

SECTION VII: OTHER SERVICES & REGULATIONS

USM POLICY ON SEXUAL HARASSMENT

<https://www.usmd.edu/regents/bylaws/SectionVI/VII160.pdf>

UMES POLICY AND PROCEDURES ON SEXUAL HARASSMENT, OTHER FORMS OF SEXUAL MISCONDUCT AND GENDER-BASED DISCRIMINATION

(July 2018; Amended March 2019; Amended October 2019; Approved on an interim basis August 14, 2020)

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. Sexual Harassment, including Gender-Based Harassment and Discrimination, Dating Violence, Domestic Violence, Sexual Assault, Stalking, and all other forms of Sexual Misconduct as described in this Policy constitute Prohibited Conduct. Sexual Harassment is a form of sex discrimination 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 Prohibited Conduct 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, sexual orientation, gender identity, and gender expression. The University will sanction community members found responsible for acts of Prohibited Conduct and any form of Retaliation 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 definitions of misconduct and the Procedures in existence at the time of the alleged incident(s) will be used.

II. Applicability and Jurisdiction

This Policy prohibits Sexual Harassment and all other forms of Sexual Misconduct as defined (see “Definitions”). The Policy 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 Actual Knowledge of Sexual Harassment 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 sexual harassment: (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 Sexual Harassment that has a continuing adverse effect or creates a hostile environment in any University Education Program or Activity, whether on or off campus, including but not limited to Sexual Harassment in connection with an academic course assignment, internship, practicum, field trip, student teaching, research, or other University Education Program or Activity; or Sexual Harassment in connection with any activity sponsored, conducted, or authorized by the University or by a recognized student organization. When a recognized student organization has contributed to or created a hostile environment in connection with an incident of

Sexual Harassment, said organization will be subject to discipline and appropriate sanctions. 3 This Policy also addresses allegations of other forms of Sexual Misconduct, including Sexual Harassment that occurred against a person outside the United States or outside of an Education Program or Activity. 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.

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:

“Actual Knowledge” means notice of Sexual Harassment or allegations of Sexual Harassment to the University’s Title IX Coordinator or any UMES official who has authority to institute corrective measures on behalf of the institution.

“Advisor” means any person, who may assist, support, guide, and advise the Respondent or Complainant during the investigation, conduct proceedings, and/or related meetings. 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. Advisors are not permitted to actively participate or speak on behalf of a Party except for the purpose of conducting cross-examination at the Live Hearing. If a Party does not have an Advisor, the University will provide, without fee or charge to that Party, an Advisor appointed by the University to conduct cross examination at the Hearing, who will act in a confidential capacity on behalf of the Party and will not otherwise be involved in the proceedings.

“Appellate Hearing Officer” (“AHO”) means an individual designated to review decisions concerning responsibilities and sanctions based on the Respondent’s status as a student, staff, or faculty member. Appellate Hearing Officers shall have had no previous involvement with the substance of Formal 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 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” refers to an individual who is alleged to be the victim of sexual harassment and who files a complaint alleging violation of this policy. “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.

“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 UMES includes locations, events, or circumstances over which a UMES exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by UMES.

“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.

“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 for Prohibited Conduct.

“Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the institution investigate the allegation. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the Education Program or Activity of the institution with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by email, or any additional method designated by the University.

“Document filed by a Complainant” means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

“Hearing” means a live, formal proceeding attended by the Parties in which evidence is presented, witnesses are heard, and cross-examination occurs, prior to the Hearing Officer’s decision concerning responsibility and Sanctions, if applicable.

“Hearing Panel” is a standing group composed of three (3) trained UMES faculty, staff and students that have decision-making and sanctioning authority in the adjudication process of matters related to Prohibited Conduct. One (1) member of the Hearing Panel will be designated by the Title IX Coordinator as the Hearing Panel Chair.

“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.

“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.

“Party” means the Complainant or the Respondent, collectively known as the “Parties.”

“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.

“Remedies” means actions designed to restore or preserve the Complainant’s equal access to the University’s Education Program or Activity. Remedies are similar to Supportive Measures but may be punitive and burden the Respondent.

“Respondent” means an individual who has been reported to be the perpetrator of Prohibited Conduct under this Policy.

“Responsible Employee” means those University employees who have the authority to redress Prohibited Conduct, who have the duty to report incidents of Prohibited Conduct, or who a student could reasonably believe has this authority or duty. The University’s responsible employees include, but are not limited to:

- All instructors, including full-time professors, adjuncts, lecturers, associate instructors (AIs), teaching assistants (TAs), and any others who offer classroom instruction or office hours to students;
- All advisors;
- All coaches, and other athletic staff that interact directly with students;
- All student affairs administrators;
- All residential hall staff;
- All employees who work in offices that interface with students; and
- All supervisors and University officials.

“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 made a report or complaint, testified, assisted, or participated 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 report or Formal Complaint, for the purpose of interfering with any right or privilege secured by Title IX. Retaliation includes retaliatory harassment.

“Sex/Gender-Based Discrimination” means verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct has the purpose or effect of unreasonably interfering with an individual’s academic or work performance, (i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment.) It also includes any unlawful distinction, to

the advantage or detriment of an individual as compared to others that is based on that individual's Protected Status and that can unreasonably limit or interfere with:

- An applicant or a student's ability to access, participate in or benefit from educational programs, activities or services;
- An applicant's or an employee's access to employment, conditions, or benefits of employment;
- An authorized volunteer's ability to participate in a University volunteer program or activity; or
- A guest or visitor's ability to access, participate in, or benefit from any University program or activity.

UMES POLICY AND PROCEDURES ON SEXUAL HARASSMENT

(Approved by the President on January 1, 1992)

UMES is committed to maintaining a working and learning environment in which students, faculty, and staff can develop intellectually, professionally, personally and socially. Such an environment must be free of intimidation, fear, coercion, and reprisal. The Campus prohibits sexual harassment. Sexual harassment may cause others unjustifiable offense, anxiety, and injury. Sexual harassment threatens the legitimate expectation of all members of the campus community that academic or employment progress is determined by the publicly stated requirements of job and classroom performance, and that the campus environment will not unreasonably impede work or study.

