

ST MARY'S

COLLEGE of MARYLAND

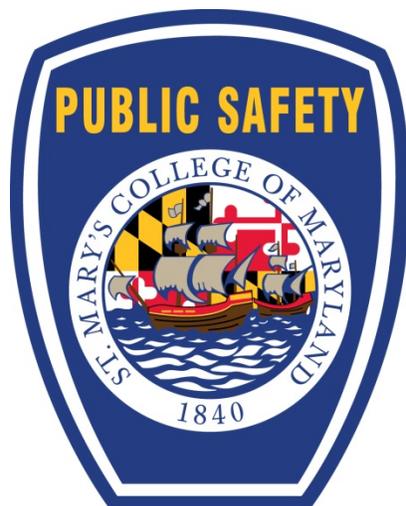
The National Public Honors College

2020

ANNUAL SECURITY

AND

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 January 1, 2016 to December 31, 2018



THE OFFICE OF PUBLIC SAFETY

St. Mary's College of Maryland's Office of Public Safety provides campus safety and security for the College. Full time Public Safety Officers, along with full- and part-time trained dispatchers, provide a variety of services to the College community on a 24-hour basis. The 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 mission is to protect life and property by providing professional & competent law enforcement and security services.

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

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

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

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

Public roads:

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

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 or a Patrol Duty Uniform (PDU) Shirt With badge and name plate attached. Public Safety Officers do not carry firearms, however are trained in the use of and carry the following defensive tools on their person: expandable batons, defensive chemical spray, and handcuffs.

Public Safety Officers participate in and must successfully complete an initial field training program for up to 6 weeks. Additional internal training as a department as well as training with other Law Enforcement agencies regionally is conducted on an ongoing basis.

WORKING RELATIONSHIPS WITH LOCAL LAW ENFORCEMENT

St. Mary's College of Maryland's Office of Public Safety maintains a close working relationship with local law enforcement agencies including the St. Mary's County Sheriff's Department, Maryland State Police Leonardtown Barracks, Maryland Department of Natural Resources Police, and the Maryland Fire Marshal. The agencies listed above have law enforcement jurisdiction on the St. Mary's College of Maryland campus and/or public property adjacent to the campus. 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. This includes assisting with investigations, training, and sharing of information and resources.

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

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, the Seahawk Safe mobile app, or using one of the emergency blue light phone call boxes.

Upon receiving a report of a crime or emergency, the dispatcher will log information such as, but not limited to the name and contact information of the person making a report, type of crime or emergency, and location into a computer aided dispatch system. The dispatcher will then dispatch an Officer to the location. The Officer 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, at the discretion of the Director of Public Safety, or if the victim of a crime requests assistance in contacting local law enforcement. If appropriate the Office of Public Safety will complete a written incident report. Reports involving alleged violations of college policies or Maryland law committed by students will be referred to the Office of Student Conduct for review.

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

- The Title IX Coordinator is responsible for overseeing the college's response to all reports of sexual misconduct including sexual harassment, sexual violence, sexual assault, sexual exploitation, stalking, and relationship violence in the St. Mary's College of Maryland community. The Title IX Coordinator 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 or witnesses to report all crimes to the Office of Public Safety in an accurate or prompt manner when the victim elects to or is unable to make such report. Public Safety can be contacted at (240) 895-4911 or x4911 from an on campus phone.

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

Office of Student Conduct:

Calvert Hall Office 220

(240) 895-3181

studentconduct@smcm.edu

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

Vice President for Student Affairs and Dean of Students:

Calvert Hall Office 222

(240) 895-4208

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

DAILY CRIME AND FIRE LOG

The St. Mary's College of Maryland Office of Public Safety maintains a log of all crimes and fires reported to the college. A log containing the previous 60 days of crimes and fires reported is available to view at the Public Safety Office or <http://www.smcm.edu/publicsafety/daily-crime-and-fire-log/>.

Daily Crime and Fire logs beyond 60 days are archived and available to view upon request. Questions about the log or requests to view the archive can be made by contacting Assistant Director Christopher Coons at ccoons@smcm.edu or 240-895-4911.

CAMPUS SECURITY AUTHORITIES

Some individuals may prefer to report crimes to College employees or offices other than Public Safety. The Clery Act recognizes certain college officials and offices as being a "Campus Security Authority" (CSA).

The Clery Act defines a CSA as being an "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings." An official is defined as "any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. CSAs include but are not limited to the following individuals:

- A member of campus police or campus safety/security responsible for campus security;
- An individual who has responsibility for campus security but does not constitute a police or security department (for example, monitoring the entrance to a building);
- An individual or organization specified in the institution's security policy as an individual or organization to which students and employees should report criminal offenses;
- Officials with significant responsibility for student and campus activities.

These positions at SMCM are listed as CSAs:

- All Public Safety Staff
- Dean of Students and Staff
- Student Conduct
- Title IX Coordinators
- Residence Life Staff
- Athletics Staff (Athletic Director, Coaches, Assistant Coaches, Trainers)
- Advisors to Student Clubs or Organizations
- Human Resources Staff
- Advocates in the Wellness Center
- Orientation Leaders
- Other Staff or Faculty as Determined by College

These positions at SMCM are not listed as CSAs:

- Physical Plant Staff

- Food Service Staff
- Faculty who do not advise a student club or organization
- Clerical Staff in most cases

St. Mary's College of Maryland requires that any CSA who receives a report of a crime must immediately report the incident to the Office of Public Safety.

CSAs receive Clery Act training annually.

VOLUNTARY CONFIDENTIAL REPORTING OPTIONS

The St. Mary's College of Maryland Policy on Sexual Misconduct provides for Voluntary confidential reporting options for the purposes of Title IX compliance. However under the Clery Act, federal law requires some individual be identified as Campus Security Authorities or CSAs. The decision to identify these individuals as CSAs is made by the Department of Education guidelines or by St. Mary's College of Maryland. CSAs are required to report to the Office of Public Safety certain information on crimes reported to them. Personally identifying information on persons involved in a crime can be withheld from the CSA report at the request of the victim. CSAs are required to provide the following information to the Office of Public Safety about all crimes and incidents that were reported to them:

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

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

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

PROFESSIONAL AND PASTORAL COUNSELORS

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

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

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

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

CONFIDENTIAL REPORTING OPTIONS

The following are available voluntary confidential reporting options:

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

- The Sexual Misconduct Advocacy and Resource Team (SMART) is a group of trained peer advocates at SMCM dedicated to supporting survivors of unwanted sexual experiences. SMARTies provide a confidential 24/7 hotline that provides peer support and on/off campus resources to students affected by sexual violence. They can be reached via phone call or text at (301) 904-2015 (but please note that the phone may be turned off during breaks of the academic year (summer, spring, fall, and winter break). SMART also organizes a number of outreach and community events throughout the academic year focused on supporting survivors, educating our community, and preventing sexual violence. SMART is supervised by the Advocate, who is a member of Counseling and Psychological Services at The Wellness Center. While members of SMART are confidential under the SMCM Sexual Misconduct Policy, the SMARTies are also trained as CSAs under the Clery Act, and are therefore required to report 3 pieces of information if provided by the caller. If the caller shares 1.) What crime was committed, 2.) Where the crime was committed, and 3.) When the crime was committed, then the SMART member has to report those 3 pieces of information to Public Safety in a timely matter. The caller is informed about this before the phone call starts, and identifying information is not given to Public Safety unless the caller does not want to remain anonymous. The caller can elect to remain anonymous by not

sharing personally identifiable information about themselves or other involved parties. SMARTies will share information from the phone call with the Sexual Assault Advocate, who is confidential. Confidentiality will only be broken if the caller is a harm to themselves or others, or if a child or vulnerable person is said to be neglected or abused. Aggregate data of all reports received will be shared with the Title IX Coordinator.

SMCM Sexual Assault Advocate: Kelly Muldoon (240) 895-4289

Kelly Muldoon, the Sexual Assault Advocate is available through Counseling and Psychological Services in the Wellness Center at (240) 895-4289. The services of the on-call Sexual Assault Advocate are to assist students after they have had an unwanted sexual experience. Kelly is trained to assist students by accompanying them to hospital for medical assistance and/or a SAFE (sexual assault forensic evidence) exam, accompanying the student in Title IX meetings, providing assistance with the criminal justice system, offering emotional support, providing information, finding resources, and completing paperwork.

Counseling and Psychological Services: (240) 895-4289

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

TIMELY WARNING POLICY

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 Director of Public Safety or his/her designee is responsible for the decision to issue or not issue a Timely Warning. The Director of Public Safety or his/her designee is responsible for writing the content of the Timely Warning Notice. The Director of Public Safety or his/her designee is responsible for the distribution of the Timely Warning Notice.

The Timely Warning Notice will:

- Be sent out to the entire campus community 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 (Primary Method)
- Informational posters in buildings
- Public Safety Web Site www.smcm.edu/publicsafety

Repts made to Professional and Pastoral Counselors may not result in a Timely Warning Notice being issued.

EMERGENCY RESPONSE, EVACUATION PROCEDURES AND IMMEDIATE NOTIFICATION

SEAHAWK ALERTS

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

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

If a confirmed significant emergency or dangerous situation involving, an immediate threat to the health or safety of students or employees occurs on campus, the college will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the SEAHAWK ALERT emergency notification system., unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

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

SEAHAWK ALERT emergency notifications will be disseminated using one or more of the following methods:

- Text Messaging
- Official College Email
- College Web Site
- Social Media
- Siren and Public Address System

The college will test the emergency notification systems at least on an annual basis. Tests are regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities that may be announced or unannounced. The college will publicize the description of the exercise including the date, time, and whether it was announced or unannounced. In the event an emergency notification is sent to the campus community, a timely warning may not be issued.

To sign up to receive SEAHAWK ALERT text messaging download the "campusshield" mobile app and complete the registration. To receive text messages without the app visit <https://portal.publicsafetycloud.net/community-alerts/St-Marys-College-of-Maryland>

EVACUATIONS, LOCKDOWNS, AND TAKING SHELTER

General Information

The SMCM Office of Public Safety is responsible for all law enforcement and campus security activities, including controlling the flow of traffic. The Director of Public Safety works with the campus Emergency Response Team (ERT) to determine if an evacuation, lockdown or shelter in place is necessary and the scope of the situation.

Evacuations, lockdowns or shelter in place orders may include all or portions of buildings, specific areas of the campus or the entire campus depending upon the nature of the emergency. In the event of a campus wide evacuation, the College will be supported by the St. Mary's County Emergency Services and Technology Office and the St. Mary's County Sheriff's Office to ensure safe egress.

The Office of Public Safety will establish and ensure staffing of traffic control points that are considered necessary. They will also maintain access control and security for the affected areas.

In the event of a campus wide evacuation, lockdown or shelter in place the ERT in cooperation with the President of the College 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.

EVACUATIONS

“Evacuate” is the term used when it is necessary to vacate a specific building(s) and/or area of the campus. Occupants in the affected area will be required to leave the building and/or area as quickly and calmly as possible.

Reasons for an Evacuation:

The reasons the College may require an evacuation include but are not limited to:

- Fires and/or fire alarms
- Severe weather events
- Hazardous material spills

Notification

The campus community will be notified to evacuate via all appropriate and available methods of communication including:

- SEAHAWK ALERTS
- Fire Alarms
- Public Address Systems
- Campus email

Required Action:

Evacuation may be required due to hazardous materials spills/releases that do not involve a campus facility such as a transportation accident. An assessment by on-scene personnel will determine the appropriate area and populations to be considered for evacuation. Follow the instructions of responding emergency personnel.

Residence hall and academic building evacuation processes are listed in the Emergency Resource Guide on the Public Safety website and in the Campus Shield mobile app Safety Resources.

<http://www.smcm.edu/publicsafety/emergencies/emergency-guide/>

When the all clear signal is given the emergency is resolved. Classes, if in session and affected, will resume at the nearest class time period.

If someone is in need of assistance and you are able, please help in any way you can.

LOCKDOWN / SHELTER IN PLACE

The College has the ability to secure buildings in the event of an emergency. The buildings will be secured remotely via the CS Gold system and/or manually. Residence halls are secure 24/7. In the event of a Lock-down/Shelter in Place order do not leave the building you are in until an all clear announcement is given by College authorities or local law enforcement.

Additional information can be found at:

<http://www.smcm.edu/publicsafety/emergencies/emergency-guide/>

TAKE SHELTER

“Take shelter” will be the term used when it is necessary to allow access to buildings on campus in the case of an emergency requiring persons to shelter from adverse external conditions. Buildings will be sources of refuge and should be allowed open access.

