

**UNIVERSITY OF MARYLAND EASTERN SHORE POLICY AND PROCEDURES ON
SEX DISCRIMINATION AND SEXUAL MISCONDUCT**

*(July 2018; Amended March 2019; Amended October 2019; Amended August 14, 2020,
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I. POLICY STATEMENT/PURPOSE

The University of Maryland Eastern Shore (“UMES” or “University”) community is committed to maintaining and strengthening an educational, employment, and living environment founded on civility. Sex Discrimination is prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, et seq.). The University community endeavors to prevent, combat, and address Sex Discrimination and Sexual Misconduct (or “Prohibited Conduct” as defined herein) through education, training, and the implication of accountability measures for violations of this Policy. All University community members are protected by this Policy regardless of sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, gender expression, pregnancy or related conditions.

The University must not separate or treat any person differently based on sex in a manner that subjects them to more than de minimis harm, except in the limited specified circumstances permitted by Title IX. Failure to permit a person to participate in a University Education Program or Activity consistent with their gender identity subjects that person to more than de minimis harm. The University will sanction community members found responsible for acts of Prohibited Conduct that may occur as a result of or in connection to reports of Prohibited Conduct. Any such sanctions are not a substitute for civil or criminal liability.

This Policy and the corresponding Procedures apply to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the alleged Prohibited Conduct precedes the effective date of this Policy, the applicable definitions and the Procedures in existence at the time of the alleged incident(s) will be used.

II. APPLICABILITY AND JURISDICTION

This Policy prohibits Sex Discrimination (see “Definitions”) and satisfies the University’s obligations under Title IX, which states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be subjected to, under any Education Program or Activity, receiving Federal financial assistance.” Federal regulations as they relate to Title IX require that the University follow certain procedures when it receives a Complaint of Sex Discrimination in any of its Education Programs or Activities against an individual in the United States.

This Policy is applicable to all University community members and affiliates regardless of geographic location, virtual location, or time of incident when connected to a University Education Program or Activity. This policy applies to Sex Discrimination:

1. In any University facility, on any University property, and/or in any building owned or controlled by a student organization that is officially recognized by the University;
2. In connection with any University or University sponsored, recognized, or approved Education Program or Activity on the territory of the United States;
3. That impedes equal access to or participation in any University Education Program or Activity or adversely impacts the education and/or employment of a member of the University community; or
4. That otherwise threatens the health or safety of a member of the University community.

This policy also applies to Sex Discrimination that has a continuing adverse effect or creates a Sex-Based Hostile Environment in any University Education Program or Activity, in the United States, even when some conduct alleged to be contributing to the hostile environment occurred outside the University's Education Program or Activity or outside of the United States.

Reports of Prohibited Conduct against a member of the UMES community by a third party who is not affiliated with the University, on University premises, or during any University-sponsored activity, should be made to the Office of Institutional Equity and Compliance (OIE) or directly to the UMES Title IX Coordinator. The University will provide resources and assistance to support the academic or the employment success of any University community member who may be affected by the Prohibited Conduct. While the University may lack jurisdiction to investigate, it will take reasonably available steps to address the Prohibited Conduct, its effects, and prevent reoccurrence.

The University does not have jurisdiction to investigate reported incidents of Prohibited Conduct involving members of the University community that occurred prior to the individual being enrolled or employed at UMES, when the incident did not occur on campus or in connection to a University program, activity, or employment.

Nothing in this Policy is intended to supersede or conflict with any federal compliance obligation. Compliance with Title IX is mandatory in the event of a conflict with State law or FERPA. Compliance with Title IX does not override any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a Complainant, Respondent, or other person.

III. DEFINITIONS

For purposes of addressing complaints of Prohibited Conduct against or by University Students and/or Employees, the following uniform definitions shall be used by the University:

Advisor means any person, who may assist, support, guide, and advise ethically, with integrity, and in good faith the Respondent or Complainant during the investigation, conduct proceedings, and/or related meetings. Advisors are not permitted to actively participate or speak on behalf of a Party. In certain circumstances where a Party may be unable to speak on their own behalf, an Advisor may present a statement prepared by the Party.

Appeal Authority means an individual designated to review decisions concerning responsibilities and Sanctions based on the Respondent's status as a student, staff, or faculty member. Appeal Authorities shall have had no previous involvement with the substance of a Complaint.

Campus security authority (CSA) is a term used in the Clery Act to describe someone who has significant responsibility for student and campus activities. The Clery Act (34 CFR 668.46) defines a CSA as:

- A campus police department or a campus security department of an institution.

- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department such as an individual who is responsible for monitoring entrance into institutional property.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.
- **Note:** *Pastoral and professional counselors are not considered a campus security authority when acting in their roles as a pastoral or professional counselor for the University.*

Clery Act refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, (20 U.S.C. section 1092(f)), a federal law that requires institutions such as UMES to collect and publish statistics for certain crimes reported to have occurred on UMES's "Clery Geography" (i.e., occurring on campus, on public property within or immediately adjacent to campus, and on other non-campus UMES property), for the purpose of informing current and prospective students and employees. UMES publishes an Annual Security Report under the Clery Act, which contains these crime statistics as well as campus specific information on resources, campus emergency responses, safety and security policies, and disciplinary procedures. These crime statistics include, but are not limited to, Domestic Violence, Dating Violence, Sexual Assault, and Stalking. Clery also requires "timely warnings" be issued to the campus community for crimes occurring on Clery Geography that are considered a serious or continuing threat to students or employees. Under Clery, any good-faith report of a crime occurring on Clery Geography must be included in the statistical data.

Complainant means:

1. An individual who is alleged to have been subjected to Prohibited Conduct who is a Student or Employee who was participating or attempting to participate in the Education Program or Activity at the time of the alleged Prohibited Conduct, whether or not that individual initiated the Complaint¹; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination under Title IX or that could constitute Sexual Misconduct as defined in this policy and who was participating or attempting to participate in the University's Education Program or Activity at the time of the alleged Prohibited Conduct.

Complaint refers to an oral or written request to the University that objectively can be understood as a request to investigate and make a determination about alleged Prohibited Conduct.

Confidential Employees include:

¹ A parent, guardian, or otherwise authorized legal representative with the legal right to act on behalf of the Complainant may also file a Complaint on behalf of a Complainant.

1. Employees whose communications are privileged² or confidential under Federal or State law. The employee's confidential status only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
2. Employees whose communications are specifically designated as confidential for the purpose of providing services related to potential Prohibited Conduct; or
3. Employees who are conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Prohibited Conduct but the employee's confidential status is only with respect to information received while conducting the study.

Consent means 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.
- Lack of protest or resistance is not Consent, nor may silence, in and of itself, be interpreted as Consent.
- 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.
- Consent cannot be implied based upon the mere fact of a previous consensual dating or sexual relationship.
- Consent to one form of sexual activity does not automatically imply Consent to other forms of sexual activity.
- Consent to engage in sexual activity with one person does not imply Consent to engage in sexual activity with another.
- Consent may be withdrawn at any time. If there is confusion as to whether there is Consent or whether prior Consent has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved.

Dating 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.

Day means a business weekday when the University is not closed.

Disciplinary Sanctions means consequences imposed on a Respondent:

1. Following a determination under Title IX that the Respondent violated the University's prohibition of Sex Discrimination; or
2. Following a determination that the Respondent violated this University's prohibition of Sexual Misconduct.

² The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.

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

Education Program or Activity of the University includes all operations of the University in the United States, including, but not limited to, all conduct³ over which the University exercises disciplinary authority and all conduct that occurs in any building owned or controlled by a student organization that is officially recognized by the University. UMES must address a Sex-Based Hostile Environment under its Education Program or Activity even when some conduct alleged to be contributing to the hostile environment occurred outside the University's Education Program or Activity or outside the United States.

Employee shall be synonymous with and include all employees working for UMES – academic employees, including faculty, and staff, including full-time, part-time, and temporary (hourly) employees at any University campus or working on behalf of the University.

Employees with Authority⁴ are employees, other than Confidential Employees, who have authority to institute corrective measures or who are responsible for administrative leadership, teaching, or advising.

Finding of Responsibility means that it is more likely than not that the Respondent has committed one or more acts of Prohibited Conduct. A Preponderance of the Evidence standard must be used when determining responsibility.

Hearing means a live, formal proceeding attended by the Parties in which evidence is presented, and Parties as well as Witnesses are heard prior to the Hearing Panel's determination concerning responsibility and Sanctions, if applicable. Hearings are reserved for Complaints alleging Prohibited Conduct in which at least one Party is a Student.

Hearing Panel is a standing group composed of three (3) trained UMES faculty or staff that have decision-making and sanctioning authority.

Hearing Panel Chair is a designated University official who facilitates the Hearing and who serves as a non-voting member of the Hearing Panel.

³ Such conduct may occur in-person or through the use of technology such as e-mail, texts, social media applications, etc.

⁴ Employees With Authority replaces what previous policies defined as a Responsible Employee. Employees who were Responsible Employees under previous policies are now Employees with Authority.

Incapacitated means a person is incapable of Consent if they are unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, being asleep or unconscious, or based on their age. Consent does not exist when the individual initiating sexual activity knew or should have known of the other person's incapacitation.

Informal Resolution means a broad range of conflict resolution strategies, including, but not limited to, mediation, Respondent acknowledgement of responsibility, and/or negotiated interventions and remedies.

Investigator is a University official or third-party contractor authorized to investigate reports of Prohibited Conduct under the procedures outlined in this Policy. The Title IX Coordinator will designate the Investigator to conduct a prompt, thorough, fair, and impartial investigation. For all cases alleging Sex Discrimination and any cases alleging Sex-Based Harassment and/or Sexual Misconduct where none of the Parties are Students, the Investigator also serves as the decision maker regarding the determination of responsibility or non-responsibility.

Member of the University Community includes any individual who is a student, staff, faculty member, University official, or any other individual employed by, or acting on behalf of, the University. An individual's status in a particular situation shall be determined by the Investigator or Title IX Coordinator.

No Contact Order means an official directive that serves as notice to an individual that the individual must not have verbal, electronic, written, or third-party communications with another individual.

Parental Status means the current, potential, or past status of an individual who is, with respect to any person under the age of 18 or over the age of 18 but incapable of self-care because of a disability:

1. A biological, step, adoptive, or foster parent;
2. A legal custodian or guardian;
3. In loco parentis; or
4. Actively seeking legal custody, guardianship, visitation, or adoption of any person who is under the age of 18, or who is over the age of 18 but incapable of self-care because of a disability.

Party means the Complainant or the Respondent (if applicable), collectively known as the Parties.

Peer Retaliation means Retaliation by an individual against a similarly situated individual (i.e. by a student against another student).

Pregnancy or Related Conditions means the current, past, or potential presence of any of the following conditions:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Recovery from pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation.

Preponderance of the Evidence is the standard used to determine whether a Policy violation has occurred. The standard means that it has been determined that “it is more likely than not” that an allegation related to this Policy was substantiated.

Prohibited Conduct refers to Sex Discrimination, Sexual Misconduct, and Retaliation, as defined in this Policy.

Relevant means related to the allegations of Prohibited Conduct under investigation, as part of the procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decision maker in determining whether the alleged Prohibited Conduct occurred.