Sexual harassment by University faculty, staff, and students is prohibited. This constitutes Campus policy. Sexual harassment may also constitute violations of criminal and civil laws of the State of Maryland and the United States. For the purpose of this Campus policy, sexual harassment is defined as: (1) unwelcome sexual advances, or (2) unwelcome requests for sexual favors; and (3) other behavior of a sexual nature where:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a University –sponsored education program or activity; or
- B. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.

UNIVERSITY SYSTEM OF MARYLAND POLICY ON SEXUAL ASSAULT

<https://www.usmd.edu/regents/bylaws/SectionVI/VI160.pdf>

UMES SEXUAL ASSAULT POLICY AND PROCEDURES

https://www.umes.edu/uploadedFiles/_WEBSITES/OIE/Content/Title%20IX%20Policy%20_updated%2010.28.20.pdf

I. Sexual Assault

“Sexual Assault” means an offense classified as a sex offense in the unified crime reporting system any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also, unlawful sexual intercourse.

Rape - (Except Statutory Rape) means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, 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.

Sodomy - Oral or anal sexual intercourse with 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.

Sexual Assault With An Object - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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.

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.

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

Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

“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.

“Sexual Exploitation” means taking non-consensual or abusive sexual advantage of another person for one’s own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.

“Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- Quid Pro Quo: An employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;

- Hostile Environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Education Program or Activity; or
- Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

“Sexual Intimidation” means

- Threatening to sexually assault another person;
- Gender or sex-based stalking, including cyber-stalking; and/or
- Engaging in indecent exposure.

“Sexual Misconduct” means

- Any Sexual Harassment that occurred against a University community member outside the United States or not within an Education Program or Activity;
- Sexual Coercion, Sexual Exploitation, Sexual Intimidation; or
- 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 his or her safety or the safety of others or suffer substantial emotional distress.

“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. A Support Person shall not be an active participant or a witness, and the Parties must speak for themselves.

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

II. 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, gender, sexuality, sexual orientation, sexual behavior, or gender identity or expression, when in the judgment of a reasonable person they

arise for legitimate pedagogical purposes. This includes intellectual inquiry, debate, and dialogue on issues of sexual harassment. The mere expression of views, words, symbols or thoughts that some people find offensive, does not create a hostile environment.

III. 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:

- They may involve one person's exerting power over another;
- Conflict of interest issues may arise in evaluating a student or employee;
- There is a strong potential for Retaliation when a relationship ends;
- A third party may allege favoritism; and/or
- 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.

IV. Institutional Response UMES

will respond promptly to any information that constitutes Actual Knowledge of Prohibited Conduct as defined and under the circumstances described by this Policy.

V. Title IX Compliance Oversight

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

Title IX Coordinator Jason A. Casares
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 is:

- Responsible for oversight of the investigation and resolution of all reports of Prohibited Conduct, involving UMES students, staff, and faculty;

- Knowledgeable and trained in University policies and procedures and relevant state and federal laws;
- 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;
- Available to provide assistance to any University employee regarding how to respond appropriately to a report of Prohibited Conduct;
- Responsible for monitoring full compliance with all procedural requirements, recordkeeping, and timeframes outlined in this Policy;
- Responsible for overseeing training, prevention, and education efforts, and any reviews of climate and culture; and
- Responsible for providing the University aggregate, non-identifying information in regard to reports, investigations, resolutions, and sanctions.

VI. Deputy Title IX Coordinators

For Student Affairs Louise Gaile Office of Student Conduct Student Services Center, Suite 2116 Princess Anne, MD 21853 Phone: (410) 651-7850 Email: ldgaile@umes.edu

For Athletics Shawnata Young-Haywood Athletics William P. Hytche Athletic Center Princess Anne, MD 21853 Phone: (410) 651-8075 Email: styoung@umes.edu

Deputy Title IX Coordinators 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 Coordinators 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. Student Affairs professionals are expected to assist in educating the campus community and directing those who report an incident of Prohibited Conduct to the appropriate campus resources.

VII. UMES Title IX Team

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

Team Chair: Jason A. Casares Title IX Coordinator and Fair Practices Officer Director of Office of Institutional Equity and Compliance Early Childhood Research Center, Suite 1129 jacasares@umes.edu (410) 651-6135

Team Members:

Courtney Thompson Director of Housing and Residence Life Learning Resource Center, Room 1 cthompson@umes.edu (410) 651-7707

Louise Gaile Director of Student Conduct and Community Standards Student Services Center, Room 2116 ldgaile@umes.edu (410) 651-7850

Mark Tyler Chief of Police Office of Public Safety matyler1@umes.edu (410) 651-6590

Sharon Grant Director of Health Center Lida Brown Hall, Room 101 12 svgrant@umes.edu (410) 651-6597

Malkia Johnson Director of Counseling Student Development Center, Room 2260 mljohnson3@umes.edu (410) 651-6464

Alexandra Ginta Martin Title IX and EEO Investigator Early Childhood Research Center, Suite 1129

agmartin1@umes.edu (410) 651-6135

Cecilia Rivera Associate Director of 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:

Office of Institutional Equity and Compliance (OIE) Title IX Coordinator Jason A. Casares 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 Prohibited Conduct may be referred externally:

Student or employee complaints relating to Prohibited Conduct 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: http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html Email: OCR.Philadelphia@ed.gov

Employee complaints relating to Prohibited Conduct 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/>

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 Resource Information

The University will disseminate campus-specific information regarding available on and off campus resources through various methods including, the www.umes.edu/oie website, programing, and other relevant materials, such as campus specific brochures.

