

ST MARY'S

COLLEGE *of* MARYLAND

The Public Honors College

2016

ANNUAL SECURITY

AND

FIRE SAFETY REPORT





C O N T E N T S	P A G E
Introduction	4
The Office of Public Safety	4
Working Relationship with Local Law Enforcement	5
Reporting Crimes and Emergencies	5
Additional Resources	6
Voluntary Confidential Reporting Options	7
Timely Warning Policy	9
Emergency Response, Evacuation Procedures, and Immediate Notification Policy	11
Blackboard Connect	12
Run, Hide, Fight - Active Shooter Protocol	12
Medical Emergencies	14
Local Law Enforcement Monitoring of Off Campus Student Organizations	14
Security of and Access to Campus Facilities	14
Residential Facilities	14
Non-Residential Facilities	15
Maintenance of Campus Facilities	15
Safety Education and Safety Programs	15
New Student Meetings	15
Safety Week	15
Safety Escort Program	16
Property Registration Program	15
Rape Aggression Defense Program	16
Alcohol Policy	17
Medical Amnesty and Good Samaritan Policy	18
Drug Free Schools and Communities Act of 1989	19
Illegal Drug Policy	19
Missing Students	21
HEOA Victim Notification	22
Sex Offender Registry	22
Sexual Misconduct	23
Definitions under the Violence against Women Act	23
Definitions under Maryland Law	24
Consent	26
Purpose for which the definition of consent is used	28
Bystander Intervention	28
Awareness Programs and Training	29
Reporting options	29
What should you do if you are the victim of sexual Misconduct?	30
Victim Information	30
Confidentiality	31
Disciplinary Proceedings	31
Interim Measures, Remedies, and Accommodations	32
Retaliation	34



St. Mary's College of Maryland procedures to resolve complaints of sexual misconduct against a student	34
Overview	34
Initial Assessment	35
Complainants Request not to pursue investigation or adjudication	36
Confidentiality of complaints and reports	37
Interim Measures and resources	38
Advisors and Attorneys	38
Resolution	39
Appeals	48
Records	51
The Family Education Rights and Privacy Act	52
Formal Resolution: Resolving Complainants against a College Employee, Volunteer, or Contractor	52
Overview	52
Initial Assessment	53
Informal Resolution	53
Investigation	54
Formal Resolution	55
Notice of Decision	55
Rights to Appeal	55
Addendum	56
Safety Tips	57
Blue Light Emergency Phone	58
Defining and Classifying Crimes	59
Statistics for Crimes Reported to St. Mary's College of Maryland	61
2015	61
2014	63
2013	65
Reporting Entities	66
2016 Fire Safety Report	67



INTRODUCTION

This document is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) and the Higher Education Opportunity Act (HEOA). These two acts along with periodic updates and reauthorizations mandate that institutions of higher education provide specific information. The information in this report includes policies, crime statistics for the previous 3 years, fire statistics for the previous 3 years, safety tips, emergency phone numbers and an overview of some of the programs offered by St. Mary's College of Maryland (the College). The annual statistics are prepared by collecting crime data from the College's Office of Public Safety, the Office of Student Affairs, and other Campus Security Authorities. In addition to information provided by on-campus reporters, the Office of Public Safety also requests crime statistics for specified geographic locations from local law enforcement agencies. After the crime statistics are compiled, they are included in this Annual Security and Fire Report and submitted to the Department of Education. This report includes crime statistics from January 1, 2013 to December 31, 2015

THE OFFICE OF PUBLIC SAFETY

St. Mary's College of Maryland's Office of Public Safety provides campus safety and security for the College. Full Time Public Safety Officers, along with full- and part-time trained dispatchers, provide a variety of services to the College community on a 24-hour basis. The office may employ and train students to perform dispatch services to supplement Public Safety operations. The primary goal of the Office of Public Safety is to provide the highest level of service and safety. The Office of Public Safety's mission is to protect life and property, deter and prevent crime.

The Office of Public Safety consists of both Commissioned and Non-Commissioned Public Safety Officers. Commissioned Public Safety Officers are sworn Law Enforcement Officers under the Maryland Special Police Commission act. Commissioned Public Safety Officers have the authority to detain and arrest on the property of St. Mary's College of Maryland, Historic St. Mary's City, and Trinity Church. Non-Commissioned Public Safety Officers do not have the authority to arrest but do have the authority to detain. The Office of Public Safety works in collaboration with local law enforcement agencies when it receives reports of criminal activity.

The varied needs of the diverse college community are served through a commitment to education and training. Public Safety Officers are uniformed in navy blue battle dress uniform (BDU) pants and a navy blue polo shirt with a badge patch and insignia with their name on it. Public Safety Officers do not carry firearms, however are trained in the use of and carry the following defensive tools on their person: expandable batons, defensive chemical spray, and handcuffs.

The Office of Public Safety derives its enforcement authority from Maryland Law, the Maryland Education article and the Board of Trustees. All Public Safety Officers enforce the Policies of St. Mary's College of Maryland as well as Local, State and Federal Law.



The official patrol jurisdiction of the Office of Public Safety is:

- St. Mary's College of Maryland Property
- Historic St. Mary's City Property
- Trinity Church Property

Public roads:

- Maryland Route 5 also known as Point Lookout Road (from 17340 Point Lookout Road to Bauer Road)
- Maryland Route 584 also known as Trinity Church Road and Old State House Road
- Mattapany Road (from Maryland Route 5 to 48010 Mattapany Road)
- Rosecroft Road (from Maryland Route 5 to Lucas Cove Road)
- Lucas Cove Road (from Rosecroft Road to Dutchmans Drive)

Public Safety Officers participate in an initial field training program for up to 6 weeks and they attend the Public Safety Officer Academy at Anne Arundel Community College. Additional internal training as a department as well as training with other Law Enforcement agencies regionally is conducted on an ongoing basis.

WORKING RELATIONSHIPS WITH LOCAL LAW ENFORCEMENT

St. Mary's College of Maryland's Office of Public Safety maintains a close working relationship with local law enforcement agencies including the St. Mary's County Sheriff's Department, Maryland State Police Leonardtown Barracks, Maryland Department of Natural Resources Police, and the Maryland Fire Marshal. The Office of Public Safety cooperates fully with federal, state and local law enforcement agencies in cases involving both on-campus and off-campus jurisdiction or when the resources of another agency can be used to facilitate the resolution of an investigation.

The Office of Public Safety and the St. Mary's County Sheriff's Department have a Memorandum of Understanding which formalizes the relationship for investigating alleged criminal activity, sharing patrol, providing additional resources, training, and other law enforcement related activities.

REPORTING CRIMES AND OTHER EMERGENCIES

Anyone who is the victim of a crime or witnesses any criminal activity or who is involved in any other emergency situation should notify the Office of Public Safety as soon as possible by dialing (240) 895-4911 or x4911 from any on campus phone, or using one of the emergency blue light phone call boxes.

Upon receiving a report of a crime or emergency, the Office of Public Safety will make contact with the person making a report and gather the facts of the incident. Once the facts are documented, an investigation will begin, if deemed appropriate by the office and / or other partnering offices and agencies. The Office of Public Safety will notify local law enforcement to assist if the need arises, the Director of Public Safety deems it appropriate, or the victim of a crime requests assistance in contacting local law enforcement. Reported Crimes and incidents made to the Office of Public Safety are documented in a written incident report. Reports involving alleged violations of college policies or Maryland law committed by students will be referred to the Office of Student Conduct for review under the Student Code of Conduct, or in the case of sexual misconduct reports, under the Sexual Misconduct Policy...



Off-campus crimes may be reported to the St. Mary's County Sheriff's Office by calling (301) 475-8008 or the Maryland State Police Leonardtown Barracks at (301) 475-8955. In emergency situations, law enforcement agencies or fire and medical services can be reached by dialing 911.

Crimes involving Sexual Misconduct including sexual violence, sexual assault, relationship violence, sexual exploitation, or stalking may be reported directly to Title IX coordinator Michael Dunn by phone at (240) 895-4105 or x4105 from any campus phone, in person at Glendening Hall 254, or by email at mkdunn@smcm.edu or titleix@smcm.edu

- The Title IX Coordinator is responsible for overseeing the college's response to all reports of sexual misconduct including sexual harassment, sexual violence, sexual assault, sexual exploitation, stalking, and relationship violence in the St. Mary's College of Maryland community. The Title IX Coordinator, investigators and adjudicators are trained in College policies and procedures as well as relevant state and federal laws and are available to advise any individual, including complainants, respondents, or third parties about the College's policy, options, and resources. The Title IX Coordinator is also responsible for training, prevention, and education efforts and periodic reviews of climate and culture. The Title IX Coordinator is assisted the Title IX Team, which includes members of the: Vice President for Student Affairs/Dean of Students, the Office of Public Safety, and the Wellness Center..

ADDITIONAL RESOURCES

St. Mary's College of Maryland strongly encourages all victims or witnesses to report all crimes to the Office of Public Safety in an accurate or prompt manner when the victim elects to or is unable to make such report. All reports to Public Safety will be evaluated for a timely warning and for inclusion in the annual crime statistics. Public Safety can be contacted at (240) 895-4911 or x4911 from an on campus phone.

The College also provides additional resources for victims to report crimes. Reports to the Office of Public Safety, the Title IX Coordinator, Office of Student Conduct, Dean of Students, or any other Campus Security Authority will be evaluated for a timely warning and for inclusion in the annual crime statistics.

Office of Student Conduct:
(240) 895-3181, Campus Center 150, studentconduct@smcm.edu

- The Office of Student Conduct coordinates all on-campus hearings for violations of the Student Code of Conduct except for violations of the Policy against Sexual Misconduct which are handled through the Office of the Title IX Coordinator. Students can report incidents directly to the Student Conduct Officer if they desire to pursue a student conduct hearing. The Student Conduct Officer can also connect students to on- and off-campus resources.



**Vice President for Student Affairs and Dean of Students:
(240) 895-4208, Campus Center 143**

- The Office of the Vice President for Student Affairs and Dean of Students oversees Residence Life, Public Safety, Counseling Services, Health Services, Student Activities and the Office of Student Conduct. The VP for Student Affairs and Dean of Students can provide options and resources for students as well as assist with a variety of accommodations.

VOLUNTARY CONFIDENTIAL REPORTING OPTIONS

The St. Mary's College of Maryland Policy on Sexual Misconduct provides for voluntary confidential reporting options for the purposes of Title IX compliance. However under the Clery Act, federal law requires some individuals be identified as Campus Security Authorities or CSAs. The decision to identify these individuals as CSAs is made by the Department of Education guidelines or by St. Mary's College of Maryland. CSAs are required to report to the Office of Public Safety certain information on crimes reported to them. CSAs include College employees who have significant responsibility for student and campus activities. Additional information regarding CSAs can be found in the College's Timely Warning Policy, included herein. Examples of CSAs at the College include, but are not limited to:

- Dean of Students
- Director of Athletics, all athletic coaches
- Faculty advisors to student groups or clubs
- Resident Advisors or Assistants
- Title IX Coordinator
- Director of the Wellness Center
- Public Safety officers

Personally identifying information on persons involved in a crime can be withheld from the CSA report at the request of the victim. CSAs are required to provide the following information to the Office of Public Safety about all crimes and incidents that were reported to them

- What crime occurred
- Where the crime occurred
- When the crime occurred
- When the crime was reported to the CSA

This information must be provided to the Office of Public Safety by CSAs in a timely manner so that it can be reviewed for a possible Timely Warning Notice (informing the community about a possible ongoing threat) and so that the reports can be included in the annual crime statistics.

Individuals identified by the college as voluntary confidential reporting options may also be required to provide data on reported crimes of sexual misconduct to the Title IX Coordinator.



PROFESSIONAL AND PASTORAL COUNSELORS

When acting within the scope of their employment, licensed professional and pastoral counselors are not considered to be Campus Security Authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. Accordingly, professional and pastoral counselors are confidential resources and may not disclose information shared with them, unless there is an immediate danger to self or others or a suspicion of child abuse.

St. Mary's College of Maryland does not have a policy that requires professional counselors to inform persons being counseled of the procedures to report crimes on a voluntary (confidential) basis for inclusion into the annual crime statistics.

A “**professional counselor**” is a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

A “**Pastoral counselor**” is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

St. Mary's College of Maryland does not currently have any recognized “pastoral counselors.”

REPORTING OPTIONS

The following are available voluntary confidential reporting options:

SMCM Sexual Misconduct Advocacy and Resource Team (SMART): (301) 904-2015

- Available 24/7 via phone or text message while students are on campus SMART is a group of students specially trained in sexual misconduct crisis response protocols who provide on-call services 24 hours a day, 7 days a week when school is in session. SMART can be reached at (301) 904-2015 by calling or text message. SMART can assist with reporting options, advocacy, on- and off-campus resources, and accompaniment to the hospital, prevention and education. While Members of SMART are confidential under the SMCM Sexual Misconduct Policy members of the SMART team are CSAs under Clery and are required to share CSA info with Public Safety in a timely manner. Students can elect to remain anonymous by not sharing personally identifiable information about themselves or other involved parties with the SMART or Public Safety. All reports to SMART will be shared with the Sexual Assault/Wellness Advocate. Aggregate data of all reports received will be shared with the Title IX Coordinator.



Sexual Assault/Wellness Advocate: (240) 895-4289

- The Sexual Assault/Wellness Advocate is available through Counseling Services at (240) 895-4289. This staff member can provide students with referrals, support, and advocacy during the student conduct hearing process, and other resources. The Sexual Assault/Wellness Advocate works with the Title IX Coordinator to provide sexual misconduct prevention education. While the Sexual Assault/Wellness Advocate is confidential under the SMCM Sexual Misconduct Policy the Sexual Assault/Wellness Advocate is a CSA under Clery and is required to share CSA info with Public Safety in a timely manner.

Counseling and Psychological Services: (240) 895-4289

- Counseling Services has professionally trained clinicians to offer advocacy, support, therapy, and guidance. Counselors are available to provide advocacy to students and connect them to other resources on and off campus. Any names and information shared with a counselor will not be shared with any other campus office/personnel except when there is an immediate danger to self or others or a suspicion of child abuse

TIMELY WARNING POLICY

PURPOSE

The purpose of this directive is to provide clear guidelines for the issuance of Timely Warnings in accordance with the Jeanne Clery Act (Clery Act).

POLICY

St. Mary's College of Maryland may issue a Timely Warning to the College community whenever a report of a Clery reportable crime or other serious crime is reported to the Office of Public Safety or a Campus Security Authority if the incident presents a serious or ongoing threat. The Office of Public Safety is responsible for writing the content of the Timely Warning Notice and distributing it to the campus community.

DEFINITIONS

Timely Warning: The Clery Act requires all colleges and universities to alert the campus community to certain crimes that may represent an ongoing threat to the safety of students or employees in a manner that is timely and will aid in the prevention of similar crimes.

Clery Reportable Crimes: Crimes that are reported to Campus Security Authorities and are committed on college reportable geography. Clery reportable crimes are:

- Criminal Homicide, including Murder, Non-negligent Manslaughter and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.



- Hate Crimes include any of the above mentioned criminal offenses and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias.
 - Violence Against Women Act (VAWA) Offenses include incidents of Domestic Violence, Dating Violence and Stalking; and
 - Arrests and Referrals for Weapons Law, Liquor Law and Drug Law violations.
- Other Serious Crime: The College, in its discretion, may issue timely warnings for other crimes it deems pose an ongoing threat to the safety of student or employees, regardless of whether it is a Clery Reportable Crime.

Campus Security Authority: A Clery Act specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities.

PROCEDURE

I. Decision to Issue

a. All decisions on whether or not a Timely Warning is issued shall be made on a case-by-case basis, considering the facts surrounding a crime including:

- i. The nature of the crime.
- ii. The continuing danger or threat to the campus community.
- iii. The amount of time that has elapsed between the occurrence and report.
- iv. Whether the identity of the offender(s) is known.
- v. The possible risk of compromising law enforcement efforts.
- vi. The decision shall be made by the Director of Public Safety or his/her designee.

b. A Timely Warning will be issued as soon as pertinent information is available and within a reasonable amount of time.

