

2015

Annual Security

&

Fire Safety Report



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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 July 1, 2014 through June 30, 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. Approximately 11 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 department may employ and train students to perform dispatch services to supplement agency 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 goals are to protect life and property, deter and prevent crime, and enforce College policies. The College's Public Safety Officers are not sworn or commissioned officers. Public Safety Officers do not have the authority to arrest but do have the authority to detain. The Office of Public Safety, however, 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 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 the Maryland Education article and the Board of Trustees. All Public Safety Officers enforce the Policies of St. Mary's College of Maryland.

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 Toad 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 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. 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 sharing patrol, criminal investigations, and other law enforcement related activities.

REPORTING CRIMES AND EMERGENCIES

Anyone who is involved in an emergency situation, or who is the victim of a crime or witnesses any criminal activity 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 appropriate. The Office of Public Safety will notify local law enforcement to assist if the need arises, in the discretion of the Director of Public Safety, or the victim of a crime requests assistance in contacting local law enforcement.

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.

Additionally crimes involving sexual violence, sexual assault, intimate partner violence, or stalking may be reported directly to the Title IX coordinator (240) 895-4105 or x4105 from any campus phone, Glendening Hall 254, titleix@smcm.edu.

- The Title IX Coordinator is responsible for overseeing the investigation and resolution of all reports of sexual harassment, sexual violence, sexual assault, stalking, and intimate partner violence in the St. Mary's College of Maryland community. The Title IX Coordinator along with the Deputy Coordinators 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 and Deputy Coordinators are assisted by members of the Title IX Team.

Additional Resources

St. Mary's College of Maryland strongly encourages all victims to report all crimes to the Office of Public Safety. The College also provides additional resources for victims. Reports to Public Safety, the Title IX Coordinator or Deputies, or any responsible employees will be evaluated for Timely Warning and included in the annual reported 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 incidents of sexual violence, sexual assault, intimate partner violence, stalking, sexual harassment, and other violations of the Student Code of Conduct. 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.

Dean of Students: (240) 895-4208, Campus Center 143

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

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, accompaniment to the hospital, prevention and education. Members of SMART are not confidential by law. Students can elect to remain anonymous by not sharing personally identifiable information about themselves or other involved parties with the SMART. All reports to SMART will be shared with the Sexual Assault/Wellness Advocate and the Title IX Coordinator who will ensure that a Complainant has full access to resources and accommodations, and that the College seeks an appropriate Title IX response.

VOLUNTARY CONFIDENTIAL REPORTING OPTIONS

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, 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.

Counseling 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.

A "professional counselor" is an employee of an institution whose official responsibilities including providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. When acting within the scope of their employment, professional 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 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. If appropriate, professional counselors may inform persons being counseled of the procedures to report crimes on a voluntary (not confidential) basis for inclusion into the annual crime statistics and may assist the person in reporting. **St. Mary's College of Maryland does not have "pastoral counselors."**

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The St. Mary's College of Maryland Office of Public Safety will respond to and investigate all calls for emergency or dangerous situations. If, upon initial investigation, a Public Safety Officer determines that a situation is an emergency or dangerous to the College community, he/she shall inform the Director of Public Safety and the Dean of Students immediately. If appropriate, the Dean of Students will then assemble the College's Emergency Response Team and begin appropriate measures. The College's policies on Emergency Response and Evacuation Procedures are as follows:

Emergency Response Team

The Emergency Response Team (ERT) comes together to plan for and respond to emergencies. The ERT provides general guidance and direction to the College community during the emergency and serves as chief overall decision-maker. The chair of this team is typically the dean of students. His/her decision will prevail on issues should no consensus be reached.

A consistent ERT working group meets regularly to plan and practice. The working group consists of the dean of students (chair), assistant vice president for campus operations, chief information officer, assistant vice president for public and media relations, associate dean of students/director of residence life, and the environmental health and safety officer. In the event of an emergency, the team is expanded to include key people, depending on the type of emergency.

Philosophy & Priorities of the Emergency Response Team

An administrative structure has been put into place to ensure that each academic and administration building has a central person who will have the most up-to-date information and provide direction. Emergency and safety resources are also provided. Another purpose is to facilitate emergency planning. This plan establishes an Emergency Response Team (ERT) consisting of the president, provost, vice presidents, dean of students, a media relations representative, associate vice president for planning and facilities, assistant vice president for academic administration, and the assistant vice president for campus operations or designee. The chair of this team will normally be the dean of students. His/her decision will prevail on issues should no consensus be reached. The ERT provides general guidance and direction to the College community during the emergency and serves as chief overall decision-maker.

Listed Community Response Procedures

Emergency Notifications – These are messages that indicate an imminent emergency or dangerous situation (e.g., crime, severe storm, chemical spill, disease outbreak). Emergency notification is triggered by an event that is currently occurring on campus that threatens the health and safety of the college community. It will be initiated immediately upon confirmation that a dangerous situation or emergency exists or that a threat of an emergency exists.

Remain Calm.

The campus will be consulting with appropriate on- and off-campus resources to respond to the emergency. Your remaining calm will allow the Emergency Response Team and other direct responders to attend to the emergency rather than splitting their attention between the emergency situation and your reaction to it. Check official communication sources (Blackboard Connect will send out messages through phone, text, and email) for information regarding the emergency.

Check official communication sources for information regarding the emergency.

The following communication channels will be used when a situation permits it to provide information and updates about an emergency situation: Note that the first communication about the emergency, likely from Blackboard Connect, will articulate the person who is designated the official contact for the emergency. This person will have the most accurate and up-to-date information about the situation. Other communications are not “official.”

Follow instructions for next steps.

These communications will articulate next steps for the campus. Be sure to follow these instructions, which are designed to maximize the health and safety of those on campus.

Care for and be responsive to others who may be in need of assistance

Emergency situations on campus can evoke many powerful emotions. Be aware of those around you who may not be able to remain calm or who may need assistance. It is up to the entire community to ensure that we are all safe and cared for. If you discover someone that needs medical or other specialized attention, contact a staff member for assistance. Be cognizant of others with mobility and/or physical challenges (for example, visual- or hearing-impairments) and offer assistance. If someone appears to be having a difficult time coping with the situation or is behaving in a way that is unusual or different than they normally behave (for example, a student is crying uncontrollably for a prolonged period of time; talking to him/herself; displaying unusual anger, violence or abusive language, etc.)

Try to be supportive, calm, and reassuring.

- If possible, offer emotional support. This involves understanding, patience, and encouragement.
- Engage the person in conversation and listen carefully.
- Do not disparage feelings expressed, but point out realities and offer hope.
- You can acknowledge that things are bad now, and then promote the idea that things are going to get better.
- Emphasize the temporary nature of the situation. Explain that the crisis will pass.
- Encourage the student to follow-up at the Counseling Center after the crisis has been resolved if that seems appropriate (to try to avoid prolonged post-traumatic stress disorder).
- Check in with concerned family and friends to let them know you are OK.
- If at all possible, let your family and friends off-campus know that you are OK. Taking this step will ease the minds of those who care about you and cut down on the communication the campus receives from those off-campus, freeing time, energy, and resources to respond to the emergency itself. Inform your family and friends that www.smcm.edu will be updated as new information comes available so that they can monitor the situation. Please keep your conversations short so that the communication channels coming in and out of St. Mary’s County can be as free as possible for official communication about the emergency.

Check official communication sources for periodic updates.

As new information becomes available, the official communication sources will provide updates and further instructions.

Watch for all clear signal.

The official communication sources will inform the campus when the emergency is no longer an immediate threat and campus can return to normal functioning.

The president of the College or designee, in consultation with the ERT, determines the necessity of evacuating the campus. Incidents that may cause an evacuation include, but are not limited to the following:

- Emergency incident at Calvert Cliffs Nuclear Power Plant
- Impending natural disaster, such as an approaching hurricane or snowstorm
- Long-term power outage
- Hazardous chemical spill
- Pandemic outbreak

An evacuation must be coordinated with the St. Mary's County Emergency Management Agency (EMA). The College will work with the EMA on designating an evacuation site and transportation to the site.

Procedures:

The ERT chair makes a recommendation to the president of the College, in consultation with the ERT, to determine if the evacuation of the campus is appropriate. S/he then announces the action using the most appropriate means of communication available.

If during the workday, employees and commuters, with the exception of essential workers, are told to immediately leave campus. If not during the workday, notice of the College closing is posted in the usual manner to include the Web site, e-mail, local television and radio stations. Employees who are not essential are discouraged from remaining on campus.

Residential students are immediately directed to their residences. If a particular residence is affected by the emergency, an alternate location will be announced. At the residences, Student Affairs professional staff will keep track of who goes where using the roster provided by Residence Life. The associate dean of students or designee will assign staff members to cover each building or area.

Student staff may need to assist with this effort.

Students with vehicles will be given the option of driving to the evacuation site, going home or being taken to the site by College, county, and/or state transportation. Professional staff will keep track of which students leave and their destination.

Emergency management and College personnel will transport remaining students to the evacuation site. The EMA will have the primary responsibility to provide transportation. College personnel to assist with transportation will be drawn from Students Affairs and Physical Plant. During the summer, the Conferences staff will meet with Residence Life to determine and clarify roles. The primary method of transportation is county school buses. The priority is based on location and proximity to the danger with no regard for age or other matters.

An ADA-accessible van will be made available to transport students with mobility or vision impairments, and students with medical conditions that restrict driving. (For employees: if their standard mode of transportation is unavailable, they will be evacuated on the ADA-accessible van with the students.)

- Students (and employees if necessary) with mobility or vision impairments, and medical conditions that restrict driving will be instructed to gather at one of the meeting locations noted below 30 minutes after the announcement is made of a campus evacuation.

North Campus meeting location: DPC parking lot

Middle Campus meeting location: parking lot behind PG

Historic Campus meeting location: Kent Hall parking lot

- The ADA coordinator and director of health services will ensure that meeting location information is provided to students with mobility or vision impairments, and students with medical conditions that restrict driving at least twice a semester (beginning and middle). Human Resources will ensure that meeting location information is provided to employees with mobility or vision impairments, and employees with medical conditions that restrict driving at least twice a semester
- The assistant vice president for Campus Operations will designate drivers for the van. The drivers will remain with these students (and employees) at the evacuation site until relieved by another staff member.
- Hearing impaired and deaf students and employees are not generally restricted from driving. Those with cars will be responsible for evacuating campus in the same manner as hearing students and employees.

The College will establish telephone banks to receive calls from parents and loved ones. Until the evacuation is complete, information about the plan should be the only information that is given out. Once the evacuation is complete, a list of students and their locations can be distributed.