Resource information will include, but is not limited to:

- How to report an incident of Prohibited Conduct to the University;
- University procedures dealing with Prohibited Conduct including to whom and how the alleged offense should be reported, as well as their rights and options;
- Options about the involvement of law enforcement;
- The importance of preserving evidence that may assist in proving the alleged criminal offense occurred, as well as how to preserve such evidence;
- Rights and University responsibilities with respect to orders of protection and how to obtain such orders; and

- Available confidential employees and student advocates;
- University and community psychological and counseling resources;
- University and community medical resources (including the availability of nurses trained in sexual assault response);
- Information and assistance regarding adjustments to on-campus housing, financial aid, obtaining no contact orders, and other needs on campus; and
- 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: 410-651-6597 (Students Only)** The UMES Student Health Center can provide advice about STDs or pregnancy concerns. A Confidential Notification must be completed when 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:
 - **Peninsula Regional Medical Center (Tidal Health) 546-6400 At Peninsula Regional Medical Center.** 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 formal 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 Prohibited Conduct 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:
 - **Student Victim Advocate: 410-651-7706 (Students Only)** Victim Advocates are trained to assist victims of Prohibited Conduct and will speak with the student confidentially as the student considers options. Advocates are available to assist students twenty-four hours a day during academic sessions.
 - **University Counseling Services Center: 410-651-6449 (Students Only)** 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 that has occurred on University property or at a University sponsored activity 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 (www.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-THE-GLNH(843- 4564)** The Lesbian, Gay, Bisexual and Transgender National Help Center (www.glnh.org) provides vital peer support, community connections and resource information to people with questions regarding sexual orientation and/or gender identity. GLBT helps 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 or Network <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 Prohibited Conduct may contact the local law enforcement agency. A law enforcement agent can assist a victim in determining whether a crime has been committed. Law enforcement agencies will produce a criminal report and must dispense a complaint 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:

- If a student is involved, the officer must contact a Student Victim Advocate to assist the student in every step of the process.

- According to a complainant's wishes,
 - The advocate may also be present during any officer interviews.
 - Accompany the student to the hospital if the student wishes; and/or
 - 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 seven-day, twenty four-hour basis.

X. Reporting an Incident

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:

- Reporting directly to campus or local law enforcement if the incident involves sexual violence;
- Reporting directly to the University Title IX Coordinator or the Office of Institutional Equity and Compliance (OIE);
- Reporting directly to one of the Deputy Title IX Coordinators for the campus; or
- Reporting directly to the Office of Student Conduct for the campus. All reports of Prohibited Conduct made to a Responsible Employee that are not initially reported to the Title IX Coordinator(s), will be shared with the University Title IX Coordinator within 48 hours. In addition, 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.

XI. Amnesty

The University strongly encourages students to report instances of Prohibited Conduct. Therefore, students who report an incident of Prohibited Conduct 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 of Prohibited Conduct.

This Amnesty Policy applies only when the University determines that:

- The drug/alcohol violation occurred during or near the time of the reported Prohibited Conduct;
- The student acted in good faith in reporting or participating as a witness; or
- The violation was not likely to place the health or safety of another individual at risk. 17 The use of alcohol of alcohol and/or drugs will not serve as a defense for engaging in Prohibited Conduct, hence committing a violation of this Policy.

XII. 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 and Procedure 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.

XIII. Role of a Responsible Employee

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. The information below explains the obligations of certain employees to report information brought to their attention regarding incidents of Prohibited Conduct to the appropriate University officials.

Responsible Employees include those University employees who have the authority to redress Prohibited Conduct, who have the duty to report incidents of Prohibited Conduct, or who a student could reasonably believe has this authority or duty. When an individual tells a Responsible Employee about an incident of 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, Responsible Employees must report the information as explained below, assist the individual in seeking medical attention and emergency response where appropriate, in understanding available resources on and off campus (see www.umes.edu/oie), in understanding their options in making a criminal complaint, as well as a complaint through the University's Procedures set forth in this Policy.

If the incident is an emergency or poses a serious and continuing threat, the Responsible Employee should first call 911 or campus police immediately. In all situations, a Responsible Employee must report to the Title IX Coordinator or a Deputy Title IX Coordinator within 48 hours. The Responsible Employee must report all relevant details of the alleged Prohibited Conduct that are known or reasonably known to them or that have been shared with them, that the University will need to be aware of to determine what happened. 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. A Responsible Employee should not discuss or share any information related to the incident, including the individual's name, with anyone other than the University Title IX Coordinator or Deputy Title IX Coordinators, and those directly involved in handling the University's response, unless they received the individual's prior consent or in the event of an emergency or existing threat to anyone's health and safety.

Responsible Employees 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 in the event they are made aware of an incident of Prohibited Conduct.

In some instances, an individual who has experienced Prohibited Conduct may express a desire that the University not investigate the incident and/or not inform the individual accused. In those situations, the Responsible Employee must still report the information known to them but should also explain to the individual that the University will strongly consider the request, and will generally honor the request except in limited circumstances where the safety and well-being of the individual or the community outweighs the reasons for the request. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee should ensure they inform the Coordinator of the individual's request. Responsible Employees 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 Coordinators, who will ensure that the appropriate non-identifiable information is conveyed to UMESPD for Clery Act reporting purposes.

If an individual has not yet shared information with a Responsible Employee regarding an incident of Prohibited Conduct, and the individual wishes to maintain anonymity, the Responsible Employee may refer them to a Confidential Employee or off-campus resource. However, once a Responsible Employee 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.

XIV. Confidentiality and Privacy

Confidentiality

Certain University employees – based on their own professional licensure and the nature of their role on campus – are available to speak with individuals about incidents of Prohibited Conduct and maintain the individual's desire for anonymity and absolute confidentiality. These confidential employees are exempt from the reporting requirements that apply to Responsible Employees. 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 include, but are not limited to:

- Licensed, professional mental health counselors working in that capacity, and those they supervise;
- Health care professionals and staff located in on-campus health care centers; and
- Any staff or specialists on a campus specifically designated as non-professional student victim advocates.

Note: 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 shall identify and publicize confidential employees. Any Confidential Employee who is not a licensed mental health counselor or pastoral counselor serving in those roles, must provide non-identifying aggregate information regarding any Clery crime known to them directly to Title IX Coordinator.

Privacy

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 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. All individuals with knowledge of an alleged incident of Prohibited Conduct are expected to safeguard the privacy of those involved.

XV. 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 Responsible Employees 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.

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.