Remedies means measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to an Education Program or Activity limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person’s access to the Education Program or Activity after the University determines that Prohibited Conduct occurred.

Respondent means an individual alleged to be the perpetrator of conduct that could constitute Prohibited Conduct.

Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has reported information, made a Complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or Hearing related to Prohibited Conduct. Retaliation includes bringing charges against an individual for violations of other institutional policies that do not involve Prohibited Conduct but arise out of the same facts or circumstances as a Complaint, for the purpose of interfering with any right or privilege secured by Title IX. Retaliation includes retaliatory harassment.

Sex Discrimination means exclusion from participation in or being denied the benefits of any Education Program or Activity of the University on the basis of sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, pregnancy or related conditions. Sex-Based Harassment is a form of Sex Discrimination.

Sexual Assault means an offense classified as a sex offense in the uniform crime reporting system of the Federal Bureau of Investigation. Sex offenses are sexual acts directed against another person, and include:

- 1. 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.

2. **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.
3. **Incest** – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape** – Nonforcible sexual intercourse with a person who is under the statutory age of Consent⁵.

Sex-Based Harassment is a form of Sex Discrimination prohibited by Title IX that satisfies one or more of the following:

1. **Quid Pro Quo Harassment** – An agent, employee, or representative of the University conditioning the provision of an aid, benefit, or service, either explicitly or implicitly, on an individual’s participation in unwelcome sexual conduct.
2. **Hostile Environment Harassment** – Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the University’s Education Program or Activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the Complainant’s ability to access the University’s Education Program or Activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The Parties ages, roles within the University’s Education Program or Activity, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other Sex-Based Harassment in the University’s Education Program or Activity.
3. **Sexual Assault, Dating Violence, Domestic Violence, or Stalking.**

Sexual Misconduct includes:

1. **Sex-Based Harassment prohibited by Md. Code Ann., State Gov’t § 20-601⁶** means unwelcome and offensive conduct, which need not be severe or pervasive, when the conduct is based on sex, sexual orientation, or gender identity or consists of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature; and
 - a. Submission to the conduct is made explicitly or implicitly a term or condition of the employment of the individual;
 - b. Submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or

⁵ See Md. Code Ann., Crim. Law §§ 3-301 through 3-307.

⁶ This definition applies only to Sex-Based Harassment of Employees that does not constitute Sex-Based Harassment prohibited by Title IX.

- c. Based on the totality of the circumstances, the conduct creates a working environment that a reasonable person would perceive to be abusive or hostile.
- 2. **Sexual Coercion** means the use of unreasonable pressure in an effort to compel another individual to initiate and continue sexual activity against the individual's will. 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. Coercion includes but is not limited to intimidation, manipulation, threats of emotional or physical harm, and blackmail. Examples of coercion include threatening to disclose another individual's private sexual information or threatening to harm oneself if the other party does not engage in the sexual activity.
- 3. **Sexual Exploitation** is defined as a person taking sexual advantage of another person, for the benefit of anyone other than that person, without that person's Consent, including, but not limited to, any of the following acts:
 - a. The prostituting of another person;
 - b. The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion;
 - c. The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent;
 - d. The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not Consent to the disclosure;
 - e. The viewing of another person's sexual activity or intimate parts, in a place where the other person would have a reasonable expectation of privacy, without that person's Consent, for the purpose of arousing or gratifying sexual desire;
 - f. Invasion of sexual privacy (e.g., doxxing);
 - g. Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression;
 - h. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection;
 - i. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give Consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity;
 - j. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing);
 - k. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity;
 - l. Knowingly soliciting a minor for sexual activity; or
 - m. Knowingly creating, possessing, or disseminating child pornography.

4. **Sexual Intimidation** means:
 - a. Threatening to sexually assault another person;
 - b. Gender or sex-based stalking, including cyber-stalking; and/or
 - c. Engaging in indecent exposure.
5. **Unwanted Physical Contact** means any unwelcome contact of an intimate nature that makes the recipient feel uncomfortable (i.e. kissing, hugging, rubbing, grinding, stroking, brushing against someone, casual lingering contact, etc.).
6. Other sex-based offenses including unwelcome sexual advances and unwelcome requests for sexual favors.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Student means a person who has gained admission to UMES.

Support Person means a person chosen by the Complainant or Respondent to provide emotional, logistical, or other kinds of assistance. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the Party in a way that does not disrupt or cause any delay.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

1. Restore or preserve that parties access to the University's Education Program or Activity, including measures that are designed to protect the safety of the Parties and the University's educational environment; or
2. Provide support during the University's resolution processes.

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 and monitoring of certain areas of the campus, training and education programs related to Sex-Based Harassment, and other similar measures.

Title IX Coordinator is the individual designated by the University to coordinate the University's compliance with Title IX and respond to allegations of Prohibited Conduct by members of the University community. In some circumstances this can include their designee.

University of Maryland Eastern Shore Property are buildings, grounds, and land that are owned by the University or controlled by the University via leases or other formal contractual arrangements to house ongoing UMES operations.

Witness means any individual who has witnessed or possesses information about a Prohibited Conduct matter under investigation.

IV. INTELLECTUAL INQUIRY AND DEBATE

In determining whether Prohibited Conduct has occurred and what type of remedy, if any, might be appropriate in a given case, the University will also consider the fact that free intellectual inquiry, debate, and constructive dialogue are vital to the University's academic mission and must be protected even when the views expressed are unpopular or controversial. Accordingly, any form of speech or conduct that is protected by state or federal law, including the First Amendment, is not subject to this Policy.

Definitions of Prohibited Conduct in this policy are meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including matters involving sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, Pregnancy or Related Conditions, parental or family status and marital status, when in the judgment of a reasonable person they arise for legitimate pedagogical purposes. This includes intellectual inquiry, debate, and dialogue on issues of Prohibited Conduct. The mere expression of views, words, symbols or thoughts that some people find offensive, does not create a hostile environment.

V. CONSENSUAL RELATIONSHIPS & PROFESSIONAL CONDUCT

In its commitment to foster an educational or work environment free from all forms of harassment and discriminatory behavior, UMES strongly discourages any romantic or sexual relationships between faculty/staff and student, supervisor and subordinate employee, and any other relationship where a power differential exists between the Parties. Even if consensual, these relationships are always a cause for concern including, but not limited to, the following:

1. They may involve one person's exerting power over another;
2. Conflict of interest issues may arise in evaluating a Student or Employee;
3. There is a strong potential for Retaliation when a relationship ends;
4. A third party may allege favoritism; and/or
5. They undermine the professional interaction upon which faculty-student and supervisor-subordinate relationships should be based.

In particular, consensual sexual or romantic relationships that occur in the context of educational or employment supervision and evaluation may present potential conflicts of interest. Relationships in which one Party maintains a supervisory or evaluative responsibility over the other also reflect an imbalance of power, leading to doubt as to whether such relationships are truly consensual.

Because of the potential conflicts of interest, persons involved in consensual sexual or romantic relationships with anyone over whom they have supervisory and/or evaluative responsibilities must inform their supervisor(s) of the relationship(s). Supervisory or evaluative responsibilities may be reassigned, as appropriate.

VI. PREGNANCY PROTECTIONS

The University does not discriminate in its Education Program or Activity against any applicant for admission, Student, applicant for employment, or employment on the basis of current, potential, or past Pregnancy or Related Conditions as mandated by Title IX of the Education Amendments of 1972 and as outlined in the *UMES Policy on Parenting Students, Pregnancy, and Related Conditions*. Upon receipt of information of alleged Sex Discrimination based on Pregnancy or Related Conditions, in violation of the aforementioned Policies, the University will respond promptly to reach out to the individual who allegedly experienced the discrimination to initiate the investigation steps outlined in the Procedures of this Policy.

VII. TITLE IX COMPLIANCE OVERSIGHT

The UMES Title IX Coordinator is responsible for coordinating the effective implementation of remedies, including Supportive Measures or any required accommodations:

A. Title IX Coordinator

Jason A. Casares

Assistant Vice President for Institutional Equity, Diversity, and Compliance

Title IX Coordinator and Fair Practices Officer

Equal Employment Opportunity Officer & ADA Coordinator

Office of Institutional Equity and Compliance

Early Childhood Research Center, Suite 1129

Princess Anne, MD 21853

Phone: (410) 651-6135

Email: jacasares@umes.edu

Email: titleIX@umes.edu

The Title IX Coordinator will be informed of all reports of Prohibited Conduct, and will oversee the University's review, investigation, and resolution of those reports to ensure the University's compliance with Title IX and related laws, and the effective implementation of this Policy. The Title IX Coordinator will have adequate training on what constitutes Prohibited Conduct. The Title IX Coordinator may delegate duties under these Policies and Procedures to a trained Title IX Team member or third-party contractor authorized to investigate reports of Prohibited Conduct under the procedures outlined in this Policy, where appropriate.

The Title IX Coordinator is:

1. Responsible for oversight of the investigation and resolution of all reports of Prohibited Conduct, involving UMES Students, faculty, and staff;
2. Adopting and publishing University non-discrimination policies and procedures and providing notices of non-discrimination;
3. Knowledgeable and trained in University policies and procedures and relevant state and federal laws;
4. Available to inform any individual, including a Complainant, a Respondent, or a third party, about the courses of action available at the University, both informally and formally, and in the community;

5. Available to provide assistance to any University Employee regarding how to respond appropriately to a report of Prohibited Conduct;
6. Responsible for monitoring full compliance with all procedural requirements, record-keeping, and timeframes outlined in this Policy;
7. Responsible for overseeing training, prevention, and education efforts, and any reviews of climate and culture in order to identify any barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct and take steps reasonably calculated to address such barriers; and
8. Responsible for providing the University aggregate, non-identifying information in regard to reports, investigations, resolutions, and Sanctions.

B. Deputy Title IX Coordinators

Alexandra Martin

Assistant Director for Civil Rights, Complaint Resolution
& Deputy Title IX Coordinator

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Deputy Title IX Coordinator(s) will work with the University Title IX Coordinator to ensure that the appropriate designated campus officials are involved in investigating and adjudicating Complaints according to this Policy and other applicable University policies and procedures.

Deputy Title IX Coordinator(s) and senior University professionals in each department will work with the University Title IX Coordinator to ensure that adequate education, training, sanctions, and appropriate resources are available and provided in their respective departments.

C. UMES Title IX Team

The following individuals are designated as the Title IX team for UMES:

Team Chair:

Jason A. Casares

Assistant Vice President for Institutional Equity, Diversity, and Compliance

Title IX Coordinator and Fair Practices Officer

Equal Employment Opportunity Officer & ADA Coordinator

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Mark Tyler

Chief of Police

Office of Public Safety

matyler1@umes.edu

(410) 651-6590

Sharone Grant

Director of Health Center

Lida Brown Hall, Room 101

svgrant@umes.edu

(410) 651-6597

Malkia Johnson

Director of Counseling

Student Development Center, Room 2260

mljohnson3@umes.edu

(410) 651-6464

Willie L. Brown, Jr.

