How to Get Help:
Any member of the College community who has experienced sexual misconduct is urged to immediately seek medical assistance and/or notify the police.

<table>
<thead>
<tr>
<th>Emergency Response</th>
<th>Health &amp; Safety</th>
<th>Confidential Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SMCM Public Safety</strong></td>
<td>St. Mary’s Hospital</td>
<td>SMCM Staff Therapist/Advocate</td>
</tr>
<tr>
<td>(240) 895-4911, or x4911 from any campus phone</td>
<td>(301) 475-8981</td>
<td>(240) 895-4289</td>
</tr>
<tr>
<td></td>
<td>Provides medical treatment and Sexual Assault Forensic Exams.</td>
<td>Available through Counseling Services. Provides referrals, support and advocacy.</td>
</tr>
<tr>
<td><strong>St. Mary’s County Sheriff’s Office</strong></td>
<td>Calvert Memorial Hospital</td>
<td>Walden-Sierra, Inc.</td>
</tr>
<tr>
<td>Emergency: 911</td>
<td>(410) 535-4000</td>
<td>Crisis Hotline</td>
</tr>
<tr>
<td>For concerning situations:</td>
<td>Provides medical treatment and Sexual Assault Forensic Exams.</td>
<td>(301) 863-6661</td>
</tr>
<tr>
<td>(301) 475-4200 x1900</td>
<td>SMCM Health Services</td>
<td>Provides advocacy, accompaniment to the hospital, crisis counseling, or on-going therapeutic support.</td>
</tr>
<tr>
<td><strong>Maryland State Police</strong></td>
<td>(240) 895-4289</td>
<td>SMCM Counseling Services</td>
</tr>
<tr>
<td>Leonardtown Barracks</td>
<td>Provides medical treatment.</td>
<td>(240) 895-4289</td>
</tr>
<tr>
<td>(301) 475-8955</td>
<td>Monday through Friday,</td>
<td>Provides confidential psychological counseling.</td>
</tr>
<tr>
<td></td>
<td>8:00 a.m. – 5:00 p.m.</td>
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</tr>
</tbody>
</table>

Additional Campus Resources Include:

**Title IX Coordinator:** Michael Dunn  * (240) 895-4105

titleix@smcm.edu  * Glendening Hall 254

The College has designated a Title IX Coordinator to oversee all reports of sexual and gender-based discrimination, sexual and gender-based harassment, sexual violence, stalking, and relationship violence. The Title IX Coordinator, an independent office that reports directly to the President, is supported by two Deputy Title IX Coordinators.
St. Mary’s College of Maryland
Policy Against Sexual Misconduct

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

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St. Mary’s College of Maryland
Policy Against Sexual Misconduct

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

I. 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 relationship 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 relationship 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:
TBD
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 relationship 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)

- **Staff Therapist/Advocate: (240) 895-4289**
The staff therapist/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 staff therapist/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.

- **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 assist with reporting options, advocacy, on- and off-campus resources, accompaniment to the hospital, and prevention education. Members of the SMART are confidential resources under the supervision of the staff therapist/advocate, who is also a confidential resource. All reports to the SMART will be shared with the staff therapist/advocate. Neither SMART members nor the staff therapist/advocate will share information with the College or anyone else without the individual’s permission, except when there is an immediate danger to self or others or a suspicion of child abuse. Information shared with SMART is not considered a report to the College. Students may also elect to remain anonymous by not sharing personally identifiable information about themselves or other involved parties with the SMART.
Off Campus Confidential Resources (Counseling and Advocacy):

- **Walden-Sierra, Inc.:** 301.863.6661 (24-hour hotline) (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/](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](http://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.smcfa.net](http://www.smcfa.net)

- **Rape, Abuse and Incest National Network (RAINN):** (800) 656-4673  
A confidential, anonymous national sexual assault hotline. [www.rainn.org](http://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

The College will fully and promptly cooperate in obtaining appropriate medical attention for a complainant, including transportation for the complainant to St. Mary’s Hospital.¹

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 relationship 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:** TBD

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,

¹ This policy is effective immediately but is subject to approval by the Board of Trustees.
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 staff therapist/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, relationship 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.

