and staff at the Universities at Shady Grove campus, 301.738.6273.

INOVA EMPLOYEE ASSISTANCE PROGRAM: Provides counseling, support, and assistance for employees, 1.800.346.0110. TDD# for the hearing impaired, 1.877.845.6465. Access online resources and services, inova.org/eap.

3. Professional Licensed Healthcare Providers: Professional, licensed healthcare providers who provide medical care to members of the UMBC community, and other health providers who act in roles under the supervision of a licensed healthcare provider, through the University's Health Services, are Confidential Resources.

UMBC HEALTH SERVICES: Provides free medical exams, including STI/HIV and pregnancy testing for students by licensed professionals, 410.455.2542.

It is imperative to note that a Confidential Resource Employee may also function in a different capacity, such as a Non-Confidential Employee. For instance, a Professional Licensed Mental Health Provider may also administer a course at UMBC, functioning as a faculty member. In such instance, the employee's responsibility is dictated by their functioning job title at the time the report is received. In other words, a Professional Licensed Mental Health Provider will be considered as a Confidential Resource so long as they are functioning as a Professional Licensed Mental Health Provider, when receiving the report. If the professional is administering a class on campus when the report is received, they will be considered a Non-Confidential Employee while they function as a faculty member.

Notification to any of the Confidential Resources, identified above, does not constitute notice to the University nor does it trigger an obligation on the part of the University to investigate the alleged Prohibited Conduct.

D. Quasi-Confidential Resources

The University understands that some individuals may not be prepared to make a report to law enforcement or to the University. Therefore, in addition to Confidential Resources, the University has Quasi-Confidential Resources available to provide crisis support and/or advocacy services for UMBC community members affected by an incident of Prohibited Conduct. Conversations with these Quasi-Confidential Resources can remain confidential,

except, when there is an imminent or continuing threat to health or safety (as determined in the sole discretion of the University), there a disclosure of apparent or suspected abuse of a child or dependent adult, or other basis for disclosure, such as a legal obligation to reveal such information under enforceable court order. Otherwise, Quasi-Confidential Resources will report incidents of Prohibited Conduct under this Policy, but are not required to share any identifying information to the University's Title IX Coordinator.

1. Licensed Athletic Trainers, Non-Licensed Counselors, Non-Licensed Healthcare Providers (not covered above in section A), Members on the University's Title IX Resources Team, and/or Staff/Advocates who work or volunteer at the Counseling Center, University Health Services, or Women's Center are Quasi-Confidential Resources.

WOMEN'S CENTER: Advances gender equity and an inclusive campus climate through co-curricular programming, support services, and advocacy for marginalized individuals and communities and cultivates a survivor-responsive campus as a means to address sexual violence, 410.455.2714.

TITLE IX RESOURCES TEAM: Consists of a network of trained, and diverse campus volunteers, who work collaboratively to provide information about supports and resources and the University's process, to individuals (students, faculty, and staff) who have been subjected to Prohibited Conduct under the Policy and to individuals (students, faculty, and staff) who are reported to have engaged in Prohibited Conduct under the Policy. For an updated list and contact information for the Title IX Resources Team call 410.455.2870 or go to: <https://humanrelations.umbc.edu>

E. Disclosures to Others on Campus Not Designated as Confidential or Quasi-Confidential Resources or Responsible Employees

All members of the UMBC community are strongly encouraged to forward all information received about an incident of Prohibited Conduct to the Title IX Coordinator. However, if a UMBC community member witnesses or receives information about a child being abused or neglected, this information must be immediately reported, as explained in more detail under Section II. D of this Policy.

XII. Making a Report of Prohibited Conduct to the University

The University has a variety of welcoming and accessible ways for UMBC community members to raise concerns and report instances of Prohibited Conduct. While there are multiple reporting options available across the University, the University recognizes that centralized reporting to the **Title IX Coordinator/Human Relations Office**, is an important tool in addressing, ending, and preventing Prohibited Conduct under this Policy.

The University understands that at the time a report is made, the Reporting Party may only want to seek resources and support and may not be prepared to decide what steps in the process they want to take. Choosing to make a report and informing the University of the

Reporting Party's preferred method of addressing the report, can unfold over time as the process proceeds. The University recognizes that the decision whether or not to make a report of Prohibited Conduct is personal, and that there are many barriers and influences, both individual and societal, to reporting. A Reporting Party can choose to pursue both a report under this Policy and a criminal investigation at the same time.