XVI. Requests for No University Action

When an individual discloses that they have experienced an incident of sexual harassment to the University, they can request that the University not investigate the particular incident, that no disciplinary action be taken, that the alleged perpetrator not be notified, or make any other similar request. Under this Policy, the University may not pursue a Title IX complaint without a formal document filed by the Complainant.

The University may still pursue addressing the alleged misconduct under other applicable UMES policies and their corresponding procedures. The University will weigh any request for a general No-University action against its obligation to provide a safe, non-discriminatory environment for all members of the campus community. If the University determines that it is able to honor the individual's request(s), the individual should understand that the University's ability to meaningfully investigate the incident and/or respond appropriately may be limited. If, however, the University determines it must proceed under the circumstances, it will work to notify the individual in advance. 20

XVII. Investigation

Upon receipt of a report of Prohibited Conduct, the University will respond promptly to reach out to the individual who allegedly experienced the Prohibited Conduct and provide Supportive Measures where appropriate. Procedures after a report of Prohibited Conduct will follow the steps listed below.

Investigation of the alleged harassment shall be conducted by the University Title IX investigator, or another appropriate designee. Information for the investigation may be provided by the parties, witnesses identified by any party, or the University. Information related to the sexual predisposition of the parties and/or the prior sexual history of the parties will be prohibited, except in very limited circumstances where such information may be relevant to the issue of consent or to help determine that someone else was responsible for the Prohibited Conduct. However, consent will not be assumed based solely on evidence of any prior sexual history.

Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, or motive. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicated a pattern of similar Prohibited Conduct.

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).

If the person identified as having engaged in Prohibited Conduct is not a student or employee of the University, the University shall take all appropriate measures to determine information regarding the individual, what occurred, whether another entity needs to be contacted to join in or assume an investigation (e.g. another institution of higher education), and to provide assistance in notifying the proper law enforcement authorities.

The University will also provide Supportive Measures, to the extent possible, to protect the appropriate parties and eliminate any hostile environment. If upon investigation, it is determined that an individual is responsible for Prohibited Conduct and has a continuing relationship with the University, the University shall consider appropriate sanctions to prevent further harm and eliminate the hostile environment. The University reserves the right to reopen a case previously considered closed in the event of new information or other appropriate circumstances.

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.

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, 21 transportation, and/or work situations; counseling services; victim advocacy services; and assistance in obtaining protective and peace orders. Supportive Measures may also include the Emergency Removal of the Respondent (which may take the form of an interim suspension) is for the purpose of addressing 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 student Respondent for reasons arising from the alleged Prohibited Conduct when the University:

- Undertakes an individualized safety and risk analysis;
- 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
- Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The University will not remove a student from the University based solely on an allegation. The student will be offered an opportunity to meet with the Title IX Coordinator to review the reliability of the information within three (3) days from the effective date of the emergency removal. However, there is no guarantee that the student 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 **faculty and staff 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 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:

- The Respondent will engage in prohibited conduct while the investigation is ongoing; and/or
- The Respondent would be unduly disruptive to University members or University activities or programs.

University members who are neither students nor employees may be removed from their University role or a University program as an interim measure during the adjudication process at the discretion of the University and in consultation with the Title IX Coordinator.

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 Prohibited Conduct, regardless of whether they move forward with their complaint, depending on the individual's campus, the individual's needs and the specific circumstances.

XIX. 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 accompanying Procedures are designed to allow for a fair and impartial investigation, as well as prompt and equitable proceedings and resolutions that provide an opportunity for Parties to be heard.

Parties will be given timely written notice of:

- 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;
- Their rights and responsibilities under this Policy and information regarding other civil and criminal options;
- The date, time, and location of each Hearing, meeting, or interview that the Party is required or permitted to attend;
- The final determination made by the Hearing Panel regarding whether a Policy violation occurred and the basis for the determination;
- Any Sanction imposed, as required by law; and
- The rights to appeal and a description of the appeal process. Parties will be entitled to participate in the investigation and adjudication of the Formal Complaint in accordance with the Procedures. Parties will be provided with:
 - Access to the case file and evidence regarding the incident obtained by the University during the investigation or considered by the Hearing Panel, with personally identifiable or other information redacted as required by applicable law;
 - An opportunity to be heard through the process;
 - An opportunity to offer testimony at a Hearing;
 - An opportunity to submit evidence, witness lists, and suggest specific questions to be posed to the other Party during the investigation, or to the other Party at a Hearing through the Party's Advisor;
 - An opportunity to review testimony electronically or in a way in which the Parties are not required to be in the physical presence of one another;
 - An opportunity to review and provide written responses to Preliminary and Final Investigation Reports;
 - An opportunity to participate at a Hearing without being required to be in the physical presence of the other Party;
 - An opportunity to appeal a determination and/or Sanction; and
 - Notice, presented in an appropriate and sensitive format, before the start of the resolution process, of:
 - The Party's right to the assistance of an Advisor, including an attorney or advocate;
 - The legal service organizations and referral services available to the Party; and
 - The Party's right to have a Support Person of the Party's choice at any Hearing, meeting, or interview.The rights of the parties to a Prohibited Conduct proceeding also include:
 - 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.
 - To be notified of available counseling, mental health, academic, legal and other support services, both at the University and in the community.
 - To have allegations investigated by individuals who are properly trained to investigate and resolve allegations of Prohibited Conduct.
 - Adequate, reliable, and impartial investigation as well as appropriate resolution of all reports of Prohibited Conduct.

- 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.

XX. Retaliation

Protections against 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 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.

XXI. 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.

XXII. 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; and
- **Supportive Measures.** Any Supportive Measures, taken in response to a report or Formal Complaint of Prohibited Conduct. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its Education Program or Activity. If the University does not provide a Complainant with Supportive Measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

XXIII. Prevention, Education, Training, and Cooperative Efforts

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, resources available, as well as safe and positive options for bystander intervention that may be carried out by individuals to prevent harm or intervene when there is a risk of sexual harassment being inflicted on another person. The appropriate trainings will be tailored to the audience, and include reporting and response obligations, available resources, as well as information about how to prevent and identify Prohibited Conduct. Efforts will be made to ensure that educational programs are culturally relevant and inclusive of the diverse communities and identities found at UMES.