When students are not in residence due to summer break, but conference residents are on campus, the same plan will be followed. Residence Life (Conferences) staff will maintain logs of personnel at each residence or camp and keep a record of who was transported, left with their own transportation or is in need of transportation. Residence Life will coordinate this with the Office of Conferences.

Physical Plant and other College personnel will prepare the campus as much as possible for the impending emergency. Individual departments will determine what action they should take before leaving the campus, time permitting.

Examples include: Whether or not to cut off gas, electricity, the computer system, etc. Faculty will also make determinations on locations and security of chemicals and animals in labs.

Public Safety will secure the campus and ensure that no other personnel remain. In the event of an emergency such as a chemical spill or an incident at Calvert Cliffs, it may be necessary for all persons to leave campus. Public Safety will coordinate the security of the campus with local law enforcement agencies.

Physical Plant will determine on a case-by-case basis whether or not their personnel remain on campus.

College representatives will remain at the evaluation site until the emergency ends. They, in cooperation with Emergency Management personnel, will coordinate lodging, food and medical assistance. Members of the Health and Counseling Center are important representatives to be at the evacuation site.

The president of the College or ERT will determine when the emergency is over and the campus is open. This information will be disseminated using all appropriate and available methods of communication. The ERT will determine if they should meet on campus or elsewhere. One possible off-campus location is the EMA in Leonardtown. They should not meet at the evacuation site.

The ERT will meet shortly after the incident to critique the campus's response and issue a report with comments and suggestions. Feedback will be solicited from campus constituencies. This report should be made available to both internal and external institutions.

Timely Warnings

St. Mary's College of Maryland may issue a Timely Warning Notice 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 report presents a serious or ongoing threat to the College community. The decision to issue a Timely Warning Notice will be made on a case-by-case basis. The Office of Public Safety along with the Dean of Students is responsible for writing the content of the Timely Warning Notice. The Office of Communications is responsible for the distribution of the Timely Warning Notice.

The Timely Warning Notice will:

- Be sent out in a timely manner
- Withhold the names of the victims as confidential
- Aid in prevention of similar occurrences

The Timely Warning Notice will be disseminated to the campus community using some or all of the following methods:

- Official College Email
- Informational posters in buildings
- Public Safety Web Site www.smcm.edu/publicsafety

Method of Communication of Emergency Notifications

St. Mary's College of Maryland will, without delay, generate and publish a timely, accurate notification of events during an emergency, unless in the professional judgment of the President and/or the ERT chair notification would jeopardize a victim or efforts to respond to, contain, or mitigate the emergency.

Typically, the College will use Blackboard Connect to issue Emergency Notifications and to communicate information during the emergency. 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. A campus-wide siren system may also be used to alert the College community to an emergency. The College may also post information regarding an emergency on its website at www.smcm.edu, the Public Safety website at www.smcm.edu/publicsafety and/or use any other form of communication that is appropriate to the circumstances, including but not limited to, campus email addresses for students and employees, signs posted in public areas, communications through College employees, and crawling text notification on student computers.

The Office of Public Safety along with the Dean of Students is responsible for writing the content of Emergency Notifications. The Office of Communications is responsible for the distribution of Emergency Notifications. In the event of a major incident or an emergency that occurs after hours, a Public Safety supervisor may initiate an Emergency Notification and distribution may be made by Public Safety staff.

Testing Emergency Procedures St. Mary's College of Maryland will test and evaluate emergency response/evacuation procedures annually. The Office of Residence Life, in conjunction with the Office of Public Safety and the Ridge Volunteer Rescue squad, conducts annual fire drills for all residential buildings. Additionally, the ERT organizes an annual tabletop exercise or drill with local agencies (2014-Active Shooter Response with St. Mary's County Sheriff's Office) to test emergency response procedures and policies regulating involvement of local agencies during emergencies. A comprehensive after action report is generated for each of these exercises to allow for development and improvement of policies and procedures.

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. A person should not hang up on the operator. A person should speak slowly and wait for the operator to end the conversation. Once 911 has been called, a person should call Public Safety at (240) 895-4911 and provide 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 non-campus housing facilities.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

Residence Halls

All traditional residence halls and Waring Commons are equipped with card-access control of at least two entrances per building. 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 (especially in Lewis Quad), 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 residence staff office is open until midnight during the week and until 2 a.m. on weekends 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 a valid building "pass" from a faculty or staff member. A faculty or staff member should also submit a list of students needing access to the Office of Public Safety.

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 university community are encouraged to directly report to Physical Plant problems with facilities or grounds. 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

During new student orientation Public Safety Officers meet with all incoming students and present information on safety and crime prevention. In addition to community education, the Office of Public Safety seeks proactive solutions to crime and safety threats.

Public Safety Officers work closely with residence life staff who are receiving 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.

POLICIES AGAINST ALCOHOL AND ILLEGAL DRUGS

Policy against Alcohol Use and Possession by Persons under 21

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.

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.

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.

Policy against Illegal Drug Use and Possession

Students are expected to conform to the Maryland state law regarding possession of drugs and paraphernalia and the Student Code of Rights and Responsibilities 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.

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.

DRUG FREE SCHOOLS AND COMMUNITIES ACT OF 1989

Drug and Alcohol abuse Education Programs

For students who violate the alcohol or drug policy, the College provides a peer-to-peer education class as a first-time sanction. The classes are researched and taught by the Peer Health Educators. Second offenses typically warrant a mandated assessment by trained clinicians at the Wellness Center.

The College also provides a variety of substance-free late night programming as well as substance-free affinity housing.

MISSING STUDENTS

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 emergency contact information and a person to contact if the student is reported missing on a voluntary basis. 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 emergency contacts 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 Associate Dean of Students/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 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>.

AWARENESS PROGRAMS

The NO MORE Campaign:

“NO MORE is a public awareness and engagement campaign focused on ending domestic violence and sexual assault. Using its signature blue symbol to increase visibility and foster greater dialogue, NO MORE seeks to break social stigma, normalize the conversation around domestic violence and sexual assault, and increase resources to address these urgent issues. NO MORE is aligned with hundreds of organizations working at the local, state and national levels on prevention, advocacy, and services for survivors.” <http://nomore.org/about/>

Three SMART members in the Spring of 2015 coordinated with campus leaders and had them fill out a No More sign and took pictures of them. They organized the photos and created a moving video, which was briefly on the college's website. Those involved in the movie were President Jordan, Dean Brown, Dan Schell, student leaders, and athletic teams.

Below is a link to the

video: <https://docs.google.com/a/smcm.edu/file/d/0B2bANP83zRdrMnd4Z0hObzZXZHM/edit>

The No More Campaign was also used at a number of events throughout the Spring semester to engage students and community members in this issue and provide them with an opportunity to proudly say “No More” to sexual violence.

The Escalation Workshop

Brief description of the program:

“One Love's first big initiative, *Escalation*, has been hailed as a game-changer in personalizing the issue of relationship violence and its risk. Designed to engage students more deeply and emotionally on the topic of relationship violence, *Escalation* is completely different from traditional classroom curriculum. This innovative feature-film workshop for high school and college students piloted with university partners in Fall 2014. One Love is currently rolling out the curriculum across the nation, with over 100 university partners planned for 2015.

On campuses, *Escalation* is screened as part of a 90-minute workshop discussion group led by a One Love facilitator or a campus facilitator trained by One Love. After the film, the facilitator guides students through a meaningful discussion about relationship violence, the warning signs of an abusive relationship and how this relates to their lives and their campus.” <https://www.joinonelove.org/join-the-movement/escalation-workshop/>
<https://vimeo.com/renegadeproduction/review/100746608/981c41b1d5>. Rachel and Dan began to work with Jordyn Cohen (jordyn.cohen@joinonelove.org) from the One Love Foundation to bring the workshop to SMCM. On

Saturday February 28th Jordyn visited campus from 1-4pm to lead a group of students who volunteered their time to be trained in how to facilitate the Escalation Workshop. About 12 students were in attendance from the following student groups: SMART, PHE, The Healthy Masculinity Initiative, and RAs.

Upon hearing about The Escalation Workshop in the first SAPA (sexual assault prevention and awareness) committee, Katie Newkirk, the women's field hockey coach, volunteered to organize a workshop for all female athletes. Dan Schell and two members of the SMART group helped facilitate the workshop to 54 female student athletes on April 7th at 8pm in Cole Cinema. The response to the workshop was overwhelmingly positive.

Walk A Mile in Her Shoes (WAM)

WAM is the "international men's march to stop rape, sexual assault, and gender violence" (<http://www.walkamileinher shoes.org/>). On April 12th, 2015 from 2-4pm on the Track at SMCM 77 campus and community members attended WAM. The event was organized collaboratively between Rachel and Traci Howell from Walden, our community rape crisis center. The SMART group played a huge role in designing the t-shirts, creating flyers, creating a program, inviting student groups to attend, and creating special invitations for campus leaders. The Art club was invited for face painting, music was playing and media services created a video about why people were choosing to "walk a mile". Rachel provided introductory remarks and the following leaders spoke: Kathleen O'Brien, CEO of Walden, Dean Brown, and student, Nick Tosini, a member of both SMART and The Healthy Masculinity Initiative.

Take Back The Night (TBTN)

On April 14th, 2015, members of the campus community gathered in DPC from 7-9pm for TBTN. The No More video was shown as people entered and tables from the student groups STARS, SMART, and the PHEs had information about sexual violence and healthy relationships. In addition, the clothesline project was hung around the room and people had an opportunity to create their own t-shirts and add to the project. Take Back the Night is an annual event at the college that provides an opportunity for survivors to share their stories and for allies to show their support. A candlelight walk was held after the speak-out to raise awareness in our community about the prevalence of sexual violence.

The Clothesline Project

The Clothesline Project was organized by FUSE and hung in the stairways up to the Great Room in the campus center in April for SAAM. <http://www.clotheslineproject.org/>

The Healthy Masculinity Initiative

"The Healthy Masculinity Initiative was started in the Spring of 2015 and is led by Dan Schell, Matt Jordan, Derek Young, and Kelvin Clark. The group meets biweekly with a group of around 10-15 male students and they discuss a variety of issues revolving around traditional masculinity, including the disproportionate amount of sexual assaults perpetrated by men. Although still in its early stages, the group is looking to reach out and do a variety of programming on campus which would challenge traditional hegemonic masculinity" (Dan Schell).