II. Determining the Content of the Timely Warning

a. The content of the timely warning is intended to enable members of the campus community to protect themselves, and may include, but will not necessarily be limited to:

- i. A succinct statement of the incident including the date, time, general location and nature of the reported crime(s);
- ii. Possible connection to previous incidents;
- iii. A physical description of the suspect(s);
- iv. A photo or composite drawing of the suspect(s);
- v. Other relevant and important information about the crime(s);
- vi. Actions taken by the Office of Public Safety and/or law enforcement



- officials in response to the crime(s);
- vii. Information on crime prevention, personal safety or other community safety resources; and
- viii. How to contact the Office of Public Safety regarding the crime(s).

III. Dissemination of Timely Warnings

- a. The following methods shall be utilized to distribute Timely Warnings
 - i. Official College email
 - ii. Flyers posted in buildings
 - iii. Public Safety Website

EMERGENCY RESPONSE, EVACUATION PROCEDURES AND IMMEDIATE NOTIFICATION

St. Mary's College of Maryland will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees occurring on the campus unless the notification will, based on professional judgment, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The College may evacuate one or more campus buildings or the entire campus in certain situations.

The Office of Public Safety will confirm that there is a significant emergency or dangerous situation on or near the campus. The Director of Public Safety may confer with the Vice President for Student Affairs/Dean of Students to determine the segment or segments of the campus community to receive a notification. The Director of Public Safety may confer with the Vice President for Student Affairs/Dean of Students and the Assistant Vice President of Integrated Marketing and Strategic Communications to determine the content of the notification. The campus community or affected portion thereof will be notified of situational updates via text, email or public address system as deemed appropriate.

If a confirmed significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurs on campus, the college will employ its emergency notification system.

The Director of Public Safety or his/her designee will determine the most effective method to notify the campus community.

Emergency notification will be disseminated using one or more of the following methods:

- Blackboard Connect Alert System
- Official College Email
- Siren and Public Address System



The college will test the emergency notification systems at least on an annual basis. Tests are regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities that may be announced or unannounced. The college will publicize the description of the exercise including the date, time and whether it was announced or unannounced.

SMCM will notify the larger community when necessary through the local media outlets working with the College Office of Advancement and local public safety agencies.

BLACKBOARD CONNECT SIGN UP

Blackboard Connect sends information to the College community via text messages, emails, and text to voice phone calls. Information regarding Blackboard Connect can be found at <http://it.smcm.edu/emergency-notification-system/>. Blackboard Connect contains preset templates for most types of emergencies to quickly disseminate information to the College community.

RUN, HIDE, FIGHT – ACTIVE SHOOTER PROTOCOL

An Active Shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms(s) and there is no pattern or method to their selection of victims.

Active shooter situations are unpredictable and evolve quickly. Typically, the immediate deployment of law enforcement is required to stop the shooting and mitigate harm to victims.

Because active shooter situations are often over within 10 to 15 minutes, before law enforcement arrives on the scene, individuals must be prepared both mentally and physically to deal with an active shooter situation.

If you hear shots fired on campus or if you witness an armed person shooting or threatening people (active shooter):

Immediately choose the best way to protect your life. Very quickly, make your best determination of what is occurring and which of the options below will provide the greatest degree of security for you employing the “RUN, HIDE, or FIGHT” protocol.

RUN: Evacuate If Possible

- If there is considerable distance between you and the gunfire/armed person, quickly move away from the sound of the gunfire/armed person. If the gunfire/armed person is in your building and it is safe to do so, run out of the building and move far away until you are in a secure place to hide.
- Leave your belongings behind.
- Keep your hands visible to law enforcement.
- Take others with you, but do not stay behind because others will not go.
- Call 911 when it is safe to do so. Do not assume that someone else has reported the incident. The information that you are able to provide law enforcement may be critical, e.g. number of shooters, physical description and identification, number and type(s) of weapons, and location of the shooter.



HIDE: Hide silently in as safe a place as possible

- If the shooter is in close proximity and you cannot evacuate safely, hide in an area out of the armed person's view.
- Choose a hiding place with thicker walls and fewer windows, if possible.
- Lock doors and barricade with furniture, if possible.
- Turn off lights
- Silence phones and turn off other electronics.
- Close windows, shades and blinds, and avoid being seen from outside the room, if possible.
- If you are outdoors and cannot RUN safely, find a place to hide that will provide protection from gunfire such as a brick wall, large trees or buildings.
- Remain in place until you receive an "all clear" signal from Blackboard Connect.

FIGHT: Take action to disrupt or incapacitate the shooter

- As a last resort, fight. If you cannot evacuate or hide safely and only when your life is in imminent danger, take action.
- Attempt to incapacitate or disrupt the actions of the shooter.
- Act with physical aggression toward the shooter.
- Use items in your area such as fire extinguishers or chairs.
- Throw items at the shooter if possible.
- Call 911 when it is safe to do so.

Immediately after an incident:

- Wait for Local Law Enforcement officers to assist you out of the building, if inside.
- When law enforcement arrives, students and employees must display empty hands with open palms.

Note:

- Understand that gunfire may sound artificial. Assume that any popping sound is gunfire.
- If there are two or more persons in the same place when a violent incident begins, you should spread out in the room to avoid offering the aggressor an easy target.
- Be mindful that violent attacks can involve any type of weapon, not just a gun. Knives, blunt objects, physical force or explosives can be just as deadly as a gun. The suggested actions provided here are applicable in any violent encounter.
- Plan ahead: Visualize possible escape routes, including physically accessible routes for students and staff with disabilities and others with limited mobility.

In case of an emergency, be prepared to follow these seven (7) critical steps:

1. Remain calm.
2. Watch for official communication.
3. Pay attention and follow instructions for the next steps.
4. Care for and be responsive to others who may be in need of assistance.
5. Check in with concerned family and friends to let them know you are okay.
6. Check official communication sources for periodic updates.
7. Watch for the all-clear signal.



Remaining calm allows you to be observant and attentive to a situation as it develops. Any emergency has a high level of stress and the more calmly you act the better you and those around you will react.

Stay attentive to any of those communication tools.

MEDICAL EMERGENCIES

The Wellness Center is open from 8:00 a.m. to 5:00 p.m., Monday through Friday, and may be contacted at (240) 895-4289. After hours and on weekends, students and employees may contact a member of the Residence Life staff and/or the Office of Public Safety to assist.

Medical emergencies should be directed immediately to a Resident Assistant, the building's Residence Hall Coordinator, and/or the Office of Public Safety at (240) 895-4911. When a situation is life threatening (e.g. difficulty breathing, chest pains, excessive bleeding, etc.), students and employees should dial 911 or 9-911 from a campus phone and give the 911 operator any appropriate information. The caller should not hang up on the operator. The caller should speak slowly and wait for the operator to end the conversation. Once 911 has been called, Public Safety should be called at (240) 895-4911 and provided the same information.

LOCAL LAW ENFORCEMENT MONITORING OF NON CAMPUS STUDENT ORGANIZATIONS

St. Mary's College of Maryland does not have any officially recognized non-campus student organizations or officially recognized non-campus student organizations housing facilities. St. Mary's College of Maryland does not own or operate non-campus housing facilities.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

RESIDENTIAL FACILITIES

All traditional residence halls and Waring Commons are equipped with card-access control. The card-accessed buildings are locked 24 hours a day, seven days a week, allowing entry to all current students with their ID card from 7 a.m. until 12 midnight during the week and until 1 a.m. on weekends and, thereafter, only to building occupants. Public Safety officers make periodic security patrols within the halls on a 24-hour basis. The building access systems are inspected and tested on a regular basis, and malfunctions are given priority for repair. Residents living in the Lewis Quad suites are issued keys that operate the outside entry doors and their assigned bedroom doors. Residents living in the Townhouses are issued keys which operate the outside entry doors. Residents are strongly urged to keep the doors locked to prevent theft, unwanted false fire alarms, and other problematic behavior.

Residents are expected to comply with all residence and guest policies, to use available security locks, and to not prop locked doors open, or to allow entrance to uninvited people. Each residential staff office is open from 8 pm until midnight from Sunday to Thursday and 9 pm until 2 a.m. on Fridays and Saturdays and managed by trained and



experienced student staff members. Information about security at individual halls is available through the Office of Residence Life.

All St. Mary's College students and employees are issued photo ID cards and are required to carry them while on campus.

NON RESIDENTIAL FACILITIES

All academic and administration buildings are checked and locked every night. Students with a need to enter a locked building must do so by obtaining permission from a faculty or staff member. The faculty or staff member giving permission must submit a list of students needing access to the Office of Public Safety and contact the Office of Information Technology for one card access. Officers securing the building will ask any student without permission to leave the building. All Faculty and Staff are strongly encouraged to secure their offices and lab when not in use.

MAINTENANCE OF CAMPUS FACILITIES

St. Mary's College of Maryland Physical Plant is responsible for the development and operation of campus buildings and grounds. They keep the buildings, classrooms and grounds clean and comfortable and manage the physical development of the campus. The Office of Public Safety staff regularly patrol the campus and report any repair needs (malfunctioning lights or other unsafe conditions) to Physical Plant. All members of the campus community are encouraged to directly report to Physical Plant problems with facilities or grounds. Employees should use the College's EPAC system to report non-emergency maintenance issues. For Maintenance emergencies Physical Plant can be reached at 240-895-4287 and is open Monday through Friday 8am -5pm. After hours maintenance emergencies can be reported to the Office of Public Safety at 240-895-4911.

SAFETY EDUCATION AND SAFETY PROGRAMS

NEW STUDENT MEETINGS

During new student orientation Public Safety Officers meet with incoming students and present information on safety and crime prevention as well as additional information on college policies.

SAFETY WEEK

Public Safety conducted its 1st annual Safety week during the first week of April 2016. This event consisted of safety information, handouts, safety demonstrations and training opportunities. Presenters from the College SMART team, Ridge Volunteer Fire Department and the Office of Public Safety.



SAFETY ESCORT PROGRAM

Public Safety will escort any student from one campus location to another if they contact the office of Public Safety at 240-895-4911 or x4911 and report feeling unsafe between the hours of dusk and dawn. These escorts may be given in a Public Safety vehicle or on foot by a uniformed Public Safety officer.

PROPERTY REGISTRATION PROGRAM

Any member of the College community who has items of value on campus, including but not limited to laptops, bicycles, etc. can bring the item to the Office of Public Safety and have the item(s) registered. The Office of Public Safety will engrave the owner's driver's license number onto the item and keep a record of the item(s). The property registration program will not help prevent theft of an item but will assist Public Safety or local law enforcement in identifying the owner if it is recovered.

RAPE AGGRESSION DEFENSE (RAD) TRAINING PROGRAM

The Office of Public Safety is currently working on establishing a Rape Aggression Defense or RAD training program for the campus community. Information on this program will be provided to the campus community when available.

The office of Public Safety offers these programs to inform students and employees about campus security procedures and encourages students and employees to be responsible for their own security and the security of others.

In addition to community education and programs, the Office of Public Safety seeks proactive solutions to crime and safety threats

Public Safety Officers work closely with residence life staff who receives training regarding confrontation, assertiveness, College rules and regulations, and the Code of Student Conduct.

Programs for students are offered periodically, regarding such issues as personal safety, rape and sexual assault, and protection of personal property. Students are informed not only of the policies and procedures regarding these issues, but also various resources for help, including Counseling Services, Health Services, Public Safety, Title IX, and community services. Other Crime Prevention and Safety Programs held occasionally around campus include Alcohol and Drug awareness, Fire Safety, Internet Safety, and Travel safety.

Responsibility for exterior safety and security on campus is shared by many offices. Safety features include: blue-light emergency telephones, residence hall card access system, and the presence of Public Safety Officers who perform varied patrol and are in radio contact with a communications officer. The Residence Life Staff, the Physical Plant and Grounds crew, Public Safety Officers, and various administrative offices constantly review the lighting, the underbrush, and such specific areas as construction sites to identify safety issues and take steps to correct them.



ALCOHOL POLICY

Maryland law states that: (1) It is unlawful for any minor (a person under age 21) to possess or consume alcoholic beverages; (2) It is unlawful for any minor to misrepresent or lie about his/her age in order to obtain alcoholic beverages; (3) It is unlawful for any person to obtain alcoholic beverages on behalf of a minor; (4) It is unlawful for any person to consume alcoholic beverages in an open outside area unless authorized to do so by proper officials; (5) A person may not be intoxicated and endanger the safety of another person or property or be intoxicated and cause a public disturbance.

It is the responsibility of all faculty, staff, and students at St. Mary's College to uphold the conditions of this state law. Please refer to the College's Medical Amnesty and Good Samaritan policy where certain violations may be granted amnesty. The College also promotes an active, healthy, social life on campus and accommodates groups that request College facilities for events where alcohol is appropriate.

The Office of Public Safety and the dean of students' staff is responsible for interpreting and enforcing the following campus alcohol policy:

- I. No individual, regardless of age, may consume alcoholic beverages in public areas on the campus, such as the lounges, hallways of the residence halls, patios of townhouses, athletic fields, and other facilities and grounds.
- II. No individual, regardless of age, may be intoxicated and cause a disturbance and/or endanger the safety of him/herself, another person, and/or property.
- III. The sponsors of student events (dances, concerts, etc.) are responsible for keeping the event alcohol-free.
- IV. Individuals or groups sponsoring formal or informal events off-campus are responsible for upholding the Maryland alcohol law.
- V. Resident students of legal drinking age may possess and consume alcoholic beverages in the privacy of their rooms or townhouses. All alcohol must be kept within the possession of the 21-year-old student. Students who are 21 years of age may not offer or provide alcohol to those who are underage, including roommates. It is assumed that alcohol possessed by of-age students is for their personal use and for limited distribution to others who are of age to consume alcohol. Students who are of age and who choose to drink alcohol are strongly encouraged to drink responsibly and in moderation. Kegs and other similar multi-liter containers are prohibited.
- VI. No alcoholic beverages will be allowed at any event on campus unless: (1) The event is sponsored by the College for seniors, alumni, faculty-staff receptions, or any outside group; and (2) The event is held in a controlled space, such as the Alumni Lodge. Requests to sponsor such events must be made through the Events Office and must be approved by the dean of students. College budget accounts (including SGA funds) are by definition State dollars and may not be used to purchase alcohol or provide adult beverage service in any circumstance.

Legal sanctions under state law: It is illegal in the state of Maryland 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. The penalty is a fine of up to \$500 for a first offense, and up to \$1000 for repeat offenses.



Students who are concerned about their use of alcohol or other drugs may speak with a counselor in Counseling Services for an assessment. Counseling Services are confidential and the staff therapist will recommend options for risk reduction, treatment and recovery. Students can find information about the health risks of alcohol use [here](#).

MEDICAL AMNESTY AND GOOD SAMARITAN POLICY

The purpose of this policy is to increase the likelihood that medical attention is provided to students who need it due to alcohol intoxication or use of drugs by removing impediments to seeking such assistance. This policy is intended for use in isolated situations; therefore, it does not excuse or protect those who flagrantly or repeatedly violate College policy.

Good Samaritan Policy: The spirit of the Good Samaritan is that we all have an ethical responsibility to help people in need. St. Mary's College expects that students will take an active role in protecting the safety and well-being of their peers and the College community. In order to promote this, when a student assists an individual who is intoxicated or under the influence of drugs in procuring medical assistance, that student may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. The student may be required to attend an educational conference with the Dean of Students or designee to discuss the incident and his/her role in it, and may be required to complete follow-up if deemed necessary.