- **Staff Therapist/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 staff therapist/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. SMART can assist with reporting options, advocacy, on- and off-campus resources, accompaniment to the hospital, and prevention education. Members of the SMART are confidential resources under the supervision of the staff therapist/advocate, who is also a confidential resource. All reports to the SMART will be shared with the staff therapist/advocate. Neither SMART members nor the staff therapist/advocate will share information with the College or anyone else without the individual’s permission, except
when there is an immediate danger to self or others or a suspicion of child abuse. Information shared with SMART is not considered a report to the College. Students may also elect to remain anonymous by not sharing personally identifiable information about themselves or other involved parties with the SMART.

- **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 staff therapist/advocate, Title IX Coordinator, student conduct officer, Public Safety, Dean of Students Office, and relevant administrators.

*Denotes member of the Title IX Team

**II. 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 relationship 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 relationship 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 relationship 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.

III. Scope of Policy

The College prohibits all forms of sexual and gender-based discrimination and harassment, including sexual harassment, sexual violence, stalking, and relationship 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 relationship 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 relationship 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.
IV. 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

V. 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 relationship 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 staff therapist/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 confidentially (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 relationship 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;
- The rights of the respondent to receive notice before disciplinary action is sought
- Circumstances that suggest there is an increased risk of the respondent committing additional acts of sexual violence or other violence (e.g., whether there have been other complaints or reports of
harassment or misconduct about the same respondent, whether the respondent has a history of arrests or records from a prior school indicating a history of violence, whether the respondent threatened further sexual violence or other violence against the complainant or others, and whether the sexual violence was committed by multiple respondents

- Circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances (e.g., whether the complainant’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group)
- Whether the sexual violence was perpetrated with a weapon
- Whether the College possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

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.

VI. Prohibited Conduct and Definitions

The College prohibits all forms of sexual and gender-based harassment, including sexual violence and relationship 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. Relationship 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: 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 (Rape):** 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 intercourse includes incest, which is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Non-consensual sexual intercourse also includes statutory rape, which is defined as sexual intercourse with a person who is under the statutory age of consent.
Non-Consensual Sexual Contact (Fondling): 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 tom/ 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: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or to suffer substantial emotional distress. For the purposes of this definition, “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. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the complainant. “Substantial emotional distress” means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling. Stalking behaviors may include, but are not limited to 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.

Relationship violence: Relationship violence includes “dating violence” and “domestic violence.”

Dating violence: Any act of violence, including but not limited to, sexual assault, physical abuse, threats of violence and other forms of violence, by a person who is or has been in a social relationship of a romantic or intimate natures with the complainant. 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.

Domestic violence: Any act of violence, including but not limited to, sexual assault, physical abuse, threats of violence and other forms of violence, by a current or former spouse or intimate partner of the
complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under Maryland law, or by any other person against an adult or youth complainant protected from those acts by domestic or family violence laws of Maryland.

**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 relationship 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.

**Definitions**

**Effective Consent:** Effective consent is defined as willingly, freely and knowingly 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 relationship violence and does not diminish one’s responsibility to obtain consent.

**VII. 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 relationship 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 relationship 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. The College will fully and promptly cooperate in obtaining appropriate medical attention for a complainant,
including transportation for the complainant to St. Mary’s Hospital.²

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
Leonardtown 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: TBD

  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 relationship 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
  *Tressa Setlak, 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

² This policy is effective immediately but is subject to approval by the Board of Trustees.
the staff therapist/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, relationship 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 relationship 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 right to file criminal charges with the appropriate law enforcement official or may decline to notify law enforcement. The College encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence, stalking, and relationship 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 relationship 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 relationship 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.

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3 This policy is effective immediately but is subject to approval by the Board of Trustees.
VIII. 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.

IX. 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 relationship 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 staff therapist/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 relationship 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 take 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.

**X. Education and Prevention Programs**

SMCM is committed to the prevention of sexual or gender-based harassment, sexual violence, stalking, and relationship 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.

**XI. 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.

*Revisions effective January 1, 2016*
*Revisions approved by Board October 3, 2015*
XII. **Campus Sexual Assault Climate Survey**

On or before March 1, 2016, and at least ever 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).

XIII. **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.