
NOTRE DAME OF MARYLAND UNIVERSITY

**INTERIM POLICY ON SEXUAL HARASSMENT AND
OTHER SEXUAL MISCONDUCT**

Notre Dame of Maryland University Notice of Non-Discrimination

Notre Dame of Maryland University (“University” or “NDMU”) values safety, cultural and ethnic diversity, social responsibility, lifelong learning, equity, and civic engagement. Consistent with these principles, the University does not discriminate in offering equal access to its educational programs and activities or with respect to employment terms and conditions on the basis of age, color, creed, disability, genetic information, marital status, national or ethnic origin or ancestry, race, religion, sex (including pregnancy, sexual orientation, or gender identity or expression), veteran status or any other characteristic protected in accordance with applicable federal, state, and local laws and regulations including but not limited to Title IX of the Education Amendments of 1972 as amended (Title IX), Title VI of the Civil Rights Act of 1964 as amended (Title VI), Title VII of the Civil Rights Act of 1964 as amended (Title VII), Section 504 of the Rehabilitation Act of 1973 (Section 504), Americans with Disabilities Act of 1990 as amended (ADA), and Age Discrimination in Employment Act of 1967 as amended, etc..

Inquiries or concerns regarding the application of this statement and related policies may be referred to:

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SEXUAL MISCONDUCT POLICY

I. Policy Statement

Notre Dame of Maryland University (“the University”) seeks to foster and maintain an atmosphere of inclusivity and mutual respect for all members of the campus community. As such, the University is committed to providing a working, learning, and living environment free from Sexual Harassment and Other Sexual Misconduct (“Prohibited Conduct”). Sexual Harassment is a form of discrimination prohibited by state and federal laws (including Title IX of the Education Amendments of 1972 as amended (“Title IX”), the Campus SaVE Act, and Title VII of the Civil Rights Act of 1964 as amended), may constitute criminal activity, and is a form of Sex Discrimination in violation of the University’s Non-Discrimination Policy.

Sexual Harassment is a broad term describing a range of prohibited behavior and conduct as defined in Section III below. Other Sexual Misconduct (“OSM”) is a term describing other prohibited behavior and conduct, including Sexual Coercion or Sexual Exploitation as defined in Section III below, which may or may not constitute Sexual Harassment as defined under the Title IX regulations. Sexual Harassment and OSM are prohibited by the University and will not be tolerated.

The University endeavors to foster a climate free from Sexual Harassment and OSM through training, education, and prevention programs, as well as by following policies and procedures that promote prompt reporting. This also means the University works to investigate and resolve Formal Complaints of Sexual Harassment and OSM in a reasonably prompt timeframe. It will also take prompt action to effectively address and work to prevent Sexual Harassment and OSM.

Retaliation against someone for participating in the University’s grievance procedures regarding this Policy is prohibited. This includes any form of Retaliation (e.g., intimidation, threats, coercion, or discrimination) against any individual who (i) has been the Reporting Party or Responding Party under this Policy, (ii) reports or files a complaint alleging a violation of the Policy, and/or (iii) cooperates or participates in any meeting or proceeding under this Policy (including providing information, assisting, or testifying).

Members of the University Community found to have violated this Policy will be subject to disciplinary action in accordance with the University’s Policies and Procedures.

Nothing in this Policy and Procedures should be interpreted to abridge academic freedom or principles of free speech. The University will not condone behavior that violates the freedom of speech, choice, assembly, or movement of other individuals or organizations. In short, responsible dissent carries with it sensitivity for the civil rights of others.

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

the University can address issues that impact the wider campus community. No employee (other than law enforcement) is authorized to investigate or resolve reports of Sexual Harassment or OSM without the involvement of the Title IX Coordinator.

II. Scope and Applicability

The University has jurisdiction over all reports of Prohibited Conduct under this Policy when it has actual knowledge of Prohibited Conduct in connection with University educational programs and activities. This Policy applies to all members of the University community including students, faculty, staff, as well as guests, contractors and other third parties over which the University has substantial control who are attempting to participate or participating in a program or activity.

Education Program or Activity includes: all University operations (including but not limited to employment), as well as locations, events, or circumstances over which the University exercises substantial control over both the person who engages in Prohibited Conduct and the context in which the Prohibited conduct occurs.

This includes, but is not limited to:

- a. University premises, or at facility, office, regional center education program or activity, or property owned and controlled by the University;
- b. Any on or off-campus NDMU sponsored, recognized, or approved employment or educational program or activity, in the United States; or
- c. Any building owned or controlled by a student organization that is officially recognized by the University, whether such a building is on campus or off campus.

In addition to allegations of Sexual Harassment falling within Title IX jurisdiction, the University may also address allegations of Sexual Harassment and Other Sexual Misconduct under this Policy affecting its students or employees that take place outside an “educational program or activity,” take place outside the United States, or otherwise fall outside Title IX jurisdiction, including, but not limited to, providing supportive measures or pursuing disciplinary action for violating this Policy.

III. Definitions

For purposes of this Policy and Procedures, the following definitions apply:

- A. Actual Knowledge** means notice of Sexual Harassment or OSM or allegations of Sexual Harassment or OSM to the Title IX Coordinator or any University official who has authority to institute corrective measures on behalf of the University.
- B. Advisor** means a person chosen by a part to provide advice and consultation to that Party, in accordance with this Policy and Procedure. An Advisor may be an attorney or another individual. A Party’s Advisor also conducts cross-examination on behalf of that Party at a Hearing, if applicable, in accordance with this Policy and Procedures. An Advisor shall not be an active participant or speak on behalf of a Party except for the purpose of providing cross-examination at a Hearing. If a Party does not have an Advisor, the University will provide without fee or charge to that Party, an Advisor of the University’s

choice, to conduct cross-examination on behalf of that Party; an Advisor appointed by the University acts in a confidential capacity on behalf of the Party and is not otherwise involved in the proceedings.