Anonymous reports of Prohibited Conduct can be made with the University without disclosing one's name and without identifying the Responding Party or requesting any action. Based upon the amount of information provided about the incident and the UMBC community members involved, the University's response to an anonymous report may be limited.

XIII. Reporting Party Requests for Confidentiality or No University Action

A Reporting Party may request that their identity is not disclosed to anyone else, including the Responding Party **or that the University not investigate or take action**. While such requests may limit the University's ability to address and respond to the reported Prohibited Conduct, in consultation with the Title IX Coordinator, the requests will be taken into consideration and weighed against the University's responsibility to provide a safe and non-discriminatory environment for all UMBC community members. However, the University will endeavor to honor any request, whenever possible, considering the totality of the circumstances, by considering factors, including but not limited to:

- The nature and scope of the alleged Prohibited Conduct, including, but not limited to, whether the reported Prohibited Conduct involved the use of a weapon or force;
- The risk posed to any individual or to the members of the UMBC community by not proceeding, including the risk of additional violence;
- Whether there have been other reports of misconduct, including but not limited to reports of Prohibited Misconduct, filed against the Responding Party;
- Whether the report reveals a pattern of misconduct, including but not limited to Prohibited Conduct, at a given location or by a particular group;
- The Reporting Party's wish to pursue disciplinary action;
- Whether the University possesses other means to obtain relevant evidence;
- Considerations of fundamental fairness and due process with respect to the Responding Party should the course of action include disciplinary action against the Responding Party; and
- The University's obligation to provide a safe and non-discriminatory environment.

The University will promptly notify the Reporting Party whether the request can be honored, and, if not, the reasons why it cannot be honored and discuss any appropriate Interim Protective Measures and/or Supportive Measures. In certain cases, the University must move forward as it sees appropriate where the University has an obligation to move forward, for example, where there appears to be a continuing threat to an individual or the UMBC community, as determined in the sole discretion of the University.

The University's ability to respond to, fully address, and/or investigate a report may be limited if the Reporting Party requests, and the University grants a request, that their name not be

disclosed to the Responding Party or where a Reporting Party declines to participate in the process.

XIV. Time Frame for Resolution³

The University will generally seek to resolve every report of Prohibited Conduct within sixty (60) calendar days after receiving the report, excluding any appeal. There may be circumstances that prevent the University from meeting the sixty (60) calendar day timeline. The time frame may be extended by the University for good cause, as determined on a case-by-case basis, as necessary to ensure the integrity and completeness of an investigation, comply with a request by law enforcement, reasonably accommodate the availability of witnesses, reasonably accommodate delays by the parties, account for University closures, or address other legitimate reasons, including the complexity of the investigation (e.g. the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged Prohibited Conduct. When the University is unable to meet the sixty (60) calendar day timeline, the Parties will receive written notice regarding the extended time frame.

XV. Reporting a Crime to Law Enforcement

Prohibited Conduct, particularly Sexual Violence, may be a crime. The University will assist Reporting Parties who wish to report Prohibited Conduct to law enforcement authorities, including University Police. Representatives of the Human Relations/Title IX Office, Title IX Resources Team members, Women's Center, and Student Conduct & Community Standards are available to assist students, faculty, and staff in reporting to law enforcement, including the University Police.

Reporting Parties have the right to notify/contact law enforcement, including the University Police, Baltimore County Police Department, or law enforcement authorities in other jurisdictions, as well as the right to decline notifying/contacting law enforcement. University Police can assist Reporting Parties in notifying law enforcement authorities in other jurisdictions, as appropriate.

Upon receipt of a report of Prohibited Conduct that may constitute a crime, University Police will advise the Reporting Party that in addition to making a criminal report, they also have the right to make a report with the University and engage the University's informal and/or formal processes under this Policy and applicable Procedures. In addition, as Responsible Employees under this Policy, University Police who receive any type of report of Prohibited Conduct, whether it rises to the level of a crime or not, shall promptly notify the University's Title IX Coordinator.

XVI. Co-Occurring Criminal Investigation

³ Pursuant to the United States Department of Education Office for Civil Rights, September 2017 Q&A on Campus Sexual Misconduct (in effect at the time of publishing this Policy), a "prompt" investigation will be evaluated based upon a school's good faith effort to conduct a fair, impartial investigation in a timely manner designed to provide all parties with resolution."