Vice Provost for Faculty Affairs

John T. Williams Hall, Room 3111

wlbrown@umes.edu

(410) 651-6038

Alexandra Ginta Martin

Assistant Director for Civil Rights, Complaint Resolution

& Deputy Title IX Coordinator

Early Childhood Research Center, Suite 1129

agmartin1@umes.edu

(410) 651-6135

Cecilia Rivera

Associate Director for Prevention, Education, Training and Compliance

Early Childhood Research Center, Suite 1129
cmrivera@umes.edu
(410) 651-6135

Inquiries concerning the application of Title IX and other related applicable laws, as well as reports of Prohibited Conduct may be referred **internally** to the UMES Title IX Coordinator:

Jason A. Casares
Title IX Coordinator
Office of Institutional Equity and Compliance (OIE)
Early Childhood Research Center, Suite 1129
Princess Anne, MD 21853
Phone: (410) 651-6135
Email: jacasares@umes.edu
Email: titleIX@umes.edu

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the University's General Counsel. Concerns of bias or a potential conflict of interest by any member involved in the resolution process should be raised with the Title IX Coordinator.

Inquiries concerning the application of Title IX and other related applicable laws, as well as reports of Sex Discrimination may be referred **externally**:

Student or Employee complaints relating to Sex Discrimination may be directed to:

Office for Civil Rights (OCR)
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Phone: 215-656-8541
Fax: 215-656-8605
TDD: 800-877-8339
Website: https://ocras.ed.gov/contact-ocr?field_state_value=679
Email: OCR.Philadelphia@ed.gov

Employee complaints relating to Sex Discrimination may be directed to:

Equal Employment Opportunity Commission (EEOC)
GH Fallon Federal Building 31 Hopkins Plaza, Suite 1432
Baltimore, MD 21201
Phone: 1-800-669-4000
Fax: 410-209-2221
TTY: 1-800-669-6820
Website: <https://www.eeoc.gov/how-file-charge-employment-discrimination>

Maryland Commission on Civil Rights (MCCR)

William Donald Schaefer Tower
6 Saint Paul Street, Ninth Floor
Baltimore, MD 21202-1631
Phone: 410-767-8600
Fax: 410-333-1841
TTY: 410-333-1737
Website: <http://mccr.maryland.gov/>
Email: mccr@maryland.gov

VIII. DISSEMINATION OF ADDITIONAL RESOURCES

The University will disseminate additional campus-specific information regarding available on and off campus resources through various methods including, the OIE website (www.umes.edu/oie), programing, and other relevant materials, such as campus specific brochures. Resource information will include, but is not limited to:

1. Options about the involvement of law enforcement;
2. The importance of preserving evidence that may assist in proving the alleged criminal offense occurred, as well as how to preserve such evidence;
3. Rights and University responsibilities with respect to orders of protection and how to obtain such orders;
4. Available Confidential Employees;
5. University and community psychological and counseling resources;
6. University and community medical resources (including the availability of nurses trained in sexual assault response);
7. Information and assistance regarding adjustments to on-campus housing, financial aid, obtaining no contact orders, and other needs on campus; and
8. Resources for non-U.S. citizens (visa, immigration, and translation assistance).

IX. CONFIDENTIAL RESOURCES & SERVICES

In cases of emergencies, dial 911.

Disclosures or reports made to individuals or entities other than confidential resources may not be confidential. Unless there is a lawful basis for disclosure, such as reported child abuse/neglect or an imminent risk to health and safety, confidentiality applies when individuals seek services from the following confidential resources:

A. Medical Services

Victims of sexual violence or any unwanted touching should seek medical advice in case of exposure to sexually transmitted diseases (STDs) or pregnancy concerns.

On Campus:

- **Student Health at Charles Drew Infirmary (Students Only): 410-651-6597**

The UMES Student Health Center can provide advice about STDs or pregnancy concerns. A Confidential Notification must be completed when Sex Discrimination and/or Sexual Misconduct is reported. This is only a notification that an incident has occurred; the victim's personal identifying information will remain confidential.

Off Campus:

- **TidalHealth Peninsula Regional: 410-546-6400**

At TidalHealth Peninsula Regional, a Sexual Assault Nurse Examiner (S.A.N.E.) can perform a sexual abuse evidentiary examination in order to preserve evidence. An evidentiary exam is free. Receiving an evidentiary examination does not mean that a victim must make a report to the University or to law enforcement.

B. Counseling Services

Counselors can assist individuals in understanding their rights and reporting options. The University encourages anyone who believes they may have been victims of Sex Discrimination and/or Sexual Misconduct to contact a counseling service. They can help an individual identify other sources of emotional and physical support. Anything discussed with a counselor will be kept confidential unless written authorization to disclose is provided by the victim.

On Campus:

- **University Counseling Services Center (Students Only): 410-651-6449**

The UMES Counseling Services Center (www.umes.edu/CounselingCenter) staff are trained, thinking, feeling, and caring individuals who have developed the capacity to share their knowledge and skills with those who need help. Services include individual counseling, group counseling, couples counseling, psychiatric services, referral services, and consultation.

Though conversations with counselors are confidential, a Confidential Notification must be completed when Prohibited Conduct is reported. This is only a notification that an incident has occurred; the individual's personal identifying information will remain confidential.

Off Campus:

- **Life Crisis Center: 410-749-4357**

The Life Crisis Center's (<http://lifecrisiscenter.org>) services are available at no charge to victims of domestic violence, rape, sexual assault, and child abuse. Their toll-free hotline operates 24 hours a day for anyone needing crisis assistance or referral information.

- **Lesbian, Gay, Bisexual & Transgender National Help Center: 888- 843-4564**

The Lesbian, Gay, Bisexual and Transgender National Help Center (<https://lgbthotline.org/>) provides vital peer support, community connections and resource information to people with questions regarding sexual orientation and/or gender identity. The LGBT National Help Center aids both youth and adults with coming-out issues, safer-sex information, school bullying, family concerns, relationship problems and a lot more.

- **Maryland Coalition Against Sexual Assault (MCASA): 1-800-983-RAPE (4673)**

MCASA (<https://mcasa.org/>) is a statewide coalition of 17 rape crisis and recovery centers that serve all Maryland jurisdictions. MCASA works to help prevent Sexual Assault, advocate for accessible, compassionate care for survivors of Sexual Violence, and works to hold offenders accountable.

- **Maryland Network against Domestic Violence (MNADV) 1-800-MD-HELPS (43577)** (Monday-Friday, 9am-5pm); MNADV Office: 301-429-3601

The Maryland Network Against Domestic Violence (MNADV) (<https://mnadv.org/>) is the state Domestic Violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence. The Network accomplishes this goal by providing education, training resources, and advocacy to advance victim safety and abuser accountability.

- **National Suicide Prevention Lifeline: 800-273-TALK (8255)**

The National Suicide Prevention Lifeline (www.suicidepreventionlifeline.org) is a 24-hour, toll free, confidential suicide prevention hotline available to anyone in suicidal crisis or emotional distress. By dialing 1-800-273-TALK (8255), the call is routed to the nearest crisis center in a national network of more than 150 crisis centers. The Lifeline's national network of local crisis centers provide crisis counseling and mental health referrals day and night.

- **RAINN National Sexual Assault Hotline: 800-656-HOPE(4673)**

RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization and was named one of "America's 100 Best Charities" by Worth magazine. RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and online rainn.org) in partnership with more than 1,100 local sexual assault service providers across the country and operates the DoD Safe Helpline for the Department of Defense. RAINN also carries out programs to prevent sexual violence, help victims and ensure that rapists are brought to justice.

C. Law Enforcement

Victims of Sex Discrimination and/or Sexual Misconduct may contact the local law enforcement agency. A law enforcement agent can assist a victim in determining whether a crime has been committed. The following law enforcement agencies (Princess Anne Police Department and Somerset County Sheriff's Department) will provide the police report to the University's Title IX Coordinator.

On Campus:

- **UMES Department of Public Safety: 410-651-3300**

The Department of Public Safety is committed to ensuring that students who report Prohibited Conduct receive comprehensive care. The officer shall contact the Office of Institutional Equity and Compliance to notify them of the alleged incident.

Off Campus:

- **Princess Anne Police Department: 410-651-1822**

The Princess Anne Police Department provides police services on a 24 hours/7 days basis.

X. REPORTING TO LAW ENFORCEMENT

In an emergency or where immediate help is needed, call 911.

Anyone wishing to report an incident of Prohibited Conduct can do so using the following methods:

1. Reporting directly to Campus Public Safety or local law enforcement if the incident involves sexual violence (local law enforcement are not considered "Employees with Authority");
2. Reporting directly to the University Title IX Coordinator or the Office of Institutional Equity and Compliance (OIE);
3. Reporting directly to one of the Deputy Title IX Coordinator(s) for the campus; or
4. Reporting directly to the Office of Student Conduct for the campus.

If a report of Prohibited Conduct is not made initially to the University of Maryland Eastern Shore Police Department (UMESPD), and the information indicates it may be a crime reportable under the Clery Act, non-identifying information regarding the date, time, location, and nature of the crime will be shared with UMESPD for purposes of complying with the Clery Act. If the University and/or Deputy Title IX Coordinator(s) receive a report that indicates law enforcement should be informed and involved due to the potential threat to health and safety of an individual or the University community, they may also share the identifying information needed for appropriate response by UMESPD.

A University investigation under the Procedures outlined in this Policy may be initiated and/or proceed simultaneously with a criminal case. The University will cooperate with law enforcement, and if requested by law enforcement, defer its fact gathering for a brief period during the evidence gathering stage of a criminal investigation. However, the University will not consider its investigation on hold pending a criminal prosecution or investigation and will continue to communicate with Parties and address the need for any Supportive Measures regarding safety and wellbeing and resume its own fact gathering as soon as permitted.

Because the standards for violation of criminal law are different from the standards of violation of this Policy, the determination by law enforcement whether or not to prosecute a Respondent or the outcome of a criminal proceeding does not determine whether a violation of University policy has occurred. In other words, conduct may violate this Policy even if law enforcement or local prosecutors decline to prosecute. Records of University proceedings may be subpoenaed for a criminal prosecution.

In some instances, based on a heightened threat, or potential threat to the safety of the individual(s) involved, or the larger University community, university officials may determine it is necessary to make a third-party complaint to law enforcement, despite the individual's decision not to do so. In such instances, the University will attempt to inform the individual prior to making a third-party complaint.

XI. REPORTING TO UNIVERSITY EMPLOYEES

All University Employees must notify the Title IX Coordinator and provide individuals with the contact information of the Title IX Coordinator under the following circumstances:

1. **Sex Discrimination** – When an Employee becomes aware of information about conduct that may reasonably constitute Prohibited Conduct, they are required to take the following action based on their designation:
 - a. **Confidential Employees** must inform any person who communicates information about conduct that may reasonably constitute Prohibited Conduct that they are Confidential Employees. Under these circumstances they are not required to notify the Title IX Coordinator about the conduct that may reasonably constitute Prohibited Conduct, how to contact the Title IX Coordinator and how to initiate a Complaint, and that the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an Informal Resolution process or investigation under applicable Procedures.
 - b. **Employees with Authority** must notify the Title IX Coordinator when they obtain information about conduct that may reasonably constitute Prohibited Conduct.