C. Complainant (or Reporting Party) is defined as the individual who is alleged to be the victim or subject of Prohibited Conduct under this Policy.

D. Consent is defined as knowing, voluntary, and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. It must be given by a person with the ability and capacity to exercise free will and make a rational and reasonable judgment.

Consent may be expressed either by affirmative words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity or behavior. It is the responsibility of the person who wants to engage in the sexual activity or behavior to ensure that he/she has consent of the other to engage in the activity or behavior. Conducting sexual activity or behavior with someone you know or should know is incapacitated is a violation of this policy.

- Consent cannot be inferred or assumed from silence, passivity, or a lack of objection or resistance. Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation, or through the use of one's mental or physical helplessness or incapacity. The absence of a negative response, such as silence or a failure to physically resist does not equal consent.
- Consent must be present throughout the entire sexual activity or behavior, and may be withdrawn at any time. Once consent is withdrawn, the sexual activity or behavior must cease immediately. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the sexual activity or behavior cease until the confusion is resolved.
- Consent cannot be implied based upon the mere fact of a previous or existing consensual dating or sexual relationship. In the context of a current relationship, consent for future sexual activity or behavior cannot be implied.
- Consent to one form of sexual activity or behavior cannot automatically imply consent to engage in other forms of sexual activity or behavior.
- In order to give consent, one must be of legal age.

E. Days means business days. Days when the University is closed for inclement weather, emergency closure, and/or officially designated holidays, shall not be counted.

F. Discrimination on the Basis of Sex is defined as disparate treatment of a NDMU community member based on their sex (including pregnancy, sexual orientation, gender identity or expression), that unreasonably interferes with or limit a community member's access to employment or conditions and benefits of employment; ability to participate in, access, or benefit from educational programs, services, or activities; or ability to participate in, access, or benefit from the University's extracurricular programs.

Complaints of Discrimination on the Basis of Sex are not resolved under the Title IX Hearing Process.

- G. Formal Complaint** means a document filed by a Reporting Party or signed by the Title IX Coordinator alleging Prohibited Conduct against a Responding Party and requesting the University proceed with the resolution process. 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 University in accordance with these Procedures.
- H. Hearing Officer** means an individual designated to preside over the Hearing and has decision-making and sanctioning authority within the adjudication process.
- I. Hearing Panel** is a body of Hearing Officers identified by the University to serve as decision makers regarding evidentiary and factual decisions regarding responsibility for alleged violation of this Policy.
- J. Incapacitation** is a state in which a person’s decision-making ability is impaired such that the person lacks the ability to understand the “who, what, where, why, or how” of their sexual activity or behavior. Incapacity is a state in which someone cannot make a decision because they lack the ability to fully understand what is happening and therefore cannot consent even if they appear to be a willing participant.

Incapacitation may result from a number of causes. A person can be incapacitated through the use of drugs, alcohol, or any other intoxicating substance, or when they are unconsciousness, asleep, or otherwise unaware the sexual activity is occurring. Further, mental or physical disabilities or cognitive impairments can cause an individual to lack the capacity to consent to sexual activity or behavior. Incapacitation may also occur when a person is physically restrained, without their consent, so the person is physically unable to resist sexual activity or behavior.

Incapacitation due to alcohol and/or drugs is a state beyond drunkenness or intoxication. Incapacitation is a state in which a person lacks the ability to understand the nature of their sexual activity or behavior. Also, when an individual passes from a state of drunkenness or intoxication to a state of Incapacitation, they no longer have the ability to give consent under this Policy.

Further, for the purposes of determining Consent, the University will consider whether the Responding Party “knew” or “should have known” that the Reporting Party was Incapacitated. The University will make this determination by assessing whether, based on the totality of the circumstances and context, a sober, reasonable person in the same situation (as the Respondant) “knew” and/or “should have known” that the Reporting Party was Incapacitated.

- K. Investigator** means a professionally trained University staff member or third-party contractor designated to conduct an impartial, fair, and unbiased investigation into an alleged violation of this Policy.
- L. Preponderance of the Evidence** means that it is more likely than not that a Policy violation had occurred.
- M. Reporting Party** – See definition for Complainant.

- N. Respondent (or Responding Party)** is defined as the individual alleged to have engaged in conduct that could constitute Prohibited Conduct under this Policy.
- O. Responsible University Employee** includes any university administrator, supervisor, faculty member, public safety officer, coach or trainer who are not confidential resources. See Article III.
- P. Sanctions** means disciplinary and other consequences imposed on a Responding Party who is found to have violated this Policy. See Section X.
- Q. Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Reporting or the Respondent to restore or preserve equal access to Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of the parties or the University's educational environment, to deter Prohibited Conduct under this Policy, or ensure the integrity of the investigative and/or adjudicative processes. See Section VII.
- R. University Community** means University students, faculty, staff, and third parties (visitors, volunteers, applicants for admissions or employment, vendors, and contractors).

IV. Prohibited Conduct

This Policy prohibits Sexual Harassment, Other Sexual Misconduct, and Retaliation as set forth below. Prohibited Conduct can occur between strangers or acquaintances, including people involved in intimate or sexual relationships. Prohibited Conduct can be committed by any person, regardless of gender identity, and can occur between people of the same or different sex, sexual orientation, or gender expression

- A. Sexual Harassment I** means conduct in the United States, in an Education Program or Activity, on the basis of sex that satisfies one or more of the following:
- 1. Quid Pro Quo:** An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.
 - 2. Hostile Environment:** 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 University's Education Program or Activity.
 - 3. Sexual Assault:** An offense classified as a sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sex offenses are any sexual acts directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent (Non-Consensual Sexual Penetration or Fondling); also, unlawful sexual intercourse (Incest or Statutory Rape).