Community Partner Training

The University will coordinate partnerships with external agencies, such as **Life Crisis Center** (<http://www.lifecrisiscenter.org>) and **The Maryland Coalition Against Sexual Assault** (<https://mcasa.org>) who are not affiliated with UMES to offer various trainings.

Training for Individuals Involved in Prohibited Conduct Investigations and Appropriate Resolutions

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 Formal 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 Sexual Harassment, Other Forms of Sexual Misconduct and Gender-Based Discrimination will be trained on the following:

- The definition of Prohibited Conduct; the scope of the University's Education Program or Activity; how to conduct a resolution process including investigation, hearings, appeals, and Informal Resolution, as applicable;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- Technology to be used at a live hearing; and
- Issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

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

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.

XXIV. 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 RESPONDING TO INCIDENTS INVOLVING SEXUAL HARASSMENTS, OTHER FORMS OF SEXUAL MISCONDUCT AND GENDER-BASED DISCRIMINATION

The University will promptly respond to all reports of Prohibited Conduct alleged against a University community member following the Procedures outlined in this Policy. These Procedures are part of the **University of Maryland Policy Eastern Shore Policy on Sexual Harassment, Other Forms of Sexual Misconduct and Gender Based Violence** and are the exclusive procedures that govern the handling of all reports or 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 sexual violence will be informed of how to and provided assistance in 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 Formal Complaints, generally within 120 days, by balancing principles of thoroughness and fundamental fairness from when the Formal Complaint is filed. 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 or designee 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.

A. Making a Report

Any individual may report Prohibited Conduct to the University's Office of Institutional Equity and Compliance (OIE), which is responsible for overseeing the University's compliance, prevention, education, training, and programming related to Prohibited Conduct. 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/index.php/pid181415?
- 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: Office of Institutional Equity and Compliance (OIE) Title IX Coordinator Jason A. Casares Early Childhood Research Center, Suite 1129 Princess Anne, MD 21853 Phone: (410) 651-6135 Email: jacasares@umes.edu Email: titleIX@umes.edu

B. Receipt of Report

Upon receipt of a report alleging Prohibited Conduct from a Complainant, OIE will provide written acknowledgement of receipt of the report to the Complainant, if known, and include:

1. A copy of the Policy and Procedures;
2. Options under the resolution process;
3. Notice of Rights and Responsibilities;
4. Available community and campus resources and services; Supportive Measures;
5. Their right to a Support Person and the Support Person's role;
6. Their right to an Advisor and the Advisor's role;
7. Their right to file a report with law enforcement; and
8. The University's prohibition against Retaliation.

A Party may be accompanied at any meeting held by the Title IX Coordinator or designee 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 or designee 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 or designee will communicate and correspond directly with the Parties, not indirectly through a Support Person or Advisor. Prior to meetings and Hearing, 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. If the report is received from a third party, meaning someone who is not the Complainant or the Respondent, OIE will provide written acknowledgement of receipt of the report and take appropriate action as the information provided allows. Receipt of a report alleging Prohibited Conduct shall not constitute the filing of a Formal Complaint under this Policy.

C. Intake and Initial Assessment of Report

Following the receipt of a report, the OIE will schedule an intake meeting with the Complainant. During the intake, the Complainant will have an opportunity to ask questions about resolution options, available 28

resources and seek additional information. The OIE will attempt to collect any relevant information that, in consultation with other appropriate University offices, will allow the OIE to assess:

- Jurisdictional concerns regarding each Party;
- The nature of the incident and circumstances reported, as well as the safety of the Complainant and of the University community;
- The pattern evidence or other similar conduct by the Respondent as relevant to the safety assessment;
- Any request by the Complainant for confidentiality or anonymity, Supportive Measures, and the Complainant's expressed preference regarding resolution, including any request for no University action; and
- The reported conduct for possible referral to UMES or other applicable law enforcement agencies for a timely warning under the Clery Act. Following the intake meeting, the OIE will implement any appropriate Supportive Measures and produce a preliminary assessment to determine whether the reported conduct constitutes a potential violation of this Policy. If the Complainant opts not to participate, the OIE may be limited in its ability to assess the report and/or pursue the matter. If the assessment determines the alleged conduct does not constitute a potential violation under this Policy but may violate other University policies, the report may be referred to another University process and/or office, as appropriate.

D. Supportive Measures

The Title IX Coordinator or designee, in consultation with other appropriate University officials, facilitates Supportive Measures, which are available to the Parties, upon receiving a report or Formal 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.

Supportive Measures include, but are not limited to:

Academic Accommodations

- Assistance in transferring to another section of a lecture or laboratory;
- Assistance in arranging for incompletes;
- Assistance with leave of absence;
- Assistance with withdrawal from coursework;
- Assistance with withdrawal from campus;
- Assistance with communicating with faculty;
- Rearranging class schedules;
- Rescheduling exams;
- Extensions of academic deadlines;
- Re-taking a course;
- Dropping a course;

- Academic support such as tutoring or other course/program related adjustments; and
- Facilitating adjustments so Complainants and Respondents do not share the same classes.

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

Community Education

- Training
- Bystander Intervention Program

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

The Complainant will be promptly informed of the availability of Supportive Measures with or without the

filing of a Formal Complaint. If the Respondent is a member of the University community, they will also be promptly notified of any Supportive Measures that will directly impact them and provide them with an opportunity to respond.

A Party (faculty, staff, or student) may challenge the imposition of Supportive Measures or a decision not to impose Supportive Measures by contacting the Vice Provost for Academic Affairs.

The Title IX Coordinator or designee retains discretion to provide and/or modify any Supportive Measures based on all available information. Supportive Measures will remain in effect as necessary.

E. Request for Anonymity or No University Activity

If a Complainant wishes to remain anonymous and/or does not wish to file a Formal Complaint, the Complainant may make such a request to the Title IX Coordinator or designee. Regardless of their choice, the Title IX Coordinator or designee will still offer Supportive Measures to the Complainant as appropriate. The Complainant retains the ability to file a Formal Complaint at any time.