- 2. Pregnancy or Related Conditions** – if a Student, or an individual who has the legal right to act on behalf of the Student, informs any Employee of the Student’s Pregnancy or Related Conditions, the Employee must provide that person with the Title IX Coordinator’s contact information and inform them that the Title IX Coordinator can coordinate specific actions to ensure equal access and prevention of discrimination. The Employee must also provide the Student’s name and contact information, if available, to the Title IX Coordinator.

XII. AMNESTY

The University strongly encourages Students to report instances of Prohibited Conduct. Therefore, Students who report an incident or participate as a Complainant or Witness will not be disciplined by the University for any violations of the Student Code of Conduct related to their drug and/or alcohol consumption in connection with the reported incident.

This Amnesty Policy applies only when the University determines that:

1. The drug/alcohol violation occurred during or near the time of the reported Prohibited Conduct;
2. The Student acted in good faith in reporting or participating as a Witness; or
3. The violation was not likely to place the health or safety of another individual at risk.

The use of alcohol and/or drugs will not serve as a defense for engaging in Prohibited Conduct, hence committing a violation of this Policy.

XIII. GOOD FAITH REQUIREMENT

Reports or complaints of Prohibited Conduct must be made in good faith because they are so 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 in bad faith, without justification, or report false information. An individual found to have made a Complaint or report in bad faith, without justification, or reported false information may be subject to disciplinary or other actions.

XIV. ROLE OF AN EMPLOYEE WITH AUTHORITY

The University encourages anyone who has experienced Prohibited Conduct to talk to someone about what happened to ensure they are informed of the available support, resources, and applicable Complaint processes and to allow the University to respond appropriately. When an individual tells an Employee with Authority about information which may reasonably constitute Prohibited Conduct, that individual has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. Therefore, Employees with Authority must report the information as explained below and provide information about how to obtain necessary resources including: seeking medical attention, reporting to law enforcement, and/or initiating a Complaint under these Procedures.

If the incident is an emergency or poses a serious and continuing threat, the Employee with Authority should first call 911 or campus police immediately. **In all situations, an Employee with Authority must report to the Title IX Coordinator or a Deputy Title IX Coordinator as soon as practical under the circumstances, generally within 48 hours.** The Employee with Authority should report all Relevant details of the alleged Prohibited Conduct that are known or reasonably known to them. This includes the names of the individual(s) affected and alleged perpetrator(s), any Witnesses, and any other Relevant facts, including the date, time and specific location of the alleged incident. An Employee with Authority should not discuss or share any information related to the incident, including the name(s) of any individual(s) involved, with anyone other than the University Title IX Coordinator or Deputy Title IX Coordinator(s), and those directly involved in handling the University's response, except in the event of an emergency or existing threat to health and safety.

Employees with Authority should make every effort to ensure that all individuals, including Students, understand that the Employee is expected to make a report to the University Title IX Coordinator or a Deputy Title IX Coordinator(s) in the event they are made aware of information which may reasonably constitute Prohibited Conduct. Failure to comply with these requirements and obligations may result in disciplinary sanctions, up to and including termination of employment.

In some instances, an individual who has experienced Prohibited Conduct may express a desire that the University not initiate a Complaint and/or not inform the individual accused. In those situations, the Employee with Authority must still report the information known to them to the Title IX Coordinator and should inform the individual of their responsibility to inform the Title IX Coordinator. Upon such a request, the Title IX Coordinator will confirm the individual's request not to initiate a Complaint and will advise the individual that, in some limited circumstances, the University may be required to investigate and file a Complaint on their own. Even in circumstances where the University must investigate and file a Complaint, the Complainant cannot be compelled to participate in any proceedings.

Employees with Authority who are also Campus Security Authorities (CSA) under the Clery Act, will satisfy their CSA reporting obligation by reporting incidents of Prohibited Conduct to the University Title IX Coordinator or Deputy Title IX Coordinator(s), who will ensure that the appropriate non-identifiable information is conveyed to UMESPD for Clery Act reporting purposes.

Employees with Authority may refer any individual who wishes to discuss any conduct which may be within the scope of this Policy to a Confidential Employee or off-campus resource. However, once an Employee with Authority has knowledge of an incident of Prohibited Conduct they must report according to this Policy.

No Employee other than UMESPD is authorized to investigate or resolve reports of Prohibited Conduct without the involvement of the Title IX Coordinator.

XV. CONFIDENTIALITY AND PRIVACY

Confidential Employees

Certain University Employees are available to speak with individuals about incidents of Prohibited Conduct and maintain the individual's desire for anonymity and confidentiality. Confidential Employees are not required to report information to the Title IX Coordinator under the circumstances set forth in Section XI of this Policy. Individuals who desire anonymity in discussing and seeking assistance about Prohibited Conduct should contact and/or be referred to a Confidential Employee.

The University's Confidential Employees are:

A. Counseling Services

Malkia Johnson, DSW, LCSW-C

Director of Counseling

Student Development Center, Room 2260

mljohnson3@umes.edu

(410) 651-6464

Donnell Pinder Jr., M.Ed., LCPC

Counselor

Student Development Center, Room 2260

dfpinder@umes.edu

(410) 651-6464

Justin T. King, M.Ed, LCPC, CPRP

Counselor

Student Development Center, Room 2260

jtking@umes.edu

(410) 651-6464

Melanie Spencer, M.Ed, LCPC, NBCC

Counselor

Student Development Center, Room 2260

mfspencer@umes.edu

(410) 651-6464

Deborah Williams, M.S.

Case Manager Specialist/Support Counselor

Student Development Center, Room 2260

dewilliams@umes.edu

(410) 651-6464

Dr. Paul Klaverweiden, CRNP-PMH

Psychiatrist

Student Development Center, Room 2260

(410) 651-6464

B. Student Health Center

Sharone Grant, RN

Director of Health Center
Lida Brown Hall, Room 101
svgrant@umes.edu
(410) 651-6597

Susan Carter, NP

Nurse
Lida Brown Hall, Room 101
scarter@umes.edu
(410) 651-6597

Note: Only the Employees listed in this Policy are Confidential Employees. Faculty, staff, and other Employees who are licensed mental health workers or are licensed medical workers, but who are not working in that capacity, such as faculty members in psychology, social work, nursing, etc., are not Confidential Employees under this Policy.

The University is committed to safeguarding the privacy of the Parties in a manner consistent with the objective to effectively investigate and prevent incidents of Prohibited Conduct. In all cases, the University will share the Parties' information and details of the allegation only with the other Parties, University officials, law enforcement personnel, and other individuals who have a legitimate administrative or legal reason to be so informed. Records will not be disclosed outside the University unless required by law or subpoena.

Information communicated to any University Employee other than a Confidential Employee is not confidential. However, the identity of an individual who reports information about conduct which may reasonably constitute Prohibited Conduct, in certain circumstances, may not be Relevant to the investigation of those allegations. For example, the identity of an individual who reports publicly or generally available information which may constitute Prohibited Conduct may not be Relevant to the investigation as a whole. However, Complainants and Respondents have the right to be treated fairly and equitably under this Policy and accompanying Procedures, which includes the review of all Relevant Evidence.

The University will take all reasonable steps to safeguard the identities of individuals when the identities are not Relevant to the allegations. If the Investigator determines that a person's identity is not Relevant to the investigation, they will redact the name of that person in all evidence and notify all Parties of the redaction. All Parties may challenge the redaction of any individual's name during the adjudication process set forth in the accompanying Procedures.

XVI. ROLE OF LAW ENFORCEMENT

Any individual who has experienced sexual violence is encouraged to contact UMESPD or appropriate law enforcement agencies. UMESPD responds to emergency situations on the UMES campus and are Employees with Authority required to communicate and work with the University Title IX Coordinator to assist in investigations and incident response, as well as to track statistics for Clery Act reporting.

Individuals with a possible criminal case who have not made their initial Complaint via the police will be provided with information about how to file a Complaint with law enforcement. Individuals may also request assistance from campus authorities in notifying law enforcement. Individuals may decide not to notify law enforcement authorities and proceed with a University investigation. Whether the individual chooses to file a Complaint with law enforcement, University authorities, or both, the preservation of evidence is critical (see Appendix 1).

XVII. INVESTIGATION

Upon notification of information which may reasonably constitute Prohibited Conduct, the University will respond promptly to reach out to the Parties involved, where appropriate, to discuss necessary Supportive Measures and the Complaint process.

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.

Investigation of the allegations shall be conducted by a University Title IX Investigator, who will collect and review all evidence provided by the Parties, Witnesses identified by any Party, or the University. The Investigator will not consider or solicit Impermissible Evidence, as defined in this Policy and Procedures. All investigators shall have the appropriate required and ongoing training on conducting investigations of Prohibited Conduct and applicable University Policies and Procedures. All investigations are coordinated through the Office of Institutional Equity and Compliance (OIE).

The University will also provide Supportive Measures, to the extent possible, to protect the appropriate Parties. If upon completion of these Procedures, it is determined that an individual is responsible for Prohibited Conduct, the University shall consider appropriate Sanctions to prevent further harm.

XVIII. SUPPORTIVE MEASURES

Upon receiving a report or notice of alleged Prohibited Conduct, the University will provide appropriate and necessary Supportive Measures to the Parties. These may vary depending on the individuals' needs and the specific circumstances and could include: No Contact Orders; assistance in changing academic, living, transportation, and/or work situations; counseling services; victim advocacy services; and assistance in obtaining protective and peace orders.

The Title IX Coordinator, in consultation with other appropriate University officials, facilitates Supportive Measures, which are available to the Parties, upon receiving a Complaint alleging Prohibited Conduct. The Parties' wishes with respect to planning and implementing the Supportive Measures will be considered and reasonable confidentiality of the Supportive Measures will be maintained, to the extent possible, provided that this does not impair the ability to provide the Supportive Measures. The goal is to ensure as minimal an academic and employment impact on the Parties as possible to implement Supportive Measures in a way that does not unreasonably burden either Party.

Upon a Finding of Responsibility for Prohibited Conduct following the University's adjudication of the Complaint, the University will take any additional and necessary remedial action with respect to the Complainant and other members of the community, as well as the appropriate disciplinary action with respect to the person found responsible.

Supportive Measures, as well as resources, will also be available to an individual who has experienced Sex Discrimination and/or Sexual Misconduct, regardless of whether they move forward with their Complaint, depending on the individual's campus, the individual's needs and the specific circumstances.

XIX. INTERIM MEASURES

At any time during these Procedures, the University may initiate Emergency Removal of the Respondent (which may take the form of an interim suspension). Emergency Removal addresses imminent threats posed to any person's physical health or safety, which might arise out of reported Prohibited Conduct.

UMES may undertake emergency removal of a **Respondent** for reasons arising from the alleged Prohibited Conduct when the University:

1. Undertakes an individualized safety and risk analysis;
2. Concludes that there is an immediate threat to the physical health or safety of any student or other individual arising from the alleged Prohibited Conduct; and
3. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

A Respondent will be notified within 48 hours of the Emergency Removal going into effect. During that time, the Respondent will be notified of the terms of the Emergency Removal and be given the opportunity to provide evidence to the Title IX Coordinator in support of reversing the Emergency Removal decision. A Respondent who requests reversal will be provided with a final decision within 24 hours of the start of the Emergency Removal. However, there is no guarantee that the Respondent will be permitted to return to campus.