- a) Sexual Assault I (Non-Consensual Sexual Penetration):** Penetration, no

matter how slight, of the genital or anal opening of the body of another person with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.

- b) **Sexual Assault II (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 their age or because of their temporary or permanent mental or physical incapacity.
 - c) **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d) **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
4. **Domestic Violence:** Conduct which could be felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth Complainant protected from those acts by domestic or family violence laws of Maryland.
5. **Dating/Relationship Violence:** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
6. **Sex and Gender Based Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: a. Fear for their own safety or the safety of others; or b. Suffer substantial emotional distress.

B. Other Sexual Misconduct

1. **Sexual Harassment II:** Sexual Harassment II is defined as any unwelcome sexual advance, unwelcome request for sexual favors, or other behavior of a sexual- or gender-based nature, when such conduct has the effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive to create a working, academic, residential, or social environment, that a reasonable person in similar circumstances would find intimidating, hostile, humiliating, demeaning, or sexually offensive.

Sexual Harassment II is also defined as harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex or gender or for failing to conform to

stereotypical notions of masculinity and femininity, regardless of the individual's actual or perceived sex, gender, sexual orientation, or gender identity or expression.

An isolated incident, unless sufficiently severe or pervasive, generally does not amount to Sexual Harassment II. However, a single incident, if sufficiently severe, may constitute Sexual Harassment II.

2. **Sexual Coercion:** The use of unreasonable pressure in an effort to compel another individual to initiate or continue sexual activity against the individual's will. A person's words or conduct are sufficient to constitute Sexual Coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Sexual Coercion includes but is not limited to intimidation, manipulation, express or implied threats of emotional physical harm, and/or blackmail. Examples of Sexual Coercion include but are not limited to causing the deliberate Incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal sensitive information if the other party does not engage in the sexual contact.
3. **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another person for the purpose of one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited. Non-consensual sexual advantage refers to any action and/or conduct taken without consent in furtherance to benefit from, to take advantage of, or to attain sexual opportunity.

Sexual Exploitation may include: Intentionally observing, spying on, or listening to person(s) involved in sexual activity or behavior or in any state of undress, without their consent; allowing others to observe sexual activity or behavior of another person or allows others to observe another person in any state of undress, without the consent of all the person(s) involved; Photographing or recording someone (via audio, video or otherwise) involved in sexual activity or behavior, or in any state of undress, without their consent.; Sharing or posting images such as photographs or video/audio of someone involved in sexual activity or behavior or in a state of undress, without their consent. This is applicable to anyone in possession of the images/audio, even if the individual in possession of the images/audio was not responsible for the creation of the original images/audio and was not engaged in the recorded sexual activity or behavior; Removing a condom during sexual intercourse without the consent of the other person; or the act of intentionally misleading another person to believe a condom is being used during sexual intercourse; Prostituting another person, including the use of threat, coercion, or abduction to force another person to perform sexual acts with others in exchange for payment; Inducing Incapacitation of another by providing drugs, alcohol, or other substances—with or without their knowledge—with the intent to impair their ability to withhold consent or their ability to knowingly consent to sexual activity or behavior, regardless of whether sexual activity or behavior actually occurs. If sexual activity or behavior does occur, such conduct may also constitute Sexual Assault; Indecent Exposure which is exposing one's intimate parts, such as genitalia, groin, breast and/or buttocks to someone without their

consent. This behavior is the deliberate showing of intimate parts of the body and may, but does not necessarily have to, include a sexual act. Engaging in sexual activity in public, witnessed by non-consenting person(s), is also a form of Indecent Exposure.

4. **Attempted Sexual Assault:** An attempt to commit Sexual Assault.

C. **Retaliation** means behavior or speech that is intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or this Policy or because an individual has made a report or complaint, testified, been interviewed as a witness, assisted, or participated in any manner in an investigation, proceeding, or hearing related to a matter covered by this Policy.

Retaliation includes bringing charges against an individual for violations of other institutional policies that do not involve Sexual Harassment, but arise out of the same facts or circumstances as a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX.

V. **Reporting Prohibited Conduct to Law Enforcement**

Victims of Sexual Misconduct have the right to file criminal charges with the appropriate law enforcement officials where the Prohibited Conduct occurs. The University will assist members of the community who wish to report Prohibited Conduct to law enforcement. Reporting Parties also have the right to decide not to notify or contact law enforcement.

The University may also report such incidents to appropriate law enforcement officials when the safety of the campus is in jeopardy or the Reporting Party/potential Reporting Party cannot do so him/herself. Information obtained through the criminal investigation may be used for consideration in the University disciplinary process.

VI. **Reporting Prohibited Conduct to the University**

The University has a variety of ways for University Community members to raise concerns and report instances of Prohibited Conduct. While there are multiple reporting options available across the University, the University recognizes that centralized reporting is an important tool in addressing, ending, and preventing Prohibited Conduct under this Policy. The University encourages University Community members to promptly report and/or seek support, regardless of when or where an incident occurred.

A. **Who May Report**

Any person may report Prohibited Conduct (whether or not the person reporting is the person alleged to be the victim of conduct).

B. **How to Report**

Members of the community are encouraged to report directly to the Title IX Coordinator. However, individuals may also report to a Deputy Title IX Coordinator who shall promptly inform the Title IX Coordinator. Reports may be made in person, by mail, by telephone, by email, or online.