LOCAL LAW ENFORCEMENT MONITORING OF NON-CAMPUS STUDENT ORGANIZATIONS

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

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

RESIDENTIAL FACILITIES

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

Residents are expected to comply with all residence and guest policies, to use available security locks, and to not prop locked doors open, or to allow entrance to uninvited people. Each residential staff office is open from 8 pm until midnight from Sunday to Thursday and 9 pm until 2 a.m. on Fridays and Saturdays and managed by trained and experienced student staff members. Information about security at individual halls is available through the Office of Residence Life.

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

NON RESIDENTIAL FACILITIES

Non Residential facilities are open to students, employees and the public during their business hours (which vary by building). All Non Residential facilities are checked and locked outside of business hours. Students with a need to enter a locked building must do so by obtaining permission from a faculty or staff member. The faculty or staff member giving permission must submit a list of students needing access to the Office of Public Safety and contact the Office of Information Technology for one card access. Officers securing the building will ask any student without permission to leave the building. All Faculty and Staff are strongly encouraged to secure their offices and labs when not in use.

MAINTENANCE OF CAMPUS FACILITIES

St. Mary's College of Maryland Office of Planning and Facilities 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 patrols the campus and reports any repair needs (malfunctioning lights or other unsafe conditions) to the Physical Plant. All members of the campus community are encouraged to directly report to the Physical Plant problems with facilities or grounds. Employees should use the College's EPAC system to report non-emergency maintenance issues. For Maintenance emergencies the 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. Lost keys should be reported to the Office of Public Safety at 240-895-4911.

MISSING STUDENT POLICY

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

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

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

Contact information provided by the student will be registered confidentially and will be accessible only to authorized College officials, such as the Dean of Students, Director of Public Safety, and the Director of Residence Life. Students' designated contacts may be released to local law enforcement officers in furtherance of a missing person investigation.

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

SAFETY EDUCATION AND SAFETY PROGRAMS

Safety Education and Safety programs are designed to inform students and employees about campus safety and security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

New Student Meetings

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

Safety Day

Public Safety conducted its annual Safety Day September 20th 2019. This event consisted of safety information, handouts, safety demonstrations and training opportunities. Presenters were from the Office of Public Safety, Residence Life, Peer Health Educators, SMART team, Title IX, Ridge Rescue Squad, and the St. Mary's County Sheriff's Office.

Safety Escort Program

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

Property Registration Program

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

Rape Aggression Defense (RAD) Training Program

The Office of Public Safety established a Rape Aggression Defense or RAD training program for the campus community. Information on upcoming classes will be shared through Inside SMCM. If you have questions about the program, you can call 240-895-4911 and speak to Sgt. Nataisha Young or Sgt. Gerald Sellers.

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

Public Safety Officers work closely with Residence Life Staff who receives training regarding confrontation, assertiveness, College rules and regulations, and the Code of Student Conduct.

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

ALCOHOL POLICY

Maryland law states that: (1) It is unlawful for any minor (a person under age 21) to possess or consume alcoholic beverages; (2) It is unlawful for any minor to misrepresent or lie about his/her age in order to obtain alcoholic beverages; (3) It is unlawful for any person to obtain alcoholic beverages on behalf of a minor; (4) It is unlawful for any person to consume

alcoholic beverages in an open outside area unless authorized to do so by proper officials; (5) A person may not be intoxicated and endanger the safety of another person or property or be intoxicated and cause a public disturbance.

It is the responsibility of all faculty, staff, and students at St. Mary's College to uphold the conditions of this state law. The unlawful use, possession, or distribution of alcohol on College property or as any part of College activities is prohibited and will result in disciplinary action, up to and including expulsion. 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 (absent an authorized exception under section VI herein), 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 a student of legal drinking age ("of-age"). Students who are 21 years of age or older 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.

VII. Acting as a social host: A social host is any individual who provides a location for and/or facilitates opportunities for others to violate the College Alcohol Policy or other gathering-related policies. More specifically, a social host is an individual who provides or shares alcohol with an

underage guest in his/her residence or who hosts one or more guests in his/her residence who violate the College Alcohol Policy or other gathering-related policies (e.g., quiet hours, fire code, damage, failure to comply). Additional consequences are in place for those who make the choice to host events in their residence where a violation of College policy takes place. Hosts who provide a location for others to engage in policy violations assume a greater level of responsibility for these incidents. If a student is found responsible for acting as a social host as described above, the minimum fine for the violation begins at \$100 for a first offense and increases up to \$250 for subsequent violations (see Minimum Expected Sanctions for more information). Fines will be assessed per social host, and will not be divided among the room/apartment/townhouse residents.

Legal sanctions under state law: It is illegal in the state of Maryland for any person under 21 to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them. It is also illegal in most situations to furnish alcohol to a person under 21, or to obtain alcohol on behalf of a person under 21. The penalty is a fine of up to \$500 for a first offense, and up to \$1000 for repeat offenses.

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.

Excessive alcohol use can increase the likelihood of both short-term and long-term health risks. Binge drinking increases the risk of injury, violence, alcohol poisoning, and risky sexual behavior. Long-term excessive alcohol use can lead to chronic health problems such as high blood pressure, heart disease, stroke, liver disease, and digestive problems. Students can find more information about the health risks of alcohol use at <http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>.

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.

STUDENT-ATHLETE ALCOHOL POLICY

The student athletes who represent SMCM are a unique segment of the student population. Each student athlete (S/A) serves as an ambassador for the College, the Athletic Department, and his/her specific sport team(s).

With the role of representing SMCM both on and off campus and in and out of season, our S/A will be held to the following standards:

1. S/A under the age of 21 must obey state of Maryland laws concerning the consumption, possession and distribution of alcohol.
2. S/A 21 & over must obey the state of Maryland laws regarding the consumption, possession and distribution of alcohol and the use of a motor vehicle.
3. S/A who are of legal drinking age are prohibited from consuming alcohol within 48 hours prior to their intercollegiate varsity athletic contest.
4. Alcohol consumption is prohibited on any athletic team trip or official team function.

This policy is in addition to those set forth in the student handbook (*To the Point*) and by the head coaches of our varsity athletic teams. Head coaches may apply more restrictive policies if he/she chooses, so make sure you understand what your team policies are.

The Director of Athletics and/or head coach can be informed of violations by S/A through the following offices and agencies:

- Local, state, and/or federal law enforcement agencies
- The SMCM Office of Public Safety
- Student Conduct Board
- Office of Residence Life
- S/A self-report

Violation of the Student-Athlete Alcohol Policy will result in the following **department** course of action(s):

- 1st Offense – Warning. Meeting with sport supervisor, head coach, and player to discuss ramifications of 2nd offense.
- 2nd Offense – 1 Game suspension to be served during the next scheduled regular season game/match/meet. Meeting with AD, head coach, sport supervisor and player to discuss ramifications of 3rd offense. Referral to counseling center
- 3rd Offense – Suspension for rest of year or next season of competition.

Any such penalties will be in addition to those imposed by the Student Conduct Board. Alcohol offenses accumulate on an annual basis. However, multiple offenses over academic years may be considered when setting penalties. Repeat violators could be subject to more severe penalties at the discretion of the Director of Athletics.

If the S/A self-reports the violation before the athletics department receives notification from the Student Conduct Board, that may be taken into account when determining the penalty and is strongly encouraged. Any suspension will be served as soon as the S/A notifies the head coach or the athletics department receives notification.

ILLEGAL DRUG POLICY

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

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

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

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

Any student convicted of violating a criminal drug statute must notify the director of financial aid if that student is receiving any form of federal financial aid (for example, Pell Grants). Conviction on any drug-related charge is grounds for forfeiture of federal financial aid. Students who violate the standards of conduct shall be subject to written or verbal warning, restitution, restriction, forced relocation, work sanctions, counseling, disciplinary probation, disciplinary suspension, and/or dismissal from the College as stated in the Student Code of Rights and Responsibilities which is distributed annually to all students. The College will take disciplinary action based on reasonable available information unless the student voluntarily seeks assistance. Such action will be independent of any civil or criminal process precipitated by the same incident.

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

*in addition to a fine, drug education program, assessment for substance abuse disorder, and referral for substance abuse treatment may be ordered by the court if offender is under 21 years of age.

**also includes possession of paraphernalia.

Legal sanctions under Maryland state law for distribution of controlled dangerous substances include:

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

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

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

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

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

Students who are concerned about their use of alcohol or other drugs may speak with a counselor in Counseling Services for an assessment. Counseling Services are confidential and the staff therapist will recommend options for risk reduction, treatment and recovery.

Students can find information on the health risks of illicit drugs at <http://www.drugabuse.gov/publications/finder/t/160/DrugFacts>.

In accordance with the Heroin and Opioid Education and Community Action Act of 2017, all incoming students will be required to participate in heroin and opioid addiction and awareness training.

In addition, the College will obtain and store a supply of overdose reversing medication to be used in an emergency situation. Public Safety and Wellness Center personnel, as well as designated administrators, will be trained to recognize the symptoms of an opioid overdose, in procedures for administration of overdose reversing medications, and in the

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

proper follow-up emergency procedures related to an opioid overdose. Per state law, except for any willful or grossly negligent act, campus police, or other designated personnel who have been trained in use of overdose medications and who respond in good faith to the overdose emergency of a student, may not be personally liable for any act or omission in the course of responding to the emergency.

The College will develop and implement a method for notifying parents/guardians of students of this policy at the beginning of each academic year.

STUDENT-ATHLETE DRUG POLICY

Drug use & distribution of drugs are illegal activities and as such are considered high risk behaviors for any member of society & the SMCM campus. In addition, drug use runs counter to the goals of our athletic programs as we strive to put competitive championship teams together comprised of healthy, well-conditioned, & committed college student athletes.

The student athletes who represent SMCM are a unique segment of the student population. Each student athlete (S/A) serves as an ambassador for the College, the Athletic Department, and his/her specific sport team(s).

With the role of representing SMCM both on and off campus and in and out of season, our S/A will be held to the following standards:

1. All S/A must obey state of Maryland and federal laws concerning possession, distribution and use of illicit & illegal drugs.
2. The S/A may be subject to criminal prosecution.
3. The S/A will be required to be assessed by a member of the Counseling Center. The director of the Counseling Center will determine the appropriate course of treatment.

These policies are in addition to those set forth in the student handbook (*To the Point*) and by the head coaches of our varsity athletic teams. Head coaches may apply more restrictive policies if he/she chooses, so make sure you understand what your team policies are.

The Director of Athletics and/or head coach can be informed of violations by S/A through the following offices and agencies:

- Local, state, and/or federal law enforcement agencies
- The SMCM Office of Public Safety
- Student Conduct Board
- Office of Residence Life
- S/A self-report

Violation of the Student-Athlete Drug Policy will result in the following **department** course of action(s):

Marijuana:

- 1st Offense – Warning. Meeting with sport supervisor, head coach and player to discuss specifics of the incident and ramifications of 2nd offense. Referral to counseling center.
- 2nd Offense – Minimum 2 game suspension to be served during the next scheduled regular season games/matches/meets. Meeting with AD, head coach, sport supervisor and player to discuss specifics of the incident & ramifications of 3rd offense. Referral to counseling center
- 3rd Offense - Suspension for rest of year or next season of competition.

Hard Drugs (Heroin, Cocaine, Crack, etc.)

- 1st Offense – Minimum 3 game suspension to be served during the next scheduled regular season games/matches/meets. Meeting with AD, head coach, sport supervisor and player to discuss specifics of the incident & ramifications of 2nd offense. Referral to counseling center.
- 2nd Offense - Suspension for rest of year or next season of competition.

Any such penalties will be in addition to those imposed by the Student Conduct Board. Drug offenses accumulate on an annual basis. However, multiple offenses over academic years may be considered when setting penalties. Repeat violators will be subject to more severe penalties at the discretion of the Director of Athletics.

Any suspension will be served as soon as the S/A notifies the head coach or the athletics department receives notification.

DRUG FREE SCHOOLS AND COMMUNITIES ACT OF 1989

For information on the St. Mary's College of Maryland Drug and Alcohol Education Policy and the Biennial Review required under the Drug Free Schools and Communities act of 1989 please visit: <http://www.smcm.edu/publicsafety/dfsca/>

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://www.dpscs.maryland.gov/onlineservs/socem/default.shtml>

SEXUAL HARASSMENT

The St. Mary's College of Maryland Policy Against Sexual Harassment prohibits the crimes of

- Domestic Violence
- Dating Violence
- Sexual Assault
- Stalking

DEFINITIONS UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

Dating Violence:

1. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
2. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
3. For the purposes of this definition—
 - a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence:

A Felony or misdemeanor crime of violence committed—

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Sexual Assault:

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

victim, including instances where the victim is incapable of giving consent."