5th Hour Requirement for First Year Seminar Students

All transfer and first year students went through a bystander intervention workshop and consent training with the SMART group and the PHEs. Kristen McGeeney gave an introductory talk about Title IX and reporting sexual misconduct. The SMART group showed the following video: <https://osu.app.box.com/WhoWillYouBe> from the Ohio State University on bystander intervention with a post film discussion and dialogue. The film goes through an

evening and then rewinds, marking all the spots in which someone could have intervened. The PHEs presented on consent including what it is, how you ask for it, and sexual respect between partners. This was a requirement for all first year and transfer students to participate for the first year seminar course.

The Hunting Ground Screening

In April, for sexual assault awareness month, the school showed a screening of The Hunting Ground, a film focused on sexual assault on college campuses. Cole Cinema was filled with students and some faculty gave extra credit for attendance. The event was primarily organized by FUSE president and SMARTie, Sarah Locke. Funds from four different departments were used including SMART, FUSE, The Art History Department, and the Office of Social Change. After the film, a discussion was facilitated by students, staff, and community partners.

ST. MARY’S COLLEGE OF MARYLAND POLICY AGAINST SEXUAL MISCONDUCT

St. Mary’s College of Maryland prohibits all forms of sexual and gender-based harassment, including sexual violence and intimate partner violence. Each of these terms encompasses a broad range of behavior. In general, sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to incapacitation. Intimate partner violence refers to any act of violence or threatened act of violence, sexual or otherwise, against a person who is or has been involved in a sexual, dating, domestic or other intimate relationship with that person. Sexual misconduct may occur between people of the same or different sexes, gender identities or expressions, or sexual orientations.

Applies to sexual and gender-based discrimination, sexual and gender-based harassment, sexual violence, stalking, and intimate partner violence

Resources

St. Mary’s College of Maryland (hereafter referred to as either “the College” or “SMCM”) is committed to treating all members of the community with dignity, care, and respect. Any individual who experiences or is affected by sexual or gender-based discrimination, sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence, whether as a Complainant, a Respondent, or a third party, will have equal access to support and counseling services through the College. Interim remedies are also available to all parties (see Section VIII).

The College recognizes that the decision whether or not to make a report, either to the College or law enforcement, and choosing how to proceed, can be difficult. Making a report means telling someone in authority what happened, in person, by telephone, in writing or by email. Regardless of whether the decision has been made to report an incident, all individuals are encouraged to seek the support of on- and off-campus resources. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources on- and off-campus, regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources: By law, trained professionals who serve in a counseling or medical context cannot share information without the consent of the individual seeking assistance. There are also a variety of College resources that will be discreet and private, but are not considered confidential. Information shared with College resources outside of counseling or medical services will be shared with the Title IX Coordinator to ensure a consistent administrative response, appropriate support and protection for a Complainant, and a prompt and equitable resolution. All College resources will maintain the privacy of an individual’s information within the limited circle of those involved in the resolution of a complaint under this policy. For more information about the difference between privacy and confidentiality, see Section V.

The College has designated a Title IX Coordinator to oversee all reports of sexual harassment, sexual violence, stalking, and intimate partner violence. The Title IX Coordinator, an independent office that reports directly to the President, is supported by two Deputy Title IX Coordinators.

Title IX Coordinator:

Michael Dunn

Glendening Hall 254 * 240.895.4105

titleix@smcm.edu

Deputy Title IX Coordinator:

Catherine Pratson

Glendening Hall 170 * 240.895.4309

titleix@smcm.edu

Deputy Title IX Coordinator:

Daniel Schell

Glendening Hall 150 * 240.895.4207

titleix@smcm.edu

Confidential Resources (Counseling and Advocacy)

The College encourages all community members to make a prompt report of any incident of sexual or gender-based discrimination, sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence to local law enforcement and to the College. For individuals who are not prepared to make a report, who may be unsure what happened, or who are seeking information and support, there are several legally protected confidential resources available as designated below. These confidential resources will not share information with the College or anyone else without the individual's permission. Information shared with these confidential resources is not considered a report to the College.

On Campus Confidential Resources (Counseling and Advocacy)

Sexual Assault/Wellness Advocate: 240.895.4289

The sexual assault/wellness advocate is available through Counseling Services (240-895-4289). This staff member can provide students with referrals, support, advocacy during the student conduct hearing process, and other supports. The sexual assault/wellness advocate works with the Title IX Coordinator to provide sexual misconduct prevention education.

Counseling 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.

Off Campus Confidential Resources (Counseling and Advocacy):

Walden-Sierra, Inc.: 301.863.6661 (24-hour hotline) 1.888.912.7366

The Walden-Sierra 24-hour crisis hotline can be contacted day or night. Walden Sierra can provide advocacy, accompaniment to the hospital, crisis counseling, or on-going therapeutic support. Walden Sierra is under no obligation to notify the College or local authorities when providing services to students.

<http://www.waldensierra.org/>

Maryland Coalition Against Sexual Assault (MCASA): 410-974-4507

The Maryland Coalition Against Sexual Assault can provide resources for survivors as well as legal services through the Sexual Assault Legal Institute (SALI). MCASA is under no obligation to notify the College when providing services to students. www.mcasa.org

The Southern Maryland Center for Family Advocacy: 301-373-4141

The Southern Maryland Center for Family Advocacy can provide advocacy, resources, referral, and legal assistance to victims of relationship violence. The Center is under no obligation to notify the College when providing services to students. www.smcfanet

Rape, Abuse and Incest National Network (RAINN): 1.800.656.4673

A confidential, anonymous national sexual assault hotline. www.rainn.org

Confidential Medical Resources

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted infections and pregnancy) and second, to properly collect and preserve evidence. The College is not notified by the hospital unless the Complainant desires to have on-campus personnel notified.

St. Mary's Hospital and Calvert Memorial Hospital provide Sexual Assault Forensic Exams. All costs of these exams are free to the Complainant and the exams are performed by trained Sexual Assault Nurse Examiners. There is a limited window of time (within 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The police will not be contacted by the hospital unless the Complainant so desires. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this policy or through the pursuit of criminal prosecution.

If a SAFE exam is desired, it is ideal if the Complainant does not shower, use the bathroom, or clean one's body in any way. The individual should also preserve any clothing (including undergarments) in a paper bag to bring to the hospital. SAFE exams are maintained anonymously at the hospital for a minimum of 90 days.

On Campus Confidential Resources (Medical):

Health Services: 240.895.4289

Health Services professionals provide medical attention and referrals to campus and community resources. While Health Services does not provide a SAFE exam, they do provide some testing for sexually transmitted infections, pregnancy testing, Plan B emergency contraception, and treatment for minor injuries. Any names and information shared with a member of the Health Services staff 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.

Off Campus Confidential Resources (Medical):

St. Mary's Hospital: 301.475.8981

234 Jefferson Street, Leonardtown, MD 20650

Calvert Memorial Hospital: 410.535.4000

100 Hospital Road, Prince Frederick, MD 20678

Campus Resources

In addition to the confidential resources listed above, SMCM community members have access to a variety of resources provided by the College. The staff members listed below are trained to support individuals affected by sexual harassment or misconduct and to coordinate with the Title IX Coordinator consistent with the College's commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

- **Title IX Coordinator: Michael Dunn 240.895.4309 * Glendening Hall 254**

The Title IX Coordinator oversees the College's response to a report of sexual or gender-based discrimination, sexual or gender-based harassment, sexual violence, stalking and intimate partner violence. The Coordinator is responsible for the initial Title IX assessment, implementing interim remedies and protective measures for the individual and the community, initiating the investigation, and ensuring a fair and impartial resolution designed to stop the harassing conduct, address its effects, and prevent its recurrence. The Coordinator provides oversight of all Title IX complaints to ensure compliance with local, state and federal authority, and receives, reviews and maintains records of all complaints to identify and address any systemic problems. The Coordinator also assesses student activities periodically to ensure that the practices and behaviors of the students do not violate the policies on sexual harassment and violence, and to tailor education, prevention, and training programs regarding sexual misconduct to the needs of the community. The Coordinator is available to meet with students, staff and faculty.

- **Deputy Title IX Coordinator: Daniel Schell 240.895.4207 * Glendening Hall 150**
- **Deputy Title IX Coordinator: Catherine Pratson 240.895.4309 * Glendening Hall 170**

While the Title IX Coordinator has oversight over all complaints, the Deputy Title IX Coordinators serve as a valuable additional resource within the employee context to address complaints against staff, faculty, and third parties. The Deputy Title IX Coordinators can serve as a reporting option, provide information as to resources and procedural options, be available to meet with Complainants and Respondents, and facilitate access to interim remedies and measures. The Deputy Title IX Coordinators can also assist in assessing climate in the employee context.

The Title IX Coordinator and Deputy Title IX Coordinators are assisted by members of the Title IX Team, denoted by an asterisk below. Members of this interdepartmental team include the Title IX Coordinators, the Student Conduct Officer and the Director of Public Safety. In addition, based on the role of the Complainant and the Respondent, the members of the team could include the Vice President for Academic Affairs and Dean of Faculty, the Dean of Students and/or the Director of Human Resources. Composition of the team will be limited to a small circle of individuals who "need to know" in order to implement procedures under this policy.

Director, Office of Public Safety*

240.895.4911

Available 24 hours a day/7 days a week/365 days a year

Public Safety may assist with the on-campus investigation of a report and can assist with no-contact orders. Public Safety can contact the Sexual Misconduct Advocacy and Resource Team (SMART) or the sexual assault/wellness advocate when an incident of sexual misconduct is reported with the complainant's consent. Public Safety can assist with contacting the St. Mary's County Sheriff's Office if the Complainant requests a criminal investigation be initiated. If the Complainant does not wish for the Sheriff's Office to investigate, Public Safety officers will notify the Sheriff's Office of the incident and the fact the Complainant requests to remain anonymous.

Student Conduct Officer, Office of Student Conduct*

240.895.3181

The Office of Student Conduct coordinates all on-campus hearings for incidents of sexual misconduct, intimate partner violence, stalking, sexual harassment, and other violations of the Code of Student Conduct. 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.

Sexual Assault/Wellness Advocate, Counseling Services*

240.895.4289

This staff member can provide complainants with referrals, support, advocacy during the student conduct hearing process, and other supports. The Sexual Assault/Wellness Advocate works with the Title IX Coordinator to provide sexual misconduct prevention education.

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. The SMART can be reached at 301-904-2015 by calling or text message. The SMART can assist with reporting options, advocacy, on- and off-campus resources, accompaniment to the hospital, and prevention education. Members of the SMART are not confidential by law. Students can elect to remain anonymous by not sharing personally identifiable information about themselves or other involved parties with the SMART. All reports to the First Responders Network will be shared with the Sexual Assault/Wellness Advocate and the Title IX Coordinator who will ensure that a Complainant has full access to resources and accommodations, and that the College seeks an appropriate Title IX response.