Title IX Coordinator

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Please Note – Since these positions may change from time to time, Reporting Party is advised to check the University website for the current list.

Prompt reporting to the Title IX Office maximizes the University’s ability to obtain evidence, identify potential witnesses, and conduct a thorough, prompt, and impartial investigation. While there are no time limits to reporting Prohibited Conduct, if too much time has passed since the incident occurred, the delay may result in loss of relevant evidence and witness testimony, impairing the University’s ability to respond and take appropriate action.

The Title IX Coordinator is responsible for coordinating the University’s efforts to comply with Title IX and this Policy. The Title IX Coordinator leads, coordinates, and oversees the University’s efforts regarding compliance training, prevention programming, and educational programs. The Title IX Coordinator is available to meet with any student, employee, or third party to answer any questions about this Policy.

Individuals may also report Prohibited Conduct to any **Responsible University Employee** including but not limited to **Public Safety**. A Responsible University Employee, as defined in **See Section VII**, must promptly notify the Title IX Coordinator of any report of Prohibited Conduct brought to their attention. The Title IX Coordinator works collaboratively with the reporting party, making every effort to operate with discretion and maintain the privacy of the individuals involved. No employee is authorized to investigate or resolve reports of Prohibited Conduct without the involvement of the Title IX Coordinator.

C. Amnesty While Reporting

The University may offer amnesty for minor policy violations (such as underage drinking or recreational drug use) to encourage the reporting of Sexual Harassment or OSM by both individuals who have experienced Sexual Harassment or OSM and witnesses.

For example, the University may not take student conduct action (except for a mandatory intervention for substance abuse) for a violation of alcohol or drug use policies by a student who reports Sexual Harassment or OSM to the University or law enforcement or participates in a Sexual Harassment or OSM matter as a witness, if the University determines (i) that the violation occurred during or near the time of the alleged conduct; (ii) the student made the report, or is participating in an Investigation as a witness, in good faith; and (iii) the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.

D. What Happens after you Report

Reporting does not require that a person file a Formal Complaint, or request that the University take any action or investigate the conduct.

The Reporting Party has the right to choose whether or not to file a Formal Complaint resulting in an investigation. Upon receiving a report of Prohibited Conduct, the Title IX Coordinator or designee shall contact the relevant individual(s) to offer support resources, schedule an optional, in-person meeting in order to discuss Supportive Measures, and explain options regarding how to proceed.

Persons reporting to the Title IX Coordinator are entitled to Supportive Measures, whether or not they chose to file a Formal Complaint.

The University recognizes that the decision whether or not to make a report of Prohibited Conduct is personal, and that there are many factors that may impact someone's decision to report, both individual and societal, to reporting.

If a person who reports wants to file a Formal Complaint they must agree to have the University provide the Respondent with a Notice of Complaint. The University may not proceed with a Formal Complaint without issuing a Notice of Investigation to the Respondent.

E. Anonymous Reporting

Any University Community member may make an anonymous report of Prohibited Conduct to the University without disclosing one's name and without identifying the Responding Party or requesting any action. Based upon the amount of information provided about the incident and the University Community member's involved, the University's response to an anonymous report may be limited.

F. Request by Reporting Party for No University Action/University Complaint

Supportive measures are available with or without the filing of a Formal Complaint.

When Prohibited Conduct is reported, the Title IX Coordinator or designee will promptly contact the Complainant or reporting party to discuss the availability of Supportive Measures and explain the process for filing a formal complaint. The Title IX Coordinator will consider the complainant's preferences and stated needs with respect to both Supportive Measures and any decision regarding a formal complaint.

A person reporting Prohibited Conduct may request that their identity not be disclosed to anyone else. A person may also disclose the Respondent's identity, but ask that the University not investigate, issue a Notice of Investigation or take any action.

Even where the person reporting does not seek any action, the Title IX Coordinator may prepare and sign a Formal Complaint if they determine, in their sole discretion, that the University wants to move forward, when doing so is not clearly unreasonable in light of the known circumstances, for example, where there appears to be a continuing threat to an individual or the NDMU community. If the Title IX Coordinator determines that the University has an obligation to move forward, the University shall communicate with the person who reported the conduct and explain the reasons why the University must proceed, and offer Supportive Measures.

In determining whether to file a Formal Complaint on behalf of the University, (a "University Complaint"), the Title IX Coordinator will consider the totality of the circumstances, by considering factors, including but not limited to:

- The complainant's wishes regarding how the University should respond to the allegations.
- The nature and scope of the alleged Prohibited Conduct, including, but not limited to, whether the reported Prohibited Conduct involved the use of a weapon or force;
- The risk posed to any individual or to the members of the NDMU community by not proceeding, including the risk of violence;
- A pattern of alleged Prohibited Conduct by a particular Respondent or Group, or at a particular location;
- Whether the University possesses other means to obtain relevant evidence;
- Considerations of fundamental fairness, equity and due process; and
- The University's obligation to provide a safe and non-discriminatory environment.

G. Good Faith Requirement

Reports or complaints of Prohibited Conduct must be made in good faith because they are serious and have the potential to cause great harm if made without justification. Accordingly, it is a violation of the Policy for an individual to make a complaint or report in bad faith or without justification, or knowingly make false statements or knowingly submit false information during any investigation or proceeding. An individual found to have made a complaint or report in bad faith or without justification may be subject to disciplinary or other action.