- a. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- b. Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Stalking:

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress.
2. For the purposes of this definition—
 - a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

DEFINITIONS UNDER MARYLAND LAW

Domestic Violence:

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

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

Dating Violence:

The State of Maryland has no Dating Violence Law.

Stalking:

Maryland law defines stalking as a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:

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

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

Sexual Assault:

1. Rape
 - a. First Degree – engaging in sexual intercourse with another without his or her consent by force, using weapons, strangling or inflicting serious physical injury, threatening with death, serious injury, or kidnapping, or committed with another’s help or during a burglary.
 - b. Second Degree – engaging in vaginal intercourse with another 1) without his or her consent by force or threat, 2) with a mentally or physically incapacitated person (includes drunk, high, or unconscious) when the defendant knows of his or her condition, or 3) the victim is under 14 years old and the defendant is at least 4 years older than the victim.
2. Sexual Offense
 - a. First Degree – engaging in a sexual act (oral or anal sex, or any object or part of one’s body penetrates the genitals or anus for sexual gratification, but not vaginal intercourse – that’s above in rape) by force, threat, or without consent while displaying a weapon, suffocating or physically injuring the victim, or threatening the victim with death, disfigurement, or serious physical injury, or committed with another’s help or during a burglary.
 - b. Second Degree – engaging in a sexual act with another by 1) force or without his or her consent, 2) with a mentally or physically incapacitated person (includes drunk, high, or unconscious) when the defendant should know of his or her condition, or 3) the victim is under 14 and the defendant is at least 4 years older than the victim.
 - c. Third Degree – includes any of the following: engaging in sexual contact (intentionally touching the victim’s or defendants genital, anal,

or other private parts for sexual gratification or abuse of either person) in any of the following situations:

- i. Without consent while using a weapon, strangling or seriously injuring the victim, threatening the victim with death, serious injury, or kidnapping, or committed with another’s help OR
 - ii. The victim is mentally or physically incapacitated (drunk or unconscious for example) and the defendant knows of his or her condition OR
 - iii. The victim is under 14 years old and the defendant is at least 4 years older OR
 - iv. Engaging in a sexual act (i.e. oral or anal sex) or vaginal sex with a 14 or 15 year old victim by a 21 year old or older defendant, AKA statutory rape.
- d. Fourth Degree – any of the following:
 - i. Engaging in sexual contact without the other’s consent OR
 - ii. Engaging in a sexual act or vaginal sex with a 14 or 15 year old when the defendant is at least 4 years older OR
 - iii. Engaging in a sexual act, sexual contact, or vaginal sex with a child under 18 who at the time of the sexual activity was a student enrolled in a school where the person was in a position of authority (i.e. a principal, coach, teacher, or counselor who’s at least 21 years old, employed by the school, and was in a supervisory position over the student).

CONSENT

The state of Maryland does not have a definition of consent

St. Mary’s College of Maryland Definition of Consent

Effective Consent: Effective consent is defined as willingly, freely and 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 Reporting Party resists the sexual advance or request. However, resistance by the Reporting Party 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 impacts 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 Responding Party knew or should have known that the Reporting Party was incapacitated based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Responding Party’s position.

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

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

PURPOSE FOR WHICH THE DEFINITION OF CONSENT IS USED

This St. Mary's College of Maryland definition of consent is used in conjunction with the definitions of sexual misconduct that are prohibited under the College's policy to help determine if the policy was violated.

BYSTANDER INTERVENTION



Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence,

domestic violence, sexual assault or stalking.

Bystander intervention includes:

- R, recognizing situations of potential harm
- U, understanding institutional structures and cultural conditions that facilitate violence
- O, overcoming barriers to intervening
- I, identifying safe and effective intervention options,
- A, and taking action to intervene.

Bystander intervention programs are focused on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

As a fellow Seahawk, *you* can make positive and informed decisions. We are all part of a larger community and we look out for each other. When you notice something going on, do something!

Know the Five Decision-Making Steps of the Step Up! Program:

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

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

The College also utilizes the Bringing in the Bystander® program. Bringing in the Bystander is a registered trademark of the University of New Hampshire.

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

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

AWARENESS PROGRAMS AND TRAINING

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

Primary prevention programs: Provided for all new students and employees upon enrollment or employment at the college. These programs provide all new students and employees with information on the College's Policy Against Sexual Harassment and an overview of sexual violence prevention strategies.

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

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

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

PROGRAMS OFFERED

- **"Sex Discussed Here."** Initial program for new students. As part of typical new student orientation programming in August 2016, incoming students attended this session on sex, communication, and healthy relationships.
- **"Bringing in the Bystander."** Evidence-based bystander intervention training for students, conducted for student leaders, athletic teams, and other student groups.
- **EverFi Sexual Assault Prevention Training for New and Continuing Students.** Online training modules for new first-year and transfer students, as well as continuing junior students.
- **"Title IX and Your Rights: Four Stories."** In-person training program for new first-year and transfer students, offered during new student orientation.
- **"Sexual Harassment Prevention Training."** In-person sexual harassment prevention training provided to new and ongoing employees in compliance with Maryland law HB 1423. Training also includes Title IX/VAWA information and responsibilities.
- **"Training for College Title IX personnel."** Ongoing program for current employees. Title IX personnel received training through numerous opportunities with the Maryland Coalition against Sexual Assault (MCASA), the Association of Title IX Administrators (ATIXA), Grand River Solutions, and in-house training.
- **"New Faculty Orientation."** Initial program for new faculty. A program to help faculty members understand their roles and responsibilities around sexual violence prevention and response, to prepare faculty to support students who may be involved in sexual violence issues, and to know where to go for support and assistance.
- **"Teaching Excellence Workshop."** Ongoing program for current faculty. A program to help faculty members understand their roles and responsibilities around sexual violence, to prepare faculty to support students who may be involved in sexual violence issues, and to know where to go for support and assistance.
- **"A Call to Men."** Ongoing, grant-funded sexual assault prevention programming for male communities on campus, in partnership with A Call to Men, the national violence prevention organization.
- **"One Love Foundation Escalation Workshop."** Annual workshop for all student-athletes and other students to educate about the warning signs of relationship violence through a film and small-group discussions led by trained student facilitators.
- **"NCAA Sexual Violence Prevention Team Meetings."** Annual team meetings with NCAA DIII

athletic teams to provide additional opportunities to teach prevention strategies to student athletes.

- **"Domestic Violence Awareness Month and Sexual Assault Awareness Month Activities."** Campus-wide prevention and awareness activities centered on national observance months topics.
- **"Student-led Activities."** Programs and prevention activities championed by students, including those led by Title IX Student Fellows, Peer Health Educators (PHEs), Sexual Misconduct Advocacy and Resource Team (SMART), Resident Assistants, and other student leaders.
- Other campus programs include various social norms campaigns, passive social media and print prevention messaging, Take Back the Night, the Clothesline Project, and RAINN Day, and various events centered on sexual violence-related awareness months.

REPORTING OPTIONS

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

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

Upon reporting sexual harassment to Public Safety or Title IX the victim will be informed about their options to make a report to local law enforcement authorities, including the victim's option to:

- a. Report the offense to local law enforcement authorities
- b. Be assisted by campus authorities in notifying local law enforcement authorities if the victim so chooses; and
- c. Decline to notify such authorities

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

- Find a safe place. A friend's room, your room, or anywhere else you feel safe.
- Call 911 or Public Safety if there is an emergency. You may also request a Public Safety escort for on-campus travel.
- Seek medical attention. The first 96 hours after a sexual assault are critical.
- Preserve Evidence. Do not shower or wash your clothes as this can destroy important evidence. This

evidence will be important to a law enforcement investigation and can be helpful in obtaining a protective order.

- Utilize campus resources. Counseling and Psychological Services (CPS), Health Services, the staff therapist/ advocate, the Sexual Misconduct Advocacy and Resource Team (SMART), the Title IX Office, and Public Safety are just some of the resources on hand. Reach out for help. A whole community is here to help you as you navigate through the next steps. The College encourages all community members to make a prompt report of any incident of sexual misconduct to local law enforcement and to the College.

VICTIM INFORMATION

When a student or employee reports to St. Mary's College of Maryland that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee's rights and options.

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

1. Information on obtaining
 - a. No contact order issued by the college
 - b. Protective order issued by the courts
 - c. Resources available to assist in obtaining these orders
2. Explanation of rights and options
3. Options for available assistance in and how to request changes to the following situations
 - a. Academic
 - b. Living
 - c. Transportation
 - d. Work
4. Information on available resources on-campus including
 - a. counseling,
 - b. health,
 - c. mental health,
 - d. victim advocacy,
 - e. legal assistance,
 - f. visa & immigration assistance,
 - g. student financial aid, and
 - h. other services available for victims
5. Information on available resources within the larger community including
 - a. counseling,
 - b. health,
 - c. mental health,

- d. victim advocacy,
- e. legal assistance,
- f. visa & immigration assistance,
- g. student financial aid, and
- h. other services available for victims

CONFIDENTIALITY

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

Confidential information includes but may not be limited to

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

SUPPORTIVE MEASURES

A. Overview

Upon receipt of a report, the College will offer supportive measure, which are non-disciplinary, non-punitive individualized services. Supportive measures are offered as appropriate, as reasonably available, and without fee or charge to the parties. Supportive measures may be offered before or after the filing of a formal complaint, or where no formal complaint has been filed.

Supportive measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party. This includes measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment.

Supportive measures may include:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence

- Increased security
- Monitoring of certain areas of the campus, and
- Other similar measures.

The College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the College's ability to provide them. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

B. Emergency Removal and Administrative Leave Interim Suspension

The College may remove a respondent from its education program or activity on an emergency basis, provided that the College:

- Undertakes an individualized safety and risk analysis,
- Determines that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment which justifies removal, and
- Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

The College may place a non-student employee respondent on administrative leave during a grievance process.

C. Withholding of Degree

The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any. The College may withhold a student's degree when addressing issues of a serious, complex, and/or controversial nature that could reasonably result in a student's suspension or expulsion if the student is found responsible for the alleged policy violation.

DISCIPLINARY PROCEEDINGS

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

1. Include a prompt, fair, and impartial process from

the initial investigation to the final result

- a. A prompt, fair, and impartial proceeding includes a proceeding that is
 - i. Completed within reasonably prompt timeframes designated by an institution's policy
 - ii. Including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
2. Be conducted in a manner that
 - a. Is consistent with the institution's policies and transparent to the accuser and accused
 - b. Includes timely notice of meetings at which the accuser or accused, or both, may be present
 - c. Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings
 - d. Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
3. Be conducted by individual who receive at minimum annual training in areas of dating violence, domestic violence, sexual assault, or stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability
4. Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. (*Advisor means any individual who provides the accuser or accused support, guidance, or advice.*)
5. Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or colleges disciplinary proceeding; however, the SMCN may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties
6. Provide simultaneous notification, in writing, to both the accuser and the accused, of The result of any disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; (*Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C.1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale*

for the result and the sanctions.)

7. Provide simultaneous notification, in writing, to both the accuser and the accused, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available
8. Provide simultaneous notification, in writing, to both the accuser and the accused, of any change to the result
9. Provide simultaneous notification, in writing, to both the accuser and the accused, of when such results become final

RETALIATION

The College is committed to protecting all complainants and can offer supportive measures (i.e., change of housing, academic accommodations, no contact orders with an accused individual) prior to the outcome of the investigation.

Retaliation against any person involved in the complaint, investigation and/or resolution of an allegation of sexual misconduct is strictly prohibited and will result in disciplinary action.

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

ST. MARY'S COLLEGE OF MARYLAND POLICY AGAINST SEXUAL HARASSMENT

I. THE ST. MARY'S WAY AND COMMUNITY EXPECTATIONS

As stated in the St. Mary's Way, St. Mary's College of Maryland (hereafter referred to as either "the College" or "SMCM") is an aspirational 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, as well as retaliation.

Prohibited conduct 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, prompt, 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 harassment 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 harassment is reported to the College.

The St. Mary's Way defines the College as an aspirational 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 harassment. 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.