Reports of Prohibited Conduct and related internal University processes may occur prior to, concurrent with, or following criminal proceedings off campus. The filing of a report of Prohibited Conduct under this Policy is independent of any criminal investigation or proceeding, which means a report made to law enforcement, does not preclude a person from proceeding with a complaint under this Policy. Because the standards for a violation of criminal law are different from the standards under this Policy, criminal investigations and proceedings are not determinative of whether a violation of this Policy has occurred. In other words, conduct may violate this Policy even if law enforcement agencies or local prosecutors decline to prosecute.

The University is required to conduct an investigation in a timely manner, which means in most cases, the University will not wait until a criminal investigation or proceeding is concluded before conducting its own investigation or implementing Interim Protective Measures and/or Supportive Measures, to protect the safety of the Reporting Party and/or the entire UMBC campus community, if necessary. However, at the request of law enforcement, the University's investigation may be delayed temporarily, during the initial evidence gathering stage of the criminal investigation, as long as the delay does not inhibit the University's ability to respond to the Prohibited Conduct in a prompt manner. If such a request is made, the University Police will submit the request in writing to the Title IX Coordinator, and the Reporting Party and Responding Party will be notified. In addition, when possible, in cases where there is a co-occurring criminal investigation by University Police, Baltimore County Police Department, or the local prosecutor's office, the University will work collaboratively and supportively with each respective agency within the parameters outlined above, and consistent with the University's MOU(s) with Baltimore County Police Department.

XVII. Preservation of Evidence

Seeking assistance promptly may be important to ensure physical safety, to obtain medical care, or for other support including assistance with peace/protective orders. It may also be important for the preservation of relevant evidence, particularly forensic evidence. Consider taking steps to preserve physical evidence-by refraining from showering, bathing, eating or drinking, brushing teeth or gargling, changing clothes, urinating or defecating, brushing or combing hair, or smoking. Clothing worn at the time of the incident should not be washed and placed in a paper bag "as is" and taken to the hospital. Text messages, records of phone calls, emails, pictures, notes, and gifts can all be pertinent pieces of evidence.

XVIII. Nearest Hospitals to UMBC's Campus to obtain a SAFE:

If you are in danger or need immediate medical care – CALL 911. If possible, quickly get to a safe place. You can go to an emergency room or SAFE (Sexual Assault Forensic Exam) program. A SAFE exam allows for the collection of evidence, documenting injuries, and can ensure physical evidence is preserved in the event of a report to law enforcement. A SAFE exam should occur 120 hours (5 days) after the incident. Completing a SAFE does not require that a police report is filed or that a report to the University is made.

If needed, free transportation to obtain a SAFE can be arranged through contacting the Title IX Coordinator at 410.455.1606, University Health Services at 410.455.2542, or the Women's Center at 410.455.2714. For after-hours requests, free transportation can be provided by calling the UMBC Police at 410.455.5555 (no charges/reports need to be filed with the UMBC Police to access this free transportation service).

The nearest hospital to UMBC's campus to obtain a SAFE:

Saint Agnes Hospital (approx. 3.6 miles)
900 South Caton Avenue
Baltimore, MD 21229
24/7 Emergency Department 667.234.6000

The nearest hospital(s) to UMBC's campus with SAFE Program's to obtain a SAFE:

Mercy Medical Center (9.4 miles)
345 St Paul Pl.
Baltimore, MD 21202
Forensic Nurse Examiner Program 410.332.9494
www.bmoresafemercy.org

Howard General Hospital (approx. 16 miles)
5755 Cedar Lane Hospital
Columbia MD, 21044
Emergency Room and SAFE Program: 410.740.7778

Greater Baltimore Medical Center (approx. 20 miles)
6701 N. Charles Street
Towson, MD 21204
24/7 Emergency Department: 443.849.2225
www.gbmc.org/safe

The nearest hospital to Universities at Shady Grove campus to obtain a SAFE:

Adventist Healthcare Shady Grove Medical Center (approx. 1 mile)
9901 Medical Center Drive
Rockville, MD 20850
Forensic Medical Unit: 240.826.6000

XIX. Student Rights (Reporting Party and Responding Party)

Throughout the process, student parties will be afforded the following rights:

- Treatment with dignity, respect, and sensitivity by institution officials during all phases of the disciplinary proceedings;
- A fair and impartial investigation; and

- Disciplinary proceedings and resolutions that are prompt and equitable and provide an opportunity for the parties to be heard;

Timely written notice of:

- The reported violation, including the date, time and location, if known, of the alleged violation, and the range of potential sanctions associated with the alleged violation;
- The party's rights under this policy and procedures and information regarding other civil and criminal options;
- The date, time, and location of each hearing, meeting, or interview that the party is required or permitted to attend;
- A final determination made by the adjudicating official or body regarding whether a policy violation occurred and the basis for the determination;
- Any sanction imposed, as permitted by law; and
- The rights to appeal and a description of the appeal process;

Participation in the disciplinary proceedings, including:

- Access to the case file and evidence regarding the incident obtained by the institution during the investigation or considered by the adjudicating official or body, with personally identifiable or other information redacted as required by applicable law;
- An opportunity to be heard through the process;
- An opportunity to submit evidence, witness lists, and suggest specific questions to be posed to the other party involved in the disciplinary process;
- An opportunity to participate without being required to be in the physical presence of the other party;
- An opportunity to review and provide written responses to reports and proposed findings; and
- An opportunity to appeal a determination or sanction;

Assistance by an Advisor who may be a licensed attorney, an advocate supervised by an attorney, or a trained advocate throughout the disciplinary proceedings, including by the attorney or advocate's:

- Attendance at hearings, meetings, and interviews with the party;
- Private consultations with the party during meetings and interviews, except during questioning of the party at a hearing;
- Assistance with the party's exercise of any right during the disciplinary proceedings; and
- Notwithstanding whether a student accesses counsel paid for by the Maryland Higher Education Commission (MHEC), the presence of no more than two people, including a personal supporter of the party's choice, an attorney, or an advocate, at any hearing, meeting, or interview during the disciplinary proceedings;

Notice, before the start of the disciplinary proceedings, of:

- The student's right to the assistance of an attorney or an advocate;
- The legal service organizations and referral services available to the student; and
- The student's right to have a personal supporter of the student's choice at any hearing, meeting, or interview during the disciplinary proceedings;

Mediation or other informal mechanisms for resolving a complaint if:

- A Reporting Party student requests an informal mechanism;
- All parties to the complaint, and the institution, agree to the use of the informal mechanism;
- The institution participates in the informal mechanism by providing trained staff;
- Either party has the opportunity to end the informal mechanism at any time in favor of a formal resolution proceeding; and
- The alleged misconduct does not involve Sexual Assault or Sexual Coercion.

XX. Student Rights to an Attorney paid for by MHEC

- The Policy permits a current or former student who makes a complaint or responds to a complaint on which a formal Title IX investigation is initiated, and who was enrolled as a student at the institution at the time of the incident that is the basis of the complaint, to access counsel paid for by the Maryland Higher Education Commission (MHEC), unless the student knowingly and voluntarily chooses not to have counsel, and provides that in accordance with the Code of Maryland Regulations (COMAR) 13B.09.01;
- A student may obtain from MHEC, through MHEC's website, a list of licensed attorneys and legal services programs who have indicated that they will represent such students in Title IX proceedings on a pro bono basis or for reduced legal fees;
- A student may select and retain an attorney from the MHEC list, at any time, before the conclusion of the formal Title IX proceedings; and
- A student's attorney may seek reimbursement of certain legal costs and fees from MHEC's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding.

XXI. Disciplinary Actions or Sanctions

This Policy prohibits a broad range of conduct, which is serious in nature. In keeping with the University's commitment to fostering an environment that is safe, respectful, inclusive, and free of Prohibited Conduct, this Policy allows for wide latitude in the imposition of disciplinary actions or sanctions and/or conditions tailored to the facts and circumstances of each report, the impact of the Prohibited Conduct on the Reporting Party and surrounding UMBC community members, and accountability for the Responding Party. The imposition of disciplinary actions (in employment context) or sanctions (in educational context) are designed to eliminate Prohibited Conduct under the Policy, prevent its recurrence, and remedy its effects, while supporting the University's mission and federal obligations. Disciplinary actions or sanctions may include educational, restorative,

rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, so harmful to the individuals involved and the entire UMBC community, or so deleterious to the educational or working environment, that it requires severe disciplinary action, up to and including termination from the University or severe sanctions, up to and including dismissal from the University.