Medical Amnesty Policy: When a student is intoxicated or under the influence of drugs and seeks medical assistance, s/he may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. Upon receiving a report that a student needs medical assistance, College staff will respond through the Office of Public Safety to obtain EMS services, and responding officials will use standard procedures for documenting information and collecting identification of all persons involved. Conduct charges will be deferred, and will be dismissed upon successful completion of an approved alcohol and/or drug intervention program, leaving the student with no disciplinary record. Failure to successfully complete an approved alcohol and/or intervention program will result in the processing of alcohol use or possession charges and, if proven, may result in more severe sanctions.

Representatives of a student organization who summon medical emergency assistance will be relieved from alcohol use or possession charges under this protocol for their personal actions. Organization charges and consideration of conduct sanctions, if necessary, may be mitigated by the actions taken by representatives.

Criteria for granting amnesty may include but is not limited to: the severity of the incident, the student's disposition regarding the incident, whether the student has been granted amnesty in the past, and the student's previous conduct record. Amnesty will not be granted for incidents which occur off-campus and will not extend to other conduct violations associated with the incident, including but not limited to distribution of drugs, hazing, vandalism, or sexual assault. Amnesty can only extend to College conduct processes and does not protect students from criminal or civil penalties.



Following receipt of an incident report by the Dean of Students office, the student will attend an educational conference with the Dean of Students or designee, which will serve to review the incident, the role of alcohol or drugs, and College policies. The following are examples of educational interventions that may be required for individuals who receive amnesty under this policy:

- a. The student may be required to obtain an alcohol or drug assessment from Counseling Services or from an off-campus certified addictions counselor (e.g. Walden Sierra). If required to obtain an assessment, the student will provide a copy of the assessment report to the Dean of Students or designee. If the assessment indicates that further treatment is warranted, the program of treatment must be completed. The cost of the assessment (if any) and treatment is the responsibility of the student.
- b. The student may be required to attend the Peer2Peer Alcohol Education Class taught by the Peer Health Educators.
- c. Parental Notification Policy: The College notifies the parents/guardians of students whose consumption of alcohol or drugs results in the student being sent to the hospital.

DRUG FREE SCHOOLS AND COMMUNITIES ACT OF 1989

For information on the St. Mary's College of Maryland Drug and Alcohol Education Policy and the Biennial Report required under the Drug Free Schools and Communities act of 1989 please visit: <http://www.smcm.edu/tothepoint/wp-content/uploads/sites/71/2014/07/biennial-review-june-2016.pdf>

ILLEGAL DRUG POLICY

Students are expected to conform to the Maryland state law regarding possession of drugs and paraphernalia and the Student Code of Conduct which outlines expected standards for behavior, rights and responsibilities, student conduct policies, procedures for conduct violations, and sanctions. Please refer to the College's Medical Amnesty and Good Samaritan policy where certain violations may be granted amnesty.

Specific to illicit drugs, Article II, Section J states that the following misconduct is subject to disciplinary actions, up to and including expulsion and referral for prosecution, as provided for in this Code:

“J1. Use, possession, or distribution of narcotics or other controlled dangerous substances, and related paraphernalia on College premises, except as expressly permitted by law and College regulations.”

At the time of acceptance to the College, all new students are required to sign and return a statement acknowledging receipt of the College's policies and regulations concerning substance abuse.

Any student convicted of violating a criminal drug statute must notify the director of Financial Aid if that student is receiving any form of federal financial aid (for example, Pell Grants). Conviction on any drug-related charge is grounds for forfeiture of federal financial aid.



Students who violate the standards of conduct shall be subject to written or verbal warning, restitution, restriction, forced relocation, work sanctions, counseling, disciplinary probation, disciplinary suspension, and/or dismissal from the College as stated in the Student Code of Rights and Responsibilities which is distributed annually to all students. The College will take disciplinary action based on reasonable available information unless the student voluntarily seeks assistance. Such action will be independent of any civil or criminal process precipitated by the same incident.

Legal sanctions under Maryland state law for possession of a controlled dangerous substance include:

	1 st offense	2 nd offense	3 rd or subsequent offense
Marijuana (less than 10 grams)	Fine not more than \$100*	Fine not more than \$250*	Fine not more than \$500*
Marijuana (10 grams or more)**	Imprisonment not exceeding 1 year, or fine not exceeding \$1000, or both		
Any controlled dangerous substance other than marijuana	Imprisonment not exceeding 4 years, or a fine not exceeding \$25,000, or both		

*in addition to a fine, drug education program, assessment for substance abuse disorder, and referral for substance abuse treatment may be ordered by the court if offender is under 21 years of age. **also includes possession of paraphernalia. Legal sanctions under Maryland state law for distribution of controlled dangerous substances include:

	1 st offense	2 nd or subsequent offense
Schedule I & 2 narcotic drugs (except PCP)	Imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both	Imprisonment not less than 10 years and subject to fine up to \$100,000
Any other controlled dangerous substance classified in Schedule I, II, III, IV, or V	Imprisonment not exceeding 5 years or a fine not exceeding \$15,000 or both	Imprisonment not less than two years
PCP or LSD	Imprisonment not exceeding 20 years, or fine of not more than \$20,000, or both	Imprisonment not less than 10 years and subject to fine up to \$100,000

*for a list of controlled dangerous substances and their corresponding schedule, see Md. Criminal Law Code Ann. §§5-401-406.



Legal sanctions under federal law for possession of a controlled substance include:

- First conviction: Up to one year imprisonment and fine of at least \$1000, or both.
- After one prior drug conviction: At least 15 days in prison, not to exceed two years, and fined at least \$2500, or both.
- After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and fine of at least \$5000, or both.

A summary of federal trafficking (distribution) penalties for substances covered by the Controlled Substances Act can be found on the Drug Enforcement Administration website at <https://www.dea.gov/druginfo/ftp3.shtml>.

Students who are concerned about their use of alcohol or other drugs may speak with a counselor in Counseling Services for an assessment. Counseling Services are confidential and the staff therapist will recommend options for risk reduction, treatment and recovery. Students can find information on the health risks of illicit drugs [here](#).

MISSING STUDENT POLICY

Anyone who suspects that a St. Mary's College of Maryland student who resides in on-campus housing is missing **must immediately** contact the Office of Public Safety at (240) 895-4911. If a student is reported missing to someone other than the Office of Public Safety, the person receiving the report **must immediately** refer the report to the Office of Public Safety.

The Office of Public Safety will begin an investigation in order to determine whether the student is missing. Once the Office of Public Safety investigates and determines that the student is missing, the Office of Public Safety will notify the St. Mary's County Sheriff's Department and the student's emergency contact within 24 hours after the student is determined to be missing. Contacts to local law enforcement agencies will be made whether or not the missing student has designated a contact person.

The Office of Residence Life will request that all new students residing in a College-owned residence provide, on a voluntary basis, emergency contact information and a person to contact if the student is reported missing. Returning students living in on-campus housing will also be given the opportunity each year to provide emergency contact information and a person to contact if the student is reported missing. A student may identify the same individual for both purposes or may choose different individuals as their emergency contact and person to contact if the student is reported missing. The College may contact both the emergency contact and the person to contact if the student is reported missing.

Contact information provided by the student will be registered confidentially and will be accessible only to authorized College officials, such as the dean of students and director of residence life, and local law enforcement. Students' designated contacts will only be disclosed to law enforcement officers in furtherance of a missing person investigation.

The dean of students will notify the designated contact(s) within 24 hours after the student is determined to be missing. If a student is under the age of 18 and not emancipated, the dean of students must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. Additionally, the Office of Public Safety will notify local law enforcement agencies within 24 hours of the determination



that the student is missing, unless a local law enforcement agency is the entity that determines that the student is missing.

HIGHER EDUCATION OPPORTUNITY ACT (HEOA) VICTIM NOTIFICATION

Upon written request from the alleged victim of a crime of violence or non-forcible sex offense, St. Mary's College of Maryland will disclose the results of any disciplinary proceeding conducted by the College against the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

SEX OFFENDER REGISTRY

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Maryland, convicted sex offenders must initially register with a supervising authority or with the designated local law enforcement unit:

- Within 3 days of release to community supervision from the court
- Prior to release from a correctional facility
- Within 3 days of ending permanent residency in Maryland

All Maryland Registrants must update their registration statements:

- Within 3 days of changing residences
- Within 3 days of changing employment
- Within 3 days of changing any information on the registration statement

Non-Residents must initially register with a supervising authority or with the designated local law enforcement unit:

- Within 3 days of beginning employment in Maryland
- Within 3 days of registering as a student in a Maryland school
- Within 3 days of entering the State as a transient individual
- Within 3 days of beginning permanent residency in Maryland
- Within 3 days of ending permanent residency in Maryland

You can access this information, which appears on the Maryland Sex Offender Registry website, by accessing the Maryland's Comprehensive Registered Sex Offender Website at: <http://dpscs.md.gov/onlineservs/socem/default.shtml>.



SEXUAL MISCONDUCT

The St. Mary's College of Maryland Policy against Sexual Misconduct prohibits the crimes of

- Domestic Violence
- Dating Violence
- Sexual Assault
- Stalking

DEFINITIONS UNDER THE VIOLENCE AGAINST WOMEN'S ACT (VAWA)

Dating Violence:

1. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
2. The existence of such a relationship shall be 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.
3. 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.

Domestic Violence:

A Felony or misdemeanor crime of violence committed—

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. 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
5. 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.

Sexual Assault:

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- a. 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.
- b. 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.



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

Stalking:

- 1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - a. Fear for the person’s safety or the safety of others; or
 - b. Suffer substantial emotional distress.
- 2. For the purposes of this definition—
 - a. Course of conduct means two or more acts, including, but not limited to, acts 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.
 - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

DEFINITIONS UNDER MARYLAND LAW

Domestic Violence:

Maryland law defines domestic violence as the occurrence of one or more of the following acts between “family or household members”:

- a. Assault
- b. An act that places a person in fear of imminent serious bodily harm
- c. An act that causes serious bodily harm
- d. Rape or sexual offense
- e. Attempt rape or sexual offense
- f. Stalking
- g. False imprisonment, such as interference with freedom, physically keeping you from leaving your home or kidnapping you.

Dating Violence:

The State of Maryland has no Dating Violence Law.

Stalking:

Maryland law defines stalking as 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:

- 1. of serious bodily injury;
- 2. of an assault in any degree;
- 3. of rape or sexual offense as defined by §§ 3-303 through 3-308 of this article or attempted rape or sexual offense in any degree
- 4. of false imprisonment; or
- 5. of death.



“Course of conduct” means a persistent pattern of conduct, composed of a series of acts over time that shows a continuity of purpose.

Sexual Assault:

1. Rape
 - a. First Degree - engaging in sexual intercourse with another without his or her consent by force, using weapons, strangling or inflicting serious physical injury, threatening with death, serious injury, or kidnapping, or committed with another’s help or during a burglary.
 - b. Second Degree - engaging in vaginal intercourse with another 1) without his or her consent by force or threat, 2) with a mentally or physically incapacitated person (includes drunk, high, or unconscious) when the defendant knows of his or her condition, or 3) the victim is under 14 years old and the defendant is at least 4 years older than the victim.
2. Sexual Offense
 - a. First Degree - engaging in a sexual act (oral or anal sex, or any object or part of one’s body penetrates the genitals or anus for sexual gratification, but not vaginal intercourse - that’s above in rape) by force, threat, or without consent while displaying a weapon, suffocating or physically injuring the victim, or threatening the victim with death, disfigurement, or serious physical injury, or committed with another’s help or during a burglary.
 - b. Second Degree - engaging in a sexual act with another by 1) force or without his or her consent, 2) with a mentally or physically incapacitated person (includes drunk, high, or unconscious) when the defendant should know of his or her condition, or 3) the victim is under 14 and the defendant is at least 4 years older than the victim.
 - c. Third Degree - includes any of the following: engaging in sexual contact (intentionally touching the victim’s or defendant’s genital, anal, or other private parts for sexual gratification or abuse of either person) in any of the following situations:
 - i. Without consent while using a weapon, strangling or seriously injuring the victim, threatening the victim with death, serious injury, or kidnapping, or committed with another’s help OR
 - ii. The victim is mentally or physically incapacitated (drunk or unconscious for example) and the defendant knows of his or her condition OR
 - iii. The victim is under 14 years old and the defendant is at least 4 years older OR
 - iv. Engaging in a sexual act (i.e. oral or anal sex) or vaginal sex with a 14 or 15 year old victim by a 21 year old or older defendant, AKA statutory rape.
 - d. Fourth Degree - any of the following:
 - i. Engaging in sexual contact without the other’s consent OR
 - ii. Engaging in a sexual act or vaginal sex with a 14 or 15 year old when the defendant is at least 4 years older OR
 - iii. Engaging in a sexual act, sexual contact, or vaginal sex with a child under 18 who at the time of the sexual activity was a student enrolled in a school where the person was in a position of authority (i.e. a principal, coach, teacher, or counselor who’s at least 21 years old, employed by the school, and was in a supervisory position over the student).



CONSENT

The state of Maryland does not have a definition of consent

St. Mary's College of Maryland Definition of Consent

Effective Consent: Effective consent is defined as willingly, freely and knowledgably agreeing to engage in sexual conduct. Consensual sexual conduct is a mutual decision reached by all parties involved without any hint of force, threat, coercion, fraud, manipulation, intimidation, or reasonable fear of injury. Consent cannot be given if an individual is mentally or physically incapacitated (for example, due to excessive use of alcohol or drugs or a mental or physical condition). Silence, passivity, lack of active resistance or lack of active response does not imply consent. In addition, previous participation in sexual activity does not indicate current consent to participate. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.

The following are essential elements of effective consent:

- **Informed and reciprocal:** All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
- **Mutually understandable:** Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.
- **Not indefinite:** Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed "no" or can be based on a clear outward demonstration that conveys that an individual is hesitant, confused, uncertain or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.
- **Not unlimited:** Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

Force: Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. Force may also include moral, intellectual, psychological or emotional force. For the use



of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

Coercion: Coercion is the improper use of pressure to compel another individual to initiate or continue 16 Revisions effective July 1, 2016 Revisions approved by Board May 13, 2016 sexual activity against the individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. 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 or not to engage in sexual activity. Examples of coercion include threatening to disclose another individual's private sexual information (sexual orientation, gender identity or gender expression) and threatening to harm oneself if the other party does not engage in the sexual activity.

Incapacitation: Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) and/or is physically helpless. An individual is incapacitated, and therefore unable to give consent, if s/he is asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation as it is a state beyond drunkenness or intoxication. The impact of alcohol and drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include but may not be limited to slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impact an individual's:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known that the Complainant was incapacitated based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position.

Alcohol and Other Drugs: In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.



Being intoxicated or impaired by drugs or alcohol is **never an excuse** for sexual misconduct and does not diminish one's responsibility to obtain consent.

PURPOSE FOR WHICH THE DEFINITION OF CONSENT IS USED

The St. Mary's College of Maryland definition of consent is used as an element of the definitions of sexual misconduct that are prohibited under the College's Policy Against Sexual Misconduct.

BYSTANDER INTERVENTION

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystander intervention programs are offered to the campus community through the Title IX office and focus on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

In 2015, St. Mary's College of Maryland introduced the Step Up! bystander intervention program. As a fellow Seahawk, *you* can make positive and informed decisions. We are all part of a larger community and we look out for each other. When you notice something going on, do something!

Know the Five Decision-Making Steps

1. Notice an Event
2. Interpret it as a Problem
3. Assume Personal Responsibility
4. Know How to Help
5. Step UP!

The Step Up! Program was originally developed by the University of Arizona C.A.T.S. Life Skills Program in partnership with the NCAA. Visit the [National Step UP! website](#) to learn more.

For more information or to set up a training session for your club, team, or residence hall contact:

- **Email:** titleix@smcm.edu
- **Phone:** (240) 895-4105
- **Twitter:** @SMCM_TitleIX



AWARENESS PROGRAMS AND TRAINING

St. Mary's College of Maryland provides awareness programming and training to prevent dating violence, domestic violence, sexual assault, and stalking. The programs are provided to all new students and employees as well as ongoing training for current students and employees. The programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and Consider environmental risk and protective factors and they occur on the individual, relationship, institutional, community, and societal levels.