II. SCOPE OF POLICY

The College prohibits all forms of sexual and gender-based discrimination and harassment, including sexual harassment, sexual violence, stalking, relationship violence (collectively referred to herein as "Prohibited Conduct") and retaliation. This Prohibited Conduct 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 harassment and retaliation 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 harassment, 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 harassment, whether as a complainant, 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 is alleged to be the victim of conduct that could constitute sexual harassment. A "respondent" refers to

an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

a. Title IX Sexual Harassment

This Policy applies to sexual harassment and retaliation addressed by the U.S. Department of Education’s Final Regulations for Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, which were released on May 6, 2020 (the “Final Title IX Regulations”), which is referred to as “Title IX Sexual Harassment.” Title IX Sexual Harassment includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

When the College has actual knowledge of Title IX Sexual Harassment in an education program or activity against a person in the United States, the College will respond promptly in a manner that is not deliberately indifferent.

- “Actual knowledge” means notice of sexual harassment, or allegations of sexual harassment, to the College’s Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the College. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the institution. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.
- An “education program or activity” includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.
- A response is considered “deliberately indifferent” only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

b. Other Sexual Harassment

This Policy also applies to other forms of sexual harassment prohibited by other federal or state laws and regulations, which is referred to as “Other Sexual Harassment.” Other Sexual Harassment includes acts of sexual harassment that may occur against a person outside of the United States or not within an education program or activity of the College, and sexual exploitation.

This Policy applies to Other Sexual Harassment occurring 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 to Other Sexual Harassment regardless of the

location of the incident. In addition, Other Sexual Harassment that occurs off-campus and is by or against a member of the SMC community that is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the SMC community or SMC itself, is covered under this Policy.

A complainant is encouraged to report sexual harassment 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.

The same grievance process, as described below, is used to investigate and resolve allegations of Title IX Sexual Harassment and Other Sexual Harassment.

III. NON-DISCRIMINATION POLICY

St. Mary's College of Maryland is fully committed to equal employment and educational opportunities for its employees and students. The College does not discriminate or condone discrimination or harassment in the workplace or academic setting, on the basis of race, color, religion, sex, national origin, gender identity/expression, sexual orientation, ethnicity, age, marital status, physical or mental disability, protected veteran status, or any other characteristic protected by law.

For purposes of this policy, harassment is defined as: (a) unwelcome conduct based on a legally protected class, including: race, color, religion, sex, national origin, gender identity/expression, sexual orientation, ethnicity, age, marital status, physical or mental disability, protected veteran status, or any other characteristic protected by law; and (b) that is so severe or pervasive that it interferes with an individuals’ work or academic performance or creates an intimidating, hostile or offensive working environment.

The College’s definitions of sexual harassment and related issues may be found in section VI, “Prohibited Conduct and Definitions,” below.

All workplace and academic policies, programs and activities of the College are and shall be in conformity with applicable federal and State laws on non-discrimination including, but not limited to: Title VI of the Civil Rights Act of 1964 as amended, Title IX of 1972 Education Amendments, Section 504 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans’ Readjustment Assistance Act of 1974. The College’s equal opportunity policy applies to the College’s educational policies, admission policies, scholarship and loan programs and athletic programs. The policy applies to all employment decisions, including those affecting recruitment, advertising, job application procedures, hiring, upgrading, training, promotion, transfer, compensation, job assignments, benefits, and/or other terms, conditions, or privileges of

employment, provided the individual is qualified, with or without reasonable accommodations, to perform the essential functions of the job.

The College's students, employees and applicants shall not be subjected to harassment, intimidation or any type of retaliation because they have (1) filed a complaint; (2) assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state or local law requiring equal opportunity; or (4) exercised any other legal right protected by federal, state or local law requiring equal opportunity.

For questions or concerns about these matters, college employees are encouraged to contact the Assistant Director of Human Resources/AA and EEO Officer in Glendening Hall, phone: (240) 895-4309. Students are encouraged to contact the Vice President for Student Affairs, Calvert Hall 222, phone: (240) 895-4208; and the Title IX Coordinator, Lucille Clifton House, phone: (240) 895- 4105, regarding concerns about sex-based discrimination.

a. Prohibited Sex Discrimination

The College also does not discriminate on the basis of sex in the education program or activity that it operates, 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 includes Title IX Sexual Harassment, including sexual harassment. Examples of the types of conduct prohibited include, but are not limited to, the following examples: sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

The requirement not to discriminate extends to admission and employment. Inquiries concerning the application of Title IX may be referred to the College's Title IX Coordinator or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both. The College's Title IX Coordinator's information can be found here:

Michael Dunn, Title IX Coordinator: (240) 895-4105, mkdunn@smcm.edu or titleix@smcm.edu,
Office of Title IX Compliance and Training
Lucille Clifton House, 47645 College Drive, St. Mary's City,
MD 20686

Contact information for the Department of Education's Office for Civil Rights:

Philadelphia Office: Telephone: 215-656-8541, FAX: 215-656-8605

Email: OCR.Philadelphia@ed.gov, Web: www.ed.gov/ocr
The Wanamaker Building, 100 Penn Square East, Suite 515,
Philadelphia, PA 19107

IV. PRIVACY, CONFIDENTIALITY, AND REPORTING RESPONSIBILITIES

The College is committed to protecting the privacy of all individuals involved in a report of sexual harassment. All College employees who are involved in the College's Title IX response, including the Title IX Coordinator, Deputy Title IX Coordinators, and investigators, 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.

a. Privacy and Confidentiality

Privacy and confidentiality have distinct meanings under this policy. *Privacy* generally means that information related to a report of sexual harassment 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 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, medical 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 Suspected Child Abuse/Neglect Reporting Policy to notify child protective services and/or local law enforcement.

b. College Personnel Reporting Responsibilities

Under Title IX, College employees with authority to institute corrective measures on the College's behalf are **required** to share with the Title IX Coordinator any report of Title IX Sexual Harassment or Other Sexual Harassment they receive or of which they become aware.

For the College, those employees include but are not limited to: all faculty, coaches, administrators, supervisors, Resident Assistants/Residence Hall Coordinators, and other student employees/volunteers with a significant responsibility for student welfare. If an employee is uncertain about whether they are considered an official with authority, they should contact the Title IX Coordinator to discuss.

The College strongly urges everyone – students, staff and faculty – to report Prohibited Conduct and retaliation to the Title IX Coordinator so that the College may take prompt and appropriate action. While there is no statute of limitations on reporting, a delay in reporting may hinder the College's ability to collect information, conduct an initial assessment of the reported behavior, ensure that a complainant is familiar with the full range of resolution options and address the need for any supportive measures to protect the safety of the complainant and/or community.

c. Complainant's Request for Privacy

Where a complainant requests that their 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 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).

In order to proceed with a Formal Complaint, the College is required to inform the respondent of the complainant's identity (but not other personally identifiable information). When the College receives a request for privacy or request not to pursue an investigation, and the College is unable to take action consistent with the request of the complainant, the Title IX Coordinator will inform the complainant about the College's chosen course of action.

d. Timely Warning and Other Considerations

If a report of sexual harassment discloses a serious or continuing threat to the SMC 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.

V. PROHIBITED CONDUCT AND DEFINITIONS

a. Prohibited Conduct

The College prohibits all forms of sexual harassment, including Title IX Sexual Harassment, Other Sexual Harassment, and Retaliation. Prohibited Conduct may occur between people of the same or different sexes, gender identities or expressions, or sexual orientations.

b. Title IX Sexual Harassment

The College prohibits Title IX Sexual Harassment, which includes the following specific conduct:

i. Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;

- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or
- (3) Sexual assault, dating violence, domestic violence, and stalking, as defined below.

ii. Sexual Assault

Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting (“UCR”) system of the Federal Bureau of Investigation. The following UCR definitions apply:

1. **Sex Offenses, Forcible** – Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
 - a. **Forcible Rape** – The carnal knowledge of a person, forcibly and/or against that person’s will, or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity.
 - b. **Forcible Sodomy** – Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
 - c. **Sexual Assault with an Object** – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
 - d. **Forcible Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will, or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
2. **Sex Offenses, Nonforcible** – Unlawful nonforcible sexual intercourse.
 - a. **Incest** – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - b. **Statutory Rape** – Nonforcible sexual intercourse

with a person who is under the statutory age of consent.

iii. Dating Violence

Dating violence is violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim, (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

iv. Domestic Violence:

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Maryland; or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the state of Maryland.

v. Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others, or (b) 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.

c. Other Sexual Harassment

The College prohibits Other Sexual Harassment, which includes acts of sexual harassment that may occur against a

person outside of the United States or not within an education program or activity of the College. Other Sexual Harassment includes the following specific conduct:

i. Gender-Based Harassment

Gender-based harassment 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.

ii. 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 tommy/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

d. Retaliation

Retaliation means intimidating, threatening, coercing, or discriminating against, or otherwise taking an adverse action against an individual for the purpose of interfering with any right or privilege secured by law or College policy relating to Prohibited Conduct, or because an individual has made a report, filed a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Prohibited Conduct. Adverse actions include but are not limited to impeding an individual's academic advancement; terminating, refusing to hire, or refusing to promote an individual; or transferring or assigning an individual to a lesser position in terms of wages, hours, job classification, or job security. Retaliation includes retaliatory harassment.

Adverse actions, including charges against an individual for violations of other College policies that do not involve sex discrimination or Prohibited Conduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of Prohibited Conduct, for the purpose of interfering with any right or privilege secured by law, constitutes Retaliation. However, charging an individual with a violation of other College policies for

making a materially false statement in bad faith in the course of a proceeding does not constitute Retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith. The exercise of rights protected under the First Amendment does not constitute Retaliation. The College will keep confidential, to the extent permitted by FERPA, the identity of any individual who has made a report of Prohibited Conduct.

e. Other Definitions

i. 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.

ii. 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.

iii. 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.

iv. 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 impacts 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.

f. 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 and does not diminish one's responsibility to obtain consent.

VI. RESOURCES

The College 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, respondent, or a third party, will have equal access to support and counseling services through the College. Supportive measures are also available to all parties (see Section VIII).

a. Title IX Personnel

The College has designated a Title IX Coordinator to oversee all reports of sexual harassment. The Title IX Coordinator, who leads the Office of Title IX Compliance and Training and reports directly to the President, is supported by two Deputy Title IX Coordinators and the Title IX Investigator/Prevention Specialist.

The College will notify applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the College, of the name or title, office address, electronic mail address, and telephone number of the employee designated as the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person

alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Title IX Coordinator	Michael Dunn Lucille Clifton House (240) 895-4105 mkdunn@smcm.edu , titleix@smcm.edu
Deputy Title IX Coordinators	TBD Shannon Jarboe Glendening Hall 170 (240) 895-4309 skjarboe@smcm.edu
Title IX Investigator/Prevention Specialist	Helen Ann Lawless Lucille Clifton House (240) 895-4195 hlawless@smcm.edu

b. Confidential Resources (Counseling and Advocacy)

The College encourages all community members to make a prompt report of any incident of sexual harassment to local law enforcement and to the College. For individuals who are not prepared to make a report to the College, 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.

i. On-Campus Confidential Resources (Counseling and Advocacy)

Staff Therapist/Advocate:

Kelly Muldoon, kmmuldoon1@smcm.edu, (240) 895-4289
The staff therapist/advocate is available through Counseling Services (240-895-4289). This staff member can provide students with referrals, support, and advocacy during the investigation and adjudication of allegations of sexual harassment. The staff therapist/advocate works with the Title IX Coordinator to provide sexual harassment 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

SMART is a group of students specially trained in sexual misconduct crisis response protocols who provide on-call services 24 hours a day, seven 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 SMART are confidential resources under the supervision of the staff therapist/advocate, who is also a confidential resource. All reports to 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.

ii. Attorneys Provided Through MHEC for Student Parties

The Maryland Higher Education Commission (MHEC) provides for licensed attorneys who have indicated that they will represent complainants or respondents (who are current students or were students at the time of the underlying alleged sexual harassment), in Title IX proceedings on a pro bono basis or for reduced legal fees. A list of those attorneys is located at the MHEC website: mhec.maryland.gov. Parties who seek representation from those attorneys are not responsible for the cost of legal services provided. Attorneys representing parties in Title IX proceedings are reimbursed directly from MHEC's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding.

Parties who seek representation from an MHEC-identified attorney may visit the MHEC webpage: <https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings.aspx>.

The list of attorneys available through MHEC may be found here: <https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings---Attorney-List.aspx>.

iii. Off-Campus Confidential Resources (Counseling and Advocacy)

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.smcfa.net

Rape, Abuse and Incest National Network (RAINN):
(800) 656-4673

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

c. 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 their 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.

i. 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.

ii. Off-Campus Confidential Resources (Medical):

St. Mary's Hospital:

(301) 475-8981, 234 Jefferson Street, Leonardtown, MD 20650

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.