The University may impose an interim disciplinary suspension on a **Student Respondent** in accordance with the Student Code of Conduct for reasons not arising from the alleged Prohibited Conduct.

For **Employee Respondents**, the University in consultation with the Title IX Coordinator, UMESPD, an Employee's supervisor and/or applicable campus or departmental Human Resource office may also take interim measures such as changing a Respondent's work responsibilities or work location or placing the Respondent on leave during the resolution process.

Such action may be appropriate when the University has a legitimate concern that, without this measure:

1. The Respondent will engage in Prohibited Conduct while the investigation is ongoing; or
2. The Respondent would be unduly disruptive to University members or University activities or programs.

XX. SUMMARY OF RIGHTS OF THE PARTIES

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

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, and location of each Hearing (if applicable), meeting, or interview that the Party is required or permitted to attend;
4. The final determination made by the Hearing Panel or the Investigator, 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.

Parties will be entitled to participate in the investigation and adjudication of the Complaint in accordance with the Procedures. Parties will be provided with:

1. An opportunity to be heard throughout the process;
2. An opportunity to submit evidence and Witness lists;
3. An opportunity to access, upon written request, the case file and evidence regarding the incident obtained by the University during the investigation or considered by the decision maker, with personally identifiable or other information redacted as required by applicable law;
4. An opportunity to review and provide written responses to the Investigation Report;
5. An opportunity to offer testimony at a Hearing (if applicable) whether in-person or remotely;
6. An opportunity to appeal a determination and/or Sanction; and
7. 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 (if applicable), meeting, or interview.

The rights of the Parties to a Prohibited Conduct proceeding also include:

1. To be treated equitably.
2. To have University administrators (Title IX Coordinator(s), investigators, and decision makers) conflict-of-interest and bias-free.
3. To ensure reasonably prompt timeframes for all major stages of a resolution process.
4. To ensure that reasonable steps are taken to protect the privacy of the Parties and Witnesses throughout the investigation process.
5. To be informed by the University of options to notify proper law enforcement authorities including on-campus and local police, and the option to be assisted by campus authorities in notifying proper law enforcement, if the individual chooses.
6. To be notified of available counseling, mental health, academic, legal and other support services, both at the University and in the community.
7. To have allegations investigated by individuals who are properly trained to investigate and resolve allegations of Prohibited Conduct.
8. Adequate, reliable, and impartial investigation as well as appropriate resolution of all reports of Prohibited Conduct.
9. The use of the Preponderance of the Evidence standard (more likely than not) in determining responsibility.

Legal Representation Fund for Title IX Proceedings (Students Only)

Student Complainants and Respondents may elect to retain an attorney to serve as their Advisor, though assistance by an attorney is not required. The Maryland Higher Education Commission (MHEC) has developed resources to assist current or former Students in retaining an attorney to serve as an Advisor at no or low cost to the Student. MHEC provides a list of licensed attorneys who have indicated that they may represent Students in Title IX proceedings on a pro bono basis or for reduced legal fees. 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. More information is available on MHEC's [website](#).

XXI. RETALIATION

Protections against Retaliation (including Peer Retaliation) are critical to reducing the prevalence of Prohibited Conduct within the University community. Retaliation against anyone who has reported an incident of Prohibited Conduct, provided information, or participated in procedures or an investigation into a report of Prohibited Conduct, is a violation of this Policy and will not be tolerated.

Acts of Retaliation include intimidation, threats, and/or harassment, whether physical or communicated verbally or via written communication (including the use of e-mail, texts, and social media), as well as adverse changes in work or academic environments or other adverse actions or threats. The University will take steps to prevent Retaliation (including Peer Retaliation) and will impose Sanctions on anyone or any group who is found to have engaged in Retaliation in violation of this Policy. Concerns about potential Retaliation in connection with a report of Prohibited Conduct should be reported to the University Title IX Coordinator.

XXII. SANCTIONS

Violations of this Policy by an individual will be dealt with in accordance with applicable University Procedures, as further explained below. Sanctions for Respondents determined to have violated this Policy include, but are not limited to, the following:

- **Students** found in violation of this Policy are subject to Sanctions such as dismissal from the University (suspension or expulsion), removal from University housing, disciplinary probation, and other sanctions such as community service and mandatory and continuing participation in training on Prohibited Conduct and education programming, depending on the circumstances and nature of the violation.
- **Employees** found in violation of this Policy are subject to Sanctions ranging from a written reprimand up to and including separation from employment, depending on the circumstances and nature of the violation.

Violations of law will be addressed by law enforcement and may result in criminal penalties.

XXIII. REMEDIES

Following the conclusion of the resolution process, and in addition to any Sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term Remedies or actions with respect to the Parties and/or the University community that are intended to stop the Prohibited Conduct, remedy the effects, and prevent recurrence.

These Remedies/actions may include but are not limited to:

1. Referral to counseling and health services
2. Referral to the Employee Assistance Program
3. Course and registration adjustments, such as retroactive withdrawals
4. Education to the individual and/or the community
5. Permanent alteration of housing assignments
6. Permanent alteration of work arrangements for Employees
7. Policy modification and/or training
8. Implementation of long-term contact limitations between the Parties
9. Implementations of adjustments to academic deadlines, course schedules, etc.

The University will maintain the confidentiality of any long-term Remedies/actions/measures, provided confidentiality does not impair the University's ability to provide these services.

XXIV. RECORD RETENTION

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

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

XXV. PREVENTION, EDUCATION, TRAINING, AND COOPERATIVE EFFORTS

A. All Employees

All Employees will be trained upon hire, upon change of position which materially alters their duties under this Policy, and annually thereafter on the University's obligation to address Prohibited Conduct. The training will include, at a minimum, the scope of conduct that may constitute Sex Discrimination, the definition of Sex-Based Harassment, the definition of Sexual Misconduct, and all applicable notification and information requirements that apply to each employee's specific designation (all Employees, Confidential Employees, and Employees with Authority).

B. Prevention and Awareness for the Campus Community

The campus shall publicize and provide ongoing educational programming for Students, Employees, and other members of the University community to promote awareness of the problems caused Prohibited Conduct and to help prevent and attempt to reduce the risk of the occurrence of Prohibited Conduct. Educational programs will include information on how and where to report incidents of Prohibited Conduct and the resources available. These educational initiatives will contain information regarding what constitutes Sex-Based Harassment, the definition of Consent, the University's procedures, bystander intervention, risk reduction, and the consequences of engaging in Sex-Based Harassment. The appropriate trainings will be tailored to the audience and vary based on an individual's role. Efforts will be made to ensure that educational programs are culturally relevant and inclusive of the diverse communities and identities found at UMES.

C. Training for Individuals Involved in Investigations and Adjudications under this Policy

At least three (3) certification trainings shall be provided annually to those involved in reporting, receiving reports, investigating, adjudicating, and otherwise responding to charges of Prohibited Conduct at the University. Any materials used to train Investigators will not rely on sex stereotypes and will promote impartial resolutions of Complaints under this Policy. Certain training may be mandated by applicable federal or state law.

Individuals specifically involved in implementing the University's Policy and Procedures on Prohibited Conduct will be trained on the following:

1. 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;
2. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
3. Technology to be used at a Hearing; and
4. 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.

The University will publicize training materials on its website or will provide them in hard copy format, upon request.

D. Agreements with Local Law Enforcement and Rape Crisis Programs

UMES will periodically review any existing Memorandums of Understanding (MOU) with local police agencies and a State designated Rape Crisis Center and/or a federally recognized sexual assault coalition. The University will ensure that any MOU with law enforcement agencies comply with Title IX and clearly outline when the institution will refer a matter to local law enforcement. UMES will also ensure that any MOU with a Rape Crisis Center will include provisions regarding trauma-informed services provided to victims of sexual assault and to help improve the University's response to sexual assault.

XXVI. CAMPUS SEXUAL ASSAULT CLIMATE SURVEY

On or before July 1, 2020, and at least every two (2) years thereafter, UMES 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) and in accordance with USM requirements and requirements set forth in Md. Code Annotated, Education Article, Section 11-601(g).

PROCEDURES FOR INVESTIGATING AND ADJUDICATING COMPLAINTS OF SEX DISCRIMINATION AND SEXUAL MISCONDUCT

The University will promptly respond to all reports of Prohibited Conduct alleged against a University community member following the Procedures outlined in the **University of Maryland Eastern Shore Policy on Sex Discrimination and Sexual Misconduct**. These Procedures exclusively govern the resolution of all Complaints of Prohibited Conduct under the Policy.

The University's goals are to provide equal educational opportunities, promote campus safety, and remedy the effects of Prohibited Conduct. Good faith efforts will be made to complete Informal Resolutions, investigations and the adjudication process, if any, in a prompt, fair, and impartial manner.

Any individual reporting that they have been a victim of Prohibited Conduct will be informed of how, and assisted with, making a criminal complaint with the appropriate law enforcement agency. The pursuit of criminal charges may be in addition to (or instead of) pursuing allegations through the University process. Individuals who identify as victims/survivors and all members of the University of Maryland Eastern Shore community are also encouraged to visit the website at www.umes.edu/oie for more information on reporting, campus resources, and services available on campus.

The Office of Institutional Equity and Compliance (OIE) will conduct any investigation as promptly as possible under the circumstances, taking into account the complexity of the allegations, the complexity of the investigation and resolution, the severity and extent of the alleged misconduct, the number and availability of Witnesses, the University's calendar, and/or other unforeseen circumstances. The University seeks to take appropriate action, including investigation and resolution of Complaints, generally within 90 days from when the Complaint is received, by balancing principles of thoroughness and fundamental fairness. An extension of the referenced timeframe may be required for good cause to ensure the integrity and thoroughness of the investigation.

The Title IX Coordinator may extend the time frames set forth in this Policy and Procedures for good cause, with written notice of the extension to both Parties and the reason(s) for the delay. Written requests for delays by Parties may be considered. Factors considered in granting or denying an extension may include considerations such as, but not limited to, the following: the absence of a Party, a Party's Advisor, or a Witness and/or the need for language assistance or accommodations of disabilities.

I. REPORTING INFORMATION

Any individual who reports information about conduct which may reasonably constitute Prohibited Conduct to any University Employee will be directed to contact the Title IX Coordinator at the University's Office of Institutional Equity and Compliance (OIE). In certain circumstances set forth in Section XIV of this Policy, University Employees may be required to notify OIE directly themselves.

Any individual may also report information about conduct which may reasonably constitute Prohibited Conduct directly to the Title IX Coordinator or OIE. A list of various resources, training initiatives, and education programs for the UMES campus community are available on the OIE website www.umes.edu/oie

To contact the OIE:

- Call **410-651-6135** (during business hours) to be connected to an OIE staff member or leave a private message (outside of business hours);
- Submit a confidential Incident Report available 24 hours/7 days via: https://umes-advocate.symplicity.com/public_report
- Send a private email to titleIX@umes.edu
- Visit the office in person during business hours at: **Early Childhood Research Center, Suite 1129**. Walk-ins are welcome, however it is recommended to make an appointment prior to your visit to ensure availability.