VII. Preservation of Evidence

Instances of Sexual Misconduct or OSM may constitute both a violation of this policy and criminal activity. As a result, the University encourages everyone to seek immediate assistance from the Office of Public Safety or local law enforcement. Seeking assistance promptly may be important to ensure physical safety, to obtain medical care, or for other support including assistance with peace/protective orders. It may also be necessary to preserve relevant evidence, particularly forensic evidence, which can assist the University and/or law enforcement in responding effectively.

Individuals who have experienced Sexual Harassment or OSM should take steps to preserve evidence that may aid in any administrative action and/or criminal prosecution that may result. Examples of items that may serve as evidence include any recorded media such as voice mails, e-mails, text messages, Facebook or other social media messaging, and any other notes, writings, correspondence etc. that may be relevant to the case. Depending on the situation, clothing worn or other items which may serve as evidence should be preserved in their original state. Do not disturb the location where the alleged Sexual Harassment or OSM occurred, as police may want to photograph the scene upon their arrival. Law enforcement may also want to photograph any injuries suffered by the parties. If any weapon was used or any object was used as a weapon, leave it in position and do not touch it until police arrive.

The University encourages any Reporting Party to get a prompt, hospital-provided Sexual Assault Forensic Exam (“SAFE”). SAFE procedures are offered free of charge at certain local hospitals (e.g., Mercy Hospital and Greater Baltimore Medical Center) and may be pursued anonymously. SAFE procedures focus on collecting evidence and typically involve a medical/forensic exam that includes a physical exam, genital exam, and collection of swabs and samples to preserve evidence. You can decline any portion of the exam you so choose. Evidence can be collected up to 120 hours after assault but the sooner it is done the more likely that useful evidence can be recovered. Prior to a SAFE exam, it is important not to bathe, shower, douche, or change one’s clothes.

VIII. Supportive Measures

The Title IX Coordinator or designee shall offer Supportive Measures to the Complainant and Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of the parties, the safety of the community or the institution’s educational environment, deter Prohibited Conduct or to ensure the integrity of the investigative and/or adjudicative processes.

The University must maintain as confidential any Supportive Measures provided to the Complainant or Respondent, unless maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related or academic accommodations and adjustments, change in class schedule, including the ability to drop a course without penalty or to transfer sections, if such alternatives are available and feasible; modifications of a work schedule, work location, or job assignment, if such alternatives are available and feasible; arranging for an incomplete grade in a class, permitting a leave of absence, or withdrawal, including a retroactive withdrawal; change in campus housing assignment, if such alternatives are available and feasible; assistance from University support staff in completing University housing assignments; to the extent practicable, preserving eligibility for academic, athletic, or other scholarships, institution-based financial aid, or program eligibility; providing alternative course completion options, campus escort services, referrals to counseling, health services, or academic support services, restrictions on contact between the parties, changes in housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, restricting access to the University or to certain University facilities, resources, or activities pending resolution of the report, and other similar measures.

Supportive Measures may be requested by the Reporting Party or the Responding Party, or the University can initiate Supportive Measures in the absence of a request, at any time, during the process. Individuals can make a request for Supportive Measures, in-person or in-writing by contacting the University's Title IX Coordinator. The Title IX Coordinator, in consultation with the University, is responsible for implementing reasonable and appropriate Supportive Measures.

IX. University Employee Reporting Obligations

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

A. Responsible Employees (Non-Confidential)

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

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

Responsible Employees are **Non-Confidential** which means they will safeguard the University Community member's privacy, however **they are required to immediately share the known details** of an incident of Prohibited Conduct (date, time, location, names of parties involved, description of the incident, etc.), with the Title IX Coordinator.

Responsible Employees will try to ensure that any University Community member making a disclosure to a Responsible Employee, understands the Responsible Employee's reporting obligations. Those identified below have been designated as Responsible Employees:

- Title IX Coordinator
- All Title IX Team Members (excluding confidential resources)
- All employees in Office of Human Resources
- All employees in the Office of Public Safety
- All employees in the Office of Accessibility and Wellness
- All NDMU Administrators (President, Provost, Vice Presidents, Associate Vice Presidents, Deans, Associate Deans, Directors, Department Chairs)
- All NDMU Supervisors
- All NDMU Faculty (including Part-time and Adjuncts)
- All NDMU Graduate Assistants
- All NDMU Academic Advisors
- All NDMU Athletic Coaches (including Volunteer Coaches), Trainers, and Advisors
- All NDMU Community Assistants

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of Prohibited Conduct of which they become aware, is a violation of university policy and can be subject to disciplinary action for failure to comply with university policy.

B. Confidential Resources

The University understands that some individuals may not be prepared to make a report to law enforcement or to the University. Therefore, the University has Confidential Resources available to provide confidential counseling, crisis support, medical care, and/or advocacy services for University Community members affected by an incident of Prohibited Conduct.

Conversations with these Confidential Resources will remain confidential, except, when there is an imminent or continuing threat to health or safety (as determined in the sole discretion of the University), there a disclosure of apparent or suspected abuse of a child or dependent adult, or other basis for disclosure, such as a legal obligation to reveal such information under enforceable court order.

Pastoral Counseling: Professional, licensed, ordained clergy, who provide pastoral counseling to members of the University Community at the University, are Confidential Resources.

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

All of the above employees will maintain **confidentiality** except in extreme case of immediate threat or danger, abuse or neglect of a minor or dependent adult, or there is a legal obligation to reveal such information under an enforceable court order. Notification to any of the Confidential

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

Note of Caution: A Confidential Resource Employee may also function in a different capacity, such as a Non-Confidential Employee. For instance, a Professional Licensed Mental Health Provider may also administer a course at NDMU, functioning as a faculty member. In such instances, the employee's responsibility is dictated by their functioning job title at the time the report is received.