Dean of Students

240.895.4208

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

Office of Residence Life

240.895.4207

Residence Life staff are trained to respond to all kinds of student emergencies, and can quickly connect the complainant to other resources on and off campus. Students involved in sexual misconduct incidents in a substantial capacity may request an immediate change of living situations, if an alternative is reasonably available, by contacting Residence Life (or Public Safety after-hours). The College also reserves the right to require alternative housing for the parties in certain circumstances.

Academic Services

240.895.4388

Academic Services can assist students in requesting accommodations for classes, rearranging schedules, connecting with faculty, or taking a leave of absence from the College (if possible). Information shared with Academic Services will be shared with the Sexual Assault/Wellness Advocate, Title IX Coordinator, student conduct officer, Public Safety, Dean of Students Office, and relevant administrators.

*Denotes member of the Title IX Team

The St. Mary's Way and Community Expectations

As stated in the St. Mary's Way, the College is a place *"where people foster relationships based upon mutual respect, honesty, integrity, and trust."* As such, the College is committed to providing an educational, living and working environment free from all forms of harassment and discrimination for all members of the community. This policy prohibits all forms of sexual or gender-based harassment, discrimination or misconduct, including sexual violence, sexual assault, stalking, and intimate partner violence. Misconduct of this nature is contrary to the St. Mary's Way and prohibited by state and federal law. This policy has been developed to reaffirm the College's institutional values, to define community expectations, to provide for fair and equitable procedures for determining when this policy has been violated and if so violated, to provide recourse for those individuals. Disciplinary sanctions for such violations may include suspension or expulsion for students and suspension or termination for employees.

All members of the SMCM community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Moreover, all SMCM community members, including students, are strongly encouraged to report information regarding any incident of sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence directly to the Title IX Coordinator or a member of the Title IX team. The College cannot take appropriate action unless an incident of sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence is reported to the College.

The St. Mary's Way defines the College as a place *"where people contribute to a spirit of caring and an ethic of service."* With this in mind, the College encourages all members of our community to participate in the process of creating a safe, welcoming, and respectful environment on campus. In particular, the College expects that all SMCM community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to take action will be supported by the College and protected from retaliation.

Scope of Policy

The College prohibits all forms of sexual and gender-based discrimination and harassment, including sexual harassment, sexual violence, stalking, and intimate partner violence. Sexual misconduct may occur between people of the same or different sexes, gender identities or expressions, or sexual orientations.

The College endeavors to foster a climate free from sexual misconduct through training, education, and prevention programs, and through policies and procedures that promote prompt reporting, prohibit retaliation, and ensure timely, fair, and impartial investigation and resolution of complaints in a way that eliminates the sexual misconduct, prevents its recurrence, and addresses its effects. This policy applies to all SMCM community members, including students, faculty, administrators, staff, volunteers, vendors, independent contractors, visitors and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity with the College or on College property. This policy protects all members of the SMCM community. This policy is intended to protect and guide individuals who have been affected by sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence, whether as a Complainant, a Respondent, or a third party, and to provide fair and equitable procedures for investigation and resolution of reports.

When used in this policy, Complainant refers to the individual who identifies oneself as a victim or survivor of sexual or gender-based discrimination, sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence. A Respondent refers to the individual who has been accused of prohibited conduct under this policy. A third party refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

This policy applies to conduct occurring on College property or at College-sanctioned events or programs that take place off campus, including study abroad and internship programs. With respect to incidents in which both the Complainant and Respondent are members of the College community, this policy will apply regardless of the location of the incident. In addition, off campus conduct by or against a member of the SMCM community that is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the SMCM community or SMCM itself is covered under this policy.

A Complainant is encouraged to report misconduct regardless of where the incident occurred, or who committed it. Even if the College does not have jurisdiction over the Respondent, the College will still take prompt action to provide for the safety and well-being of the Complainant and the broader campus community and will assist a Complainant in identifying the appropriate external reporting options.

Non-Discrimination Policy

St. Mary's College of Maryland does not discriminate or condone discrimination on the basis of race, sex, gender/gender identity & expression, color, religion, creed, age, genetic information, disability, national or ethnic origin, sexual orientation, or marital status.

The College also does not discriminate on the basis of sex and Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. Sec. 1681, et seq., requires the College not discriminate in such a manner. Prohibited sex discrimination covers sexual harassment, including sexual violence. Examples of the types of conduct prohibited include but are not limited to the following examples: non-consensual sexual penetration, non-consensual sexual contact, non-consensual sexual exploitation, and/or examples found in the College's Sexual Misconduct Policy.

Inquiries concerning the application of Title IX may be referred to the College's Title IX coordinator or to the Department of Education's Office for Civil Rights. Our Title IX coordinator's information can be found here:

Michael Dunn, Title IX Coordinator, 240.895.4105
Glendening Hall 254, 18952 E. Fisher Road, St. Mary's City, MD 20686
titleix@smcm.edu

Contact information for the Department of Education's Office for Civil Rights:
Philadelphia Office
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107
Telephone: 215-656-8541
FAX: 215-656-8605
Email: OCR.Philadelphia@ed.gov www.ed.gov/ocr

Privacy vs. Confidentiality

The College is committed to protecting the privacy of all individuals involved in a report of sexual or gender-based discrimination, sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence. All College employees who are involved in the College's Title IX response, including the Title IX Coordinator, Deputy Title IX Coordinators, investigators, and hearing board members/external adjudicators, receive specific training about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report.

Privacy and confidentiality have distinct meanings under this policy.

Privacy: Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who “need to know” in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These campus and community professionals include mental health providers, ordained clergy, rape crisis counselors and attorneys, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or a suspicion of child abuse.

An individual who seeks completely confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. On campus, confidential resources available to students include counselors in the Counseling Center, medical staff in the Health Center, and the Sexual Assault/Wellness Advocate. Employees may access confidential assistance through the Employee Assistance Program. Information shared with these resources will remain confidential and will not be shared with the College or anyone else without express permission of the individual seeking services unless maintaining such confidentiality would result in harm to self or others. When a report involves suspected abuse of a minor under the age of 18, these confidential resources are **required** by Maryland law and by the College’s Child Abuse Reporting Policy to notify child protective services and/or local law enforcement. They are also required to notify the Title IX Coordinator that such a report has been made.

Responsible Employees: Under Title IX, a College is required to take immediate and corrective action if a “responsible employee” knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment. At SMCM, employees with supervisory and leadership responsibilities on campus are considered “responsible employees.” This includes all faculty, coaches, administrators, Resident Assistants/Residence Hall Coordinators, and other student employees/volunteers with a significant responsibility for student welfare.

Accordingly, with the exception of individuals who have legally protected confidentiality (see section 1, Resources), all “responsible employees” of the College are **required** to share with the Title IX Coordinator any report of sexual harassment, sexual violence, stalking, or intimate partner violence they receive or of which they become aware. This allows the Title IX Coordinator, working with the Title IX team, to conduct an initial assessment of the reported behavior, ensure that a Complainant is familiar with the full range of options for resolution both on and off campus, and address the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community. The Title IX team will seek the Complainant’s expressed preferences, if any, as to course of action.

Request for Privacy: Where a Complainant requests that the Complainant’s name or other identifiable information not be shared with the Respondent or that no formal action be taken, the College will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all College community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Respondent. The Title IX Coordinator evaluates such requests for privacy. In making this determination, the Title IX Coordinator may consider:

- The seriousness of the conduct
- The respective ages and roles of the complainant and respondent
- Whether there have been other complaints or reports of harassment or misconduct against the respondent
- The rights of the Respondent to receive notice before disciplinary action is sought

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for privacy or request not to pursue an investigation. Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or a member of the Title IX team will inform the Complainant about the College’s chosen course of action.

Timely Warning: If a report of misconduct discloses a serious or continuing threat to the SMCM community, the College may issue a campus wide timely warning (which can take the form of an email to campus) to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant.

The release of the names of the Complainant and Respondent is guided by Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

All College proceedings are conducted in accordance with College policies and procedures (contained herein) and in compliance with the requirements of FERPA, the Clery Act, Title IX, the Campus SaVE Act, and state and federal law. No information shall be released from such proceedings except as required or permitted by law and College policy.

Prohibited Conduct and Definitions

The College prohibits all forms of sexual and gender-based harassment, including sexual violence and intimate partner violence. Each of these terms encompasses a broad range of behavior. In general, sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to incapacitation. Intimate partner violence refers to any act of violence or threatened act of violence, sexual or otherwise, against a person who is or has been involved in a sexual, dating, domestic or other intimate relationship with that person. Sexual misconduct may occur between people of the same or different sexes, gender identities or expressions, or sexual orientations.

Within these broad categories, the College prohibits the following specific conduct:

Sexual Harassment

Sexual Harassment: Any unwelcome sexual advance, unwelcome request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

- (1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a College program or activity; *or*
- (2) Submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program-participation relation decisions affecting the individual; *or*
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both a subjective and objective standard.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

Physical conduct:

- Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements
- Unwanted sexual advances within the employment context

Verbal conduct:

- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual
- Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes

Visual conduct:

- Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate
- Written conduct: letters, notes or electronic communications containing comments, words, or images described above

Quid pro quo conduct:

- Direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists
- Offering employment benefits in exchange for sexual favors
- Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose
- Making or threatening reprisals after a negative response to sexual advances

Prohibited Forms of Conduct

The following forms of conduct are prohibited under this policy. Each specific prohibited conduct may also be a form of sexual harassment.

Non-Consensual Sexual Intercourse: Any act of sexual intercourse with another individual without effective consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

Non-Consensual Sexual Contact: Any intentional touching of the intimate parts of another person, causing another to touch one's intimate parts, or disrobing or exposure of another without effective consent. Intimate parts may include the genitalia, breast, buttocks, groin, or clothing covering those parts, or any other part of the body that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

Sexual Exploitation: Any act which takes non-consensual or abusive sexual advantage of another individual, either for their own advantage or benefit, or for the advantage or benefit of anyone other than the one being exploited. This behavior includes but is not limited to:

- Utilizing any electronics for the purpose of posting or publishing and/or capturing images of a sexual act without the consent or knowledge of the involved parties
- Publishing, recreating, or reproducing images of a sexual act without the knowledge or consent of the parties involved
- Peeping tommery/voyeurism
- Unwanted exposure to pornographic material
- Inducing incapacitation for the purpose of having sex with the incapacitated person regardless if sexual activity actually takes place
- Prostitution of another
- Knowingly exposing another individual to a sexually transmitted infection or virus without that individual's knowledge

Stalking: Any course of harassing, threatening, or intimidating conduct that an individual has willfully and repeatedly (more than once) engaged in that reasonably and seriously alarms, torments, or terrorizes another individual or group of individuals. Stalking behaviors may include, but are not limited to repeated: abusive and excessive contact and/or monitoring using telephone calls, voice mails, emails, instant messaging, text messages, and/or social media to one's home or work; installing spyware on a person's computer or phone without consent; trespassing; following and/or threatening an individual or a person's friends and relatives; driving/walking by a person's home, school, and/or work; or vandalizing property.