You can contact the University's Title IX Coordinator directly:

Jason A. Casares
Title IX Coordinator
Office of Institutional Equity and Compliance (OIE)
Early Childhood Research Center, Suite 1129
Princess Anne, MD 21853
Phone: (410) 651-6135
Email: jacasares@umes.edu
Email: titleIX@umes.edu

II. RESPONSE TO NOTIFICATION

Upon receiving notification of conduct that may reasonably constitute Prohibited Conduct, the Title IX Coordinator must:

1. Treat the Complainant and Respondent equitably;
2. Offer to coordinate Supportive Measures, as appropriate;
3. Notify the Complainant (or if the Complainant is unknown, the person who reported the information) of the Institution's resolution process.

III. INITIATION OF COMPLAINT

Upon notification of information about conduct that reasonably may constitute Prohibited Conduct, the Title IX Coordinator must:

1. Initiate the resolution process in response to a Complaint; or
2. In the absence of a Complainant or the withdrawal of any of the allegations in a Complaint, determine whether to initiate a Complaint of Prohibited Conduct in consideration of, at a minimum, the following factors:
 - a. Whether the Complainant has requested not to proceed with the Complaint;
 - b. The Complainant's reasonable safety concerns regarding initiating a Complaint;

- c. The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
 - d. The severity of the alleged Prohibited Conduct including whether the Prohibited Conduct, if established would require the removal of the Respondent from campus or imposition of another disciplinary Sanction to end the Prohibited Conduct and prevent recurrence;
 - e. The age and relationship of the Parties, including whether the Respondent is an Employee;
 - f. The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;
 - g. The availability of evidence to assist a decision-maker in determining whether Prohibited Conduct occurred; and
 - h. Whether the University could end the alleged Prohibited Conduct and prevent its recurrence without initiated the resolution process.
3. If, after considering these and other Relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct, as alleged, prevents the University for ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint. If the Title IX Coordinator initiates a Complaint, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures.
 4. The Title IX Coordinator need not initiate a Complaint or consider the factors in paragraph 2 (above) if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute Prohibited Conduct.

If a Complainant does not wish to initiate a Complaint, the Complainant may make such a request to the Title IX Coordinator. The Title IX Coordinator will consider the factors set forth in this section to determine whether a Complaint must be initiated by the University.

If the Title IX Coordinator receives a Complainant alleging Sex Discrimination by an entity (the University, a department, an office, an academic program) that is not a specific individual, the Title IX Coordinator will identify the University representative that will manage the responsibilities in lieu of a Respondent. The Title IX Coordinator will promptly notify the Parties of the decision to proceed with the resolution process or to dismiss the Complaint.

During the initial meeting with the OIE, the Parties will also be informed of the following:

1. Applicable University Policy and Procedures;
2. Notice of Rights and Responsibilities (for review and signature);
3. Available community and campus resources and services;
4. Their right to a Support Person and the Support Person's role;
5. Their right to an Advisor and the Advisor's role;
6. Their right to file a report with law enforcement (Complainant); and
7. The University's prohibition against Retaliation.

The Investigator will document instances in which any of the Parties may refuse to sign their Notice or decline the opportunity to meet with the Investigator.

A Party may be accompanied at any meeting held by the Title IX Coordinator under these Procedures by up to two (2) people, including one (1) Support Person, and one (1) Advisor. When a Party wishes to be accompanied by a Support Person and/or Advisor to a meeting, the Party must notify the OIE or the Title IX Coordinator at least 24 hours in advance. Parties may select a Support Person or Advisor at any point before the conclusion of the resolution process. Throughout the process, the Title IX Coordinator will communicate and correspond directly with the Parties, not indirectly through a Support Person or Advisor. Prior to meetings and/or the Hearing (if applicable), all Support Persons and Advisors must review non-party participation requirements, which define their respective roles, appropriate decorum, and confidentiality obligations relative to the proceedings.

IV. SUPPORTIVE MEASURES

The Title IX Coordinator, in consultation with other appropriate University officials, facilitates Supportive Measures (see Appendix 2), which are available to the Parties, upon receiving a Complaint alleging Prohibited Conduct. The Parties' wishes with respect to planning and implementing the Supportive Measures will be considered and reasonable confidentiality of the Supportive Measures will be maintained, provided that this does not impair the ability to provide the Supportive Measures. The goal is to ensure as minimal an academic and employment impact on the Parties as possible and to implement Supportive Measures in a way that does not unreasonably burden either Party. The Title IX Coordinator retains discretion to provide and/or modify any Supportive Measures based on all available information. Supportive Measures will remain in effect as necessary.

V. DISMISSAL OF COMPLAINTS

Complainant may request to withdraw the allegations and dismiss the Complaint at any time. For Complaints related to Sex-Based Harassment, the Complainant's voluntary withdrawal must be requested in writing. However, the Title IX Coordinator must consider whether dismissal is appropriate under this Section. Once a Complaint has been initiated, any dismissal will be a final outcome as set forth in this Section. A Complainant may not initiate a second Complaint arising out of the same allegations when the prior Complaint has reached a final outcome. If a Complaint is dismissed, the Title IX Coordinator or designee will still offer Supportive Measures to the Complainant as appropriate.

1. The University may dismiss a Complaint for any of the following reasons:
 - a. The University is unable to identify the Respondent after taking reasonable steps to do so;
 - b. The Respondent is not participating in the Education Program or Activity or is not employed by the Institution;
 - c. The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint on behalf of the University, and the Title IX Coordinator determines that without the

Complainant's withdrawn allegations any conduct that remains would not constitute Prohibited Conduct, if proven;

- d. The Title IX Coordinator determines that the conduct alleged, if proven, would not constitute Prohibited Conduct, after taking reasonable steps to clarify the allegations with the Complainant.
2. Upon dismissal, the Title IX Coordinator must promptly notify the Complainant of the basis of the dismissal and the opportunity to appeal.
3. Upon dismissal, if the dismissal occurs after the Respondent has been notified of the allegations, the Title IX Coordinator must promptly notify the Respondent of the basis of the dismissal and the opportunity to appeal.
4. The following are permitted bases for appeal:
 - a. Procedural irregularity that would change the outcome;
 - b. New evidence that would change the outcome that was not reasonably available when the determination was made; and
 - c. The Title IX Coordinator, Investigator, or decision-maker had a conflict of interest or bias that would change the outcome.
5. If a dismissal is appealed, the University must:
 - a. Notify the Parties, including providing notice of the allegations to the Respondent if not previously notified;
 - b. Implement appeal procedures equally for the parties;
 - c. Ensure that the appeal decision-maker has received training and did not participate in the investigation or dismissal;
 - d. Provide the Parties a reasonable and equal opportunity to make a statement in support of or challenging the outcome; and
 - e. Notify the Parties of the result of the appeal and the basis for the result.
6. Upon dismissal, the Title IX Coordinator must offer Supportive Measures to a Complainant or Respondent, as appropriate.
7. Upon dismissal, the Title IX Coordinator must take appropriate and prompt steps to ensure that Prohibited Conduct does not continue or recur.

Either Party may appeal the dismissal of a Complaint. Procedures for appeal are set forth in Section XI of these Procedures. A written determination becomes final on the date that the University provides the Parties with the written determination of the result of any appeal, or if no Party appeals, the date on which an appeal would no longer be considered timely. All dismissal appeal requests must be filed within five (5) business days of receipt of the notification of dismissal by the Title IX Coordinator.

VI. CONSOLIDATION OF COMPLAINTS

At the discretion of the Title IX Coordinator, multiple Complaints may be consolidated into one resolution process. Matters may be consolidated when they involve multiple Complainants, multiple Respondents, or related facts and circumstances involving the same Parties, including those arising out of the same facts or circumstances.

VII. INFORMAL RESOLUTION

Informal Resolution can encompass a variety of approaches agreed to by the Parties including, but not limited to, mediation and/or negotiated interventions and Remedies facilitated by the Title IX Coordinator.

The purpose of Informal Resolution is to take appropriate action by imposing individual and community interventions and Remedies designed to maximize the equal access to the Education Program or Activity, as well as to address the effects of the conduct on the larger University community.

UMES will not require the use of Informal Resolution in the resolving of allegations of Prohibited Conduct as a condition of enrollment or continuing enrollment, employment, or continuing employment, or benefiting from any other right, waiver of the right to an investigation and adjudication of Complaints of Prohibited Conduct.

A. Request for Informal Resolution

Any Party may request Informal Resolution, including their preferred approach of reaching a resolution, such as mediation and/or negotiated interventions and Remedies. All Parties and the Title IX Coordinator must agree to the process in writing. Any Party may terminate an ongoing Informal Resolution at any time prior to reaching an agreement. Informal Resolution is not available for Complaints alleging Sexual Assault or Sexual Coercion or Student Complaints against Employee Respondents.

The Title IX Coordinator has the discretion to determine whether a Complaint is appropriate for Informal Resolution and may recommend forms of Informal Resolution to the Parties. The Title IX Coordinator retains discretion to terminate an ongoing Informal Resolution process at any time, at which point the Title IX Coordinator will determine appropriate next steps. The Title IX Coordinator will inform all Parties simultaneously in writing of the reason(s) for terminating an Informal Resolution process.

B. Notice

Upon initiation of the Informal Resolution process, Parties will receive a written Notice of Informal Resolution containing the following:

1. Summary of the allegations;
2. Notice that no Party is required to accept responsibility for the alleged Prohibited Conduct, unless a Respondent chooses to do so;
3. Notice that there is no finding of a Policy violation or Sanction unless agreed to by the Respondent;
4. Notice that agreement to Informal Resolution is not a waiver of right to proceed with an investigation;
5. Notice that until an Informal Resolution agreement is finalized, the Parties may, at any time, opt out of Informal Resolution, at which point the Complaint would proceed or resume to investigation;
6. Notice of any potential consequences resulting from participating in the Informal Resolution process, including that records will be maintained or could be shared;

7. Notice about the reasonable confidentiality restrictions of the Informal Resolution process;
8. Notice that if an Informal Resolution agreement is finalized and implemented, it precludes the Parties from resuming investigation and adjudication of a Formal Complaint arising from the same allegations; and
9. Notice that the results of Informal Resolution are not eligible for appeal.

C. Informal Resolution Options

Informal Resolution, including mediation, must be conducted by a trained facilitator who guides the Parties in a confidential dialogue to reach an effective resolution, if possible. The trained facilitator may be internal or external to the University depending on the needs of the specific case as determined by the Title IX Coordinator. Sanctions are not available during the Informal Resolution unless the Parties agree to accept Sanctions and/or appropriate Remedies.

D. Negotiated Informal Resolution Interventions and Remedies

If agreed to by the Parties and determined appropriate by the Title IX Coordinator, the following Informal Resolution interventions and Remedies may be utilized, including but not limited to:

1. Increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur;
2. Targeted or broad-based educational programming or training for relevant individuals or groups;
3. Academic and/or housing modifications for any Party;
4. Workplace modifications for any Party;
5. Completion of projects, programs or requirements designed to help the Respondent manage behavior, reform from engaging in Prohibited Conduct and understand why the Prohibited Conduct is prohibited;
6. Compliance with a No Contact Order;
7. Compliance with Denial of Access;
8. Completion of community service hours over a specified period of time; and
9. Separation from the University.