Primary prevention programs: all new students and employees are provided upon enrollment or employment at the college. These programs provide all new students and employees with information of the College's policy against sexual misconduct.

Ongoing prevention programs: all current students and employees are offered programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Programs and training provide the campus community with the following information:

- A statement that St. Mary's College of Maryland prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking;
- The VAWA definition of dating violence, domestic violence, sexual assault and stalking.
- The State of Maryland definition of "domestic violence," "sexual assault," and "stalking". Maryland law does not have a definition of "Dating Violence"
- The St. Mary's College of Maryland definition of consent and the purposes for which that definition is used. Maryland law does not have a definition of consent.
- A description of safe and positive options for bystander intervention
- Information on risk reduction
- Information on how to report sexual misconduct
- Information on the procedures the college will follow when a report is received including information of possible disciplinary action the college may take.

REPORTING OPTIONS

Any sexual misconduct that occurs including the crimes of domestic violence, dating violence, sexual assault, or stalking should be reported to:

- The Office of Public Safety by calling 240-895-4911 or x4911 for any on campus phone, or in person at the Public Safety Office..
- Title IX coordinator Michael Dunn by phone at (240) 895-4105 or x4105 from any campus phone, in person at Glendening Hall 254, or by email at mkdunn@smcm.edu or titleix@smcm.edu



What should you do if you are the victim of sexual Misconduct?

- Find a safe place. A friend's room, your room, or anywhere else you feel safe.
- Call 911 or Public Safety if there is an emergency. You may also request a Public Safety escort for on-campus travel.
- Seek medical attention. The first 72 hours after a sexual assault are critical.
- Preserve Evidence. Do not shower or wash your clothes as this can destroy important evidence. This evidence will be important to a law enforcement investigation and can be helpful in obtaining a protective order.
- Utilize campus resources. Counseling and Psychological Services (CPS), Health Services, the staff therapist/ advocate, the Sexual Misconduct Advocacy and Resource Team (SMART), the Title IX Coordinator, and Public Safety are just some of the resources on hand. Reach out for help. A whole community is here to help you as you navigate through the next steps. The College encourages all community members to make a prompt report of any incident of sexual misconduct to local law enforcement and to the College.

VICTIM INFORMATION

The victim of sexual misconduct will be provided with the following information in writing.

1. The options about the involvement of law enforcement and campus authorities, including the victim's option to:
 - a. Notify proper law enforcement authorities, including on-campus and local police;
 - b. Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - c. Decline to notify such authorities
2. Information on obtaining
 - a. No contact order issued by the college
 - b. Protective order issued by the courts
 - c. Resources available to assist in obtaining these orders
3. Explanation of rights and options
4. Options for available assistance in and how to request changes to the following situations
 - a. Academic
 - b. Living
 - c. Transportation
 - d. Work
5. Information on available on-campus resources including
 - a. counseling,
 - b. health,
 - c. mental health,
 - d. victim advocacy,
 - e. legal assistance,
 - f. visa & immigration assistance,
 - g. student financial aid, and
 - h. other services available for victims



6. Information on available off-campus resources including
 - a. counseling,
 - b. health,
 - c. mental health,
 - d. victim advocacy,
 - e. legal assistance,
 - f. visa & immigration assistance,
 - g. student financial aid, and
 - h. other services available for victims

CONFIDENTIALITY

St. Mary's College of Maryland will protect the confidentiality of all victims and all other necessary parties involved to the extent that such confidentiality would not impair the ability of the institution to provide accommodations and protective measures.. Confidential information will only be shared with members of the campus community who have an institutional need.

Confidential information includes but may not be limited to

- Personally identifiable information of victims or other parties involved
- Any accommodations made to the victim or other parties involved
- Any protective measures made for the victim or other parties involved

DISCIPLINARY PROCEEDINGS

When investigating and adjudicating cases of alleged sexual misconduct including dating violence, domestic violence, sexual assault, or stalking St. Mary's College of Maryland provides that the proceedings will:

1. Include a prompt, fair, and impartial process from the initial investigation to the final result
 - a. A prompt, fair, and impartial proceeding includes a proceeding that is
 - i. Completed within reasonably prompt timeframes designated by an institution's policy
 - ii. Including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
2. Be conducted in a manner that
 - a. Is consistent with the institution's policies and transparent to the accuser and accused
 - b. Includes timely notice of meetings at which the accuser or accused, or both, may be present
 - c. Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings
 - d. Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
3. Be conducted by individual who receive at minimum annual training in areas of dating violence, domestic violence, sexual assault, or stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability



4. Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. (*Advisor means any individual who provides the accuser or accused support, guidance, or advice.*)
5. Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or colleges disciplinary proceeding; however, SMCM may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties
6. Provide simultaneous notification, in writing, to both the accuser and the accused, of the result of any disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; (*Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C.1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.*)
7. Provide simultaneous notification, in writing, to both the accuser and the accused, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available
8. Provide simultaneous notification, in writing, to both the accuser and the accused, of any change to the result
9. Provide simultaneous notification, in writing, to both the accuser and the accused, of when such results become final

INTERIM MEASURES, REMEDIES, AND ACCOMMODATIONS

A. Overview

Upon receipt of a report, the College will impose reasonable and appropriate interim measures designed to eliminate the hostile environment and protect the parties involved. The College will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed; namely, the College will offer to change academic, living, transportation, and working situations or protective measures, if such accommodation is reasonably available. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the College.

A Complainant or Respondent may request a No-Contact Order or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community and/or the integrity of the process.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure. Failure to abide by an interim measure imposed by the College is a violation of this Policy, and the College may pursue disciplinary action for any failure to comply.



B. Range of Measures

Interim measures will be implemented at the discretion of the College. Potential remedies, which may be applied to the Complainant and/or the Respondent, include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus.
- Imposition of campus No-Contact Order.
- Rescheduling of exams and assignments (in conjunction with appropriate faculty).
- Providing alternative course completion options (with the agreement of the appropriate faculty). 20 Revisions effective July 1, 2016 Revisions approved by Board May 13, 2016
- Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty).
- Change in work schedule or job assignment.
- Change in on-campus housing.
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies.
- Assistance from College support staff in completing housing relocation.
- Limit an individual or organization’s access to certain College facilities or activities pending resolution of the matter.
- Voluntary leave of absence.
- Providing an escort to ensure safe movement between classes and activities.
- Providing medical services.
- Providing academic support services, such as tutoring.
- Interim suspension or College-imposed leave.
- Assistance from the College’s designated school official regarding impact of interim measures on students who are not U.S. citizens.
- Assistance from the College’s financial aid office regarding the impact of measures on a student’s financial aid.
- Any other remedy that can be tailored to the involved individuals to achieve goals of this policy.

C. Interim Suspension

The Dean of Students or designee may suspend a student for an interim period pending the adjudication of a complaint of sexual misconduct. An interim suspension may become effective immediately without prior notice whenever there is evidence that the continued presence of the Respondent student on the College campus poses a substantial threat to others, or to the stability and continuance of normal College functions. In cases where there is an appeal following the adjudication of a complaint of sexual misconduct in which an interim suspension was issued, the interim suspension shall continue during the appeal . A student suspended on an interim basis may not withdraw from the College before the conclusion of the adjudication and appeal, if any.



RETALIATION

The College is committed to protecting all complainants and can offer interim measures (i.e., change of housing, academic accommodations, no contact orders with an accused individual) prior to the outcome of the investigation. Retaliation against any person involved in the complaint, investigation and/or resolution of an allegation of sexual misconduct is strictly prohibited and will result in disciplinary action.

For more information or to view the entire College Policy against Sexual Misconduct policy please visit <http://www.smcm.edu/campus-rights/>

ST. MARY'S COLLEGE OF MARYLAND PROCEDURES TO RESOLVE COMPLAINTS OF SEXUAL MISCONDUCT AGAINST A STUDENT

I. Overview

These Procedures to Resolve Complaints of Sexual Misconduct against a Student (Student Procedures) provide a process for the prompt and equitable investigation and adjudication of complaints of sexual and gender-based discrimination, sexual and gender-based harassment, sexual assault, relationship violence and stalking (collectively referred to as Sexual Misconduct) against a student enrolled at St. Mary's College of Maryland (the College). The Student Procedures ensure the College's compliance with federal and State law as well as the College's Policy against Sexual Misconduct (the Policy).

Any person alleging Sexual Misconduct against one of the College's students may submit a report to the College as set forth below. Anyone may submit a report, including but not limited to a student; a member of the faculty, administration or staff; a visitor or guest to the campus community; local police; or a family member. The College, on its own, may also initiate, investigate, and adjudicate complaints of Sexual Misconduct against a student under the Student Procedures. The Student Procedures also address reports of retaliation allegedly committed by a student in connection with any Sexual Misconduct complaint, investigation or adjudication.

Complaints against a non-student (i.e., faculty, staff, or a third party) shall not proceed under the Student Procedures. Such complaints will be handled using the Procedures to Resolve Complaint of Sexual Misconduct against a College Employee, Volunteer or Contractor available at www.smcm.edu/campus-rights.

The Student Procedures are effective as of July 1, 2016, and replace and supersede any prior procedures related to complaints, reports, investigation or adjudication of any allegation of Sexual Misconduct against one of the College's students.

Any individual who wishes to make a report of Sexual Misconduct is encouraged to make a report directly to the Title IX Coordinator, a Deputy Title IX Coordinator (Deputy), the Dean of Students Office, Public Safety or the Office of Student Conduct. Reports can be made in person, by telephone, by email or by submission of an online form.



Once the College knows of possible Sexual Misconduct, it will take immediate and appropriate action to investigate the report or otherwise determine what occurred. This obligation applies to any allegations of Sexual Misconduct covered by the Policy regardless of whether a parallel law enforcement investigation or action is pending and regardless of whether a Formal Complaint (defined below) is provided.

In every instance when a report is received under the Policy, the Title IX Coordinator or Deputy will conduct an Initial Assessment to ensure the safety of the person who allegedly experienced Sexual Misconduct (Complainant) and to determine the nature of the allegations against the person who allegedly engaged in Sexual Misconduct (Respondent). At the conclusion of the Initial Assessment, the Title IX Coordinator or Deputy will ascertain whether the Complainant wishes to pursue an Informal Resolution or Formal Resolution.

Informal Resolution is a voluntary process wherein the Title IX Coordinator or Deputy facilitates an agreement between the Complainant and the Respondent (collectively referred to as the “Parties”) to implement non-disciplinary measures to resolve allegations of sexual or gender-based discrimination, sexual or gender-based harassment, relationship violence that does not involve allegations of sexual assault, and/or stalking. Informal Resolution cannot be used to resolve allegations of sexual assault.

Investigation is the process of gathering facts regarding a Complainant’s allegations. Formal Resolution is a process by which the Investigator(s) review the facts gathered during the Investigation and determine whether the Respondent is responsible for a violation of the Policy. If so, the Investigator(s) issue disciplinary sanctions, up to and including expulsion.

II. Initial Assessment

The first step of the Initial Assessment will usually be a preliminary meeting between the Complainant and the Title IX Coordinator or Deputy. If the report was made by a third party, the Title IX Coordinator or Deputy may meet with the third party to assess the nature of the allegations and the names of the persons involved in the incident.

The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report and to provide the Complainant with information about resources, procedural options and interim measures. At the preliminary meeting, the Title IX Coordinator or Deputy will:

- Assess the nature and circumstances of the allegations;
- Address immediate physical safety and emotional well-being needs of the Complainant;
- Notify the Complainant of the right to contact law enforcement;
- Offer assistance and transportation to the Complainant to see medical treatment;
- Inform the Complainant of the importance of preservation of evidence;
- Provide the Complainant with information about on- and off-campus resources;
- Provide the Complainant with information about Interim Measures (defined below);
- Explain procedural options, including Informal Resolution, if applicable, and Formal Resolution;
- Inform the Complainant of the Complainant’s right to have an advisor, advocate, or support person present during any meeting throughout the process;
- Assess for pattern evidence or other similar conduct by Respondent; and
- Explain the College’s Policy prohibiting retaliation.



During the Initial Assessment, the Title IX Coordinator or Deputy will determine the risk of harm to the broader campus community and take steps necessary to address any identified risks. If the report involves allegations of a crime, the Title IX Coordinator or Deputy will report the alleged crime to the Director of Public Safety for inclusion in the College's daily crime log and will assess whether the reported conduct requires issuance of a timely warning under the Clery Act or must be included in the College's annual Clery Report.

The Initial Assessment will proceed to the point where a reasonable assessment of the safety of the Complainant and of the campus community can be made. At the conclusion of the Initial Assessment, the Title IX Coordinator or Deputy will determine whether the report falls within the scope of the definition of Sexual Misconduct. If so, the Title IX Coordinator or Deputy will ascertain whether the Complainant wishes to pursue an Informal Resolution or Formal Resolution.

If the Complainant wishes to pursue a Formal Resolution, the Title IX Coordinator or Deputy will assign an Investigator(s) to begin an Investigation.

If the Complainant wishes to pursue an Informal Resolution and the allegations of Sexual Misconduct do not involve allegations of sexual assault, the Title IX Coordinator or Deputy will contact the Respondent to begin the Informal Resolution process. If the Complainant wishes to pursue an Informal Resolution and the allegations involve sexual assault, the Title IX Coordinator will inform the Complainant that the Informal Resolution process is not available and will offer to pursue an Investigation and Formal Resolution.

The Title IX Coordinator or Deputy also may offer the Complainant protective remedies that do not impact the Respondent. The Title IX Coordinator or Deputy will confirm the Complainant's desired process via email.

The Title IX Coordinator or Deputy may consult relevant College employees and legal counsel as needed.

III. Complainant's Request Not to Pursue Investigation or Adjudication

A Complainant may request that the College take no action, that an Investigation not be conducted, or that a specific adjudication process or part thereof not take place. A Complainant may also decline to respond to requests from the Title IX Coordinator or Deputy to discuss the allegations of Sexual Misconduct.

If the Complaint makes one of these requests or does not respond to requests to discuss the allegations of Sexual Misconduct, the Title IX Coordinator or Deputy will consider the reasons for the request or decision not to appear for a meeting, including concerns about the continued safety of the Complainant and members of the campus community. The Title IX Coordinator or Deputy will inform the Complainant that the College's ability to investigate, discipline the Respondent or otherwise respond to the report may be limited.



The Title IX Coordinator or Deputy will balance the Complainant's desire not to have the report investigated or adjudicated against considerations about the continued health and safety of members of the community. If a Complainant does not want to have a report investigated or declines to respond to requests to discuss the allegations, and the Title IX Coordinator or Deputy has concerns that not taking action might violate law and/or endanger the health or safety of any individual, the Title IX Coordinator or Deputy will weigh the following factors in considering a request that no Investigation or adjudication be conducted:

- The seriousness of the conduct;
- The respective ages and roles of the Complainant and Respondent;
- The rights of the Respondent to receive notice before disciplinary action is sought;
- Circumstances that suggest there is an increased risk of the Respondent committing additional acts of sexual violence or other violence (*e.g.*, whether there have been other complaints or reports of harassment or misconduct about the same Respondent, whether the Respondent has a history of arrests or records from a prior school indicating a history of violence, whether the Respondent threatened further sexual violence or other violence against the Complainant or others, and whether the sexual violence was committed by multiple Respondents);
- Circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances (*e.g.*, whether the Complainant's report reveals a pattern of perpetration through the use of illicit use of drugs or alcohol, at a given location or by a particular group);
- Whether the sexual violence was perpetrated with a weapon; and
- Whether the College possesses other means to obtain relevant evidence (*e.g.*, security cameras or personnel, physical evidence).