So a Professional Licensed Mental Health Provider will be considered as a Confidential Resource so long as they are functioning as a Professional Licensed Mental Health Provider, when receiving the report. If the professional is administering a class on campus when the report is received, they will be considered a Non-Confidential Employee while they function as a faculty member.

See also Section XIII for Off-Campus Confidential Resources.

C. Quasi-Confidential Resources

In addition to Confidential Resources, the University has Quasi-Confidential Resources available to provide crisis support and/or advocacy services for NDMU community members affected by an incident of Prohibited Conduct.

Quasi-Confidential Resources will report incidents of Prohibited Conduct under this Policy to the Title IX Coordinator, but are not required to share any personally identifying information to the University's Title IX Coordinator.

Quasi-Confidential Resources include:

Licensed Athletic Trainers, Non-Licensed Counselors and/or Advocates who work or volunteer at the Counseling Center or Campus Ministry, University Nurse, and the **Sexual Violence Resource Coordinator** are Quasi-Confidential Resources.

Sexual Violence Resource Coordinator

Jessie Sell
Theresa Hall #003
(410) 532-5303
jsell@ndm.edu

Conversations with these Quasi-Confidential Resources can remain **confidential**, except, when there is an imminent or continuing threat to health or safety (as determined in the sole discretion of the University), there a disclosure of apparent or suspected abuse of a child or dependent adult, or other basis for disclosure, such as a legal obligation to reveal such information under enforceable court order.

D. Disclosures to Others on Campus Not Designated As Confidential or Quasi-Confidential Resources or Responsible Employees

All members of the University Community are strongly encouraged to forward all information received about an incident of Prohibited Conduct to the Title IX Coordinator and/or other Designated Responsible Employees. However, if a University Community member receives information about a child being abused or neglected, this information must be immediately reported to Public Safety and local police in accordance with the University's Reporting on Suspected Child Abuse or Neglect Policy.

X. Formal Complaint Standards

A. Standard of Review

The standard of review for all complaints based on alleged violations of this Policy is a preponderance of the evidence. This is the same standard of review that is used in other disciplinary proceedings and for all allegations of involving discrimination.

B. Confidentiality

The University must keep confidential the identity of anyone who has made a report or filed a Formal Complaint, 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 this Policy and Title IX.

The University must maintain as confidential any Supportive Measures provided to the parties, to the extent that maintaining confidentiality would not impair the ability to provide measures. Confidentiality restrictions imposed during the investigation must not restrict a party's ability to (i) discuss the allegations under investigation, for example with a parent, friend, or other source of emotional support, or with an advocacy organization; or to (ii) gather and present evidence.

The University may require non-disclosure or confidentiality from complainants and respondents where no formal complaint is filed, and no investigation takes place.

The University may also require the Complainant, Respondent, Support Person, Advisor, Advocate or Attorney to agree not to further disseminate or disclose evidence, reports or documents shared as part of the investigation process.

C. Time Frame for Resolution

The University will generally seek to resolve every report of Prohibited Conduct within approximately sixty to ninety (60-90) calendar days after receiving a Formal Complaint, excluding any appeal. There may be circumstances that prevent the University from meeting the sixty to ninety (60-90) calendar day timeline.

The time frame may be extended for good cause, as determined on a case-by-case basis, as necessary to ensure the integrity and completeness of an investigation, comply with a request by law enforcement, reasonably accommodate the availability of witnesses, reasonably accommodate delays by the parties, account for University closures, or address other legitimate reasons, including the complexity of the investigation (e.g. the number of witnesses and volume

of information provided by the parties) and the severity and extent of the alleged Prohibited Conduct.

D. Co-Occurring Criminal Investigation

People may report Prohibited Conduct to law enforcement before, during or after reporting to the University. Therefore, the University process is not dependent on the status of or outcome of any criminal investigation or process. That means that you can report conduct to both law enforcement, and the University, or you can report only to one or the other.

Because the standards for a violation of criminal laws are different from the standards under this Policy, the outcome of a criminal investigation or proceeding does not control whether or not something is found to violate this Policy; a policy violation may be found even if law enforcement agencies or prosecutors decline to prosecute.

Since the University is required to conduct an investigation in a reasonably prompt time frame, in most cases, the University will not wait until a criminal investigation or proceeding begins or ends before conducting its own investigation or implementing Supportive Measures to protect the safety of the person reporting, and/or the entire NDMU campus community, if necessary.

However, at the request of law enforcement, the University's investigation may be delayed temporarily, during the initial evidence gathering stage of the criminal investigation, as long as the delay does not inhibit the University's ability to respond to the Prohibited Conduct in a prompt manner.

Where appropriate, if there is a pending criminal investigation regarding Prohibited Conduct that is also the subject of a Complaint to the Title IX Coordinator, the University may coordinate with law enforcement consistent with student privacy rights and any applicable agreements with local law enforcement.

E. Conflict of Interest or Bias

Any individual designated as a Title IX Coordinator, investigator, or decision-maker; any decision-making body for a hearing or appeal; or any person designated to facilitate an informal resolution process, may not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

The University requires all individuals involved in responding to, investigating, and/or adjudicating matters under this Policy to disclose to the Title IX Coordinator any potential conflict of interest. A conflict of interest may arise when any of those persons, has been a participant or is related to a participant in the matter being investigated or reviewed, is related to or has had past substantial association with the Complainant or Respondent or a witness, or is biased, and/or lacks impartiality.