Calvert Memorial Hospital:

(410) 535-4000, 100 Hospital Road, Prince Frederick, MD 20678

d. 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 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) 895-4105, Lucille Clifton House Office of Title IX Compliance and Training

The Title IX Coordinator oversees the College's response to reports of sexual harassment. The Coordinator is responsible for the initial Title IX assessment, implementing supportive 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 harassment to the needs of the community. The Coordinator is available to meet with students, staff and faculty.

Deputy Title IX Coordinators:

TBD

Shannon Jarboe, (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 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 Associate Vice President 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.

Title IX Investigator/Prevention Specialist:

*Helen Ann Lawless, (240) 895-4195, Lucille Clifton House Office of Title IX Compliance and Training

The Title IX Investigator/Prevention Specialist is responsible for serving as the primary investigator of reports filed under the College’s Policy Against Sexual Harassment. Primary responsibilities include managing the daily responsibilities associated with conducting investigations of allegations of sexual harassment, as reported to and in close collaboration with the Title IX Coordinator and Deputy Coordinators, and coordinating and administering other awareness and prevention programs and functions regarding sexual harassment prevention, with a focus on primary prevention and bystander intervention.

Office of Public Safety:

*Director Tressa Setlak, tasetlak@smcm.edu (240) 895-4911 Public Safety is available 24 hours a day/seven 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 staff therapist/advocate or the Sexual Misconduct Advocacy and Resource Team (SMART) when an incident of sexual harassment 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.

Interim Vice President for Student Affairs

*Shana Meyer, slmeyer@smcm.edu, (240) 895-4208

The Interim Vice President of Student Affairs/Dean of Students oversees Student Life, Public Safety, and the Wellness Center. The Interim Vice President can provide options and resources for students as well as assist with a variety of accommodations.

Interim Dean of Students:

*Derek Young, dmyoung@smcm.edu, (240) 895-4207

The Interim Dean of Students oversees Residence Life, Student Activities, and the Assistant Dean of Students. The Interim Dean of Students can provide options and resources for students as well as assist with a variety of accommodations.

Assistant Dean of Students:

TBD

The Assistant Dean of Students oversees the Office of Student Conduct. The Assistant Dean of Students can provide options and resources for students as well as assist with a variety of accommodations.

Department of Athletics & Recreation, Senior

Woman Administrator:

*Erin McDonnell, eemcdonnell@smcm.edu (240) 895-3304

The Senior Woman Administrator serves on the management team for the Department of Athletics & Recreation and liaises with the Office of Inclusion, Diversity, and Equity (IDES), among other responsibilities. The Senior Woman Administrator can provide options and resources for students.

Office of Student Conduct:

Contact Derek Young, dmyoung@smcm.edu, (240) 895-4207

The Office of Student Conduct can connect students to on- and off-campus resources.

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 harassment 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.

Office of Student Support Services: (240) 895-4388

Student Support 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 Student Support Services will be shared with the staff therapist/advocate, Title IX Coordinator, student conduct officer, Public Safety, Dean of Students Office, and relevant administrators.

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 the 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 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 harassment can be assured that all reports will be investigated and resolved in a fair and impartial manner. College officials will treat complainants, respondents, and any other individuals involved with dignity, respect, and sensitivity. 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.

a. 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.

Law Enforcement	Medical Providers
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: (301) 475-4200 x1900 Maryland State Police Leonardtown Barracks (301) 475-8955	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.

b. 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 harassment, 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:

- the violation occurred during or near the time of the alleged sexual harassment,
- the individual made the report of sexual harassment or is participating in an investigation as a witness, in good faith, and
- 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.

c. 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 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.

d. 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 Title IX Sexual Harassment or Other Sexual Harassment 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 harassment or who participates as a witness in an investigation of sexual harassment. 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 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.

e. 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 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 harassment. 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.

VIII. SUPPORTIVE MEASURES

a. Overview

Upon receipt of a report, the College will offer supportive measure, which are non-disciplinary, non-punitive individualized services. Supportive measures are offered as appropriate, as reasonably available, and without fee or charge to the parties. Supportive measures may be offered before or after the filing of a formal complaint, or where no formal complaint has been filed.

Supportive measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party. This includes measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment.

Supportive measures may include:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services

- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence
- Increased security
- Monitoring of certain areas of the campus, and
- Other similar measures.

The College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the College's ability to provide them. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

b. Emergency Removal and Administrative Leave

The College may remove a respondent from its education program or activity on an emergency basis, provided that the College:

- Undertakes an individualized safety and risk analysis,
- Determines that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment which justifies removal, and
- Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

The College may place a non-student employee respondent on administrative leave during a grievance process.

c. Withholding of Degree

The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any. The College may withhold a student's degree when addressing issues of a serious, complex, and/or controversial nature that could reasonably result in a student's suspension or expulsion if the student is found responsible for the alleged policy violation.

IX. OPTIONS FOR RESOLUTION

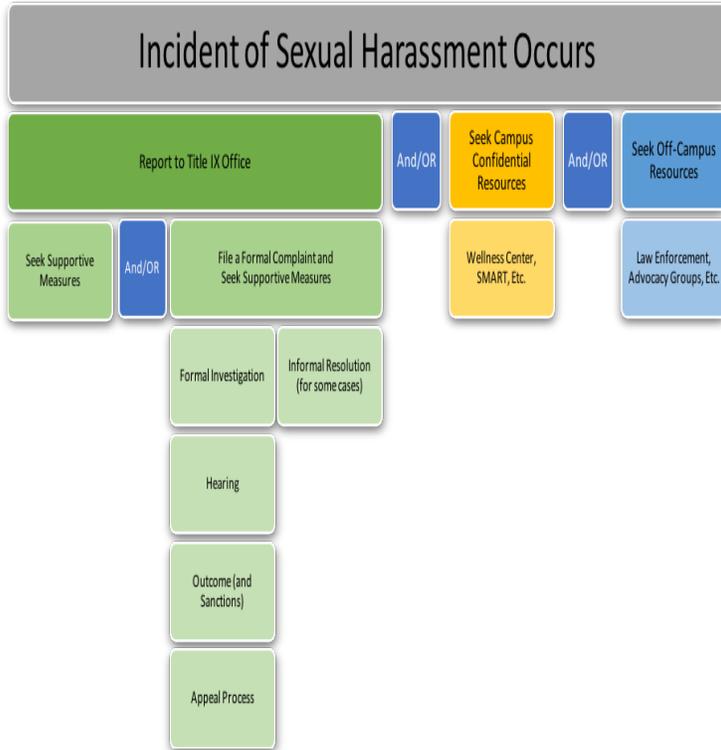
Please refer to the Grievance Process to Resolve Complaints of Sexual Harassment (the Procedures) for a complete overview and description of the resolution options available.

a. Time Frame for Resolution

The Procedures establish reasonably prompt time frames for the conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes. In some circumstances, there may be temporary delays of the grievance process, or time frames may be extended for good cause. In those cases, the

complainant and respondent will receive written notice of the delay or extension and the reasons for the action. “Good cause” may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The figure below illustrates different options and pathways available after an incident of sexual harassment occurs:



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. 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 the Policy and Procedures. 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 harassment 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. The College’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.

The College’s Title IX Coordinator and Deputies, investigators, decision-makers, and any person who facilitates informal resolution processes (together, “Title IX Personnel”) will receive training on:

- The definition of sexual harassment;
- The scope of the College’s education program or activity;
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
- How to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias.

Furthermore, decision-makers will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant.

Investigators will receive training on issues of relevance to create investigative reports that fairly summarize relevant evidence.

Training materials will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

The College will maintain, for seven years, records of all materials used to train Title IX Personnel.

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.

XII. 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. Educ. § 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.

ST. MARY'S COLLEGE OF MARYLAND GRIEVANCE PROCESS TO RESOLVE COMPLAINTS OF SEXUAL HARASSMENT

I. OVERVIEW

This Grievance Process to Resolve Complaints of Sexual Harassment (the "Procedures") provide a process for the prompt and equitable investigation and adjudication of complaints of Title IX Sexual Harassment, Other Sexual Harassment, and Retaliation (together, "Prohibited Conduct") as defined in the Policy against Sexual Harassment (the "Policy") of St. Mary's College of Maryland (the "College" or "SMCM"). These Procedures apply to address complaints of Prohibited Conduct against students, employees, and contractors at the College. The Procedures ensure the College's compliance with federal and State law as well as the

Policy.

Any person alleging Sexual Harassment against one of the College's students, employees, or contractors may submit a report to the College as set forth below. Anyone may submit a report, including but not limited to a student; a member of the faculty, administration or staff; a visitor or guest to the campus community; local police; or a family member. The College, on its own, may also initiate, investigate, and adjudicate complaints of Prohibited Conduct against a student, employee or contractor under these Procedures.

These Procedures are effective as of August 14, 2020, and replace and supersede any prior procedures related to complaints, reports, investigation or adjudication of any allegation of Prohibited Conduct against one of the College's students, staff or faculty.

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

When the College has actual knowledge of harassment, the Title IX Coordinator will promptly contact the person who allegedly experienced Prohibited Conduct (the complainant) and explain, among other things, the process for filing a formal complaint. The Title IX Coordinator will also discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, and inform the complainant of the availability of supportive measures with or without the filing of a formal complaint.

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

a. Prompt and Equitable Proceedings

These Procedures establish reasonably prompt time frames for the conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes. In some circumstances, there may be temporary delays of the grievance process, or time frames may be extended for good cause. In those cases, the complainant and the person who allegedly engaged in the Prohibited Conduct (the respondent) will receive written notice of the delay or extension and the reasons for the action. "Good cause" may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

These Procedures provide for fair and impartial proceedings. As such, the Procedures require the objective evaluation of

relevant evidence and provide that any credibility determination may not be based on a person’s status as a complainant, respondent, or witness. Anyone who is designated as a Title IX Coordinator, investigator, decision-maker, or someone who facilitates an informal resolution process (together, “Title IX Personnel”) must not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent. Furthermore, Title IX Personnel must receive training on, among other things, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

b. Procedural Overview

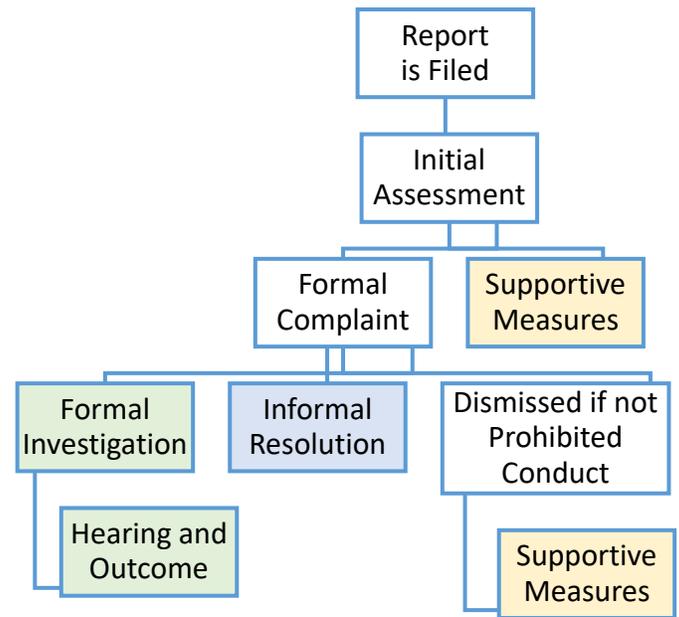
In every instance when a report is received under the Policy, the Title IX Coordinator or Deputy will conduct an **Initial Assessment** to ensure the safety of the complainant and to determine the nature of the allegations against the respondent. At the conclusion of the Initial Assessment, the Title IX Coordinator or Deputy will ascertain whether the complainant wishes to file a formal complaint.

If the complainant files a **Formal Complaint**, the Title IX Coordinator or Deputy will determine if the allegations constitute Title IX Sexual Harassment (sexual harassment, sexual assault, dating violence, domestic violence, and stalking) or Other Sexual Harassment. The Title IX Coordinator or Deputy will notify both parties of the reasons for the designation decision. The Title IX Coordinator or Deputy may then initiate a **Formal Investigation**, including a live hearing, and implement supportive measures. The College may implement an **Informal Resolution** after a formal complaint has been filed and before a determination of responsibility has been made.