If the Complainant requests confidentiality or requests that the matter not be pursued, the University may still pursue addressing the alleged Prohibited Conduct in the absence of a formal complaint under other applicable UMES Policies and their corresponding Procedures. If the University determines that it is able to honor the individual's request(s), the individual should understand that the University's ability to meaningfully investigate the incident and/or respond appropriately may be limited. If, however, the University determines it must proceed under the circumstances, it will work to notify the individual in advance. The University will weigh any request for a general No-University action against its obligation to provide a safe, non-discriminatory environment for all members of the campus community. The Title IX Coordinator has ultimate discretion over whether the University proceeds, and the Title IX Officer may sign a Formal Complaint to initiate the resolution process when appropriate. The Title IX Coordinator's decision to sign a Formal Complaint will be based on whether:

- An investigation is needed to comply with legal anti-discrimination requirements or is otherwise the most appropriate and effective response;
- The effect that non-participation by the Complainant may have on the availability of evidence and the ability to pursue the resolution process fairly and effectively;
- A violence risk assessment shows a compelling risk to health and/or safety which requires the University to pursue formal action to protect the University community. A compelling risk to health and/or safety may result from any combination of the following:
 - Evidence of patterns of misconduct;
 - Predatory conduct, threats, abuse of minors;
 - Allegations that the Prohibited Conduct was committed by multiple persons; or
 - Use of weapons and/or violence.

When the Title IX Coordinator signs the Formal Complaint, they do not become the Complainant. The Complainant remains the individual who is alleged to be the victim of Prohibited Conduct. When the Formal Complaint proceeds, the Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation.

F. Filing a Formal Complaint

A Formal Complaint is a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a Policy violation by a Respondent and requesting that the Formal Complaint proceed to the University Resolution Processes. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed below:

XXV. Designation of Prohibited Conduct and Dismissal of Formal Complaint

Upon receipt of a Formal Complaint of Prohibited Conduct the Title IX Coordinator will review the Formal Complaint and determine whether it should move into the resolution process or be dismissed. The Title IX Coordinator or designee will promptly send a Written Notice of Designation simultaneously to the Parties of:

- Its decision about whether to designate the alleged conduct as Title IX-based Prohibited Conduct, and the reasons for this decision;
 - Its decision to proceed with the resolution process or to dismiss the Formal Complaint; and
 - The Parties' rights to appeal the designation and/or dismissal decision.
- Title IX-based Prohibited Conduct

The Title IX Coordinator or designee **must** designate the alleged conduct as Title IX-based Prohibited Conduct if:

- The alleged conduct would constitute Sexual Harassment within an Education Program or Activity against a person in the United States if substantiated;
- The Complainant is participating or attempting to participate in an Education Program or Activity at the time the Complainant files a Formal Complaint; or
- The Title IX Coordinator files a Formal Complaint because the alleged conduct meets the above definition.

The Title IX Coordinator or designee **must** dismiss a Formal Complaint or any allegations therein if, at any time during the Resolution Processes it is determined that:

- The conduct alleged in the Formal Complaint, if substantiated, would not constitute Prohibited Conduct; or
- The allegations in the Formal Complaint do not fall within the University's jurisdiction.

The Title IX Coordinator or designee **may** dismiss a Formal Complaint or any allegations therein if, at any time during the Resolution Processes:

- A Complainant notifies the Title IX Coordinator or designee in writing that the Complainant requests to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled in or employed by the University;
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. Either Party may appeal the Written Notice of Designation. The bases for appeal are limited to procedural irregularity, new evidence, and conflict of interest. The process for the appeal is set in the Appeal section of these Procedures.

XXVI. Consolidation of Complaints

At the discretion of the Title IX Coordinator or designee, multiple reports may be consolidated into one investigation and/or Informal Resolution if the information related to each incident is relevant in reaching a resolution. Matters may be consolidated where the matters involve multiple Complainants, multiple Respondents, or related facts and circumstances involving the same Parties, including those arising out of the same or different events(s).

XXVII. Formal Investigation of Prohibited Conduct

When investigating a Formal Complaint, the below Procedures will be implemented. At any time prior to reaching a determination regarding responsibility, an Informal Resolution process may be utilized if appropriate conditions are satisfied. The Informal Resolution options will be outlined in a separate section below. Respondents are presumed **not responsible** for any and all allegations until the conclusion of the investigation and adjudication process. The University provides the Parties with the written determination following any appeal if an appeal is filed. If neither Party submits an appeal, the final decision regarding responsibility will take effect on the date when an appeal could no longer be submitted.

A. Notice of Rights and Responsibilities

The Complainant and Respondent are required to review and sign their Notice of Rights and Responsibilities. For students, staff, and faculty, the notice will be provided by the Title I Coordinator or designee. The Investigator will verify that the Parties have received, reviewed, and signed the Notice and have been provided with a copy of the Policy and Procedures to ensure the Parties have adequate information about the investigation and adjudication. The Investigator will also ensure that the Parties have had an opportunity to ask and receive answers to any questions. 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. The Notice of Rights and Responsibilities will include but are not limited to the following:

- Right to be treated with dignity and respect by all University officials;
- Right for information to only be shared with others on a need-to-know basis in order to facilitate a resolution;
- Right to be informed of available supportive Measures;
- Right to be informed of available community and campus resources and services;
- Right to a Support Person and/or an Advisor;
- Right to regular updates on the status of the investigation and/or resolution; and
- Prohibition against Retaliation and guidance about reporting any retaliatory conduct.

B. Notice of Investigation

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

- The University's complete Policy and Procedures as set forth herein;
- The allegations of Prohibited Conduct as defined by the Policy;
- Identities of the Parties involved, if known;
- Date(s), location(s), and time(s) of the alleged incident(s), if known;
- 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;
- Parties may have an Advisor of their choice, who may be an attorney;
- If Parties do not select an Advisor of their choice, the University will provide a trained Advisor for purposes of performing cross-examination on behalf of that Party at the Hearing;

- Parties may have a Support Person of their choice;
- Advisement that knowingly making false statements or knowingly submitting false information during the investigation and adjudication process is prohibited under the Policy;
- 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
- The range of potential Sanctions associated with the alleged Prohibited Conduct.