Intimate Partner Violence: Intimate partner violence is not defined for the purposes of this policy as a distinct form of sexual misconduct. Rather, intimate partner violence shall include any act or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with the Respondent. This may encompass behavior including, but not limited to, physical, sexual, and emotional violence. It may involve one act or an ongoing pattern of behavior. This may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientations and does not discriminate by racial, social, or economic background. The College will not tolerate intimate partner violence of any form. The College recognizes that sexual harassment, sexual assault, sexual exploitation, harm to others, stalking, and retaliation all may be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating, or other social relationship of a romantic or intimate nature with the Complainant. Under Clery and the Campus SaVE Act, the College will record and report all relevant incidents of intimate partner violence.

Other forms of prohibited conduct include:

Harm to Others: Words or types of conduct that threaten or endanger the health or safety of any person including physical abuse, verbal abuse, threats, intimidation, and/or harassment. This behavior is typically treated as a violation of the College's Code of Student Conduct (Article II, Section E). Acts which constitute harm to others that are a form of intimate partner violence, or are based on sex or gender, will be resolved under the Sexual Misconduct Policy.

Retaliation: Acts or attempts to retaliate or seek retribution against the Complainant, Respondent, or any individual or group of individuals involved in the complaint, investigation and/or resolution of an allegation of sexual misconduct. Retaliation can be committed by any individual or group of individuals, not just a Respondent or Complainant. Retaliation can take many forms, including threats, intimidation, continued abuse, violence or other forms of harm to others.

Consent: Force, Coercion, Incapacitation, Drugs and Alcohol

Effective Consent: Effective consent is defined as willingly, freely and knowledgeably 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 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 harassment, sexual violence, stalking, or intimate partner violence and does not diminish one's responsibility to obtain consent.

Reporting

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

The College has a strong interest in supporting those who experience sexual harassment, sexual violence, stalking, and intimate partner violence and encourages all individuals or third party witnesses to report any incident to the College *and* to local law enforcement. Reporting options are not mutually exclusive. Both campus and criminal reports may be pursued simultaneously.

Making a report means telling someone in authority what happened -- in person, by telephone, in writing or by email. At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions, and to the extent legally possible will respect an individual's autonomy in deciding how to proceed. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

Any individual who reports sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence can be assured that all reports will be investigated and resolved in a fair and impartial manner. A Complainant, a Respondent and all individuals involved can expect to be treated with dignity and respect. In every report under this policy, the College will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

Emergency and External Reporting Options

The College will help any SMCM community member to get to a safe place, and will provide coordination with law enforcement and information about on- and off-campus resources and options for resolution.

Law Enforcement:

SMCM Public Safety

240.895.4911, or x4911 from any campus phone

St. Mary's County Sheriff's Office

For Emergencies: 911

For concerning situations

Call 301.475.4200 x1900

Maryland State Police

Leonardtwn Barracks

301.475.8955

Medical Providers:

St. Mary's Hospital

301.475.8981

Provides Sexual Assault Forensic Exams.

Calvert Memorial Hospital

410.535.4000

Provides Sexual Assault Forensic Exams.

SMCM Health Services

240.895.4289

Provides medical treatment.

Monday through Friday,

8:00 a.m. – 5:00 p.m.

Campus Reporting Options

***Title IX Coordinator/Deputy Title IX Coordinators**

Title IX Coordinator: Michael Dunn

titleix@smcm.edu

240.895.4105 * Glendening Hall 254

Deputy Title IX Coordinator: Catherine Pratson

titleix@smcm.edu

240.895.4309 * Glendening Hall 170

Deputy Title IX Coordinator: Daniel Schell

titleix@smcm.edu

240.895.4207 * Glendening Hall 150

The Title IX Coordinator is responsible for overseeing the investigation and resolution of all reports of sexual harassment, sexual violence, stalking, and intimate partner violence in the SMCM community. The Coordinator and Deputy Coordinators are trained in College policies and procedures as well as relevant state and federal laws and are available to advise any individual (Complainant, Respondent, or third party) about this 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 Coordinator and Deputy Coordinators are assisted by members of the Title IX Team, denoted by an asterisk below.

Office of Public Safety

*Sean Kennedy, Director

240.895.4911

Available 24 hours a day/7 days a week/365 days a year

Public Safety may assist with the on-campus investigation of a report and can assist with no-contact orders. Public Safety can contact the Sexual Misconduct Advocacy and Resource Team (SMART) or the sexual assault/wellness advocate when an incident of sexual misconduct is reported with the complainant's consent. Public Safety can assist with contacting the St. Mary's County Sheriff's Office if the complainant requests a criminal investigation be initiated. If the complainant does not wish for the Sheriff's Office to investigate, Public Safety officers will notify the Sheriff's Office of the incident and the fact the complainant request to remain anonymous.

Office of Student Conduct

*Kelly Smolinsky, Student Conduct Officer: studentconduct@smcm.edu
240.895.3181 * Campus Center 150

The Office of Student Conduct coordinates all on-campus hearings for incidents of sexual misconduct, intimate partner violence, stalking, sexual harassment, and other violations of the Student Code of Conduct. 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.

Dean of Students

*Leonard Brown, Jr.
240.895.4208 * Campus Center 143

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

Reporting Considerations: Timeliness and Location of Incident

Complainants and third-party witnesses are encouraged to report sexual harassment, sexual violence, stalking, and intimate partner violence as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the Respondent is not a member of the SMCM community, the College will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and address its effects. The College's ability to take disciplinary action against the Respondent may be limited, but the College will assist the Complainant in identifying the appropriate external reporting options.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the Complainant's on-campus life and activities or poses a threat or danger to members of the SMCM community may also be addressed under this policy.

Amnesty for Alcohol or Other Drug Use

The College encourages the reporting of prohibited conduct under this policy. It is in the best interest of this community that as many Complainants as possible choose to report to college officials, and that witnesses come forward to share what they know. To encourage reporting, an individual who reports sexual misconduct, either as a Complainant or a third-party witness, will not be subject to disciplinary action by the College for violation of the College's policy for one's own personal consumption of alcohol or drugs (except for a mandatory intervention for substance abuse), if the College determines that (1) the violation occurred during or near the time of the alleged sexual misconduct, (2) the individual made the report of sexual misconduct or is participating in an investigation as a witness, in good faith, and (3) the violation was not an act that was reasonably likely to place the health and safety of another individual at risk. The College may initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

Coordination with Law Enforcement

A Complainant has the option to notify law enforcement, or to decline to notify law enforcement. The College encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence, stalking, and intimate partner violence that may also be crimes under Maryland law. The College will assist a Complainant in making a criminal report if a Complainant decides to pursue the criminal process. The College will cooperate with law enforcement agencies.

The College's policy, definitions and standard of proof may differ from Maryland criminal law. A Complainant may seek recourse under this policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this policy has occurred. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

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 protections, 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 it is informed that law enforcement has completed its initial investigation.

Statement Against Retaliation

It is a violation of College policy and Title IX to retaliate in any way against an individual because the individual raised allegations of sexual harassment, sexual violence, stalking, or intimate partner violence or participated in an investigation. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a Complainant, Respondent or third party may commit or be the subject of retaliation. The College shall not retaliate against an individual who files a complaint for sexual misconduct or who participates as a witness in an investigation of sexual misconduct. The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting sexual harassment or misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report does not later result in a finding of responsibility.

False Reports

The College will not tolerate intentional false reporting of incidents. The College takes the validity of information **very seriously** as a charge of sexual harassment, sexual violence, stalking, or intimate partner violence may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. However, when a Complainant or third party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, that individual may be subject to disciplinary action. It is a violation of the Code of Student Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Similarly, a Respondent or witness who is later proven to have intentionally given false information during the course of an investigation or conduct action may be subject to disciplinary action.

Interim Measures, Remedies and Accommodations

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. 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.

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).
- 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.

Interim Suspension

The Dean of Students or designee may suspend a student for an interim period pending a conduct hearing. 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. A student suspended on an interim basis shall be given an opportunity to have a hearing within an expedited time frame. In cases where there is an appeal following a hearing concerning interim suspension, the appeal shall be directed to the president of the College or designee. A student suspended on an interim basis may not withdraw from the College before the conclusion of the conduct case.

Options for Resolution

Overview

Upon receipt of a report, the College’s Title IX team will conduct an **Initial Title IX Assessment**. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual harassment, sexual violence, stalking, and intimate partner violence. The assessment will consider the nature of the report, the safety of the individual and of the campus community, and the Complainant’s expressed preference for resolution.

At the conclusion of the assessment, the College, with the consent of the Complainant, may choose to pursue **Informal Resolution**, a remedies-based approach that does not involve disciplinary action against a Respondent. The College may also refer the matter for **Investigation**. The goal of the Investigation is to gather all relevant facts and determine if there is sufficient information to refer the report to a hearing panel or external adjudicator for disciplinary action using the College's **Formal Resolution** procedures.

The initial steps for resolution of a complaint against a student, an employee or a faculty member will involve the same stages: an initial assessment, investigation, and either informal or formal resolution. There are specific procedures for resolving complaints against a student, faculty or staff respondent.

The Role of the Title IX Team

The Title IX team, led by the Title IX Coordinator, assists in the review, investigation and resolution of reports. Members of this interdepartmental team include the Title IX Coordinator, Deputy Title IX Coordinators, the Student Conduct Officer, and the Director of Public Safety. In addition, based on the role of the Complainant and the Respondent, the members of the team could include the Vice President for Academic Affairs and Dean of the Faculty, the Dean of Students, and/or the Director of Human Resources. Composition of the team will be limited to a small circle of individuals who "need to know" in order to implement procedures under this policy.