If the allegations in the Formal Complaint do not qualify as Prohibited Conduct (either Title IX Sexual Harassment or Other Sexual Harassment), the Formal Complaint will be dismissed.

If the complainant does not file a Formal Complaint, the Title IX Coordinator or Deputy may implement supportive measures on the complainant’s behalf.

Each of these steps is discussed in more detail below. The chart in the next column summarizes this process.



II. INITIAL ASSESSMENT

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

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

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

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

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

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

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

The Title IX Coordinator or Deputy also may offer the complainant supportive measures that do not impact the respondent. The Title IX Coordinator or Deputy will confirm the complainant's desired process via email.

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

III. COMPLAINANT'S REQUEST NOT TO PURSUE INVESTIGATION OR ADJUDICATION

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

If the complainant makes one of these requests or does not respond to requests to discuss the allegations of Prohibited Conduct, the Title IX Coordinator or Deputy will consider the reasons for the request or decision not to appear for a meeting, including concerns about the continued safety of the complainant and members of the campus community.

The Title IX Coordinator or Deputy will inform the complainant that the College's ability to investigate, discipline

the respondent or otherwise respond to the report may be limited.

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

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

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

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

IV. CONFIDENTIALITY OF COMPLAINTS AND REPORTS

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

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

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

Confidential assistance can be obtained through the confidential resources listed in the Policy, available at <http://www.smcm.edu/title-ix/>.

V. SUPPORTIVE MEASURES

These Procedures treat complainants and respondents equitably (1) by offering supportive measures to the complainant and providing remedies to a complainant, and (2) by following a grievance process that complies with the Final Title IX Regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

More information about the range of supportive measures available to complainants and respondents may be found in the Policy, available at <http://www.smcm.edu/title-ix/>.

VI. ATTORNEYS, ADVOCATES AND PERSONAL SUPPORTERS

The College will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their

choice, who may be, but is not required to be, an attorney.

The College will not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. However, the College may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

The Parties have the right to be assisted by an attorney or advocate supervised by an attorney (both referred to herein as "advocate"), as well as a personal supporter of their choice ("supporter") through the investigation and adjudication of a complaint of Prohibited Conduct. Advocates may not be a witness or other party in the proceeding. Advocates and supporters may accompany the student to any meeting or interview. Parties may not have more than two people, including a supporter and advocate, at any meeting or interview.

Advocates and supporters have no speaking role in a meeting or interview and are not permitted to ask or answer questions during those sessions. All communication regarding the resolution process will be directed to the student. The College will only respond to communications received from the student. An advocate will not be permitted to communicate on the student's behalf.

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

a. Advocate Roles

In addition to attending meetings and interviews, advocates are permitted to assist parties through:

- Private consultations with the party during meeting and interviews;
- Providing advice to the party in a non-disruptive manner (such as communicating in writing);
- Assisting a party's exercise of any right during the investigative and adjudicatory process.
- If a party wishes to have an advocate accompany the party to a meeting or interview, parties are asked to give notice to the Title IX Coordinator or Deputy at least twenty-four (24) hours prior to any meeting or interview that an advocate will attend. Students should select an advocate whose schedule allows attendance at any meeting or interview. Parties may select and retain an advocate at any time before the conclusion of a formal Prohibited Conduct complaint is resolved.

As set forth in more detail in the hearing procedures below (sec. n), only advocates/advisors – not parties – may conduct cross-examination of parties or witnesses.

b. MHEC-Provided Attorneys

The Maryland Higher Education Commission (MHEC) provides for licensed attorneys who have indicated that they will represent complainants or respondents (who are current students or were students at the time of the underlying alleged Prohibited Conduct), in Title IX proceedings on a pro bono basis or for reduced legal fees. Students who seek representation from those attorneys are not responsible for the cost of legal services provided. Attorneys representing students in Title IX proceedings are reimbursed directly from MHEC's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding.

Parties who seek representation from an MHEC-identified attorney may visit the MHEC webpage:

<https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings.aspx>.

The list of attorneys available through MHEC may be found here: <https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings---Attorney-List.aspx>.

Students may be represented by private counsel or through other legal service agencies or organizations. If a student chooses to be represented by an attorney that is not on MHEC's list of attorneys (described above), MHEC shall pay fees to the attorney selected by the student that are equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation.

VII. FORMAL COMPLAINT

A "formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. The formal complaint is a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. If the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to the investigation.

At the time of filing a formal complaint, a complainant must be participating in, or attempting to participate in, the College's education program or activity.

A formal complaint may be filed with the Title IX Coordinator in person, by mail, by e-mail, or any additional method designated by the College.

A person wishing to submit a formal complaint should use the College's Sexual Harassment Formal Complaint Form, which is available at www.smcm.edu/title-ix/. Hard copies are also available in the Office of Title IX Compliance and Training.

The formal complaint should set forth the details of the complainant's allegations, including, to the extent known:

- The names and contact information of the

respondent(s),

- The names and contact information of any witnesses to the incident,
- The relevant dates and places,
- Statements made by the parties and/or witnesses that may be relevant to the allegations,
- Any documentation or communications to support the claim, and
- The remedy requested.

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

If the complainant chooses not to cooperate with the investigation, the Title IX Coordinator or Deputy may go forward with these Procedures, as required, without the complainant's participation.

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

The complainant may supplement the formal complaint with additional information during the Investigation.

a. Notice Following the Formal Complaint

Upon receipt of a formal complaint, the College will promptly send written notice to known parties of the following:

- The grievance process, including any informal process.
- The allegations of Prohibited Conduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. "Sufficient details" include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Prohibited Conduct (including the College's decision of whether to designate the alleged Prohibited Conduct as Title IX Sexual Harassment or Other Sexual Harassment), and the date and location of the alleged incident, if known.
- The College's decision to proceed with the resolution process or dismiss the Formal Complaint as described below.
- The parties' rights to appeal the designation and/or dismissal decision.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- The parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
- The Code of Conduct provisions that prohibit knowingly making false statements or knowingly

submitting false information during the grievance process.

In order to proceed with a Formal Complaint, the College is required to inform the respondent of the complainant’s identity (but not other personally identifiable information).

If the College decides to investigate additional allegations that are not included in the original notice, the College will provide notice of the additional allegations to the parties.

b. Dismissal of Formal Complaint

Federal Title IX regulations require that the College dismiss a Formal Complaint of sexual harassment if the conduct alleged:

- Would not constitute Title IX Sexual Harassment, even if proved;
- Did not occur in the College’s education program or activity; or
- Does not fall within the College’s jurisdiction.

Even if the College must dismiss a Formal Complaint as required by the Federal Title IX regulations above, the College may still investigate the allegations if the alleged conduct, if proved, constitutes Other Sexual Harassment as defined in the College’s policy. In those instances, having designated the conduct as Other Sexual Harassment, the College may still investigate and adjudicate the alleged conduct under the same procedures outlined herein.

The College may dismiss any formal complaint, or any allegations therein, if any of the following occur during the investigation or hearing:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- A respondent is no longer enrolled or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination.

If the reported conduct does not constitute Title IX Sexual Harassment or Other Sexual Harassment, if proved, the College will assess the Formal Complaint to determine if it should be referred to the Dean of Students to assess under the Code of Conduct and/or applicable handbook.

If a formal complaint is dismissed, the College will promptly send written notice of the dismissal and the reason(s) therefor to the parties simultaneously, including information on how to appeal this determination.

c. Consolidation of Formal Complaints

The College may consolidate formal complaints as to allegations of Prohibited Conduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the

same facts or circumstances.

VIII. RESOLUTION

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

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

Informal Resolution	Formal Resolution
A process, such as mediation, that does not involve a full investigation and adjudication	Process by which Investigator(s) gather information and then separate hearing officer(s) determine if the respondent should be held responsible for a Policy violation
A voluntary process that becomes available after a complainant files a formal complaint	Involves a live hearing with cross-examination
Not available for allegations of sexual assault or allegations of Title IX Sexual Harassment against an employee	If a respondent is found responsible, the hearing officer(s) issue disciplinary sanctions, up to and including expulsion for students and termination for employees
A complainant does not waive their right to a formal investigation and adjudication	

IX. INFORMAL RESOLUTION

An informal resolution is a process, such as mediation, that does not involve a full investigation and adjudication of allegations of Prohibited Conduct.

The College does not require the parties to participate in an informal resolution process. There must be a formal complaint on file before the College can offer an informal resolution. The College may facilitate an informal resolution at any time prior to reaching a determination regarding the responsibility. In cases of informal resolution, the College will provide to the parties a written notice disclosing:

- the allegations
- the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to an informal resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process

- with respect to the formal complaint, and
- any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

The College will obtain the parties' voluntary, written consent to the informal resolution process. The College does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

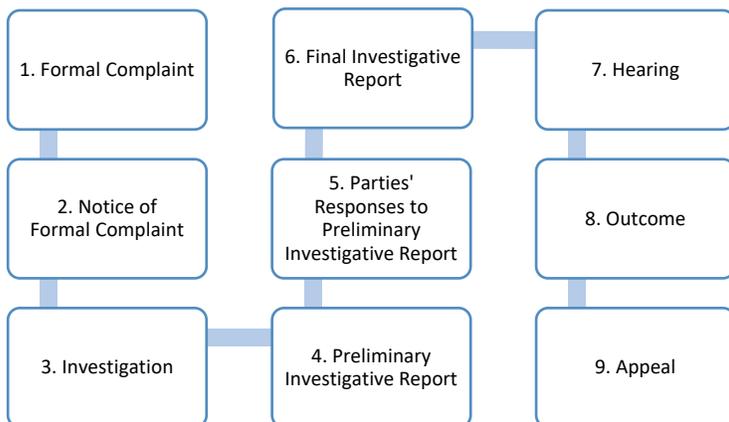
The College does not require a complainant to waive the right to an investigation and adjudication of formal complaints of Prohibited Conduct as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.

An Informal Resolution might include, but is not limited to, non-disciplinary remedies such as:

- Implementing agreed upon supportive measures;
- Providing training or counseling to an individual or group;
- Having an informal discussion with the respondent;
- Requesting a written apology from the respondent;
- Increasing monitoring or security at specified locations; or
- Facilitating a confidential conversation between the Parties; and
- Any other remedy that can be tailored to the Parties to achieve the goals of the Policy.

X. FORMAL RESOLUTION

For an overview of the Formal Resolution process, please see the figure below.



a. Confidentiality

The formal investigation does not restrict the ability of either party to discuss the allegations or gather and present relevant evidence.

The College will maintain the confidentiality of any supportive measures provided to the parties, to the extent that maintaining confidentiality would not impair the College's ability to provide measures.

The College will maintain the confidentiality of the identity of anyone who has made a report or complaint of sex harassment or discrimination, anyone who has been reported as perpetrator, any respondent, and any witness, except as permitted by FERPA or required by law or to carry out the purposes of the Policy and Procedures.

b. Standard of Proof

The standard of proof in all Prohibited Conduct cases initiated under the Policy shall be "preponderance of the evidence" (i.e. that it is more likely than not that the respondent is responsible for violation(s) of the Policy). The same standard applies to all formal complaints, against students and employees.

The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the process.

c. Appointment of Investigator(s)

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

1. Investigators' Conflicts of Interest

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

If a complainant or respondent has reason to believe that an Investigator for the case has a conflict of interest, the party should notify the Title IX Coordinator or Deputy immediately via email and provide the reasons why the party believes there is a conflict of interest. Likewise, an Investigator must promptly disclose any potential conflict of interest the

Investigator might have in a particular case. The Title IX Coordinator or Deputy will review the information provided and make a determination regarding whether the Investigator should be replaced with another Investigator.

d. Coordination with Law Enforcement

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

e. Investigation

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

Throughout the investigation and adjudication process, the College will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

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

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

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

The College will maintain the privacy of all parties to a complaint under these Procedures, except when it interferes with the College's obligations (1) to fully investigate allegations of violation of the Policy or (2) to notify applicable

governmental agencies as may be required by law. Where privacy may not be strictly kept, it will still be tightly controlled on a need-to-know basis and maintained to the extent possible. Breach of confidentiality by the Investigator(s) will result in a permanent removal from the Investigation and may subject the Investigator(s) to disciplinary action.

f. Evidence Protected by Privilege

Under these Procedures, the College does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived it.

g. Sexual History or Behavior

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless (1) such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or (2) the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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

Any prior sexual history of a party with other individuals is typically not relevant and will not be considered, except to:

- Prove the source of injury;
- Prove prior sexual misconduct;
- Support a claim that a party has an ulterior motive; or
- Impeach a party's credibility after that party has put his or her own prior sexual conduct at issue.

h. Health and Mental Health History

The College will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in their professional capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent to do so.

i. Summary of Investigative Interviews

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

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

j. Preliminary Investigative Report

At the conclusion of the initial investigation, the Investigator(s) will prepare a written summary of the information gathered, including but not limited to the names of the witnesses interviewed, summaries of the information provided by each Party and each witness, and copies of all documents or physical evidence provided to the Investigator(s) (the "Preliminary Investigative Report").