The Title IX Coordinator or Deputy may consult with relevant College employees, including but not limited to, the Dean of Students, the Provost, the Director of Human Resources, and legal counsel to determine whether a request not to investigate or adjudicate may be granted. The Title IX Coordinator or Deputy will make the ultimate decision about whether to conduct an Investigation or respond to the report in another manner, including taking protective remedies, such as those described below.

The College will take all reasonable steps to investigate and respond to the report consistent with the request for privacy or request not to pursue an Investigation. If the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or Deputy will inform the Complainant via email about the College's chosen course of action.

IV. Confidentiality of Complaints and Reports

The College understands that the Complainant, Respondent, and witnesses involved in any Sexual Misconduct matter desire confidentiality during the investigation and adjudication of such matters. While the College will keep these matters confidential to the extent possible and as required by law, the College cannot ensure complete confidentiality, or even the confidentiality requested by parties, in all cases.



The Title IX Coordinator, Deputy and Investigators will, to the best of their ability, keep private the information provided by the Complainant, Respondent, or witnesses. The Title IX Coordinator, Deputy, and Investigator(s) will disclose this information only to individuals who need to know information related to the allegations in order to investigate or adjudicate the matter; to protect the health, safety and wellness of the College community; and/or to individuals allowed to know by law.

In addition, the Title IX Coordinator may need to disclose information to law enforcement consistent with State and federal law; to other College employees as necessary for coordinating Interim Measures; for health, welfare, safety, and other appropriate reasons; as well as to government agencies who review the College's compliance with federal and State law. Information about complaints and reports, absent personally identifiable information, may be reported as needed within the College and/or to external entities for statistical and analysis purposes pursuant to applicable federal and State law and College policy.

Confidential assistance can be obtained through the Confidential Resources listed in the Policy, available at www.smcm.edu/campus-rights.

V. Interim Measures and Resources

Any participant in the investigation process may request Interim Measures, as appropriate, to assist or protect the Parties during any investigation and adjudication process. The College may also initiate Interim Measures on its own. More information on obtaining Interim Measures may be found in the Policy, available at www.smcm.edu/campus-rights.

The Title IX Coordinator or Deputy will also inform the participants in the investigation of existing options for counseling, health, mental health, victim advocacy, and other services available on- and off- campus for the parties during any investigation and adjudication of allegations of Sexual Misconduct. A list of on-campus and off-campus resources is located in the Policy, available at www.smcm.edu/campus-rights.

VI. Advisors and Attorneys

The Parties have the right to be assisted by an advisor of their choice to provide support through the investigation and adjudication of a complaint of Sexual Misconduct. Advisors may not be a witness or other party in the proceeding. Parties who wish to consult with an attorney may do so at their own expense. Advisors may accompany the student to any meeting or interview.

Advisors have no speaking role in a meeting or interview and are not permitted to ask or answer questions. An advisor may only provide advice to the Parties in a non-disruptive manner (such as communicating in writing). All communication regarding the resolution process will be directed to the student. The College will only respond to communications received from the student. An advisor will not be permitted to communicate on the student's behalf. Students may contact the Title IX Coordinator for a referral to a trained advisor.



If a Party wishes to have an advisor accompany the Party to a meeting or interview, the Party must give notice to the Title IX Coordinator or Deputy at least twenty-four (24) hours prior to any meeting or interview that an advisor will attend. Students should select an advisor whose schedule allows attendance at any meeting or interview. Delays will not normally be allowed due to the scheduling conflicts of an advisor.

In the context of serving as an advisor to a Party, an advisor’s statements are not made on behalf of the College but are solely made as an advocate for a Party. It is important, when one chooses an advisor, to ask for the individual’s consent to serve in this capacity before divulging any confidential information.

VII. Resolution

There are two avenues for resolution of allegations of Sexual Misconduct: Informal Resolution and Formal Resolution. The Title IX Coordinator or Deputy is available to explain the procedures for either form of resolution.

For a summary of the differences between Informal and Formal Resolution, please see the table below:

Informal Resolution	Formal Resolution
Agreement between the Parties to implement non-disciplinary remedies, facilitated by Title IX Coordinator or Deputy	Process by which the Investigator(s) review the facts gathered during an Investigation and determine whether the Respondent is responsible for a violation of the Policy
Available for allegations of any kind of sexual misconduct except sexual assault	Available for allegations of any kind of sexual misconduct
Parties are not required to use Informal Resolution	If a Respondent is found responsible, Investigator(s) issue disciplinary sanctions, up to and including expulsion
At any point during Informal Resolution, Parties or the Title IX Coordinator or Deputy may end the Informal Resolution and begin a Formal Resolution	

a. Informal Resolution

The Informal Resolution process may be used at any time after the College has sufficient information about the nature and scope of the alleged Sexual Misconduct, which may occur at any time after the Initial Assessment. An Informal Resolution is an agreement between the Parties to implement certain non-disciplinary remedies that is facilitated and approved by the Title IX Coordinator or Deputy.

Except where the Complainant has alleged that a Sexual Assault has occurred, the Complainant generally has the option to engage in the Informal Resolution process at any time during the investigation and adjudication process. In cases involving allegations of Sexual Assault, Informal Resolution is not appropriate at any step in the process, even if both Parties indicate a preference for Informal Resolution.



Regardless of the type of allegations, the Parties are never required to use the Informal Resolution process. If, at any point during the Informal Resolution process, the Parties or the Title IX Coordinator or Deputy wishes to cease the Informal Resolution process and to proceed through Formal Resolution process, the Formal Resolution process outlined below will be implemented.

The Informal Resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the College to stop, remedy and prevent Sexual Misconduct. An Informal Resolution might include, but is not limited to, non-disciplinary remedies such as:

- Implementing agreed upon Interim Measures (see the Policy, available at www.smcm.edu/campus-rights, for a list of possible Interim Measures);
- Providing training or counseling to an individual or group;
- Having an informal discussion with the Respondent;
- Requesting a written apology from the Respondent;
- Increasing monitoring or security at specified locations; or
- Facilitating a confidential conversation between the Parties; and
- Any other remedy that can be tailored to the Parties to achieve the goals of the Policy.

b. Formal Resolution

i. Formal Complaint

A person wishing to initiate a Formal Resolution against a Student (i.e., a formal investigation and adjudication) should generally submit a written statement (Formal Complaint) using the College's Sexual Misconduct Formal Complaint Form. The Formal Complaint should set forth the details of the Complainant's allegations, including, to the extent known:

The names and contact information of the person(s) involved in the incident of Sexual Misconduct,

The names and contact information of any witnesses to the incident of Sexual Misconduct,

The relevant dates and places,

Statements made by the Parties and/or witnesses that may be relevant to the allegations,

Any documentation or communications to support the claim, and

The remedy requested.

The Formal Complaint Form is located at www.smcm.edu/campus-rights. Hard copies are also available in the Office of the Title IX Coordinator.

If the Complainant declines to submit a written Formal Complaint, the Title IX Coordinator or Deputy may draft the Formal Complaint based on the Complainant's oral description of the allegations and submit it to the Complainant to review for accuracy.

The Formal Complaint must be signed by the Complainant. If the Complainant declines to sign the Formal Complaint or chooses not to cooperate with the investigation, the Title IX Coordinator or Deputy may go forward with these Procedures, as required, without the Complainant's participation.



A Complainant should schedule an in-person meeting with the Title IX Coordinator or Deputy as promptly as possible to permit the College to accurately investigate the allegations and appropriately remedy any violation(s).

The Complainant may supplement the Formal Complaint with additional information during the Investigation.

ii. **Notice of Investigation**

As soon as practicable, the Title IX Coordinator or Deputy will send a written notice (Notice) to the Parties that the Formal Resolution process has been initiated and that an Investigation will begin. The Notice will be sent via email concurrently to each Party and if assigned, campus mailboxes. The Notice may be provided to College employees who, in the discretion of the Title IX Coordinator or Deputy, have a need to know that the Formal Resolution process has begun.

The Notice will be prepared by the Title IX Coordinator or Deputy and will include:

- The name of the Complainant;
- The date, time and place of the alleged Sexual Misconduct, to the extent known;
- The Policy provisions alleged to have been violated;
- The range of potential sanctions for the alleged violations; and
- The name(s) of the investigator(s) who have been appointed.

If additional allegations are revealed during the Investigation, the Title IX Coordinator or Deputy will send a revised Notice to the Parties.

1. **Appointment of Investigator(s)**

Upon receipt of the Formal Complaint, the Title IX Coordinator or Deputy shall appoint one (1) or more Investigators who have specific training and experience investigating allegations of Sexual Misconduct (Investigator(s)). The Investigator(s) may be employees of the College or external Investigator(s) engaged to assist the College in its fact-gathering. The Title IX Coordinator or Deputy may appoint a team of two Investigators, which may include the pairing of an external investigator with a College employee. Any Investigator chosen to conduct the Investigation must be impartial and free of any conflict of interest.

2. **Investigators' Conflicts of Interest**

A conflict of interest may arise if the Investigator is related to, has a friendship with, or otherwise has had interactions with one of the Parties or witnesses that may compromise the fairness or impartiality of the investigation. In the rare situation in which an actual or perceived conflict of interest arises from the involvement of an Investigator, that conflict must be disclosed to all Parties and any potential or actual conflict must be appropriately addressed.



If a Party has reason to believe that an Investigator for the case has a conflict of interest, the Party should notify the Title IX Coordinator or Deputy immediately via email and provide the reasons why the Party believes there is a conflict of interest. Likewise, an Investigator must promptly disclose any potential conflict of interest the Investigator might have in a particular case. The Title IX Coordinator or Deputy will review the information provided and make a determination regarding whether the Investigator should be replaced with another Investigator.

iii. **Coordination with Law Enforcement**

At the request of law enforcement, the College may agree to defer its Investigation until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and well-being. The College will promptly resume its Investigation as soon as law enforcement has completed its initial investigation.

iv. **Investigation**

The Investigation is designed to provide a fair, impartial, and reliable gathering of the facts. All individuals interviewed during the Investigation, including the Parties and any witnesses, will be treated with appropriate sensitivity and respect. The Investigation will safeguard the privacy of the individuals involved as much as possible, consistent with the need for a full assessment of the facts. At the commencement of the Investigation, the Title IX Coordinator or Deputy will provide the Investigator(s) with a copy of the Formal Complaint.

The Investigation ordinarily will include interviews of the Parties and any witnesses who may have relevant information, unless clearly unreasonable or duplicative of information already gathered; a review of any pertinent documents, medical records, and communications; and may include other actions deemed appropriate by the Investigator(s). Interviews will not be recorded.

At the initial interview of the Respondent and/or in writing within three (3) business days of the initial interview, the Respondent may provide the Investigators with a response to the allegations, the names (and contact information, if known) of any witnesses to the events in question, and any documentation or communications that the Respondent believes is pertinent to the Complainant's allegations. If a revised Notice is sent to the Parties, the Investigator(s) or the Respondent may request that the Respondent be interviewed in relation to the new allegations and/or the Respondent may provide the Investigator(s) with a response to the new allegations, the names (and contact information, if known) of any witnesses to the events in question, and any documentation or communications that the Respondent believes is pertinent to the Complainant's new allegations.

If a Party or witness declines to participate in the Investigation and the College is aware of relevant information pertaining to or in the knowledge of that Party, the Title IX Coordinator may present this information to the Investigator.



The Title IX Coordinator, Deputy and/or Investigator(s) shall make every effort to keep the Investigation confidential, although confidentiality cannot be guaranteed. During the Investigation, the Title IX Coordinator, Deputy and Investigator(s) are not permitted to discuss the investigation with anyone except as circumstances warrant on a need-to-know basis. The Investigator(s) may communicate with legal counsel to the College and the Title IX Coordinator or Deputy during the Investigation.

The College will maintain the privacy of all Parties to a complaint under these Procedures, except when it interferes with the College's obligations (1) to fully investigate allegations of violation of the Policy or to notify applicable governmental agencies as may be required by law. Where privacy may not be strictly kept, it will still be tightly controlled on a need-to-know basis and maintained to the extent possible. Breach of confidentiality by the Investigator(s) will result in a permanent removal from the Investigation and may subject the Investigator(s) to disciplinary action.

v. **Prior Sexual History of a Complainant Will Not Be Considered Unless Relevant to Consent between the Parties**

In general, a Complainant's prior sexual history is not relevant and will not be considered by the Investigator(s). Where a current or previous dating or sexual relationship is alleged between the Parties, and the Respondent alleges consent, the prior sexual history between the Parties may be considered by the Investigator(s) as relevant to assess the manner and nature of communications regarding consent between the Parties. The mere allegation of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be considered.

vi. **Summary of Investigative Interviews**

After each investigative interview, the Investigator(s) shall prepare a written summary of the interview and shall email a copy of the summary of the interview to the Party or witness who was interviewed as soon as practicable after the interview is conducted. The Party or witness will be given two (2) business days from the date upon which the Investigator(s) send the summary of the interview to provide any comments or additional information via email to the Investigator(s).

If the Party or witness does not provide comments or additional information to the Investigator(s) within this time period, the summary of the interview will be included in the Summary of Evidence without comment from the Party or witness. If the Party or witness provides comments or additional information to the Investigator(s) within this time period, the Investigator(s) shall include the comments and additional information in the Summary of Evidence, as defined below, and may, in the Investigator(s)' discretion, conduct another interview of the Party or witness.



vii. **Summary of Evidence**

Both Parties will have the opportunity to have notice of, as well as be heard by, the Investigator(s) with regard to any evidence to be considered for or against them. The opportunity to be heard includes, but is not limited to, the opportunity to respond to information received during the course of the Investigation. Both Parties will have the same access to information to be used and considered during the process, and the same opportunity to present names of relevant witnesses and to identify and provide evidence during the process.

At the conclusion of the Investigation, the Investigator(s) will prepare a written summary of the information gathered, including but not limited to the names of the witnesses interviewed, summaries of the information provided by each Party and each witness, and copies of all documents or physical evidence provided to the Investigator(s) (Summary of Evidence). The Title IX Coordinator will review the Summary of Evidence for consistency with College policy and practice, and the College's legal counsel will review the Summary of Evidence for legal sufficiency.

After the legal sufficiency review is complete, the Summary of Evidence will be marked "Confidential" and will be emailed concurrently to each Party via their respective College-assigned e-mail accounts. Parties are required to treat the Summary of Evidence as confidential. Parties may not disseminate the Summary of Evidence, or any part of it, to any other person, except for the Party's advisor and individuals who are consulted to aid in the Party's preparation of a written response or for support through the process. Providing the Summary of Evidence to any other person is a violation of the College's Policy Against Sexual Misconduct and may result in discipline against the Party.

Advisors are also bound by the obligation to maintain the Summary of Evidence confidentially and not disseminate the Summary of Evidence beyond individuals who are consulted to aid in the Party's preparation of a written response or for support for the Party through the process. An advisor's failure to maintain confidentiality of the Summary of Evidence may be grounds to exclude the advisor from further participation in the Formal Resolution process.

1. Parties' Response to Summary of Evidence

All Parties will have five (5) business days after the date the Summary of Evidence is emailed to the Parties to review the Summary of Evidence and all underlying documents. Within those five (5) business days the Parties may submit written comments, additional information in response to, and questions regarding the Summary of Evidence via email to the Title IX Coordinator (Response to Evidence).

If extenuating circumstances warrant an extension, a Party may submit a request for an extension to the Title IX Coordinator via email no later than the original deadline for the Response to Evidence. Such requests will be evaluated on a case-by-case basis. The Title IX Coordinator or Deputy shall email the decision regarding the request for extension to both Parties. If a request for extension is granted to one Party, the other Party will be provided the same amount of additional time to submit their Response to Evidence.



Parties' Response to Evidence should not exceed ten (10) double-spaced pages with a minimum of 12- point font. Each Party may clarify any fact that the Party believes is inaccurate in the Summary of Evidence; request that additional witnesses be interviewed by the Investigator(s); request that a Party or witness be interviewed again; and/or provide additional documents. If a Party requests that an additional witness be interviewed or that a Party or witness be interviewed again, the Party must provide a statement regarding the information known to the Party or witness and explain the relevance of the information to resolution of the Complaint. If a Party submits documents, the Party must explain the relevance of each document submitted.