Although a report may be made to any College employee, the College seeks to ensure that all reports are referred to the Title IX team to ensure consistent application of the policy to all individuals and allow the College to respond promptly and equitably to eliminate the harassment, prevent its recurrence and address its effects. Accordingly, with the exception of those employees in counseling services, health services or the Sexual Assault/Wellness Advocate, all College employees, including faculty, staff, administrators, and student employees or volunteers who have responsibility for the welfare of other students, are **required** to share with the Title IX Coordinator any report of sexual harassment, sexual violence, stalking, or intimate partner violence they receive or of which they become aware. All other community members are **encouraged**, but not required, to do so.

The members of this team oversee the resolution of a report under this policy. **Resources** are available for both students and employees, whether as Complainants or Respondents, to provide guidance throughout the investigation and resolution of the complaint. **Interim Remedies** are also available to provide protection and security.

Initial Title IX Assessment

In every report of sexual harassment or misconduct, the College will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

The 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, the investigation may be initiated 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.

Investigation

Where the Title IX assessment concludes that disciplinary action may be appropriate, the College will initiate an investigation. 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 will typically 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 will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent and any witnesses. The interviews will be supplemented by the gathering of any physical, documentary or other evidence. As part of the investigation, the College will provide equal opportunity for the Complainant and the Respondent to present witnesses and any other relevant evidence.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect. As described in the Privacy and Confidentiality section, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The College will seek to complete the investigation within 20 school days of receiving the complaint, but this time frame may be extended depending on the complexity of the circumstances of each case. The College will keep all parties updated on the progress of the investigation. At the conclusion of the investigation, the report will be forwarded to the Title IX Coordinator, who will consult with the Title IX Team, to determine whether to initiate Formal Resolution proceedings.

Information gathered during the review or investigation will be used to evaluate the responsibility of the Respondent, provide for the safety of the Complainant and the College campus community, and impose remedies as necessary to address the effects of the conduct cited in the report. Where there is sufficient information set forth that, if proven, would constitute a violation of policy, the College will have the discretion to institute Formal Resolution proceedings against the Respondent. At the conclusion of the investigation, the College will notify all parties that the investigation is complete and provide information about next steps in the process.

Based on the information gathered in the initial Title IX assessment and/or full investigation, the College will talk appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

The Title IX Coordinator will document each report or request for assistance in resolving a case involving charges of sexual misconduct, whether formal or informal, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

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 maximize the Complainant's access to the educational and extracurricular activities at the College and to eliminate a hostile environment. Examples of protective remedies are provided in Section VIII: 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 assault. 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 and request to begin an investigation and/or formal resolution process.

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

Formal Resolution

Disciplinary action against a Respondent may only be taken through Formal Resolution procedures. Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this policy. Regardless of the procedures used, the standard of proof shall be preponderance of the evidence (i.e. that it is more likely than not that the Respondent is responsible for the violation(s) alleged).

The specific procedures for Formal Resolution will vary based upon the role of the Respondent:

- For a complaint against a student, disciplinary action may be imposed by an external adjudicator or a Hearing Board following a finding of responsibility (see Procedures for Resolving Complaints Against a Student).
- For a complaint against an employee, disciplinary action may be taken at the conclusion of the investigation by the Director of Human Resources (see Procedures for Resolving Complaints Against an Employee).

Time Frame for Resolution

The College seeks to resolve all reports within 60 calendar days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this policy. The College will keep all parties updated on the status of resolution procedures throughout the process. In the event that the investigation and resolution exceed this time frame, the College will notify all parties of the reason(s) for the delay and the expected adjustment in time frames.

Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Education and Prevention Programs

SMCM is committed to the prevention of sexual or gender-based harassment, sexual violence, stalking, and intimate partner violence through education and awareness programs. Throughout the year, programs designed to promote awareness are presented by a variety of campus resources. Prevention programs include an overview of the College's policies and procedures, relevant definitions, including prohibited conduct, discussion of the impact of alcohol and illegal drug use, effective consent, safe and positive options for bystander intervention, and information about risk reduction. Incoming first year students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive ongoing training on a periodic basis. SMCM's Title IX Coordinator oversees the education and prevention calendar and tailors programming to campus needs and climate. All educational programs include a review of resources and reporting options available for students, faculty and staff.

Agreements with Local Law Enforcement and Rape Crisis Programs

The College must, at a minimum, pursue formalized agreements with (1) the College's local law enforcement agency and (2) a State designated rape crisis program and/or federally recognized sexual assault coalition.

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

Campus Sexual Assault Climate Survey

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

Conflicts with Other Policies

To the extent that this Policy conflicts with any other College policy, procedure, handbook, faculty or employee bylaw, agreement, or process, this Policy shall prevail.

FORMAL RESOLUTION: RESOLVING COMPLAINTS AGAINST A STUDENT

Overview

As outlined in the Reporting section of this policy, an individual who wishes to make a report of sexual or gender-based discrimination, sexual or gender-based 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. In every instance under this policy, the College, through the coordinated efforts of the Title IX team, will conduct an initial Title IX Assessment.

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 expulsion.

Throughout the assessment and resolution processes, all parties will be kept informed of the status of the College's activities.

Initial Title IX Assessment

Upon receipt of a report, 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 with 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.

As part of the initial assessment of the report, the Title IX team will:

- Assess the nature and circumstances of the allegation
- Address immediate physical safety and emotional well-being needs
- Notify the Complainant of his/her right to contact law enforcement and seek medical treatment, including the importance of preservation of evidence
- Enter the report into the College's daily crime log
- Assess the reported conduct for the need for a timely warning under the Clery Act
- Provide the Complainant with information about:
 - On and off campus resources
 - The range of interim accommodations and remedies
 - An explanation of the procedural options, including Informal Resolution and Formal Resolution
- Make available an advisor, advocate, or support person
- Assess for pattern evidence or other similar conduct by Respondent
- Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding
- Explain the College's policy prohibiting retaliation

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 maximize the Complainant's access to the educational and extracurricular activities at the College and 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. At the conclusion of the investigation, if warranted, the Student Conduct Officer will facilitate adjudication of the complaint.

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.

Threshold Determination

At the conclusion of the investigation, the investigator(s) will prepare a written report synthesizing the facts for review by the Title IX Coordinator and the Student Conduct Officer. The investigator(s) are not charged with reaching a determination as to responsibility, which is a function reserved for an adjudicator or Hearing Board.

Upon receipt of the investigative report, the Student Conduct Officer, in consultation with the Title IX team, will review the report and make a threshold determination as to whether there is sufficient information upon which an adjudicator could find a violation of this policy. This threshold determination does not involve making a determination of responsibility, nor does it involve a credibility assessment. If the threshold has been established, the Student Conduct Officer will issue a Notification Letter to the Respondent and the Complainant and refer the report for Pre-Hearing Procedures.

If the Student Conduct Officer, in consultation with the Title IX team, determines that this threshold has not been reached, the Complainant and Respondent will be notified in writing. The Complainant will have the opportunity to seek review of this determination by submitting a written request for review to the Dean of Students or designee within five school days. The Respondent will be notified of the request for review and have the opportunity to respond. The designated reviewer may agree with the finding, reverse the finding, or request additional investigative follow-up. The designated reviewer will render a decision in writing, to both parties, within 10 school days of receipt of the request for review. The decision of the designated reviewer is final.

Formal Resolution

Formal resolution of a complaint under the Sexual Misconduct Policy will occur through the use of a sexual misconduct hearing.

Hearing Board

The hearing board typically consists of a three members drawn from a pool of trained faculty, staff, and students. Faculty members of the hearing board pool are appointed by Faculty Senate. Staff members of the hearing board pool are selected and appointed by the Dean of Students Office. Student members are selected from the Student Conduct Board. At the discretion of the Student Conduct Officer, the College may engage an external adjudicator to serve as a member of the hearing board or in lieu of the hearing board whenever, in the exercise of judgment, doing so will best serve the fair and equitable resolution of the complaint. In making the determination to select an external adjudicator, the Student Conduct Officer will consider, among other factors, the nature of the allegations, the complexity of the case, whether there is any issue of conflict of interest, the availability of trained board members for the hearing, whether the College is in session or on break, or any other relevant factors.

All hearing board members must participate in annual training on non-discrimination; the dynamics of sexual harassment, sexual violence, stalking, and intimate partner violence; the factors relevant to a determination of credibility; the appropriate manner in which to receive and evaluate sensitive information; the manner of deliberation; evaluation of consent and incapacitation; the application of the preponderance of the evidence standard; sanctioning and the College's policies and procedures. The training will be coordinated by the Title IX Coordinator in conjunction with campus and external partners.

The Hearing Board is supported by the Student Conduct Officer, who is present at hearings but is not a voting member of the board. He or she will meet with the Complainant and Respondent prior to the hearing, be present during the hearing to serve as a resource for the hearing board on issues of policy and procedure, and to ensure that policy and procedure are appropriately followed throughout the hearing.

Advisors and Attorneys

Complainants and respondents have the right to be assisted by an advisor to provide support through the conduct process. Advisors may be any member of the College community, but may not be a witness or other party in the proceeding. Complainants and Respondents who wish to consult with an attorney may do so at their own expense; the attorney may act as the student's advisor and accompany to the student to any pre-hearing conference or to the conduct hearing. An advisor may be present for any pre-hearing meeting with the student's written permission. An advisor may attend but not participate in the hearing process; the student conduct officer must be notified no less than 72 hours in advance of the hearing with the name of any advisor. Advisors have no speaking role in the hearing and are not permitted to ask or answer questions or address the hearing board. An advisor may only provide advice to the complainant or respondent in a non-disruptive manner (such as communicating in writing). Any case must be presented by the student. Students should select an advisor whose schedule allows attendance at any scheduled pre-hearing conference and hearing. Delays will not normally be allowed due to the scheduling conflicts of an advisor. All communication regarding the conduct process will be directed to 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.

Pre-Hearing Procedures

Notice of Hearing

Following the threshold determination that there is sufficient information to move forward with a hearing, the Student Conduct Officer will send a written Notification Letter to both the Complainant and the Respondent. The Notification Letter will contain the date, time, and location of the hearing as well as the Code of Student Conduct charge alleged to have been violated. The hearing date will be no less than 5 business days nor more than 15 business days after the letter is sent. Maximum time limits for scheduling hearings may be extended at the discretion of the Student Conduct Officer.

Pre-Hearing Meeting with Complainant and Respondent

Following the Notification Letter, the Student Conduct Officer will contact the Complainant and Respondent to schedule a pre-hearing meeting with each party. At this pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions. If the Complainant and/or Respondent have elected to have an advisor throughout the hearing process, the advisor is encouraged to accompany the Complainant/Respondent to this initial meeting, with the student's written permission.