A Reporting Party or Responding Party who feels that there is actual or perceived conflict of interest that would materially impact the outcome must submit a written request, detailing with specificity the alleged conflict of interest, to the University's Title IX Coordinator (or to the University President in the event that the potential conflict or bias involves the Title IX Coordinator) within five (5) business days after being notified of the individual(s) participation

in the resolution process. The Title IX Coordinator will determine whether a conflict exists and what action should be taken to ensure a fair and impartial process including making any substitutions that may be necessary to avoid a conflict of interest.

F. Presumption of Non-Responsibility

The University will presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made, or the Respondent admits the conduct. However, the University may approve an emergency removal of a Responding Party, after an individualized safety and risk analysis, where the Responding Party poses an immediate threat to the physical health or safety of the Reporting Party (or any other individual) prior to the conclusion of a grievance process (or even where no grievance process is pending). In such cases, the respondent will receive notice and an opportunity to challenge the removal decision.

G. Legal Representation Fund for Title IX Proceedings (Students Only)

Under Maryland State Law, a current or former student who makes a Formal Complaint or responds to a Formal Complaint where a Title IX investigation is initiated, and who was enrolled as a student at the institution at the time of the incident that is the basis of the complaint, may have access to counsel paid for by the Maryland Higher Education Commission (MHEC), unless the student knowingly and voluntarily chooses not to have counsel. Code of Maryland Regulations (COMAR) 13B.09.01.

A student may obtain from MHEC, through MHEC's [website](#), a list of licensed attorneys and/or legal services programs who have indicated that they will represent such students in Title IX proceedings on a pro bono basis or for reduced legal fees.

A student may contact, select and seek to retain an attorney from the MHEC list, at any time before the conclusion of formal Title IX proceedings. A student's attorney may seek reimbursement of certain legal costs and fees from MHEC's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding.

H. Rights of Parties

Parties will be treated with dignity, respect, and sensitivity by University officials during all phases of the process.

- A. The accompanying Procedures are designed to allow for a fair and impartial investigation, as well as prompt and equitable proceedings and resolutions that provide an opportunity for Parties to be heard.
- B. Parties will be given timely written notice of:
 1. The reported violation, including the date, time and location, if known, of the alleged violation, and the range of potential Sanctions associated with the alleged violation;

2. Their rights and responsibilities under this Policy and information regarding other civil and criminal options;
 3. The date, time, location, participants, and purpose of each Hearing, meeting, or interview that the Party is invited or expected to attend, with sufficient time for the Party to prepare to participate;
 4. The final determination made by the Hearing Officer regarding whether a Policy violation occurred and the basis for the determination;
 5. Any Sanction imposed, as required by law; and
 6. The rights to appeal and a description of the appeal process.
- C. Parties will be entitled to participate in the investigation and adjudication of the Formal Complaint in accordance with the Procedures. Parties will be provided with:
1. Access to the case file and evidence regarding the incident obtained by the University during the investigation or considered by the Hearing Officer, with personally identifiable or other information redacted as required by applicable law;
 2. An opportunity to be heard through the process;
 3. An opportunity to offer testimony at a Hearing;
 4. An opportunity to submit evidence, witness lists, and suggest specific questions to be posed to the other Party during the investigation, or to the other Party at a Hearing through the Party's Advisor;
 5. An opportunity to review testimony electronically or in a way in which the Parties are not required to be in the physical presence of one another;
 6. An opportunity to review and provide written responses to draft and final investigation reports;
 7. An opportunity to participate at a Hearing without being required to be in the physical presence of the other Party;
 8. An opportunity to appeal a determination and/or Sanction; and
 9. Notice, presented in an appropriate and sensitive format, before the start of the resolution process, of:
 - a. The Party's right to the assistance of an Advisor, including an attorney or advocate;
 - b. The legal service organizations and referral services available to the Party;

and

- c. The Party's right to have a Support Person of the Party's choice at any Hearing, meeting, or interview.

XI. Sanctions

This Policy prohibits a broad range of conduct, which is serious in nature. In keeping with the University's commitment to fostering an environment that is safe, respectful, inclusive, and free of Prohibited Conduct, this Policy allows for wide latitude in the imposition of disciplinary actions or sanctions tailored to the facts and circumstances of each report, the impact of the Prohibited Conduct on the Reporting Party and surrounding University Community members, and accountability for the Responding Party. The imposition of disciplinary actions (in employment context) or sanctions (in educational context) are designed to eliminate Prohibited Conduct under the Policy, prevent its recurrence, and remedy its effects, while supporting the University's mission and federal obligations. Disciplinary actions or sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, so harmful to the individuals involved and the entire University Community, or so deleterious to the educational or working environment, that it requires severe disciplinary action, up to and including termination from the University, for faculty and staff, or severe sanctions, up to and including dismissal from the University, for students.

Disciplinary actions which may be imposed on faculty, staff, and student employees in the employment context, can include the following: no contact orders, a letter of reprimand, censure, service to the University, counseling, retraining, transfer, demotion, suspension (without pay), and/or termination. The University reserves the right to delay or refuse considerations for promotions during pendency of an investigation.

Sanctions which may be imposed on students in the academic context, can include the following: no contact orders, housing restrictions (including removal from on-campus housing), community service, educational requirements, written warning, reprimand, probation, suspension, and/or dismissal. Further, the University reserves the right to delay or refuse the conferring of an academic degree – undergraduate or graduate – during the pendency of an investigation.

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

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

XII. Education, Prevention and Training

A. Prevention and Awareness Education

The University will develop and implement preventive education, directed toward both employees and students, to help reduce the occurrence of Prohibited Conduct. At a minimum, these educational initiatives must contain information regarding what constitutes Sexual Harassment, definitions of consent and Prohibited Conduct, the University's Procedures, bystander intervention, risk reduction, and the consequences of engaging in Prohibited Conduct. These educational initiatives shall be for all incoming students and new employees. The University will also develop ongoing prevention and awareness campaigns for all students and employees addressing, at a minimum, the same information.