The College will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint. This includes any evidence upon which the College does **not** intend to rely in reaching a determination regarding responsibility. This also includes inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

The College will send the Preliminary Investigative Report to each party and the party's advisor, if any. Each party will have ten (10) days to submit a response, which the Investigators will consider prior to the completion of the investigative report (the Response to the Preliminary Investigative Report).

k. Additional Investigation

Upon receipt of each Party's Response to Preliminary Investigative Report or the expiration of the deadline to submit the Response to Preliminary Investigative Report, whichever is earlier, the Title IX Coordinator will submit the Parties' Responses to Preliminary Investigative Report for the Investigator(s)' consideration. Parties will receive copies of the same. The Investigator(s) will carefully review all of the information submitted by the Parties in response to the Preliminary Investigative Report. The Investigator(s) may conduct additional interviews to the extent reasonable, based

on the relevancy and materiality of the statement of information known by a witness.

l. Final Investigative Report

After the Investigator(s) review the Responses to the Preliminary Investigative Report and conduct any additional investigation, the College will prepare the final investigative report (the "Final Investigative Report"). The Final Investigative Report will fairly summarize relevant evidence. The College will send the Final Investigative Report to the party and the party's advisor, if any, ten (10) days prior to the hearing. The College will send the investigative report in an electronic format or a hard copy to the parties' and the hearing officer(s).

m. Live Hearing

The College will provide a live hearing cross-examination before hearing officer(s), who will determine the outcome, for the resolution of formal complaints. Hearing officer(s) may be College faculty or staff members with appropriate expertise and training, or may be external Title IX professionals appointed for this purpose. Hearing officer(s) must be unbiased and without any conflicts of interest.

Live hearings may be conducted with all parties physically present in the same geographic location. Alternatively, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing officer(s) and parties to simultaneously see and hear the person answering questions.

The College will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

At the hearing, all of the evidence that has been subject to the parties' inspection and review will be available to give each party an equal opportunity to refer to the evidence during the hearing, including for purposes of cross-examination.

The College will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

n. Hearing Procedures

- a) Written notice of the specific charges and a hearing date are provided to the Parties at least ten (10) days in advance of the Hearing. Hearing dates are scheduled in consultation with the Parties whenever possible.
- b) If a Party does not have an Advisor present at the Hearing, the College will provide one free of charge for the purpose of conducting cross-examination on behalf of that Party. When able, Parties must notify the Title IX Coordinator or designee at least 48 hours

prior to the hearing if an Advisor is needed from the College.

- c) The College will notify all witnesses interviewed during the investigation of the date and time of the Hearing. The Hearing Officer may also request the presence of witnesses.
- d) The Hearing Officer may conduct the Hearing with all Parties and witnesses physically present in the same geographic location or, with any or all Parties, witnesses, and other participants present at the Hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- e) At either Party's request, the College will provide the Parties with separate rooms (including separate virtual rooms if the Hearing is held virtually) and use technology enabling the Hearing Officer and Parties to simultaneously see and hear the Party or the witness who is answering a question.
- f) All Hearings are closed to the public.
- g) Hearings will be recorded or transcribed by the College. No other recordings will be permitted. Recordings and transcripts are maintained by the College. Parties may submit a written request to inspect and review the recording or transcript.
- h) All evidence subject to the Parties' inspection and review will be available at the Hearing to give each Party equal opportunity to refer to such evidence during the Hearing, including for purposes of cross-examination.
- i) The Investigator(s) will summarize the *Final Investigation Report* for the record.
- j) Each Party may provide a brief opening statement.
- k) The Hearing Officer may ask questions of the Investigator(s) and may permit the Parties' Advisors to do the same.
- l) The Hearing Officer may ask questions of the Parties before cross-examination by the other Party's Advisor.
- m) Each Party's Advisor will be provided an opportunity to cross-examine the other Party and any witnesses. Questioning will be conducted directly, orally and in real time by the Party's Advisor only. Parties may not question each other or witnesses directly.
- n) Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the

question is relevant and explain any decision to exclude a question as not relevant. All relevant questions and follow-up questions, including those challenging the credibility of Parties and witnesses, will be allowed.

- o) Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence:
 - a. Are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or
 - b. Concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- p) Questions and evidence about the Respondent's prior sexual history with an individual other than a Party to the proceedings may only be considered if the evidence:
 - a. Prove the source of the injury;
 - b. Proves prior sexual misconduct;
 - c. Supports a claim that a Party has an ulterior motive; or
 - d. Impeaches a Party's credibility after that Party has put their own prior sexual conduct in issue.
- q) The Hearing Officer may not consider a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the College obtains that Party's voluntary, written consent to do so.
- r) The Hearing Officer may not consider any questions or evidence about a student's history of mental health counseling, treatment, or diagnosis, unless the student consents.
- s) The Hearing Officer may not consider questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- t) If a Party or witness declines to answer any questions, the Hearing Officer will not rely on any prior statements made by that Party during the investigation process in making a determination regarding responsibility.
- u) If a party or witness does not submit to Cross-examination at the live hearing, the hearing officer(s) will not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, the hearing officer(s) will not draw an

inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer Cross-examination or other questions.

- v) The Hearing Officer may permit each Party to make a brief closing statement.

i. Decision or Outcome

The hearing officer(s), who cannot be the same as the Title IX Coordinator or the investigator(s), will issue, simultaneously to the parties, a written determination regarding responsibility, which must include:

- Identification of the allegations potentially constituting Prohibited Conduct;
- Description of the procedural steps taken from receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the College's Policy, Procedure, Code of Conduct, and/or relevant handbook to the facts;
- Statement of, and rationale for, the result as to each allegation, including:
- A determination regarding responsibility,
- Any disciplinary sanctions the College imposes on the respondent, and
- Whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
- Procedures and permissible bases for parties to appeal.

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal (if any), or the date on which an appeal would no longer be considered timely.

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

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

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

XI. SANCTIONS

If the respondent is found responsible for a violation of the Policy, the Title IX Coordinator or Deputy will provide the Hearing Officer(s) with a copy of the respondent's disciplinary history, which may be considered by the Hearing Officer(s) in determining a sanction(s). Disciplinary records related to instances where the respondent has previously been found responsible for Prohibited Conduct are presumed to be relevant by the Hearing Officer(s) to the assignment of a sanction.

Possible disciplinary sanctions and remedies for *students* that may be imposed under this Policy include, but are not limited to, warning, restriction, work sanctions, educational sanctions, mandated assessments, disciplinary probation, housing contract revocation, disciplinary suspension, and expulsion. Possible disciplinary sanctions and remedies for *employees, volunteers, and contractors* may include, but are 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. Sanctions may be issued individually or a combination of sanctions may be imposed.

In general:

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

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

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

The Hearing Officer(s), in consultation with the Title IX Coordinator or Deputy, may also consider restorative justice

outcomes that, taking into account the safety of the community as a whole, allow a respondent to learn about the origins of their behavior, their responsibility for this behavior, and how they can change this behavior.

XII. TIMELINE

The Title IX Coordinator or Deputy will keep the parties informed of the status of the College's resolution of the report throughout the process. The Investigators will strive to complete the formal investigation process within 120 days of the Notice of Investigation. The College will strive to schedule and conduct the hearing within a reasonably prompt time frame after the completion of the investigation.

XIII. APPEALS

a. Grounds for Appeal

The College will offer both parties an appeal from a determination regarding responsibility, and from an institution's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome;
3. Title IX Personnel [The Title IX Coordinator, investigator(s), or decision-maker(s)] had a conflict of interest or bias for or against complainants or respondents generally or individual complainant or respondent that affected the outcome.
4. Dissatisfaction with the outcome of a hearing is not grounds for an appeal. An appeal must be based on of the above bases.

For all appeals, the College will:

- Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both;
- Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- Ensure that the decision-maker(s) for the appeal complies with the regulations;
- Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- Issue a written decision describing the result of the appeal and the rationale for the result; and
- Provide the written decision simultaneously to both parties.

Either Party may file an appeal via email to the Title IX Coordinator. The appeal will be conducted in an impartial

manner by an impartial decision-maker (the Appeal Officer). Appeal officers may be members of the College's Executive Council or may be external Title IX professionals with specific training and experience, appointed for this purpose. Appeal officers must be unbiased and without any conflicts of interest.

b. Conflicts of Interest

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

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

c. Submission of Appeal

i. Time to Submit an Appeal

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

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

ii. Submission of the Appeal to the Appeals Officer

The Title IX Coordinator or Deputy shall email a copy of the Outcome, the appeal and any response to the appeal to the designated Appeal Officer within one (1) business day of the receipt of the response or the date upon which the response

was due, whichever is earlier. The Appeal Officer shall confirm receipt of this information via email to the Title IX Coordinator or Deputy. The Title IX Coordinator or Deputy will email a copy of the response to the appeal, if any, to the appealing Party.

iii. Requirements for Appeal and Response to Appeal

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

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

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

d. Exclusion of Improper Information Submitted on Appeal

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

e. Burden of Proof

In any request for an appeal, the burden of proof lies with the appealing Party, as the original Outcome is presumed to have been decided reasonably and appropriately.

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

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

f. Outcome of Appeal

The Appeal Officer may affirm or alter the Outcome,

depending on the basis of the requested appeal.

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

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

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

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

g. Sanctions during Appeal

Sanctions will be stayed pending the outcome of any appeal process. If a respondent is subject to an emergency removal or administrative leave prior to the conclusion of the Investigation and is suspended, expelled, or terminated as a result of the Investigation, the emergency removal or administrative leave will continue pending the outcome of any appeal.

XIV. RECORDS

The College will maintain, for seven years, records of:

- Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required; any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant designed to restore or preserve equal access to the education program or activity
- Any appeal and the result therefrom
- Any informal resolution and the result therefrom
- All materials used to train Title IX Personnel [Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process]. The College will make these training materials publicly available on its website.

The College will create and maintain for seven years records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the College will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its education program or activity. If the College does not provide a complainant with supportive measures, then it will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.

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

For respondents found responsible for a violation of the Policy through the Formal Resolution process, the Title IX Coordinator will submit a copy of the Outcome and Sanctions to the Student Conduct Officer to be placed in the student's disciplinary record; or the Director for Human Resources to be placed in an employee's personnel file. Such records shall be used in reviewing any further conduct or issuing sanctions and shall remain a part of the respondent's conduct record.

All records generated under the Title IX Policy Against Sexual Harassment and Procedures shall be retained by the College for seven (7) years following the conclusion or dismissal of a complaint or report.

XV. THE FAMILY EDUCATION RIGHTS AND PRIVACY ACT

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

a. Disclosure to Victim in Crime of Violence or Non-Forcible Sex Offense

FERPA permits disclosure of the outcome of a student conduct investigation to the victim of a crime of violence or non-forcible sex offense. Where the alleged Prohibited Conduct relates to a crime of violence or a non-forcible sex offense, the College will disclose the outcome of the hearing and any sanctions to the victim, regardless of whether or not the behavior was found to have violated College's Policy against Sexual Harassment.

b. Disclosure to Others of Crime of Violence or Non-Forcible Sex Offense

FERPA permits disclosure of the outcome of a student conduct investigation to anyone if (1) the alleged Prohibited Conduct relates to a crime of violence or non-forcible sex offense; (2) the respondent was found to have violated this Policy; (3) the alleged instance of Prohibited Conduct occurred after October 7, 1998; and (4) the names of non-party students, such as witnesses, have been redacted.

c. Transfer Students

FERPA permits disclosure of a student's education records to officials of another institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

d. Disclosure Where the College is a Party in Litigation

FERPA permits disclosure of education records when a student initiates legal action against the College and the education records are relevant to the College's defense.

e. Subpoenas and Court Orders

FERPA permits disclosure of education records when the party seeking disclosure presents a lawfully issued subpoena or court order. Student conduct records are discoverable in criminal and civil litigation and must be disclosed in their entirety pursuant to a lawfully issued subpoena or court order.

f. FERPA Right to Inspect and Review

FERPA also gives students a limited right to inspect and review their own education records. Any document or recording maintained in a student conduct proceeding that is directly related to a student is an education record, subject to inspection and review upon request. Practically speaking, if a student who is a Party or witness in a Prohibited Conduct proceeding gives any written or recorded statement, this statement will be made available, to the extent required by law, and to the extent that it relates to any student who invokes the right to inspect and review the student's education records.