Recusal of a Member of the Hearing Board

The Complainant and the Respondent may submit a written request to the Student Conduct Officer that a member of the hearing board be removed. The request must clearly state the grounds to support a claim of bias, conflict of interest or an inability to be fair and impartial. This challenge must be raised within two (2) business days of receipt of the Notice of Hearing. All objections must be raised prior to the commencement of the hearing.

Pre-Hearing Review of Documents

The Complainant and the Respondent will each have the opportunity to review all investigative documents, subject to the privacy limitations imposed by state and federal law, at least three (3) business days prior to the hearing. The investigative documents will include the investigation report, any witness statements or interviews, statements or interviews by both parties, and any other documentary information that will be presented to the hearing board.

Witnesses

The Complainant, Respondent, and the hearing board all have the right to call witnesses. Witnesses must have observed the conduct in question or have information relevant to the incident and cannot be called solely to speak about an individual's character.

In general, neither party will be permitted to call as a witness anyone who was not interviewed by the investigator as part of the College's investigation. If either party wishes to call witnesses, whether or not they were previously interviewed as part of the College's investigation, the following must be submitted no later than five (5) business days before the hearing to the Student Conduct Officer in writing:

- The names of any witnesses that either party intends to call;
- A written statement and/or description of what each witness observed, if not already provided during investigation;
- A summary of why the witness' presence is relevant to making a decision about responsibility at the hearing; and,
- The reason why the witness was not interviewed by the investigator, if applicable.

The Student Conduct Officer will determine if the proffered witness(es) has relevant information and if there is sufficient justification for permitting a witness who was not interviewed by the investigator. The Student Conduct Officer may also require the investigator to interview the newly proffered witness.

If witnesses are approved to be present, the Respondent and Complainant are provided with a list of witnesses and any relevant documents related to their appearance at the hearing no later than five (5) business days before the hearing. All parties have the opportunity to ask questions of witnesses (through the board), regardless of who called them to the hearing.

Relevance

The Student Conduct Officer will review the investigative report, any witness statements, and any other documentary evidence to determine whether the proffered information contained therein is relevant and material to the determination of responsibility given the nature of the allegation. In general, the Student Conduct Officer may redact information that is irrelevant, more prejudicial than probative, or immaterial. The Student Conduct Officer may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

Prior Sexual History and/or Pattern Evidence

Prior Sexual History of a Complainant:

In general, a Complainant's prior sexual history is not relevant and will not be admitted as evidence at a hearing. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this policy, however, the mere fact 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 permitted.

Pattern Evidence by a Respondent:

Where there is evidence of a pattern or conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the panel's determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous incident was substantially similar to the present allegation or information and indicates a pattern of behavior and substantial conformity with that pattern by the respondent. Where there is a prior finding of responsibility for a similar act of sexual assault or harassment, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

The College, through the Student Conduct Officer, may choose to introduce this information, with appropriate notice to the parties. Alternatively, a party may request in writing that information under this section be admitted. A request to admit such information must be submitted to the Student Conduct Officer. The Student Conduct Officer will assess the relevance of this information and determine if it is appropriate for inclusion at the hearing.

To aid in an advance determination of relevance, the following must be submitted no later than five (5) business days before the hearing to the Student Conduct Officer in writing:

- A written statement and/or description of the proposed information, if not already provided during investigation; and
- A summary of why this information is relevant to making a decision of responsibility at the hearing.

If this information is approved as appropriate for presentation at the hearing, the Respondent and Complainant will be provided with a brief description of the approved information no later than three (3) business days before the hearing.

Hearing Board Procedures

Attendance at Hearing

If a party does not attend a hearing for any non-emergency or compelling reason, the hearing may be held in his/her absence at the discretion of the Student Conduct Officer.

A Complainant or Respondent may also request alternative testimony options that would not require physical proximity to the other party. This request must be submitted at least five business days before the hearing. Options include placing a privacy screen in the hearing room, or allowing the Complainant or Respondent to speak outside the physical presence of the other by using relevant technology to facilitate participation. Any proposed alternative must be reviewed in advance of the hearing to ensure that it is consistent with the goals of a fair and equitable process. While these options are intended to help make the alleged Complainant or Respondent more comfortable, they are not intended to work to the disadvantage of the other party.

Participants in Hearing Procedures

The hearing board is a closed hearing; it is not open to the public. The individuals who may appear before the hearing board are: the Complainant; the Respondent; any individual serving as an approved advisor; and any individuals appearing as witnesses. Witnesses are present only for their own testimony.

Safeguarding of Privacy

All parties involved in a hearing are required to keep the information learned in preparation for the hearing and at the hearing private. No copies of documents provided are to be made or shared with any third parties.

Hearing Board Procedures

A hearing is not intended to be adversarial; rather, it is intended to be educational and developmental. The hearing is intended to provide a fair and ample opportunity for each side to present his/her account of the incident and for the hearing board to determine the facts of the case, make a determination as to whether College policy was violated, and to recommend appropriate sanctions, if necessary. The hearing is not comparable to a criminal trial; it is the mechanism by which the College assesses, and as appropriate, takes formal disciplinary action regarding a violation of College policy.

The respondent is presumed not responsible of all charges of the Code of Student Conduct until the contrary is established by a preponderance of the evidence.

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. Upon request, the complainant or respondent may review the recording in a designated College office in order to prepare for an appeal. Further disclosure of the recording shall be governed by applicable state and federal law. The

College will not transcribe recordings. Recordings of hearings which result in suspension, expulsion, or housing contract revocation shall be kept indefinitely. All other recordings will be destroyed following the end of the appeal period.

A member of the board will be designated as the board chair. A hearing will be called to order by the board chair. The Student Conduct Officer serves as a (non-voting) advisor to the hearing board. The chair will introduce the members of the hearing board and request the names of all persons present. The chair will instruct all witnesses that they will be sequestered and will only be present for their own testimony and questioning. The chair will instruct witnesses not to discuss their testimony with anyone during the hearing process and any appeals.

The chair will read the charge(s) and will ask the respondent to indicate responsible or not responsible for violations of the Code of Student Conduct as charged.

The investigator will provide a brief opening statement summarizing the investigation. The opening statement should focus on the areas of agreement and disagreement in order to assist the hearing board in prioritizing areas of inquiry.

The hearing board, Complainant, or Respondent may make brief inquiries of the investigator at this juncture, as there will be additional opportunity to ask questions of the investigator after the hearing board has heard from the Complainant, the Respondent, and any witnesses.

The Complainant may supplement the information provided to the board with a brief statement. This is not intended to be a retelling of the event. The hearing board may pose questions to the Complainant, including questions suggested by the Respondent.

After the Complainant is finished, the Respondent will be given an opportunity to supplement the information provided to the board with a brief statement. The hearing board may pose questions to the Respondent, including questions suggested by the Complainant.

The board may hear from witnesses on behalf of the Complainant and the Respondent. The board will determine the order of the witnesses. Each witness will be questioned by the hearing board, and, as appropriate, the Complainant and the Respondent. Under some circumstances, the Complainant or Respondent may be asked to present a list of written questions to the board, who will determine the relevance of the questions and pose any questions deemed relevant.

The hearing board, Complainant, and Respondent may then question the Investigator. The investigator is not permitted to offer an opinion on the credibility of any individual or as to the ultimate issue. At the conclusion of the presentation of all witnesses, the Complainant and Respondent will each be given a brief final opportunity to address any outstanding issues of fact.

Questioning of Witnesses

It is the responsibility of the hearing board to assure that the information necessary to make an informed decision is presented. The board members may play an active role in questioning both parties and witnesses involved in the case. At times, the board members may need to ask difficult or sensitive questions in order to understand areas of factual dispute or gain a full understanding of the context.

At no time will the complainant or the respondent be permitted to directly question one another. As outlined above, the parties may submit questions to the hearing board in writing, which may be posed at the discretion of the hearing board. Similarly, the board members are under no obligation to allow either party to directly question witnesses, and the board may require that questions to witnesses be submitted in writing. Both parties are encouraged to prepare a written list of questions in advance. The parties may also submit questions in writing to the chair throughout the course of the hearing.

The chair, in consultation with the board, will determine the appropriateness and relevance of the questions. Parties and other individuals who offer information at a hearing are expected to respond honestly, and to the best of their knowledge. The hearing board reserves the right to recall any party or witness for further questions and to seek additional information necessary to make a decision.

Deliberation

After all of the information has been presented, all parties will be dismissed and the hearing will be formally concluded.

The board members will conduct their deliberations in private. The board must complete their deliberations within two (2) business days, but every attempt will be made to complete the deliberations promptly. The Student Conduct Officer may remain for deliberations, but may not participate in the deliberations and may not vote.

The hearing board will determine a Respondent's responsibility by a preponderance of the evidence. This means that the hearing board will decide whether it is "more likely than not," based upon all of the relevant information, that the Respondent is responsible for the alleged violation(s). The hearing board must reach a decision on responsibility by majority vote. Only the decision on responsibility will be shared with the Complainant and the Respondent. If the board finds the Respondent responsible, the board will then determine appropriate sanctions.

The findings of the hearing board will be reduced to writing. The findings will detail the findings of fact and the basis/rationale for the decision of the hearing board, making reference to the evidence that led to the finding.

Sanctions

A hearing board that finds a Respondent responsible for a violation of this policy will determine appropriate sanctions that may include those set forth below. Sanctions may be issued individually, or a combination of sanctions may be imposed. The Complainant and Respondent will each have the opportunity to submit a written statement about impact and/or requested sanctions to the Student Conduct Officer prior to the hearing. The hearing board will review these statements only if the Respondent has been found responsible for one or more violation(s).

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 conduct warning to expulsion.

The hearing board may deviate from the range of recommended sanctions, based upon a full consideration of the following factors: (1) the Respondent's prior discipline history; (2) how the College has sanctioned similar incidents in the past; (3) the nature and violence of the conduct at issue; (4) the impact of the conduct on the Complainant; (5) the impact of the conduct on the community, its members, or its property; (6) whether the Respondent has accepted responsibility for his/her actions; (7) whether the Respondent is reasonably likely to engage in the conduct in the future; (8) the need to deter similar conduct by others; and (9) any other mitigating or aggravating circumstances, including the College's values.

The hearing board or Student Conduct Officer may also consider restorative justice outcomes that, taking into account the safety of the community as a whole, allows a Respondent to learn about the origins of his/her behavior, his/her responsibility for this behavior, and how s/he can change this behavior.