C. Role of the Investigator

The Title IX Coordinator will designate an OIE Investigator(s) and/or an external Investigator to conduct a prompt, thorough, fair, and impartial investigation.

D. Standard of Proof

The standard of proof for a determination of responsibility under this Policy is Preponderance of the Evidence. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility remain with the University and not on the Parties.

E. Evidence

The investigation is an impartial fact-gathering process, in which Parties have an opportunity to be heard regarding the Formal Complaint. During the investigation, the Investigator will speak separately with the Parties and any other individuals who may have relevant information. The Parties will each have an equal opportunity to present witnesses (including fact and expert witnesses, at their own expense) and any other relevant evidence. Parties are not permitted to record (audio or video) during any meetings.

Evidentiary materials, regardless of relevance, may be provided by Parties, however, the Investigator will determine whether and how the evidence and witnesses submitted by the Parties is directly related to the allegations and whether and how that information will be factored into the investigation. 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.

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. 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 are also cautioned not to discuss the allegations in a manner that constitutes Retaliation or unlawful conduct.

Parties and witnesses should not disclose personally identifiable information. UMES is not responsible for any external legal ramifications associated with a Party disclosing information related to the investigation.

F. Special Considerations

Information related to the prior sexual history of the Parties is generally not relevant to the determination of a Policy violation.

Prior sexual history between the Parties may be relevant in very limited circumstances, for example, where there was a prior and/or ongoing consensual relationship between the Parties, and where Consent is at issue in the case at hand, evidence as to the Parties' prior sexual history as it relates to Consent may be relevant to assess the manner and nature of communications between the Parties.

The mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to show Consent under the Policy. Sexual history will never be used for purposes of illustrating any Party's individual character or reputation. The Investigator will determine the relevance of prior sexual history and inform the Parties if information about the Parties' sexual history with each other is deemed relevant.

The University cannot access, consider, disclose, or otherwise use a Party's record(s) that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the capacity thereof or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party. However, a Party can provide voluntary, written consent to use the above-mentioned material for the investigation and adjudication. Consent shall be specifically limited to the information provided. At no time shall consent be construed as consent to access any other information in the Party's records.

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

G. Preliminary Investigation Report and Corresponding Notice

At the conclusion of the investigation, 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 evidence that is directly related to the Formal Complaint. The Preliminary Investigation Report will be sent to the parties and their respective advisors in electronic format (or hard copy upon request). Before the Preliminary Investigation Report is complete, the 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 Formal 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 in an electronic format (or hard copy upon request) and it will also be made available at the live hearing to allow the parties to refer to it during the hearing, including for cross examination.

Parties will have ten (10) 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. If further investigation is warranted based on the Parties' written responses, the Investigator will continue the investigation, as needed. The Investigator will consider the Parties' written responses prior to completing the Final Investigation Report.

H. Final Investigation Report and Corresponding Notice

Upon timely receipt of the Parties' written responses, or after the ten (10) business days have lapsed with no written responses, the investigation ends. The Investigator will complete the Final Investigation Report. The Final Investigation Report will contain summaries of all relevant information obtained throughout the course of the investigation and analysis of fact.

Following completion of the Final Investigation Report, the Title IX Coordinator or designee will meet separately with each Party. At the meeting, the Title IX Coordinator or designee will provide each Party with a confidential copy of the Final Investigation Report, including all attachments, and explain the next steps in the process.

Each Party will be allowed ten (10) business days to submit a written response to the Final Investigation Report, which will be considered by the Hearing Panel. Exceptions may be made during times when the University is not in session or in other circumstances. All written responses will be shared with the other Parties prior to the Hearing. In order to protect the privacy of all individuals involved, all materials shared with the Parties are considered confidential and should not be publicly disclosed or released.

The Final Investigation Report will be submitted to the Hearing Panel.

I. Adjudication

Hearing Procedures UMES will provide Parties with a live Hearing for the resolution of Formal Complaints. 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 Final Investigation Report.

The Hearing Panel will be composed of three (3) campus community members which may include any combination of faculty, staff, and/or students. Hearing panel members will be drawn from the pool of staff, faculty, and/or student community members who have completed the University's required annual training on issues related to Prohibited Conduct and University Policies and Procedures.

A Hearing date will be provided to the Parties at least five (5) business days in advance of the Hearing. Hearing dates are scheduled in consultation with the Parties whenever possible.

All Hearings are closed to the public. Hearings will be recorded by the University. No other recordings are permitted. Recordings are maintained by the University as indicated in the Policy. Parties may submit a written request to inspect and review the recording.

If a Party does not have an Advisor present at the Hearing, the University will provide one free of charge for the purpose of conducting cross-examination on behalf of that Party. Parties must notify the Title IX Coordinator or designee at least 48 hours prior to the hearing if an Advisor is needed from the University. The University will notify all witnesses interviewed during the investigation of the date and time of the Hearing.

The Hearing Panel may also request the presence of witnesses. The Hearing Panel may conduct the Hearing with all Parties and witnesses physically present in the same geographic location or, with any or all Parties, witnesses, and other participants present at the Hearing virtually, with technology enabling participants simultaneously to see and hear each other.

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 36 Panel and Parties to simultaneously see and hear the Party or the witness who is answering a question.

All evidence subject to the Parties' inspection and review as explained above will be available at the Hearing to give each Party equal opportunity to refer to such evidence during the Hearing, including for purposes of cross-examination.

The Investigator will summarize the Final Investigation Report and clarify any information in the Final Investigation Report. The Hearing Panel members and the Parties' Advisors may ask the Investigator questions.

Each Party may provide a brief opening statement.

Each Party's Advisor will be provided an opportunity to cross-examine the other Party and any witnesses. Questioning will be conducted directly, orally and in real time by the Party's Advisor only. Parties may not question each other or witnesses directly. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Panel Chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. All relevant questions and follow-up questions, including those challenging the credibility of Parties and witnesses, will be allowed.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence:

- Are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or

- Concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent. Questions and evidence about the Respondent's prior sexual history with an individual other than a Party to the proceedings may only be considered if the evidence:

- Proves prior sexual misconduct;
- Supports a claim that a Party has an ulterior motive; or
- Impeaches a Party's credibility after that Party has put their own prior sexual conduct in issue.