XVI. CONFLICTS WITH THE POLICY AND PROCEDURES

With the exception of the College Bylaws, to the extent that the Policy or these Procedures conflict with any other College policy, procedure, handbook, faculty or employee bylaw, agreement, or process, the Policy and these Procedures shall prevail.

If a complainant alleges Prohibited Conduct along with alleged violations of other College policies and procedures, including but not limited to the Student Code of Conduct, Employee Handbook, Faculty Bylaws or Faculty Handbook,

all allegations will be investigated and adjudicated in accordance with the Policy and these Procedures. The Title IX Coordinator or Deputy may pair an investigator without Title IX training with an investigator with Title IX training to investigate allegations that do not fall within the scope of the Policy.

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 use the 911 Shield mobile app, head for the nearest emergency blue light phone, lighted building, or group of people. See the Emergency Phone map.

IN THE RESIDENCE HALLS

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

BIKES

- Use bike racks on campus.
- Bikes locked to trees may be impounded by the Office of Public Safety.

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

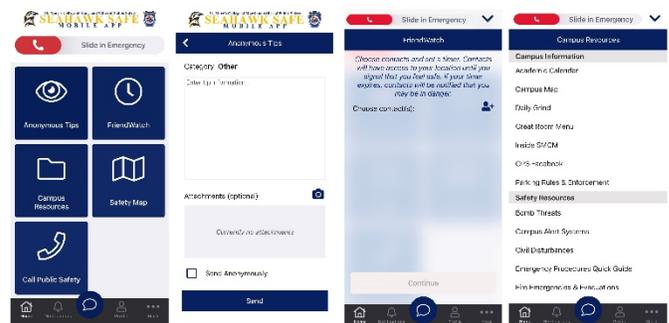
PROTECT CARS

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

PROPERTY SAFETY

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

SEAHAWK SAFE MOBILE APP



The Office of Public Safety has launched the Seahawk Safe Mobile app powered by Campus Shield. The app has numerous features including:

- Emergency Text Alerts
- Weather Alerts
- School Closure Alerts
- One Touch emergency calling to Public Safety
- Submit a tip (with photos and videos)
- Friend Watch
- Notifications from Public Safety
- Interactive Campus Map
- Campus safety and security policy and resource information

To sign up follow these simple steps (you only have to do this once)

- Step one: Download “campusshield” from Google Play or the Apple App Store
- Step two: Enter your college email address
- Step three: Select whether you are faculty/staff or a student
- Step four: Fill out registration

For help with Campus Shield, please contact the Office of Public Safety at x4911



BLUE LIGHT EMERGENCY PHONES



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

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

- Front of Waring Commons
- Front of Lewis Quad
- Townhouse Greens
- Front of Parking Lot R
- Rear of Parking Lot R
- Parking Lot S
- Front of Parking Lot T

- Middle of Parking Lot T
- Rear of Parking Lot T
- Front of Parking Lot Z
- Middle of Parking Lot Z
- Front of Schaefer Hall by Greenhouse
- Pathway between Queen Anne and Wellness Center
- Pathway by St. Johns Pond
- Queen Anne Hall near Rt 5
- River Center
- St. Mary’s Hall
- Middle of Parking Lot K
- Rear of Parking Lot K

DEFINITIONS AND CLASSIFICATION OF CRIMES

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

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

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

Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

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

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

Aggravated Assault: An unlawful attack by one person on another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

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

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

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

Liquor Law Violations: Violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the above.

Drug Law Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. Substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadone) and dangerous non-narcotic drugs (barbiturates, benzedrine).

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

Domestic Violence: A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Note: Maryland has no Dating Violence law.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1. Fear for the person's safety or the safety of others. 2. Suffer substantial emotional distress.

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

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

OFFENSE	YEAR	ON CAMPUS	NON CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*	UNFOUNDED CRIMES
MURDER / NON NEGLIGENT MANSLAUGHTER	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
RAPE	2019	12	0	0	12	12	0
	2018	6	0	0	6	5	1
	2017	9	0	0	9	7	0
FORCIBLE FONDLING	2019	8	0	0	8	7	0
	2018	11	0	0	11	9	0
	2017	9	0	0	9	6	0
INCEST	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
STATUTORY RAPE	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
ROBBERY	2019	0	0	0	0	0	0
	2018	1	0	0	1	1	0
	2017	0	0	0	0	0	0
AGGRAVATED ASSAULT	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
BURGLARY	2019	9	0	0	9	8	0
	2018	9	0	0	9	6	0
	2017	18	0	0	18	5	0
MOTOR VEHICLE THEFT	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
ARSON	2019	0	0	0	0	0	0
	2018	1	0	0	1	1	0
	2017	1	0	0	1	1	0
				52			

VAWA OFFENSES	YEAR	ON CAMPUS	NON CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*	UNFOUNDED CRIMES
DOMESTIC VIOLENCE	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
DATING VIOLENCE	2019	3	0	0	3	1	0
	2018	6	0	0	6	4	0
	2017	4	0	0	4	3	0
STALKING	2019	9	0	0	9	6	0
	2018	15	0	0	15	8	0
	2017	18	0	0	18	10	0
ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION							
ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION	YEAR	ON CAMPUS	NON CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*	UNFOUNDED CRIMES
LIQUOR LAW ARRESTS	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
DRUG LAW ARRESTS	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
WEAPON LAW ARRESTS	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
LIQUOR LAW REFERRALS	2019	117	0	0	117	80	0
	2018	93	0	0	93	29	0
	2017	46	0	0	46	38	0
DRUG LAW REFERRALS	2019	3**	0	0	3**	3**	0
	2018	5**	0	0	5**	2**	0
	2017	13**	0	0	13**	8**	0
WEAPON LAW REFERRALS	2019	0	0	0	0	0	0
	2018	2	0	0	2	2	0
	2017	0	0	0	0	0	0

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

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

HATE CRIME REPORTING

2019: There were no hate crimes reported to St. Mary's College in 2019.

2018: There were 2 reports of vandalism in the on campus geography with the bias of race reported in 2018
There was 1 report of vandalism in the on campus geography with the bias of sexual orientation reported in 2018

2017: There were no hate crimes reported to St. Mary's College in 2017.

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,
- Office of Title IX Compliance,
- Campus Security Authorities,
- Human Resources,
- St. Mary's County Sheriff's Office,
- Leonardtown State Police Barracks,
- Department of Natural Resources Police,
- United States Coast Guard,
- Maryland Fire Marshall's Office

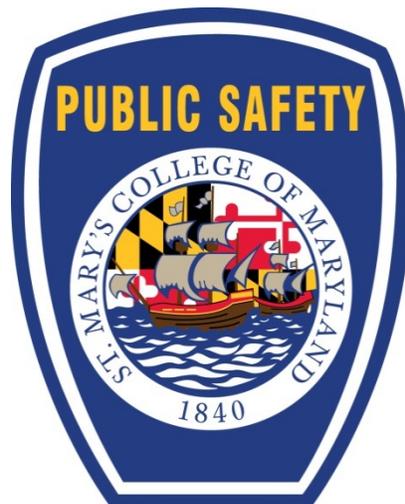
ST MARY'S

COLLEGE of MARYLAND

The National Public Honors College

2020

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.

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

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

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

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

Electrical appliances not included on this list are not allowed and may be confiscated and stored at the student's expense. No appliances may have an exposed heating element. All appliances must be UL-approved.

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

- 1) Buildings
 - a) Smoking or carrying any lighted tobacco product is prohibited in all state buildings and facilities.
- 2) State Vehicles
 - a) Smoking is prohibited in all state vehicles.
- 3) Residence Halls, Suites, Apartments, and Townhouses
 - a) Smoking is prohibited in all areas of all residential facilities.

II. Enforcement

- 1) Responsibility
 - a) 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.
- 2) Conflict resolution
 - a) The Office of Human Resources is responsible for resolving conflicts and investigating claims of employees. The Director of Student Conduct is responsible for resolving conflicts and investigating claims of students.
- 3) Disciplinary procedures
 - a) For an employee found in noncompliance, the following shall result:
 - i. For the first offense: be directed to Human Resources for counseling on the provisions of the Executive Order (verbal warning).
 - ii. For the second offense: be given a written reprimand.
 - iii. For a third offense: receive a suspension.
 - iv. For a fourth or subsequent offense: may result in termination of employment.

- b) For a student found in noncompliance, an incident report may be forwarded to the Director of Student Conduct for adjudication.

POLICY ON CANDLES AND OPEN FLAMES

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

FIRE SAFETY PLAN

EVACUATION OF RESIDENTIAL FACILITIES

Students should gather in the designated location as follows:

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

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

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

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

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

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

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

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

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

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

FIRE SAFETY EDUCATION

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

PLANS FOR FUTURE IMPROVEMENTS OF RESIDENTIAL FIRE SAFETY EQUIPMENT

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

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 2019
Caroline Hall	19075 Hill Commons Drive	Yes	110 V Non-System	110 V System	Public Safety	Yes	Wet	1
Dorchester Hall	19085 Hill Commons Drive	Yes	110 V Non-System	110 V System	Public Safety	Yes	Wet	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	Yes	Wet	1
Lewis Quad	47800 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet & Dry	1
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

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.

BUILDING	ADDRESS	YEAR	TOTAL # OF FIRES	DATE OF FIRE	TIME OF FIRE	CAUSE OF FIRE	# OF INJURIES REQUIRING MEDICAL TREATMENT	# OF DEATHS	VALUE OF PROPERTY DAMAGE
Caroline Hall	19075 Hill Commons Drive	2019	1	03-31-19	2050	COOKING	0	0	\$50
		2018	0	0	0	0	0	0	0
		2017	0	0	0	0	0	0	0
Dorchester Hall	19085 Hill Commons Drive	2019	0	0	0	0	0	0	0
		2018	0	0	0	0	0	0	0
		2017	1	03-28-17	1435	ARSON	0	0	\$5
Queen Anne Hall	19125 Yaocomaco Drive	2019	0	0	0	0	0	0	0
		2018	2	04-07-18 09-20-18	0035 2136	ARSON ELECTRICAL	0 0	0 0	\$5 \$500
		2017	0	0	0	0	0	0	0
Prince Georges Hall	19065 Hill Commons Drive	2019	0	0	0	0	0	0	0
		2018	0	0	0	0	0	0	0
		2017	0	0	0	0	0	0	0
Lewis Quad	47800 College Drive	2019	0	0	0	0	0	0	0
		2018	0	0	0	0	0	0	0
		2017	0	0	0	0	0	0	0
Waring Commons	47830 College Drive	2019	1	03-18-19	0503	COOKING	0	0	\$100
		2018	0	0	0	0	0	0	0
		2017	1	10-07-17	1150	CANDLE	0	0	\$400
North Crescent Townhouses	47775 College Drive	2019	0	0	0	0	0	0	0
		2018	0	0	0	0	0	0	0
		2017	1	09-16-17	1108	GREASE	0	0	\$0
South Crescent Townhouses	47725 College Drive	2019	0	0	0	0	0	0	0
		2018	0	0	0	0	0	0	0
		2017	0	0	0	0	0	0	0
Townhouse A (Harrington)	47680 College Drive	2019	0	0	0	0	0	0	0
		2018	0	0	0	0	0	0	0
		2017	0	0	0	0	0	0	0
Townhouse B (Boone)	47690 College Drive	2019	0	0	0	0	0	0	0
		2018	0	0	0	0	0	0	0
		2017	0	0	0	0	0	0	0
Townhouse C (Homer Dodge)	47700 College Drive	2019	0	0	0	0	0	0	0
		2018	0	0	0	0	0	0	0
		2017	0	0	0	0	0	0	0
Townhouse D (Maggie Dodge)	47740 College Drive	2019	0	0	0	0	0	0	0
		2018	0	0	0	0	0	0	0
		2017	0	0	0	0	0	0	0
Townhouse E (Morsell)	47750 College Drive	2019	0	0	0	0	0	0	0
		2018	0	0	0	0	0	0	0
		2017	0	0	0	0	0	0	0
Townhouse F (Trueschler)	47760 College Drive	2019	0	0	0	0	0	0	0
		2018	0	0	0	0	0	0	0
		2017	0	0	0	0	0	0	0