2. Impact Statements

Within three (3) business days after the Response to Evidence is due, the Complainant and Respondent shall have the opportunity to submit a written statement to the Title IX Coordinator or Deputy describing the impact of the case on them and/or requested sanctions (Impact Statement). The Impact Statements will not be provided to the Investigator(s) unless the Respondent is found responsible for a violation of the Policy.

3. Additional Investigation

Upon receipt of each Party's Response to Evidence or the expiration of the deadline to submit the Response to Evidence, whichever is earlier, the Title IX Coordinator will submit the Parties' Responses to Evidence that were received to the Investigator(s) for consideration. All information submitted by the Parties in response to the Summary of Evidence will be carefully reviewed by the Investigator(s). The Investigator(s) may conduct additional interviews to the extent reasonable, based on the relevancy and materiality of the statement of information known by a witness.

4. Revised Summary of Evidence

If the Investigator(s) determine that the Summary of Evidence should be revised based on the Parties' Responses to Evidence and any additional investigation that is conducted, the Investigator(s) will prepare a revised Summary of Evidence (Revised Summary of Evidence). This Revised Summary of Evidence will include, but is not limited to, the names of the Parties and/or witnesses interviewed, summaries of the information provided by each Party and each witness, and copies of all documents or physical evidence provided to the Investigator(s). The Title IX Coordinator will review the Revised Summary of Evidence for consistency with College policy and practice, and the College's legal counsel will review the Revised Summary of Evidence for legal sufficiency.

After the legal sufficiency review is complete, the Revised Summary of Evidence will be marked "Confidential" and will be emailed concurrently to each Party via their respective College-assigned e- mail accounts. Parties are required to treat the Revised Summary of Evidence as confidential. Parties may not disseminate the Revised Summary of Evidence, or any part of it, to any other person, except for the Party's advisor and individuals who are consulted to aid in the Party's preparation of a written response or for support through the process. Providing the Revised Summary of Evidence to any other person is a violation of the College's Policy Against Sexual Misconduct and may result in discipline against the Party.



Advisors are also bound by the obligation to maintain the Revised Summary of Evidence confidentially and not disseminate the Revised Summary of Evidence beyond individuals who are consulted to aid in the Party's preparation of a written response or for support for the Party through the process. An advisor's failure to maintain confidentiality of the Revised Summary of Evidence may be grounds to exclude the advisor from further participation in the Formal Resolution process.

viii. **Outcome and Standard of Proof**

In determining whether the alleged conduct constitutes a violation of the Policy, the Investigator(s) will look at the record of the allegations as a whole and the totality of the circumstances based on the information gathered during the Investigation, including but not limited to, the nature of the behavior, the particular facts of the case, the nature of the relationship and interactions between the Parties, and the context in which the alleged conduct occurred. This standard will be applied from the perspective of a reasonable person within the College community.

The standard of proof in all Sexual Misconduct cases initiated under the Policy shall be "preponderance of the evidence" (i.e. that it is more likely than not that the Respondent is responsible for violation(s) of the Policy).

The Investigator(s) will submit a written decision to the Title IX Coordinator or Deputy, including, but not limited to: (1) a statement of the findings of fact concerning the alleged events, (2) the evidence relied upon in rendering the findings of fact, and (3) a determination of whether the conduct violated the Policy (Outcome). If the Respondent is found responsible for violation(s) of the Policy, the Investigator(s) will be provided with the Parties' Impact Statements and the Respondent's disciplinary record and will issue sanctions in writing (Sanctions), as set forth below.

The Title IX Coordinator will review the Outcome and Sanctions for consistency with College policy and practice, and the College's legal counsel will review the Outcome for legal sufficiency. The Title IX Coordinator or Deputy will include in the Outcome a notification of the Parties' right to appeal and the name of the Appeal Officer who has been appointed.

After the legal sufficiency review is complete, the Title IX Coordinator or Deputy will email the Outcome concurrently to each Party via their respective College-assigned e-mail accounts. If the Respondent is found responsible, the Title IX Coordinator or Deputy will email the Sanctions to the Respondent. The Complainant will be informed of any sanctions to the extent consistent with FERPA and other applicable law. The Student Conduct Officer will implement the Sanctions.

If neither Party submits an appeal within the applicable time limit, the Outcome and Sanctions will become final on the day immediately following the expiration of the time for filing an appeal.



ix. Sanctions

If the Respondent is found responsible for a violation of the Policy, the Title IX Coordinator or Deputy will provide the Investigator(s) with the Parties' Impact Statements and a copy of the Respondent's disciplinary history, which may be considered by the Investigator(s) in determining a sanction(s). Disciplinary records related to instances where the Respondent has previously been found responsible for Sexual Misconduct are presumed to be relevant by the Investigator(s) to the assignment of a sanction.

Sanctions that may be imposed under this Policy include, but are not limited to, warning, restriction, work sanctions, educational sanctions, mandated assessments, disciplinary probation, housing contract revocation, disciplinary suspension, and expulsion. Sanctions may be issued individually or a combination of sanctions may be imposed. In general:

Any student who is determined to have committed non-consensual sexual intercourse may receive a sanction ranging from suspension to expulsion.

Any student who is determined to have committed non-consensual sexual contact or any other prohibited form of conduct may receive a sanction ranging from warning to expulsion.

The Investigator(s) may deviate from the range of recommended sanctions, based upon a full consideration of the following factors:

- The Respondent's prior discipline history;
- How the College has sanctioned similar incidents in the past;
- The nature and violence of the conduct at issue;
- The impact of the conduct on the Complainant;
- The impact of the conduct on the community, its members, or its property;
- Whether the Respondent has accepted responsibility for the Respondent's actions;
- Whether the Respondent is reasonably likely to engage in the conduct in the future;
- The need to deter similar conduct by others; and/or
- Any other mitigating or aggravating circumstances, including the College's values.

The Investigator(s), in consultation with the Title IX Coordinator or Deputy, may also consider restorative justice outcomes that, taking into account the safety of the community as a whole, allow a Respondent to learn about the origins of the Respondent's behavior, the Respondent's responsibility for this behavior, and how the Respondent can change this behavior.

In the course of preparing the Outcome, the Investigator(s) will notify the Title IX Coordinator or Deputy via email if the Investigator(s) have determined that the Respondent(s) is responsible for one (1) or more Policy violations. The Title IX Coordinator or Deputy will then provide the Investigator(s) with the Parties' Impact Statements and the Respondent(s)' disciplinary record.



x. Timeline

The Title IX Coordinator or Deputy will keep the parties informed of the status of the College's resolution of the report throughout the process. The Investigators will strive to complete the Investigation within twenty to twenty-five (20-25) business days of the Notice of Investigation. The Investigators will strive to complete the Outcome within ten (10) business days of receipt of Parties' Responses to Evidence.

The Formal Resolution generally shall be completed within sixty (60) days of the Title IX Coordinator's or Deputy's receipt of the initial report of the allegations of Sexual Misconduct. If the Formal Resolution cannot be completed within sixty (60) days of the initial report, the Complainant and Respondent(s) will be notified via email of reasons for delay.

VIII. Appeals

a. Appeal Officer

Either Party may appeal the Outcome, including the finding of responsible or not responsible and/or the sanctions, via email to the Title IX Coordinator. The appeal will be conducted in an impartial manner by an impartial decision-maker (the Appeal Officer). The Title IX Coordinator will appoint an Appeal Officer from a pool of external appeal officers with specific training and experience in Title IX matters.

b. Conflicts of Interest

A conflict of interest may arise if the Appeal Officer is related to, has a friendship with, or otherwise has had interactions with one of the parties or witnesses that may compromise the fairness or impartiality of the investigation. In the rare situation in which an actual or perceived conflict of interest arises from the involvement of an Appeal Officer, that conflict must be disclosed to all Parties and any potential or actual conflict must be appropriately addressed.

If a Party has reason to believe that an Appeal Officer for the case has a conflict of interest, the Party should notify the Title IX Coordinator or Deputy immediately via email and provide the reasons why the Party believes there is a conflict of interest. Likewise, an Appeal Officer must promptly disclose any potential conflict of interest the Appeal Officer might have in a particular case. The Title IX Coordinator or Deputy will review the information provided and make a determination regarding whether the Appeal Officer should be replaced with another Appeal Officer.



c. Submission of Appeal

i. Time to Submit an Appeal

Appeals must be submitted to the Title IX Coordinator or Deputy via email within five (5) business days of the date the Outcome was sent via email to the Parties. Upon receipt of an appeal, the Title IX Coordinator or Deputy will send a copy of the appeal to the non-appealing Party within one (1) business day of the Title IX Coordinator or Deputy's receipt of the appeal. The non-appealing party will have three (3) business days to submit a response to the appeal to the Title IX Coordinator or Deputy.

In the event that an extenuating circumstance may warrant an extension, a request for an extension must be submitted to the Title IX Coordinator via email no later than the original deadline for the Appeal. Such requests will be evaluated on a case-by-case basis. The Title IX Coordinator or Deputy shall email the decision regarding the request for extension to both Parties. If a request for extension is granted to the appealing Party, the non-appealing Party will be provided the same amount of additional time to submit the Response to the Appeal. Appeals or responses submitted after the deadlines without an extension having been granted by the Title IX Coordinator or Deputy will be denied.

ii. Submission of the Appeal to the Appeals Officer

The Title IX Coordinator or Deputy shall email a copy of the Outcome, the appeal and any response to the appeal to the designated Appeal Officer within one (1) business day of the receipt of the response or the date upon which the response was due, whichever is earlier. The Appeal Officer shall confirm receipt of this information via email to the Title IX Coordinator or Deputy. The Title IX Coordinator or Deputy will email a copy of the response to the appeal, if any, to the appealing Party.

d. Requirements for Appeal and Response to Appeal

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for appeal, all relevant information to substantiate the basis for the appeal, and appellant's desired outcome. The appeal shall not exceed 10 double-spaced pages with a minimum 12-point font. Mere dissatisfaction with the Outcome is not a valid basis for appeal.

Grounds for appeal are limited to the following:

- Specified deviations from the prescribed procedures of the Policy or these Student Procedures that resulted in significant prejudice to the appealing Party. Minor deviations from designated procedures will not form the basis for sustaining an appeal.
- New or significant information that could not reasonably be made available at the time of the original investigation.
- The sanction imposed was not appropriate to the violation for which the Respondent was found responsible.



A response to an appeal shall consist of a plain, concise, and complete written statement outlining the reasons that the appeals should be denied, all relevant information to substantiate the basis for the response, and non-appealing Party's desired outcome. The response shall not exceed 10 double-spaced pages with a minimum 12-point font.

If both Parties appeal, each party is permitted to file a response to the other Party's appeal, and both appeals will be considered by the Appeal Officer in one proceeding.

e. Exclusion of Improper Information Submitted on Appeal

The Appeal Officer may exclude any information submitted by the appealing or non-appealing Party if it is not relevant or material to one of the specified grounds for appeal. If the Appeal Officer excludes information submitted on appeal, the Appeal Officer shall state the basis for exclusion of the information in the Appeal Officer's written decision.

f. Burden of Proof

In any request for an appeal, the burden of proof lies with the appealing Party, as the original Outcome (and Sanction, if assigned) are presumed to have been decided reasonably and appropriately.

The Appeal Officer shall first consider whether the appeal is timely filed and if so, whether the appeal is based on one or more of the three grounds. If the Appeal Officer determines that the appeal is not timely or is not based on one of the permitted grounds, the appeal will be denied.

An appeal is not an opportunity for the Appeal Officer to substitute the Appeal Officer's own judgment for that of the Investigator(s) merely because the Appeal Officer disagrees with the Outcome, findings and/or Sanctions. Appeal decisions are to be deferential to the original Investigator(s), making changes to the finding only where there is clear error.

g. Outcome of Appeal

The Appeal Officer may affirm or alter the Outcome and/or Sanctions, depending on the basis of the requested appeal:

If the appeal is based on procedural error, the Appeal Officer may return the Formal Complaint to the Investigator(s) with instructions to cure the error, or, in rare cases where the error cannot be cured, the Appeal Officer may ask that a new investigation occur. If a new investigation is ordered, the Title IX Coordinator or Deputy will appoint different Investigator(s) to conduct a new investigation in accordance with these Student Procedures. The new investigation shall be expedited to the maximum extent possible while ensuring that a thorough and complete investigation is conducted.

In the case of new and relevant information, the Appeal Officer may remand the case to the original Investigator(s) to assess the weight and effect of the new information, conduct any additional investigation as appropriate, and render a revised report after considering the new facts.

If an appeal is based on an assertion that an imposed Sanction was not appropriate to the violation for which the Respondent was found responsible, the Appeal Officer may affirm or alter the Sanction.



The Appeal Officer will render a written decision on the appeal (Appeal Decision) and send it to the Title IX Coordinator or Deputy within fifteen (15) business days from the date that the Title IX Coordinator or Deputy submits all of the appeal documents to the Appeal Officer. This time frame may be extended by the Title IX Coordinator or Deputy as necessary to ensure the integrity and completeness of the appeal process. The Title IX Coordinator will notify the Parties if additional time is required to complete the appeal process.

Appeal Decisions are final, unless the case is remanded. If the Appeal Officer remands the case, the Appeal Decision will state whether the Investigator(s) must issue a Revised Summary of Evidence, Outcome and/or Sanction, as appropriate to the findings on appeal. Any additional investigation and revision of the Summary of Evidence, Outcome and/or Sanction should be completed promptly as practicable. If the case is remanded, a Party may appeal only the portions of the Outcome that were changed on remand.

The Title IX Coordinator will review the Appeal Decision for consistency with College policy and practice, and the College's legal counsel will review the Appeal Decision for legal sufficiency.

After the legal sufficiency review is complete, the Title IX Coordinator or Deputy will email the Appeal Decision concurrently to each Party via their respective College-assigned e-mail accounts.

h. Sanctions during Appeal

Sanctions will typically be stayed pending the outcome of any appeal process. If a Respondent is suspended on an interim basis prior to the conclusion of the Investigation and is suspended or expelled as a result of the Investigation, the interim suspension will continue pending the outcome of any appeal.

IX. Records

These procedures are entirely administrative in nature and are not considered legal proceedings. Parties may not make audio or video recordings of interviews, meetings or any part of the proceedings.

The Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Initial Assessment, Informal Resolution, or Formal Resolution for at least seven (7) years. Complaints resolved by means of Initial Assessment or Informal Resolution are not part of a student's conduct file or academic record or of an employee's personnel record.

If the Respondent is a student and is found responsible for a violation of the Policy through the Formal Resolution process, the Title IX Coordinator will submit a copy of the Outcome and Sanctions to the Student Conduct Officer to be placed in the student's disciplinary record. Such records shall be used in reviewing any further conduct or issuing sanctions and shall remain a part of a student's conduct record.



Student conduct records will be retained in the Dean of Students Office for seven (7) years from when the student graduates or leaves the College due to death, withdrawal, or academic dismissal. Student conduct records of cases resulting in suspension, expulsion, or organizational deactivation may be retained for longer periods of time or indefinitely at the discretion of the Dean of Students. Further questions about record retention should be directed to the Dean of Students Office.