B. Training for Personnel Involved in Response and Resolution

All persons involved in responding to or resolving Prohibited Conduct reports will participate in training in handling complaints of Prohibited Conduct under this Policy. The University will make these training materials publicly available on its website.

The University will ensure that the Title IX Coordinator, Investigators, Hearing Officers, Appellate Hearing Officers, and any person who facilitates an Informal Resolution process, receive training on the following: the definition of Prohibited Conduct; the scope of the University's Education Program or Activity; how to conduct a resolution process including investigation, hearings, appeals, and Informal Resolution, as applicable; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; technology to be used at a live hearing; and 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. Any materials used to train Investigators will not rely on sex stereotypes and will promote impartial resolutions of Formal Complaints under this Policy.

XIII. Records Retention

The University will maintain for a minimum of seven (7) years, records of the following:

1. Investigations and Determinations. Each Sexual Harassment investigation, including any determination regarding responsibility;
2. Recordings and Transcripts. Any audio or audiovisual recording or transcript required;
3. Sanctions. Any Sanctions imposed on the Respondent;
4. Remedies. Any Remedies provided to the Complainant designed to restore or preserve equal access to the Education Program or Activity;
5. Appeals. Any appeal and the result thereof;
6. Informal Resolutions. Any Informal Resolution and the result therefrom;
7. Training Materials. All materials used to train Title IX Officers, Investigators, Hearing Officers, and any person who facilitates an Informal Resolution process; and

8. Supportive Measures. Any Supportive Measures, taken in response to a report or Formal Complaint of Prohibited Conduct. In each instance, the University must 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 University does not provide a Complainant with Supportive Measures, then it must 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 University in the future from providing additional explanations or detailing additional measures taken.

XIV. Additional Resources & Information

A. Resources for Confidential Medical, Counseling, and Pastoral Care

It is especially important for people who have been sexually assaulted to seek immediate and appropriate medical treatment. *Mercy Medical Center* (345 St. Paul Place, Baltimore, MD 21202) has a specially trained sexual assault team available 24 hours a day, seven days a week to assist victims on a confidential basis. Under Maryland law, the tests and procedures at the hospital are free of charge if treatment is sought within 120 hours/five days of the assault. Emergency Room staff may ask if the student wishes to speak to the police; this decision is up to the student.

The University will ensure the student or employee has transportation to medical care when the Title IX Coordinator or Sexual Violence Resource Coordinator is notified that the student requests medical attention. The Office of Public Safety can also provide the above arrangement for after-hours calls.

The confidential resources listed below are available to all Notre Dame of Maryland University students including accused students and witnesses in sexual misconduct and sexual violence cases:

- University *Counseling Services* is staffed by trained professionals who can provide specialized support and assistance to students who have been assaulted. Current students may seek counseling at any time, whether it is days, months, or years after the incident. The confidential services are available to the student who was assaulted and their friends who may need support in assisting the student. Counseling Services can be reached at (410)532-5384.
- *TurnAround Inc.* is the sexual assault/domestic violence center for Baltimore. TurnAround Inc. is staffed by trained professionals and volunteer advocates who are available 24 hours a day. Free and confidential counseling is also available. They have a 24 hour helpline which can be reached at (443) 279-0379.
- The clergy in *Campus Ministry* are trained to provide confidential pastoral counseling and quasi-confidential support to students who have been sexually assaulted, or to friends who wish to support and assist them. Campus Ministry can be reached at (410) 532-

7145.

B. Additional Resources on Campus

Office of Public Safety	410-532-5360
Student Life Professional On Duty	443-900-5320

C. Off- Campus Resources

TurnAround Inc. (Sexual Assault & Domestic Violence Center)	410-377-8111
Baltimore County/Baltimore City/State Police	911
Maryland Coalition Against Sexual Assault	800-983-RAPE (7273)
RAINN-Rape, Abuse & Incest National Network	800-656-HOPE (4673)
Sexual Assault Legal Institute	301-565-2277
Maryland Courts (Peace/Protective Orders) – https://www.courts.state.md.us/legalhelp/domesticviolence	

XV. Clery Act Compliance and Release of Information

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

Pursuant to the Clery Act anonymous statistical information regarding reported criminal incidents must be shared in real time with the NDMU Office of Public Safety for inclusion in the daily crime log, and for consideration for timely warnings and/or emergency notifications. This information will be included in the University’s Annual Security Report and the University may also share aggregate and non-personally identifiable data about reports, outcomes, and sanctions.

XVI. University Sexual Assault Climate Survey

On or before March 1, 2016, and at least every two (2) years thereafter, the University will: (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, each institution shall submit to MHEC a report in accordance with the requirements set forth in Md. Code Annotated, Education Article, Section 11-601(g).

XVII. University Procedures for Responding to Reports of Prohibited Conduct

Procedures on Sexual Harassment and Other Sexual Misconduct – Reports alleging Prohibited Conduct by students, faculty, and staff under this Policy shall be reviewed in accordance with the Procedures on Sexual Harassment and Other Sexual Misconduct.

Procedures for Reports of Prohibited Conduct against Interns, Contractors, Volunteers, Guests, Visitors, and/or Other Third Parties: If a member of the University Community is subjected to Prohibited Conduct under this Policy by an intern, contractor, volunteer, guest, visitor, or other third party, the University can/may request that a formal letter be issued to deny their access to the University.

XVIII. External Reporting Agencies:

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

Office for Civil Rights
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Phone: 215.656.8541
Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

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

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

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