The Title IX Coordinator will work with the Offices of Student Conduct, Office of Human Resource Management, and/or the Provost/Division of Academic Affairs as needed to facilitate such negotiated interventions and Remedies, when necessary.

E. Completion of Informal Resolution

When an Informal Resolution agreement is reached and the terms of the agreement are implemented, the matter is resolved and closed. Appeals by either Party are not permitted. The Title IX Coordinator is responsible for ensuring compliance with the agreement.

In cases where an agreement is not reached and the Title IX Coordinator determines that further action is necessary, or if any Party fails to comply with the terms of the Informal Resolution, the matter may be referred for an investigation and adjudication under these Procedures, as appropriate.

The Parties will be provided with a written copy of the terms of the Informal Resolution agreement. The Title IX Officer will maintain all records regarding Informal Resolution.

VIII. INVESTIGATION

The University will utilize these procedures in all Investigations. At any time prior to reaching a determination regarding responsibility, an Informal Resolution process (as described above) may be utilized if appropriate conditions are satisfied.

A. General Principles

All investigations will rely on the following provisions/principles:

1. Equitable Treatment

Complainants and Respondents will be treated equitably by:

- a. Providing remedies to a Complainant where a determination of responsibility for Prohibited Conduct has been made against the Respondent, and by using procedures that comply with Title IX when investigating and adjudicating allegations of Prohibited Conduct before the imposition of any Sanctions or other actions that are not Supportive Measures against a Respondent (Remedies must be designed to restore or preserve equal access to the Institution's Education Program or Activity);
- b. Providing an equal opportunity for the Parties to present Witnesses, including fact and expert Witnesses, and other inculpatory and exculpatory evidence; and
- c. Applying any provisions, rules, or practices used to investigate and adjudicate Complaints under Title IX equally to both Parties.

2. Objective Evaluation of Evidence

These Procedures require an objective evaluation of all Relevant Evidence - including both inculpatory and exculpatory evidence - and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or Witness.

3. No Conflict or Bias

These Procedures require that 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, not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

4. Presumption of Non-Responsibility

There is a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the process.

5. Reasonably Prompt Time Frames

These Procedures provide for reasonably prompt time frames for conclusion of the investigation and adjudication process - including reasonably prompt time frames for filing and resolving appeals and Informal Resolution processes - and a process that allows for the temporary delay of the investigation and adjudication process or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

6. Standard of Proof

The standard of proof for a determination of responsibility under this Policy is Preponderance of the Evidence. The University maintains the burden of gathering evidence sufficient to reach a determination regarding responsibility.

a. Evidence

The investigation is an impartial fact-gathering process, in which Parties have an equal opportunity to be heard regarding the Complaint. During the investigation, the Investigator will speak separately with the Parties and any other individuals who may have Relevant information. The Parties will have an equal opportunity to present Witnesses (including fact and expert Witnesses, at their own expense) and any other Relevant evidence. The Investigator will also gather any available physical evidence or documents, including prior statements by the Parties or Witnesses, communications between the Parties, email messages, text messages, social media materials, and other records, as appropriate and available. The Parties will also have equal opportunity to access Relevant and not otherwise Impermissible Evidence.

While the University does not restrict the ability of Parties to discuss allegations that have been reported or to gather and present evidence, it has a compelling interest in protecting the integrity of the resolution process and the privacy of Parties and Witnesses. It also endeavors to protect Parties and Witnesses from harassment, intimidation, or Retaliation for the duration of the resolution process. Reasonable steps will be taken to prevent and address any unauthorized disclosure of information and evidence by the Parties obtained solely through the investigation process.

To further these goals, Witnesses and Parties are encouraged to limit their sharing of information about a matter (including the allegations, the identities of the Parties and Witnesses, and the questions asked in interviews) while the resolution process is ongoing. Parties and Witnesses should not disclose personally identifiable information and are cautioned not to discuss the allegations in a manner that constitutes Retaliation or unlawful conduct. Parties are not permitted to record (audio or video) during any meetings.

b. Impermissible Evidence

An Institution may not elicit, consider, require, rely upon, allow, disclose, or otherwise use any of the following as evidence (Impermissible Evidence), regardless of whether they are Relevant:

- i.** Information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege;

- ii. Records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment of a Party or Witness, unless the Institution obtains that Party's or Witness' voluntary, written consent to do so.
- iii. A Student's history of mental health counseling, treatment, or diagnosis, unless the Student consents.
 - Evidence relating to a Complainant's sexual interests or prior sexual conduct, except the following is permitted: Evidence about the Complainant's prior sexual conduct that is offered to prove that someone other than the Respondent committed the alleged conduct; or
 - Evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between Complainant and Respondent does not by itself demonstrate or imply that the Complainant's Consent occurred in the events alleged.
 - Evidence relating to a Respondent's prior sexual history with an individual other than a Party to the proceedings, except to prove prior Sexual Misconduct; support a claim that a Student has an ulterior motive; or impeach a Student's credibility after that student has put their own prior sexual conduct at issue.

B. Types of Complaints

1. **Type I Complaints:** refer only to Complaints that include allegations of Sex-Based Harassment and/or Sexual Misconduct, where at least one Party is a Student. Type I Complaints are subject to the Investigation and Hearing Procedures set forth in Section VIII., C. 1-2, and Section IX., A.
2. **Type II Complaints:** refer to (a) Student Complaints that only allege Sex Discrimination which is not Sex-Based Harassment; (b) all Complaints that do not involve Students. Type II Complaints are subject to the Investigation and Adjudication Procedures set forth in Section VIII., C. 1 and 3, and Section IX., B.

C. Investigation Process

1. Notice of Investigation and Allegations: Type I and II Complaints

The Parties will be provided a written Notice of Investigation, which will include the following:

- a. The University's complete Policy and Procedures as set forth herein;
- b. The allegations of Prohibited Conduct as defined by the Policy;
- c. Identities of the Parties involved, if known;
- d. Date(s), location(s), and time(s) of the alleged incident(s), if known;
- e. 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 adjudication process;
- f. Parties may have an Advisor of their choice, who may be an attorney;
- g. Parties may have a Support Person of their choice;

- h. Advisement that knowingly making false statements or knowingly submitting false information during the investigation and adjudication process is prohibited under the Policy;
- i. If the University decides to investigate additional allegations about any of the Parties that are not in the original notice, the Parties will receive an amended notice containing the additional allegations; and
- j. The range of potential Sanctions associated with the alleged Prohibited Conduct.

2. Investigation Report Corresponding Notice: Type I Complaints

At the conclusion of the investigation of a Type I Complaint, the Investigator will provide the Investigation Report of Relevant Evidence which appropriately summarizes the information gathered and Relevant and not otherwise Impermissible Evidence to the allegations. The Investigation Report of Relevant Evidence will be sent to the Parties and their respective Advisors in electronic format (or hard copy upon request) and Parties will be given an equal opportunity to review and meaningfully respond to it.

The Investigator will also send to the Parties and their Advisors, all evidence obtained that is directly related to the Complaint, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from a Party or other source, for inspection and review. The evidence will be provided upon written request and it will also be made available at the Hearing to allow the Parties to refer to it.

Parties will have five (5) business days to review the Investigation Report of Relevant Evidence and submit a written response, including comments, information, and/or questions to the Investigator. If the Parties forego their right to have five (5) business days to review and respond to the Investigation Report of Relevant Evidence, they may notify the Investigator of their decision in writing, so that the process may proceed to the next steps.

3. Preliminary Investigation Report and Corresponding Notice: Type II Complaints

At the conclusion of the Investigation of a Type II Complaint, the Investigator will provide the Preliminary Investigation Report that provides a case timeline, appropriately summarizes the information gathered (including, but not limited to, the names of Witnesses and summaries of their statements), and Relevant and not otherwise Impermissible Evidence that is directly related to the allegations.

The Preliminary Investigation Report will be sent to the Parties and their respective Advisors in electronic format (or hard copy upon request) and will be given an equal opportunity to review and meaningfully respond to it. The Investigator will also send to the Parties and their Advisors, an accurate description of all evidence obtained that is Relevant and not otherwise Impermissible, whether obtained from a Party or other source, for inspection and review.

Parties will have five (5) business days to review the Preliminary Investigation Report and submit a written response, including comments, information, and/or questions to the Investigator. If there is any new or additional information to be provided by any Party, it must be presented to the Investigator at this time. The Investigator will consider the Parties' written responses prior to completing the Final Investigation Report.

If the Parties forego their right to have five (5) business days to review and respond to the Preliminary Investigation Report, they may notify the Investigator of their decision in writing, so that the process may proceed to the next steps.

IX. ADJUDICATION

A. Hearing: Type I Complaints Only

UMES will conduct a Hearing for the resolution of any Type I Complaint. A Hearing Panel will be assembled to make a determination of the Respondent's responsibility as to the specific charge(s) set forth in the Notice of Investigation and Allegations. The Hearing Panel will be composed of three (3) campus community members which may include any combination of faculty and staff. Hearing Panel members will be drawn from the pool of faculty and staff community members who have completed the University's required annual training⁷ on issues related to Prohibited Conduct, and University Policies and Procedures.

Hearing dates will be scheduled in consultation with the Parties, and all Parties and Witnesses will be given at least ten (10) business days' notice of any Hearing date. All Hearings are closed to the public. At any Party's request, the University will provide the Parties with separate rooms (including separate virtual rooms if the Hearing is held virtually) and use technology enabling the Hearing Panel and Parties to simultaneously see and hear the Party or the Witness who is answering a question.

Hearings will be recorded by the University. No other recordings are permitted. Parties may submit a written request to inspect and review the recording. No copies or replication of any recording is permitted.

1. Pre-Hearing Meeting

The Title IX Coordinator will meet separately with each Party prior to the Hearing to:

- a. Plan for the Hearing;
- b. Identify their Advisor and if applicable, Support Person;
- c. Review the Procedures to be followed at the Hearing;
- d. Review the complete list of Witnesses that will be asked to appear;
- e. Discuss any technology that will be used at the Hearing and how to operate such technology;

⁷ The Hearing Panel receives training annually on topics which include but are not limited to: UMES Policy on Sex Discrimination and Sexual Misconduct; Investigations of Complaints of Sex-Based Harassment, Sex Discrimination, and Sexual Misconduct; the Live Hearing (engaging with Complainants, Respondents, and Witnesses; case evidence, permissible questions, etc.); Sexual Assault in the African American community; assisting LGBTQIA+ survivors; financial implications of Sexual Assault; Stalking; the neurobiology of trauma, etc.

- f. Discuss the time allotted for the Hearing and any time limitations; and
- g. Answer any other questions or remaining concerns prior to the Hearing.