X. The Family Education Rights and Privacy Act

The Family Education Rights and Privacy Act (FERPA) is a federal privacy law that concerns student education records. Student conduct records, including student conduct records that are maintained in the course of a Sexual Misconduct proceeding, are education records under FERPA. Generally, FERPA prohibits disclosure of student conduct records, absent a student's consent. There are a number of exceptions, however, that may subject student conduct records to disclosure in the course of or in the aftermath of a Sexual Misconduct investigation:

FORMAL RESOLUTION: RESOLVING COMPLAINTS AGAINST A COLLEGE EMPLOYEE, VOLUNTEER, OR CONTRACTOR

Overview

As outlined in the Reporting section of this policy, an individual who wishes to make a report of sexual harassment, sexual violence, stalking, or intimate partner violence is encouraged to make a report directly to the Title IX Coordinator, Deputy Title IX Coordinator, the Dean of Students Office, Public Safety or the Office of Student Conduct. Complaints involving College employees, volunteers or contractors can also be made to the College's AA/EEO Officer. In every instance under this policy, the College, through the coordinated efforts of the Title IX team, will conduct an initial Title IX Assessment. For complaints involving College employees the Title IX team could include the College's AA/EEO Officer.

At the conclusion of the Title IX Assessment, the report will be referred for Informal Resolution or Investigation to determine if there is sufficient information to proceed with Formal Resolution. Informal Resolution is a remedies-based approach that does not involve disciplinary action against a Respondent. Formal Resolution is a sanctions-based approach that may involve discipline up to and including termination of employment. Throughout the assessment and resolution processes, all parties will be kept informed of the status of the College's activities.



Initial Assessment

Upon receipt of a complaint, the College, through the coordinated efforts of the Title IX team, will conduct an initial Title IX assessment. The first step of the assessment will usually be a preliminary meeting with the Complainant and the Title IX Coordinator or a member of the Title IX team. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full forensic interview. At this meeting, the Complainant will be provided with information about resources, procedural options and interim remedies.

This initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, an investigation may continue depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

At the conclusion of the Title IX assessment, the Title IX team will determine the appropriate manner of resolution and, if appropriate, refer the report for further Investigation or Informal Resolution.

The determination as to how to proceed will be communicated to the Complainant in writing. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the College seeks action that would impact a Respondent, such as protective measures that restrict his/her movement on campus, the initiation of an investigation or the decision to involve the Respondent in Informal Resolution.

Informal Resolution

Informal resolution is a remedies-based approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent.

Where the Title IX assessment concludes that informal resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to eliminate a hostile environment. Examples of protective remedies are provided in Section IX: Interim Remedies. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the College. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The College will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence. The decision to pursue informal resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report. The College will keep the Complainant informed of the progress of Informal Resolution procedures.



Investigation

Following the initial Title IX assessment, the College may initiate a prompt, thorough, and impartial investigation. The Title IX Coordinator, in consultation with the Title IX team, will oversee the investigation.

The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Complainant, the Respondent and any third-party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the investigation will safeguard the privacy of the individuals involved as much as possible.

The College will designate an investigator who has specific training and experience investigating allegations of sexual harassment and sexual misconduct. The investigator may be an employee of the College or an external investigator engaged to assist the College in its fact gathering. The College may use a team of two investigators, which may include the pairing of an external investigator with a College employee. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator(s) will coordinate the gathering of information from the Complainant, the Respondent, and any other individuals who may have information relevant to the determination. The investigator(s) will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The investigator(s) may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent. The Complainant and Respondent will have an equal opportunity to be heard, to submit evidence, and to identify witnesses who may have relevant information.

The investigation will usually be completed within twenty (20) business days. Given the availability of witnesses or complexity of the circumstances, this time frame may be extended as necessary to ensure the integrity and completeness of the investigation. The College will keep all parties informed of the progress of the investigation.

At the request of law enforcement, the College may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and well-being. The College will promptly resume its Title IX fact gathering as soon as law enforcement has completed its initial investigation.

Information gathered during the investigation will be used to evaluate the appropriate course of action, provide for the safety of the individual and the campus community, and impose remedies as necessary to address the effects of the conduct cited in the report.



Formal Resolution

Upon receipt of a formal complaint of sexual misconduct, the Title IX Coordinator or Title IX Deputy shall consult with the Title IX team and the Office of the Attorney General prior to taking action to investigate or resolve the complaint. The Title IX Coordinator or Deputy shall, within sixty (60) days from the receipt of a formal complaint, conduct and conclude an investigation of the allegations that will include an interview with the Complainant, the Respondent, and witnesses as well as the collection of relevant documents, if any.

Notice of Decision

Upon the conclusion of the investigation, the Title IX Coordinator or Deputy shall deliver the final decision to the Complainant and the Respondent setting forth the following: (a) a statement of the facts which occurred; (b) a determination of whether the conduct which occurred violated the College's Policy Against Sexual Misconduct using a preponderance of the evidence standard; and (c) what discipline, if any, will be imposed. Disciplinary action may include, but is not limited to, a letter of reprimand, instructions to draft and send a letter of apology, termination of a contract, demotion, termination of employment, or expulsion from College programs. The decision of the Title IX Coordinator or Deputy shall also advise the Complainant and the Respondent of the right to appeal the decision.

Rights to Appeal

The Complainant or Respondent may appeal the decision of the Title IX Coordinator or Deputy by filing a written appeal with the Vice President for Business and Finance, Charles C. Jackson (or designee) within ten (10) calendar days of the date of receipt of the written decision. The person taking the appeal shall be called the Appellant. The Title IX Coordinator or Deputy shall be called the Appellee. After receipt of the appeal, an Appeal Panel will be appointed in accordance with the procedures in the applicable employee handbook.

The Appeal Panel shall, within fifteen (15) days of receipt of the Appeal, conduct a hearing to determine whether (a) the facts alleged occurred; (b) the conduct that occurred constitutes sexual misconduct prohibited by the College's Policy; and (c) the disciplinary action is appropriate. At the hearing, the Appellant and Appellee may be represented by counsel and may present opening and closing statements, call and cross-examine witnesses, and introduce documentary evidence. The Panel members may call and question witnesses, request documents, and exclude non probative and unduly repetitious testimony. A single verbatim record, such as a recording, shall be made of the hearing. The recording shall be the property of the College. No other recordings shall be made by any person during the hearing. Deliberations will not be recorded. The College will not transcribe recordings. Recordings of hearings which result in employment termination shall be kept indefinitely. All other recordings will be destroyed following the end of the appeal period.

Within fifteen (15) days following the conclusion of the hearing, the Appeal Panel shall submit a written final decision containing (a) a statement of the facts which they have found to have occurred; (b) whether the conduct which occurred constitutes sexual misconduct prohibited by the College's Policy; and c) the disciplinary action, if any, that will be imposed. The final decision will be delivered to the Appellant and the Appellee by either certified mail, return receipt requested, overnight, two-day mail, or hand-delivery with a copy sent by first class mail.



Addendum

A. Contact List of Persons Assigned to Duties, Office, and Positions:

- Vice President for Student Affairs / Dean of Students: Leonard E. Brown
143 Campus Center Ext 4208 240-895-4208
- Vice President for Business and Finance: Charles C. Jackson 115 Calvert
Hall Ext 4413 240-895-4413
- Vice President for Academic Affairs and Dean of Faculty: Michael Wick
104 Calvert Hall Ext 4389 240-895-4389
- Title IX Coordinator: Michael Dunn 254 Glendening Hall Ext 4105 240-
895-4105
- Director of Human Resources/ Deputy Title IX Coordinator: Shannon
Jarboe 170 Glendening Hall Ext 4309 240-895-4309
- Assistant Director of Human Resources AA/EEO Officer: Melvin A.
McClintock 170 Glendening Hall Ext 4309 240-895-4309

To reach the above persons via U.S. Mail, please use the Name, Title, and the College mailing address of St. Mary's College of Maryland, 47645 College Drive, St. Mary's City, Maryland 20686-3001.

B. External Agencies

There are strict time frames in which complaints of sexual misconduct complaints must be filed with external state or federal agencies. To preserve the ability of the external agencies to act on the Complainant's behalf and to protect the right to file a private lawsuit, one must adhere to the external agency's time frames and associated procedural guidelines when filing a charge. A person wishing to file a complaint with an outside agency should contact an attorney of their choice or these external agencies directly and promptly to determine the appropriate time frames and procedures for filing a complaint. The following external agencies handle sexual misconduct complaints.

- U.S. Equal Employment Opportunity Commission (EEOC) (main office)
1801 L Street, N.W. Washington, D.C. 20507 800-669-4000 202-663-4900
- EEOC (Baltimore district office) City Crescent Building 10 South Howard
Street 3rd Floor Baltimore, MD 21201 410-962-3932
- Maryland Commission on Civil Rights (MCCR) (main office) Schaefer
Towers 6 St. Paul Street, Suite 900 Baltimore, MD 21202 410-767-8600
- MCCR (Southern Maryland office) Joseph P. Carter Center 23110 Leonard
Hall Drive Post Office Box 653 Leonardtown, MD 20650 301-475-4118
- U.S. Department of Education, Office for Civil Rights (DOE/OCR) (Main
office) Mary E. Switzer Building 330 C Street, SW Washington, DC 20202
202-205-5413 1-800-421-3481
- DOE/OCR (local office) Wanamaker Building, Suite 515 100 Penn Square
East Philadelphia, PA 19107 215-656-8541



SAFETY TIPS

The College provides the following safety tips for its community:

IF A PERSON SEES SOMETHING OR SOMEONE SUSPICIOUS, THE PERSON SHOULD SAY SOMETHING IMMEDIATELY

On Campus

- Don't walk alone; always walk in a group or with a friend. If a person does not have someone with whom to walk, contact the Office of Public Safety (240-895-4911) for an escort. Escorts are provided from dusk until dawn.
- Choose well-lighted paths and avoid shortcuts. If an area light is out, please report it to the Physical Plant (240-895-4287) or Public Safety (240-895-4911).
- **Be Aware!** If a person believe he/she is being followed, the person should occasionally look behind him/her and if possible, immediately head for the nearest emergency blue light phone, lighted building or group of people. See the Emergency Phone map.

In the Residence Halls

- Never loan or give a room key or access card to anyone.
- **Don't block open residence hall doors!** It is dangerous to everyone in the building.
- Don't leave rooms open or unlocked or go to sleep with a door unlocked.
- Don't leave windows unlocked when no one is present in the room.
- Establish consistent safety practices with roommates and suitemates by discussing these safety tips.
- Report lost keys or access card immediately. Public Safety has a lost and found and can be contacted at (240) 895-4911.
- Contact an RA or Residence Life Coordinator immediately if there is a belief that safety is being compromised in the residence.

Bikes

- Use bike racks on campus.
- Bikes locked to trees may be impounded by the Office of Public Safety.
- Record the serial number and a physical description (make, model, and color) of the bike. Keep the sales receipt.
- Register bikes with the Office of Public Safety at (240) 895-4911.
- Always lock bikes with a high quality lock. U-Locks are recommended nationally.
- Lights, bags and cycling computers are easy to steal, so consider removing them when not in use.
- Ride smart and safely. Use signals, be aware of car doors and remember to announce oneself to pedestrians on campus.



Protect Cars

- Always Lock!
- Windows should always be rolled up completely.
- Don't leave valuable items in view. Put bags and boxes in the trunk and use a stereo with a removable faceplate. Don't ever leave a cell phone out!
- If a Parking Decal is stolen, report the theft to Public Safety at (240) 895-4911.

Property Safety

- Utilize the Office of Public Safety property registration program to register and record valuable property. Public Safety will mark property by engraving it with the owner's driver's license number and recording the serial number so it can be identified. If marked property is stolen, and recovered the description and identifying number can be used to return the property to the owner.
- When in the library, campus center, or academic buildings, do not leave any property unattended, even for a minute.
- In the locker room, always lock individual lockers. It is an easy way to prevent wallet theft.

BLUE LIGHT EMERGENCY PHONES

Blue light emergency phones provide an immediate, direct connection to the dispatcher at the Office of Public Safety. Members of the College community can use these devices to call for emergency assistance, report crimes in progress, and advise Public Safety of suspicious or potentially hazardous situations or persons. Blue light phones are checked by Public Safety on a regular basis.

These phones can be found at the following locations on campus. See map at <http://www.smcm.edu/publicsafety/campus-safety/blue-light-phones/>

- Front of Waring Commons
- Front of Lewis Quad
- Townhouse Greens
- Front of Parking Lot R
- Rear of Parking Lot R
- Parking Lot S
- Front of Parking Lot T
- Middle of Parking Lot T
- Rear of Parking Lot T
- Front of Parking Lot Z
- Middle of Parking Lot Z
- Front of Schaefer Hall by Greenhouse
- Pathway between Queen Anne and Wellness Center
- Pathway by St. Johns Pond
- Queen Anne Hall near Rt 5
- River Center
- St. Mary's Hall
- Middle of Parking Lot K
- Rear of Parking Lot K



DEFINITIONS AND CLASSIFICATION OF CRIMES

In accordance with the Clery Act, the following is the list of the definitions and classifications of crimes that is used by the College for purposes of this report:

Criminal Homicide-Manslaughter by Negligence: The killing of another person through gross negligence.

Manslaughter by negligence: The willful (non-negligent) killing of one human being by another.

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.

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 incapacity.

Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by law.

Statutory rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent. Consent means actually agreeing to the act of intercourse, rather than merely submitting as a result of force or threat or force.

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

Aggravated assault: An unlawful attack by one person on 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.

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

Burglary: The unlawful entry of a structure to commit a felony or a theft.

Motor vehicle theft: The theft or attempted theft of a motor vehicle.

Liquor law violations: Violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, 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; and all attempts to commit any of the above.

Drug law violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. Substances



include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadone) and dangerous non-narcotic drugs (barbiturates, benzedrine).

Weapon law violation: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., silencers; furnishing deadly

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 cohabited 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.
- 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.

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. Note: Maryland has no Dating Violence law.

Stalking: Engaging in 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. 2. Suffer substantial emotional distress.

Hate crimes: Includes the above crimes with the additional crimes of vandalism, theft, simple assault, or intimidation where there is evidence victims were intentionally selected because of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.



STATISTICS FOR CRIMES REPORTED TO ST. MARY'S COLLEGE OF MARYLAND

2015 STATISTICS

Offense (Reported By Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Murder/Non Negligent Manslaughter	2015	0	0	0	0	0	0
Manslaughter by negligence	2015	0	0	0	0	0	0
Rape	2015	5	0	0	5	3	1
Fondling	2015	3**	0	0	3	3**	0
Incest	2015	0	0	0	0	0	0
Statutory Rape	2015	0	0	0	0	0	0
Robbery	2015	1	0	0	1	0	0
Aggravated Assault	2015	1	0	0	1	0	0
Burglary	2015	12	0	0	12	10	0
Motor Vehicle Theft	2015	5	0	1	6	0	0
Arrests and Referral for violations of liquor, drug, or weapon law violations	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Liquor Law Arrests	2015	0	0	0	0	0	0
Drug Law Arrests	2015	0	0	0	0	0	0



Weapons Law Arrests	2015	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2015	25	0	0	25	17	0
Drug Law Violations Referred for Disciplinary Action	2015	0***	0	0	0***	0	0
Weapons Law Violations Referred for Disciplinary Action	2015	1	0	0	1	0	0
Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Arson	2015	0	0	0	0	0	0
Domestic Violence	2015	4	0	1	5	0	0
Dating Violence	2015	0	0	0	0	0	0
Stalking	2015	13	0	0	13	7	0

**Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. such crimes are counted in both categories.*

*** Note: One incident of forcible fondling was reported in 2015 but was reported to have occurred in 2013*

**** Note: Referrals for use or possession of less than 10 grams of marijuana are no longer counted as drug law violations in Maryland as of 10/01/14*

Hate Crime Reporting

There were no hate crimes reported for 2015.