Sanctions that may be imposed under this policy include:

Warning: Written or verbal notice that the student has been found in violation of a specific regulation, and that repetition or continuation of this violation may result in further disciplinary action.

Restriction: Withdrawal or restriction of certain privileges for a specified period of time.

Work Sanctions: The assignment of tasks or work appropriate to the violation, which will benefit all or part of the College community.

Educational Sanctions: Assignments imposed in an attempt to serve an additional educational purpose. These “educational projects” may include any of the following (this list is not exhaustive): educational newsletter, interview with a professional in the community, creating a bulletin board, planning and implementing a program, or writing a paper on a related topic.

Mandated Assessments: Mandated assessments are performed at the Counseling and Health Center by trained clinicians. Student Conduct is the referring office for mandated assessments. A referral may be made for a student who has demonstrated a significant history of concerning behavior that may indicate a disposition toward alcohol or drug abuse or addiction, or inappropriate behavior. The referred student will attend two or three mandated assessment sessions with a clinician. Counseling Services does not provide mandated counseling. The above sessions are for assessment purposes only and do not constitute therapeutic intervention.

Disciplinary Probation: An official and final warning directing the student to exhibit good conduct during a specified probation period. Further violations will require that the student automatically return to the conduct system and, if found in violation once more, face a more severe sanction. Disciplinary probation may impact a student’s ability to hold certain campus leadership positions.

Housing Contract Revocation: Temporary or indefinite separation from living in on-campus housing. Housing contract revocation may also involve restriction from all housing facilities.

Disciplinary Suspension: A temporary separation from the College with the right to apply for re-admission to the dean of students. The terms of the suspension may be set or indefinite, and special conditions upon re-admission may be designated. He or she loses all privileges of a regularly enrolled student and is required to leave campus. No room refunds apply in such cases. However, students are eligible for board refunds according to the College’s established policy. Students placed on conduct suspension will receive a W for “withdraw” on their academic transcripts. Any suspended student who returns to the campus during the suspension period is subject to expulsion unless he or she has prior written approval from the associate dean of students or the dean of students.

Expulsion: A permanent termination of a student’s status at the College for disciplinary reasons. No room refunds apply in such cases. However, students are eligible for board refunds according to the College’s established refund policy. When a student is expelled from the College, the parents are notified. Expelled students are not allowed on campus. Any expelled student may submit a written request for access to the campus to the dean of students no earlier than June 1st, three years after their date of expulsion.

More than one of the sanctions listed above may be imposed for any single violation.

Outcome Letter

The outcome of the hearing board will be final and communicated to the Complainant and Respondent in writing, usually within four (4) business days from the date the hearing is concluded. The notification of each party should occur at or near the same time.

Both parties have the right to be informed of the outcome, the appeals procedures, any change to the outcome that occurs prior to final resolution, and when the outcome becomes final. In addition, the Respondent will be fully informed of any sanctions. For reports involving sexual violence, the Complainant will be fully informed of any sanctions. For all other reports under this policy, the Complainant will be informed of only those sanctions that directly relate to the Complainant, consistent with FERPA and other applicable law.

Appeals

Either party may appeal the final outcome in writing to the Dean of Students or designee (the “Appeals Officer”). The appeal will be conducted in an impartial manner by an impartial decision-maker. The appeal must be filed in writing within seven calendar days of receiving the written outcome. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal.

The Complainant and/or Respondent may appeal only the parts of final outcome directly relating to him/her. Dissatisfaction with the outcome of the hearing is not grounds for appeal. The only grounds for appeal are:

- To determine whether the original hearing was conducted in conformity with the prescribed procedures of this policy. Minor deviations from designated procedures will not form the basis for sustaining an appeal unless it is determined that such deviation resulted in significant prejudice.
- To present new evidence which could not reasonably be made available at the time of the original hearing.
- To determine whether the sanction imposed was appropriate to the violation with which the respondent student or student organization was found responsible by the hearing board.

The receipt of the appeal will be acknowledged in writing (which can include email). If either party submits an appeal, the other party will be notified and given three business days to respond to the appeal. The appeals documents from each party will be considered together in one appeal review process. Both parties will have the opportunity to schedule a meeting to discuss their written appeal. Such meetings will be limited to no more than forty-five minutes.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The Appeals Officer shall first consider whether the appeal is timely filed and if so, whether the appeal is properly framed based on one or more of the three grounds. If the Appeals Officer determines that the appeal is not properly framed, the appeal will be denied.

If the appeal is based on procedural or substantive error, the Appeals Officer may return the complaint to the original hearing board with instructions to reconvene to cure the error, or in rare cases where the error cannot be cured, the Appeals Officer can ask that a new hearing occur before a newly constituted hearing board. In the case of new and relevant information, the Appeals Officer can recommend that the case be returned to the original hearing board to assess the weight and effect of the new information and render a determination after considering the new facts. The reconsideration of the hearing board is final.

Appeals are not intended to be full rehearing of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. This is not an opportunity for the Appeals Officer to substitute his/her judgment for that of the original hearing body merely because s/he disagrees with its finding and/or sanctions. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error. The Appeals Officer can affirm or alter the original findings, depending on the basis of the requested appeal.

Sanctions will typically be stayed pending the outcome of any appeal process. If a Respondent is suspended on an interim basis prior the hearing and is suspended or expelled as a result of the hearing, the interim suspension will continue pending the outcome of any appeal. The Appeals Officer will render a written decision on the appeal to the Complainant and Respondent within fifteen (15) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

Integrity of Proceedings

These procedures are entirely administrative in nature and are not considered legal proceedings. Neither party may audio or video record the proceedings, nor is formal legal representation allowed.

At the Student Conduct Officer's discretion, anyone disrupting the hearing may be removed.

Records

The Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Title IX assessment, informal resolution, or formal resolution. Complaints resolved by means of Title IX assessment or informal resolution are not part of a student's conduct file or academic record or of an employee's personnel record.

Affirmative findings of responsibility in matters resolved through formal resolution are part of a student's conduct record and an employee's personnel record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's personnel record.

Student conduct records will be retained in the Dean of Students Office seven 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.

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:

- 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: Laraine Glidden 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: Catherine A. Pratson 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, 18952 East Fisher Road, 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

DEFINITIONS

Definitions under the Violence Against Women Act

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).

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 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 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.

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.

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.

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.

Criminal Homicide-Murder and Non-negligent Manslaughter: 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

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	7	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	17	0	0	17	11	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	63	0	0	63	50	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	1	0	0	1	1	0
Dating Violence	2014	0	0	0	0	0	0
Stalking	2014	10	0	0	10	9	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.*

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.

2012 AND 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
	2012	0	0	0	0	0
Negligent Manslaughter	2013	0	0	0	0	0
	2012	0	0	0	0	0
Forcible Sex Offense	2013	2	0	0	2	2
	2012	8	0	0	8	8
Non-Forcible Sex Offense	2013	0	0	0	0	0
	2012	0	0	0	0	0
Robbery	2013	0	0	0	0	0
	2012	0	0	0	0	0
Aggravated Assault	2013	0	0	0	0	0
	2012	0	0	0	0	0
Burglary	2013	1	0	0	1	1
	2012	1	0	0	1	1
Motor Vehicle Theft	2013	1	0	0	1	1
	2012	0	0	0	0	0
Liquor Law Arrests	2013	0	0	0	0	0
	2012	0	0	0	0	0
Drug Law Arrests	2013	0	0	0	0	0
	2012	8	0	1	9	9
Weapons Law Arrests	2013	0	0	0	0	0
	2012	0	0	0	0	0

Liquor Law Violations Referred for Disciplinary Action	2013	88	23	0	88	75
	2012	84	1	1	84	61
Drug Law Violations Referred for Disciplinary Action	2013	44	0	0	44	29
	2012	58	0	0	58	48
Weapons Law Violations Referred for Disciplinary Action	2013	0	0	0	0	0
	2012	3	0	0	3	3
Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities*
Arson	2013	0	0	0	0	0
	2012	0	0	0	0	0
Domestic Violence	2013	0	0	0	0	0
	2012	N/A	N/A	N/A	N/A	N/A
Dating Violence	2013	0	0	0	0	0
	2012	N/A	N/A	N/A	N/A	N/A
Stalking	2013	1	0	0	1	0
	2012	N/A	N/A	N/A	N/A	N/A

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

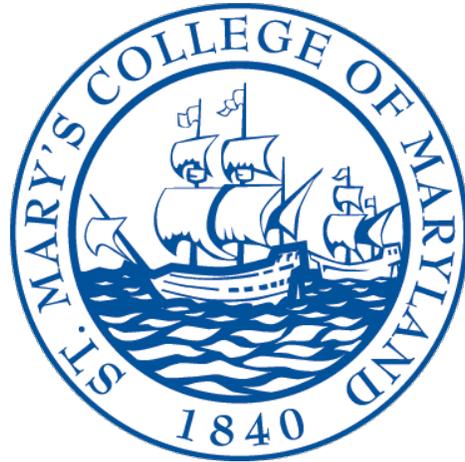
Hate Crime Reporting

There were no hate crimes reported for 2012 or 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, 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



2015

Fire Safety Report



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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. Fires in student rooms have resulted from electrical defects or careless use of electrical appliances.

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

- answering machine
- 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
- sewing machine
- shaver
- stereo equipment
- television
- typewriter
- 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
Smoking or carrying any lighted tobacco product is prohibited in all state buildings and facilities.
 - B. State Vehicles
Smoking is prohibited in all state vehicles.
 - C. Residence Halls, Suites, Apartments, and Townhouses
Smoking is prohibited in all areas of all residential facilities.

- II. Enforcement
 - A. Responsibility
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
The Office of Human Resources is responsible for resolving conflicts and investigating claims of employees. The coordinator of Student Activities and Judicial Affairs 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 coordinator of student conduct officer 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 2014
Calvert Hall*	47454 Trinity Church Road	Yes	110 V Non-System	110 V System	Public Safety	Basement Only	Wet	1
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

*Calvert hall is no longer a residential facility as of 07/01/15

FIRE SAFETY PLAN

Evacuation of Residence Halls

Students should gather in the designated location as follows:

Calvert Hall: Students should move toward the front steps of Kent Hall. In the event of bad weather or an extended evacuation, students will be permitted to enter Kent Hall.

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

1. Pull the nearest fire alarm.
2. Call 9-911 (County Control Center) and report the location.
3. Call 240-895-4911 (Public Safety) and report the location.
4. Assist disabled individuals, if possible and safe to do so.
5. Evacuate the building immediately and move across the street or to locations indicated by College officials.
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.

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

2012 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	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.