2. Order of Hearing

- a. Introductions of Hearing Panel Chair, Hearing Panel members, Parties, and Advisors
- b. Review of the Hearing Process
- c. Review of the Allegation(s)
- d. Opening Statements from the Parties
- e. Review of Relevant Information and Evidence⁸
- f. Review of Witness statements and clarifying questions
- g. Investigator statement and clarifying questions
- h. Closing Statements from the Parties
- i. Final procedural review and next steps

3. Adjudication Method and Final Determination

The Hearing Panel will issue a Written Determination, which will include:

- a. Identification of the allegations;
- b. Information from the Policies and Procedures used to evaluate findings of fact supporting the determination;
- c. An evaluation of Relevant and not otherwise Impermissible Evidence and a determination whether a Policy violation occurred;
- d. Any Sanctions imposed on the Respondent, and whether any Remedies will be provided to the Complainant; and
- e. Procedures and permissible grounds for appeal.

B. Investigator Adjudication: Type II Complaints Only

Following an investigation of a Type II Complaint, the determination will be rendered by the Investigator.

Upon receipt of the Parties' written responses, or after the five (5) business days have lapsed with no written responses, the Investigator will consider all responses and complete the Final Investigation Report and Written Determination which will be sent to the Parties and their respective Advisors in electronic format (or hard copy upon request). The Final Investigation Report and Written Determination will include a finding as to responsibility, the rationale for the decision, any Sanctions or Remedies to be imposed, and the permissible bases and procedures for appeal.

X. SANCTIONS

⁸ If a Party requests that additional information be considered during the Hearing, the Party must clearly demonstrate that such information was not reasonably available to the Parties at the time of the investigation, or that the evidence has significant relevance to a material fact at issue in the investigation.

Sanctions for violations of this of this Policy are imposed based on the circumstances and nature of the violation and Complaint. Sanctions must be consistent with UMES and USM policies, as well as applicable legislation and may be imposed at the adjudication of an investigation or appeal process. Sanctions for violation of the Policy include the following:

- **Students** are subject to Sanctions such as dismissal from the University (suspension or expulsion), removal from University housing, disciplinary probation, and other sanctions such as community service and mandatory and continuing participation in training on Prohibited Conduct and education programming (see Appendix 3).
- **Employees** are subject to Sanctions ranging from a written reprimand up to and including separation from employment. Disciplinary employment actions will be determined and implemented on a case-by-case basis with consideration to the facts pertaining to each matter, the extent of harm to the individual(s) involved, the extent to which the Respondent has a history of previously documented wrongdoing, and the obligations of the University.

Violations of law will be addressed by law enforcement and may result in criminal penalties.

XI. APPEAL

Any Party may initiate the appeal process upon receipt of a Written Determination. Appeals must be submitted in writing to the Title IX Coordinator within five (5) business days of receipt of the Written Determination. If no Party files an appeal within five (5) business days of receipt of the Written Determination, the Written Determination becomes final.

Appeals are limited to the bases listed below:

1. Procedural irregularity which was material to the outcome of the Written Determination.
2. New Evidence that was not reasonably available at the time the Written Determination was made, that could affect the outcome.
3. The Title IX Coordinator, Investigator, or Hearing Panel member (if applicable) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the Written Determination.

Appeals will be reviewed by the designated Appeal Authority under these Procedures. The Appeal Authority will be determined in accordance with the Respondent's status, as explained below. The Appeal Authority shall be free from conflict of interest or bias and shall not be the person who reached the determination (whether the Hearing Panel or the Investigator). All Appeal Authorities will have had no previous involvement with the case that they are assigned to review.

Appeals involving a Student Respondent shall be reviewed by the Vice President for Enrollment Management and Student Experience or designee.

Appeals involving a staff Respondent shall be reviewed by the Vice President of their respective unit or designee.

Appeals involving a faculty Respondent shall be reviewed by the Provost and Vice President of Academic Affairs or designee.

The appellate process following a Written Determination will proceed as follows:

- Appeals will be submitted in writing.
- Parties will have five (5) business days from receipt of a Written Determination to submit a written appeal statement challenging the decision.
- All Parties will be notified if any Party files a written appeal statement and given notice in writing of the general grounds for the appeal. All Parties will be given five (5) business days from receipt of any Party's written appeal statement to submit a written appeal statement in support of the Written Determination.
- The Appeal Authority will issue a written decision including its rationale. The decision shall be shared with the Parties, within five (5) business days of all appeal-related documentation.
- The Appeal Authority may:
 - Affirm the determination;
 - Overturn the determination; or
 - Remand the case to remedy procedural errors or to consider new evidence.
- The Title IX Coordinator will provide the Parties with the written decision of the Appeal Authority simultaneously. The written decision by the Appeal Authority is final and is not subject to further appeal.

XII. POST RESOLUTION FOLLOW UP

After any Sanction and/or Remedies are issued, if the Complainant agrees, the Title IX Coordinator may periodically contact the Complainant to ensure the Prohibited Conduct has ended and to determine whether additional Remedies are necessary.

The Complainant may decline future contact at any time. The Title IX Coordinator may periodically contact the Respondent to assure compliance with the intent and purpose of any Sanction and/or Remedies that have been imposed. Any violation by a Respondent of the intent and purpose of any Sanction and/or Remedies imposed under the Policy, or a failure by a University Employee to provide specified Sanctions or Remedies should be reported to the Office of Institutional Equity and Compliance.

NOTE:

- Just as students with disabilities may be eligible for accommodations in their classes, accommodations may be available for these Procedures as well. Students with disabilities requesting accommodations and services under these Procedures will need to present a current accommodation verification letter from the UMES Office of Student Accessibility Services before accommodations can be considered and provided.
- Faculty and Staff accommodations with disabilities who receive accommodations in the workplace may be eligible for accommodations under these Procedures. Faculty and Staff with disabilities requesting accommodations and services under these Procedures will need to present a current accommodation verification letter from the UMES ADA Coordinator before accommodations can be considered and provided.

- In appropriate circumstances, the University may utilize language translation services to assist in the investigation and/or Hearing proceedings.
- In the event there is a civil protective order in place that precludes the University from conducting a Hearing as outlined in the Procedures, the University may use an alternative process that will be communicated to all Parties.

APPENDIX 1: Preservation of Evidence

In cases involving Sexual Assault, individuals should:

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the alleged incident.
- Avoid urinating, showering, bathing, washing hands or face if possible.
- Refrain from eating, drinking, smoking, or brushing teeth if oral sexual contact took place.
- Place soiled clothes in a paper bag, as plastic may compromise evidence, or a secure evidence container provided by law enforcement.

In cases involving Stalking, Dating Violence, Domestic Violence, or Sex-Based Harassment individuals should:

- Make a secondary recording of any voice messages and/or save files to a cloud-based platform.
- Take screenshots and/or a video recording of any text messages.
- Save copies of email and/or social media correspondence which may include notifications related to account access.
- Take time-stamped photographs of any physical evidence when possible.
- Obtain copies of call logs showing specific phone numbers rather than a saved contact name when possible.

APPENDIX 2: Supportive Measures

Supportive Measures include, but are not limited to:

Academic Accommodations

- Assistance in facilitating class adjustments so Parties do not share the same classes;
- Assistance in transferring to another section of a class;
- Extensions of academic deadlines;
- Assistance with rescheduling exams;
- Assistance in arranging for incompletes;
- Assistance with withdrawal from coursework;
- Re-taking or dropping a course;
- Assistance in communicating with faculty;
- Assistance with a leave of absence or withdrawal from the University;
- Academic support such as tutoring or other course/program related adjustments; and

Housing Accommodations

- Facilitating changes in on-campus housing location to alternate on-campus housing.

Employment Accommodations

- Arranging for alternate University employment;
- Arranging different work shifts temporary assignment, if appropriate, to other work duties and responsibilities, or other work locations, or other work groups/teams or alternative supervision/management; and
- Extensions of work deadlines.

Care and Support

- Facilitating assistance for an individual to obtain medical, healthcare, advocacy, and therapy services; and
- Referral to community-based providers.

Safety

- Providing campus safety escorts through UMESPD;
- Transportation and parking arrangements;
- Assistance in making a report to law enforcement or obtaining a protective or peace order;
- Safety planning.

University Referrals

- Assistance in arranging appointments with University resources;
- Assistance with exploring changes in extra-curricular schedules; and
- Referral to student financial aid counseling.

Other

- No Contact Order; and
- Denial of Access to campus grounds and/or buildings/ No Trespass Order.

APPENDIX 3: Student Sanctions

Sanctions for Students include but are not limited to:

Expulsion: Constitutes the permanent separation of a Student from the University to which the Student is not eligible for readmission or reinstatement and is permanently barred from University property and from all University sponsored or sanctioned events. In addition, Students expelled from the University may not attend another college or university within the University System of Maryland (USM). If an expelled Student returns to the campus, they may be charged with unlawful entry (trespass) and arrested. Any Student who is expelled is not entitled to any tuition or fee refund. *Students, who are expelled prior to examinations, will receive the grade of “W” for all classes attempted.* A notation is permanently placed on the academic transcript: “expulsion”. For Students involved in misconduct that results in expulsion, the conferring of an academic degree will be deferred for the duration. Pursuant to delegated authority, the Vice President for Enrollment Management and Student Experience shall administratively approve expulsions.

Suspension: Separation of the Student from the University for a specified period of time with conditions for reinstatement stated in the notice of suspension. Any Student receiving a sanction of suspension shall be restricted from the campus and all University sponsored functions during the period of separation unless on official business with the University, approved and verified in writing by the Office of the Vice President for Enrollment Management and Student Experience, designee, or the Office of Public Safety/University Police. Any Student who is suspended shall not be entitled to any tuition or fee refund. Students who are suspended prior to examinations, will receive the grade of “W” for all classes attempted. For Students involved in misconduct that results in suspension, the conferring of an academic degree will be deferred for the duration of the suspension. A notation will appear on the Student’s academic transcript, indicating: “suspension”. The notation does not become a permanent part of the Student’s academic record. Pursuant to delegated authority, the Vice President for Enrollment Management and Student Experience shall administratively approve suspensions.

Disciplinary Probation: A written reprimand for violation of specified regulations, imposed for a specified period of time. A sanction of disciplinary probation includes the probability of more severe disciplinary sanctions (including, but not limited to suspension and expulsion from the University) if the Student is found to be violating the Student Code of Conduct during the probationary period.

Disciplinary Reprimand: A formal written warning to the Student that future misconduct may result in a more severe disciplinary action.

Educational Sanctions: In addition to Sanctions specified above, educational Sanctions that provide the Student with learning, assistive or growth opportunities, research or reflective assignments, community services, values/ethics-based activities or other learning-based sanctions.

Housing Sanctions: May include cancellation of the Student’s housing contract and denial of a housing contract in the future:

- When a sanction of suspension from university housing is imposed, the Student is denied the opportunity to enter, even as a guest, or to live in university housing for a specified or indefinite period. Students removed from university housing shall remain liable for all housing fees and are not eligible for any refunds for the full occupancy period of the housing contract.
- When a sanction of expulsion from university housing is imposed, the Student is permanently denied the opportunity to live in university housing, or to enter university housing, even as a guest. Students removed from university housing shall remain liable for all housing fees and any damages incurred and are not eligible for any refunds for the full occupancy period of the housing contract.

No Contact Order: is an official directive that serves as notice to an individual that they must not have verbal, electronic, written, or third-party communications with another individual.

No Trespass Order: denial of access to campus grounds and/or buildings.