Disciplinary actions which may be imposed on faculty, staff, and student employees in the employment context, can include, but are not limited to the following: no contact orders, letter of reprimand, censure, service to the University, counseling, retraining, transfer, demotion, suspension, and/or termination.

Sanctions which may be imposed on students in the academic context, can include, but are not limited to the following: no contact orders, housing restrictions (including removal from on-campus housing), community service, educational requirements, written warning, reprimand, probation, suspension, and/or dismissal. Further, the University reserves the right to delay or refuse the conferring of an academic degree—undergraduate or graduate—during the pendency of an investigation.

Individuals who commit certain Prohibited Conduct in violation of federal, state, or local law may also be subject to criminal charges and penalties.

XXII. Conditions

In certain circumstances, even when there are no disciplinary actions or sanctions imposed, the University reserves the right to impose certain conditions, similar to the Interim Protective Measures and/or Supportive Measures, upon any party who is subject to this Policy. These conditions are designed to prevent any Prohibited Conduct under the Policy, cultivate a safe academic and employment environment, and maintain public order on campus, while supporting the University’s mission and federal obligations. These conditions are not disciplinary actions or sanctions.

XXIII. Exceptions for Public Disclosures of Prohibited Conduct and Certain Research-Based Disclosures

Disclosures in the following categories shall not be considered notice to the University of Prohibited Conduct for the purpose of triggering its obligation to address and/or investigate any particular incident(s):

A. Public Disclosures

Public disclosures include disclosures of incidents of alleged Sexual Misconduct during or in connection with public awareness events such as “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs,” or other forums. Although such disclosures do not constitute notice to the University of Sexual Misconduct for purposes of triggering its obligation to investigate any particular incident(s), such disclosures may inform the need for campus-wide education and prevention efforts, and the University will provide information at these events about UMBC community

members' Title IX rights and about available University and community resources and support services.

B. Certain Research-Based Disclosures

Research-based disclosures include disclosures of incidents of alleged Sexual Misconduct made by a University student during such student's participation as a subject in an Institutional Review Board-approved human subject's research protocol. Institutional Review Boards may, however, in appropriate cases, require researchers to provide information to all subjects of a study about their Title IX rights and about available University and community resources and support services.

XXIV. Clery Act Compliance and Release of Information

In handling reports related to Prohibited Conduct, the University remains responsible for complying with the requirements of the Crime Awareness and Campus Security Act of 1990 ("Clery Act") and its amendments. The University will comply with Clery Act requirements, including crime recording and reporting requirements, where compliance is not otherwise reached by actions under this Policy.

Pursuant to the Clery Act, anonymous statistical information regarding reported criminal incidents must be shared with the UMBC Police Department for inclusion in the daily crime log. This information will be included in the University's Annual Security Report and the University may also share aggregate and non-personally identifiable data about reports, outcomes, and sanctions.

XXV. Agreements with Local Law Enforcement and Rape Crisis Programs

UMBC has formalized agreements with (1) Baltimore County Police Department, and (2) TurnAround, Inc. The agreement with Baltimore County Police Department complies with Title IX and outlines when the University will refer a matter to the Baltimore County Police Department. The agreement with TurnAround, Inc., formalizes a commitment to provide trauma-informed services to Reporting Parties of sexual assault and to improve the University's overall response to sexual assault.

XXVI. University Sexual Assault Climate Survey

On or before March 1, 2016, and at least every two (2) years thereafter, the University will administer a Sexual Assault campus climate survey to students, using nationally recognized best practices for research and climate surveys, in accordance with the procedures set by the Maryland Higher Education Commission (MHEC). On or before June 1, 2016, and at least every two (2) years thereafter, the University shall submit to MHEC a report in accordance with the requirements set forth in Md. Code Annotated, Education Article, Section 11-601(g).

XXVII. Complaint Procedures for Responding to Reports of Prohibited Conduct

Standard of Review: The standard of review for all complaints based on an alleged violation of this Policy is preponderance of the evidence. This is the same standard of review that is used in other student disciplinary proceedings at UMBC and for reported violations of the student Code of Conduct.