2014 STATISTICS

Offense (Reported By Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Murder/Non Negligent Manslaughter	2014	0	0	0	0	0	0
Negligent Manslaughter	2014	0	0	0	0	0	0
Rape**	2014	7	0	0	7	6	0
Fondling**	2014	4	0	1	5	3	0
Incest**	2014	0	0	0	0	0	0
Statutory Rape**	2014	0	0	0	0	0	0
Robbery	2014	0	0	0	0	0	0
Aggravated Assault	2014	1	0	0	1	0	0
Burglary	2014	18	0	0	18	13	0
Motor Vehicle Theft	2014	2	0	0	2	0	0
Liquor Law Arrests	2014	0	0	0	0	0	0
Drug Law Arrests	2014	1	0	0	1	0	0
Weapons Law Arrests	2014	0	0	0	0	0	0



Liquor Law Violations Referred for Disciplinary Action	2014	42	0	0	42	39	0
Drug Law Violations Referred for Disciplinary Action	2014	41***	0	0	41***	34***	0
Weapons Law Violations Referred for Disciplinary Action	2014	0	0	0	0	0	0
Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Arson	2014	0	0	0	0	0	0
Domestic Violence	2014	0	0	0	0	0	0
Dating Violence	2014	1	0	0	1	1	0
Stalking	2014	8	0	0	8	4	0

**Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. such crimes are counted in both categories.*

***Note: The Classification of Forcible Sex Offense has been removed and separated into the categories of Rape and Fondling. Non-Forcible Sex Offense has been separated into the categories of Statutory Rape and Incest.*

**** Note: Referrals for use or possession of less than 10 grams of marijuana are no longer counted as drug law violations in Maryland as of 10/01/14*

Hate Crime Reporting

There were 2 reported crimes of vandalism based on a bias towards sexual orientation that occurred in the On Campus Clery Geographic Category.

There was 1 reported crime of vandalism based on a bias of race that occurred in the On Campus Clery Geographic Category.



2013 STATISTICS

Offense (Reported By Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities*
Murder/Non Negligent Manslaughter	2013	0	0	0	0	0
Negligent Manslaughter	2013	0	0	0	0	0
Forcible Sex Offense	2013	9**	0	0	9**	9**
Non-Forcible Sex Offense	2013	0	0	0	0	0
Robbery	2013	0	0	0	0	0
Aggravated Assault	2013	0	0	0	0	0
Burglary	2013	10**	0	0	10**	4**
Motor Vehicle Theft	2013	1	0	0	1	1
Liquor Law Arrests	2013	0	0	0	0	0
Drug Law Arrests	2013	1**	0	3**	4**	0
Weapons Law Arrests	2013	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2013	33**	0	0	33**	9**
Drug Law Violations Referred for Disciplinary Action	2013	34**	0	0	34**	16**
Weapons Law Violations Referred for Disciplinary Action	2013	0	0	0	0	0



Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities*
Arson	2013	0	0	0	0	0
Domestic Violence	2013	0	0	0	0	0
Dating Violence	2013	1**	0	0	1**	1**
Stalking	2013	2**	0	0	2**	1**

**Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. such crimes are counted in both categories.*

***Note: After a review these statistics were amended from the previously reported statistics.*

Hate Crime Reporting

There were no hate crimes reported for 2013.

REPORTING ENTITIES

As required by the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, St. Mary's College of Maryland's Office of Public Safety completed the annual report, which includes reported crime stats obtained from the following entities:

St. Mary's College of Maryland Office of Public Safety, Office of Student Conduct, Title IX coordinator, Campus Security Authorities, Human resources, St. Mary's County Sheriff's Office, Leonardtown State Police Barracks, Department of Natural Resources Police, United States Coast Guard, and the Maryland Fire Marshall's Office



ST MARY'S

COLLEGE of MARYLAND

The Public Honors College

2016

FIRE SAFETY REPORT





C O N T E N T S	P A G E
St. Mary's College of Maryland Fire Safety Policy	69
Policy on portable appliances	69
Policy on Smoking	70
Policy on Candles and Open Flames	70
Residential Facilities Fire Safety Equipment	71
Fire Safety Plan	71
Evacuation of residential Facilities	71
In Case of an Actual Fire	72
Fire Safety Education	72
Residential Fire Statistics	73
2015 Fire Statistics	73
2014 Fire Statistics	74
2013 Fire Statistics	75
Plans for Future improvements of Residential Fire Safety Equipment	75



ST. MARY'S COLLEGE OF MARYLAND FIRE SAFETY POLICIES

St. Mary's adheres to fire codes as noted in the NFPA Inspection Manual (seventh edition). As such, personal property cannot be left in corridors as "All paths of travel from any part of the building must allow the occupants to travel safely without obstructions to the exits. Corridors and passageways must be at least 44 inches wide and completely clear of obstructions." (NFPA, p. 351).

POLICY ON PORTABLE APPLIANCES

Residents are not permitted to install outdoor antennas or other devices on the exterior of any residence hall, suite, apartment, or townhouse or in adjacent trees or shrubbery. Under no circumstances may the electrical wiring in a room be altered. Installation or alteration of electrical equipment is prohibited.

The following are appliances which may be operated in student rooms:

- clock
- computer and printer
- curling iron
- electric blanket (with heat control)
- electric curlers
- fan
- hair dryer
- hot pot (must have closed heating element)
- iron
- lamp (except halogen*)
- popcorn popper
- refrigerator (less than 5 cubic feet capacity, only one per room)
- radio
- shaver
- stereo equipment
- television
- VCR/DVD player

** Halogen lamps have been responsible for a number of housing fires across the country. Halogen bulbs burn three times as hot as incandescent bulbs. They are not permitted at SMCM.*

Students living in the suites, apartments, or townhouses are permitted to have one microwave oven per suite, apartment, or townhouse unit. Students in traditional residence halls are not permitted to have a microwave in their rooms. One is provided in the common area kitchen.

Electrical appliances not included on this list are not allowed and may be confiscated and stored at the student's expense. No appliances may have an exposed heating element. All appliances must be UL-approved. Window air conditioners are permitted only for those students with approved medical reasons who have received written permission from the Health Center and the Associate Dean of Students.



POLICY ON SMOKING

St. Mary's College of Maryland establishes the following policy regarding the smoking and use of tobacco products. The Governor's Executive Order (01.01.1992.20) establishes guidelines upon which the St. Mary's policy is based.

I. Policy

A. Buildings

1. Smoking or carrying any lighted tobacco product is prohibited in all state buildings and facilities.

B. State Vehicles

1. Smoking is prohibited in all state vehicles.

C. Residence Halls, Suites, Apartments, and Townhouses

1. Smoking is prohibited in all areas of all residential facilities.

II. Enforcement

A. Responsibility:

1. All employees and students share in the responsibility for adhering to and enforcing this policy and have the responsibility for bringing it to the attention of visitors.

B. Conflict resolution:

1. The Office of Human Resources is responsible for resolving conflicts and investigating claims of employees. The Director of Student Conduct is responsible for resolving conflicts and investigating claims of students.

C. Disciplinary procedures:

1. For an employee found in noncompliance, the following shall result:
 - a. For the first offense: be directed to Human Resources for counseling on the provisions of the Executive Order (verbal warning)
 - b. For the second offense: be given a written reprimand.
 - c. For a third offense: receive a suspension.
 - d. For a fourth or subsequent offense: may result in termination of employment.
2. For a student found in noncompliance, an incident report may be forwarded to the Director of Student Conduct for adjudication.

POLICY ON CANDLES AND OPEN FLAMES

Candles and incense are not permitted due to the danger of open flame and unattended heat sources.



RESIDENTIAL FACILITIES FIRE SAFETY EQUIPMENT

RESIDENTIAL BUILDING	ADDRESS	SMOKE DETECTORS	BEDROOM SMOKE DETECTORS	COMMON AREA SMOKE DETECTORS	FIRE ALARM REPORT TO	SPRINKLER SYSTEM	TYPE	NUMBER OF FIRE DRILL CONDUCTED IN 2015
Caroline Hall	19075 Hill Commons Drive	Yes	110 V Non-System	110 V System	Public Safety	No	N/A	1
Dorchester Hall	19085 Hill Commons Drive	Yes	110 V Non-System	110 V System	Public Safety	No	N/A	1
Queen Anne Hall	19125 Yaocomaco Drive	Yes	110 V Non-System	110 V System	Public Safety	No	N/A	1
Prince Georges Hall	19065 Hill Commons Drive	Yes	110 V Non-System	110 V System	Public Safety	No	N/A	1
Lewis Quad	47800 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet & Dry	0
Waring Commons	47830 College Drive	Yes	110 V Non-System	110 V System	Public Safety	Yes	Wet	0
North Crescent Townhouses	47775 College Drive	Yes	N/A	110 V System	Public Safety	Yes	Wet	0
South Crescent Townhouses	47725 College Drive	Yes	N/A	110 V System	Public Safety	Yes	Wet	0
Townhouse A (Harrington)	47680 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet	0
Townhouse B (Boone)	47690 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet	0
Townhouse C (Homer Dodge)	47700 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet	0
Townhouse D (Maggie Dodge)	47740 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet	0
Townhouse E (Morsell)	47750 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet	0
Townhouse F (Trueschler)	47760 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet	0

FIRE SAFETY PLAN

EVACUATION OF RESIDENTIAL FACILITIES

Students should gather in the designated location as follows:

Caroline and Prince George Halls: Students should move to the area in front of Glendening Hall. In the event of bad weather or extended evacuation, students will be permitted to enter Montgomery Hall.

Dorchester Hall: Students should move to the green area/hill next to Montgomery Hall Dance Studio. In the event of bad weather or extended evacuation, students will be permitted to enter Montgomery Hall



Lewis Quadrangle: Students should move toward the grass areas around DPC. In the event of bad weather or an extended evacuation, students will be permitted to enter DPC.

Queen Anne Hall: Students should move toward the wooded area behind the dumpster located in the front of the building (parking lot). In the event of bad weather or an extended evacuation, students will be permitted to enter Montgomery Hall.

Townhouses - Harrington, Boone, Homer Dodge, Maggie Dodge, Morsell, and Trueschler: Students should exit toward the Townhouse Green and then proceed to the patio area of DPC. In the event of bad weather or an extended evacuation, students will be permitted to enter DPC.

Townhouses - Southern Crescent and Northern Crescent: Students should move toward the grass areas around DPC. In the event of bad weather or an extended evacuation, students will be permitted to enter DPC.

Waring Commons: Students should move toward Lewis Quad. In the event of bad weather or an extended evacuation, students will be permitted to enter the LQ rec. room and DPC.

When evacuating a Residence Hall Students should not block the roadway and should be alert for approaching Emergency Vehicles.

IN CASE OF AN ACTUAL FIRE IN ANY RESIDENTIAL, ACADEMIC, OR ADMINISTRATIVE BUILDING

1. Pull the nearest fire alarm.
2. Evacuate the building immediately and move across the street or to locations indicated by College officials.
3. Call 911 or 9-911 from a campus phone (County Control Center) and report the location of the fire.
4. Call 240-895-4911 (Public Safety) and report the location of the fire.
5. Assist disabled individuals, if possible and safe to do so.
6. Wait to return to the building until the alarm has been silenced and Public Safety or other emergency personnel at the scene have given an official "all clear."

FIRE SAFETY EDUCATION

1. Residence Life staff receives at least two hours of fire safety training each August. They receive information on fire safety procedures, fire prevention, Health and Safety Inspections, and new staff learns how to use a fire extinguisher. In addition, all staff are trained on their building evacuation system.
2. Resident students are trained before classes begin on evacuation procedures, fire safety, Health and Safety inspections.
3. Prior to each break (Thanksgiving, winter, spring), Residence Life staff have hall meetings with their residents to review Health and Safety Inspection information.



RESIDENTIAL FIRE STATISTICS

For purposes of including a fire in the statistics in the Annual Fire Safety Report, all fires should be reported to the Office of Public Safety at x4911 or (240) 895-4911.

2015 FIRE STATISTICS

RESIDENTIAL BUILDING	ADDRESS	TOTAL NUMBER OF FIRES	DATE OF FIRE	TIME OF FIRE	CAUSE OF FIRE	# OF INJURIES REQUIRING MEDICAL TREATMENT	# OF DEATHS	VALUE OF PROPERTY DAMAGE
Caroline Hall	19075 Hill Commons Drive	0	N/A	N/A	N/A	0	0	0
Dorchester Hall	19085 Hill Commons Drive	0	N/A	N/A	N/A	0	0	0
Queen Anne Hall	19125 Yaocomaco Drive	0	N/A	N/A	N/A	0	0	0
Prince Georges Hall	19065 Hill Commons Drive	0	N/A	N/A	N/A	0	0	0
Lewis Quad	47800 College Drive	0	N/A	N/A	N/A	0	0	0
Waring Commons	47830 College Drive	0	N/A	N/A	N/A	0	0	0
North Crescent Townhouses	47775 College Drive	0	N/A	N/A	N/A	0	0	0
South Crescent Townhouses	47725 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse A (Harrington)	47680 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse B (Boone)	47690 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse C (Homer Dodge)	47700 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse D (Maggie Dodge)	47740 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse E (Morsell)	47750 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse F (Trueschler)	47760 College Drive	0	N/A	N/A	N/A	0	0	0



2014 FIRE STATISTICS

RESIDENTIAL BUILDING	ADDRESS	TOTAL NUMBER OF FIRES	DATE OF FIRE	TIME OF FIRE	CAUSE OF FIRE	# OF INJURIES REQUIRING MEDICAL TREATMENT	# OF DEATHS	VALUE OF PROPERTY DAMAGE
Calvert Hall	47454 Trinity Church Road	0	N/A	N/A	N/A	0	0	0
Caroline Hall	19075 Hill Commons Drive	0	N/A	N/A	N/A	0	0	0
Dorchester Hall	19085 Hill Commons Drive	0	N/A	N/A	N/A	0	0	0
Queen Anne Hall	19125 Yaocomaco Drive	0	N/A	N/A	N/A	0	0	0
Prince Georges Hall	19065 Hill Commons Drive	0	N/A	N/A	N/A	0	0	0
Lewis Quad	47800 College Drive	0	N/A	N/A	N/A	0	0	0
Waring Commons	47830 College Drive	1	12/13/14	7:41 PM	UNATTENDED FOOD	0	0	\$50
North Crescent Townhouses	47775 College Drive	0	N/A	N/A	N/A	0	0	0
South Crescent Townhouses	47725 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse A (Harrington)	47680 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse B (Boone)	47690 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse C (Homer Dodge)	47700 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse D (Maggie Dodge)	47740 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse E (Morsell)	47750 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse F (Trueschler)	47760 College Drive	0	N/A	N/A	N/A	0	0	0



2013 FIRE STATISTICS

RESIDENTIAL BUILDING	ADDRESS	TOTAL NUMBER OF FIRES	DATE OF FIRE	TIME OF FIRE	CAUSE OF FIRE	# OF INJURIES REQUIRING MEDICAL TREATMENT	# OF DEATHS	VALUE OF PROPERTY DAMAGE
Calvert Hall	47454 Trinity Church Road	1	09/20/13	1230	UNATTENDED FOOD	0	0	\$50
Caroline Hall	19075 Hill Commons Drive	0	N/A	N/A	N/A	0	0	0
Dorchester Hall	19085 Hill Commons Drive	0	N/A	N/A	N/A	0	0	0
Queen Anne Hall	19125 Yaocomaco Drive	0	N/A	N/A	N/A	0	0	0
Prince Georges Hall	19065 Hill Commons Drive	0	N/A	N/A	N/A	0	0	0
Lewis Quad	47800 College Drive	0	N/A	N/A	N/A	0	0	0
Waring Commons	47830 College Drive	0	N/A	N/A	N/A	0	0	0
North Crescent Townhouses	47775 College Drive	0	N/A	N/A	N/A	0	0	0
South Crescent Townhouses	47725 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse A (Harrington)	47680 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse B (Boone)	47690 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse C (Homer Dodge)	47700 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse D (Maggie Dodge)	47740 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse E (Morsell)	47750 College Drive	0	N/A	N/A	N/A	0	0	0
Townhouse F (Trueschler)	47760 College Drive	0	N/A	N/A	N/A	0	0	0

PLANS FOR FUTURE IMPROVEMENTS OF RESIDENTIAL FIRE SAFETY EQUIPMENT

- There are no plans at this time to upgrade or improve residential fire safety equipment.