Procedures for Reports of Prohibited Conduct against Students: Reports alleging Prohibited Conduct by students under this Policy shall be reviewed in accordance with the Procedures for Reporting and Responding to Reports of Sexual Misconduct, Interpersonal Violence, and Other Related Misconduct when the Responding Party is a Student.

Procedures for Reports of Prohibited Conduct against Staff: Reports alleging Prohibited Conduct by staff under this Policy shall be reviewed in accordance with the Procedures for Reporting and Responding to Reports of Sexual Misconduct, Interpersonal Violence, and Other Related Misconduct when the Responding Party is Staff.

Procedures for Reports of Prohibited Conduct against Faculty: Reports alleging Prohibited Conduct by faculty under this Policy shall be reviewed in accordance with the Procedures for Reporting and Responding to Reports of Sexual Misconduct, Interpersonal Violence, and Other Related Misconduct when the Responding Party is Faculty.

Procedures for Reports of Prohibited Conduct against Non-UMBC Interns, Contractors, Volunteers, Guests, Visitors, and/or Other Third Parties: If a member of the UMBC community is subjected to Prohibited Conduct under this Policy by a Non-UMBC intern, contractor, volunteer, guest, visitor, or other third party, the University can/may request that a formal letter be issued to deny their access to the University. The University is authorized to deny campus access to third-parties who engage in disruptive behavior under Maryland State Law, §§ 26-101 and 26-102, Education Article, Annotated Code of Maryland.

XXVIII. Educational and Prevention Programs and Training

The University's Division of Student Affairs, Women's Center, Counseling Center, University Health Services, Office of Human Relations, Human Resources, and other campus partners offer educational programs to promote the awareness and prevention of incidents of Prohibited Conduct. The educational programs include, but are not limited to, overviews of what constitutes Prohibited Conduct; the University's Sexual Misconduct Policies and Procedures; discussion of the impact of alcohol and drug use; understanding consent; and safe and positive options for bystander intervention.

Also, all persons involved in any way in responding to, investigating, or adjudicating reports involving Prohibited Conduct, including but not limited to, the Title IX Resources Team, Board of Review members, Responsible Employees, law enforcement, pastoral counselors, counselors, health professionals, Resident Assistants, and on-campus advocates, must have annual training in receiving, reporting and handling reports of

Prohibited Conduct; must be familiar with the University's procedures; and must understand the parameters of confidentiality.

XXIX. Record Keeping

The University will keep records of Prohibited Conduct matters, including, but not limited to records of any (1) complaints/ reports of Prohibited Conduct; (2) investigation, adjudication and resolution of complaints; (3) training (including, but not limited to, lists of trainees, training dates and content); and (4) related surveys and reports. Records will be maintained under this Policy in order to track patterns and systematic behaviors.

XXX. Related University Policies and Regulations

- University of Maryland, Baltimore County Policy on Amorous and Sexual Relationships, Revised July 1, 2004
- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)⁴

XXXI. External Reporting Agencies

In addition to or as an alternative to the University's procedures for reporting Prohibited Conduct, reports of Prohibited Conduct, may be filed with the following agencies:

Office for Civil Rights
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Phone: 215.656.8541
Fax: 215.656.8605
TDD: 1.800.877.8339
Email: OCR.Philadelphia@ed.gov
Website: http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

Equal Employment Opportunity Commission (EEOC)
City Crescent Building
10 S. Howard Street, Third Floor
Baltimore, Maryland 21201
Phone: 1.800.669.4000
Fax: 410.962.4270

⁴ The Family Educational Rights and Privacy Act ("FERPA") affords students privacy rights with respect to their education records. Under FERPA, UMBC cannot disclose its students' educational records to anyone other than the student—not even to the student's parents—without the student's written authorization. For more information, please visit <http://ogc.umbc.edu/ferpa-rights-notification/> or <http://www2.ed.gov/policy/gen/guid/fpc/ferpa/index.html>.

TTY: 1.800.669.6820
Website: www.eeoc.gov

Maryland Commission on Civil Rights (MCCR)
William Donald Schaefer Tower
6 St. Paul Street, Ninth Floor
Baltimore, Maryland 21202
Phone: 410.767.8600
Fax: 410.333.1841
TTY: 410.333.1737
Website: www.mccr.maryland.gov

- Individuals who wish to file complaints with these external agencies should make contact as soon as possible, to verify any applicable filing time limits and deadlines.