The Hearing Panel may not consider a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent.

The Hearing Panel may not consider any questions or evidence about a Party's history of mental health counseling, treatment, or diagnosis, unless they consent. The Hearing Panel may not consider questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the individual holding such privilege has waived the privilege.

If a Party or witness declines to answer any questions, the Hearing Panel will not rely on any prior statements made by that Party during the investigation process in making a determination regarding responsibility.

If a Party or witness refuses to submit to cross-examination, then the Hearing Panel is required to ignore that Party or witness's statement and reach a decision based on the remaining body of relevant evidence. The Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the Hearing or refusal to answer cross-examination or other questions.

Each Party will have the opportunity to make a brief closing statement.

J. Written Notice of Determination

Prior to issuing a Written Notice of Determination, the Hearing Panel Chair will confer with the Title IX Coordinator or designee, and other University administrators, as appropriate. Other University administrators may include UMES department/unit heads and supervisors for staff, and the Provost's Office/Academic Affairs and department/unit heads and supervisors for faculty.

While conferring as mentioned is allowed, the Hearing Panel Chair is the decision maker responsible for issuing the Written Notice of Determination simultaneously to the Parties after consultations with the Hearing Panel members. The Title IX Coordinator or designee and other University administrators will provide input with respect to any recommended Sanction and other responsive action to the Hearing Panel Chair.

K. The Written Notice of Determination will include:

- Identification of the allegations at issue;
- A description of the procedural steps taken throughout the case;
- Findings of fact supporting the determination;
- Conclusions regarding application of the Policy to the facts;
- A statement of, and rationale for, the determination for each allegation;
- A statement of, and rationale for, any Sanctions imposed on the Respondent, and whether any Remedies

will be provided to the Complainant, as set forth in more detail below; and

- A description of the procedures and permissible grounds for appeal.

The **Range of Sanctions** and other responsive actions that may be imposed upon the Respondent include but are not limited to the following: For students:

- **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:
 - o 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 shall remain liable for all housing fees and are not eligible for any refunds for the full occupancy period of the housing contract.
 - o 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.**

- **Denial of Access to campus grounds and/or buildings.**

For faculty and staff:

- Education and training
- Written reprimand
- No Contact Order
- Denial of Access to campus grounds and/or buildings
- Reassignment
- Suspension without pay
- Separation from employment

The **Range of Remedies** that may be provided to a Complainant based on a determination of responsibility for a violation of the Policy include, but are not limited to:

L. For students:

- **Supportive measures:** such as extended classwork deadlines, flexible deadlines, change of venue for taking a test or exam, change in test or exam date and/or retaking of a test or exam.
- **Academic accommodations:** such as retroactive drop from a particular class, retroactive withdrawal from a semester, policy exemption requests and/or tuition reimbursement.
- **Additional accommodations:** such as a No Contact Order, Denial of Access, housing accommodation; course schedule changes, counseling and/or referral to outside agencies.

M. For staff:

- **Supportive measures:** such as reassignment to a different shift, location, supervisor or work unit.
- **Additional accommodations:** such as counseling and/or referral to outside agencies.

N. For faculty:

- **Supportive measures:** such as reassignment of duties, change in work location, change in service assignments, and change in reporting structure.
- **Additional accommodations:** such as counseling and/or referral to outside agencies. In the event of a written determination that the Respondent violated the Policy and Remedies provided to the Complainant are warranted, the following will occur:
 - Remedies will be provided to the Complainant on a confidential basis.
 - The written determination issued by the Hearing Officer will not include specific Remedies provided to the Complainant but will state whether Remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided.
 - Remedies are considered confidential and the Respondent will not have access to specific information about what Remedies will be provided except to the extent that the Remedies are punitive and burden the Respondent.
 - Remedies may not be appealed by either Party.

- The University will not publicly disclose personally identifiable information about the Parties, the written determination, or the Sanctions, except as required by law.

O. Appeal

Any Party may initiate the appeal process when the Party receives a Written Notice of Designation or a Written Notice of Determination. Appeals must be submitted in writing to the Title IX Coordinator within five (5) business days of receipt of the Written Notice of Designation or the Written Notice of Determination. Appeals are limited to the bases listed below.

P. Procedural Irregularity

- In all cases, the procedural irregularity must be material to the outcome of the designation or the written determination.
- A procedural irregularity affecting the designation or the written determination may include: a failure to follow the University's procedures; a failure to objectively evaluate all relevant evidence, including inculpatory or exculpatory evidence; or a determination regarding what evidence was excluded as irrelevant.

Q. New Evidence

- New Evidence is evidence that was not reasonably available at the time the designation or written determination was made, that could affect the outcome.
- Evidence presented prior to the time the designation or written determination is issued does not qualify as new evidence that was not reasonably available.

R. Conflict of Interest

- The Title IX Coordinator or designee, Investigator, or Hearing Panel member had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the designation or written determination.
- Claims of conflict of interest or bias should be based on the current case and process in question and will be assessed accordingly.

Substantially Disproportionate Sanction (Applicable ONLY to Written Notice of Determination)

- The Sanction set forth in the written determination is substantially disproportionate to the facts of the particular Policy violation. Appeals will be reviewed by the designated Appellate Hearing Officer(s) for all appeals of designations or written determinations under these Procedures. The Appellate Hearing Officer(s) will be determined in accordance with the Respondent's status, as explained below. The Appellate Hearing Officer(s) shall be free from conflict of interest or bias and shall not be the same person who reached the determination regarding the designation or the written determination, the Investigator, or the Title IX Coordinator. All Appellate Hearing Officers will have had no previous involvement with the case that the Appellate Hearing Officer(s) are assigned to review.

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

Appeals involving a staff Respondent shall be reviewed by the Vice President of their respective unit. 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 Notice of Designation or Written Notice of Determination will proceed as follows:

- Appeals will be submitted in writing only and there will be no hearing.
- Parties will have five (5) business days from receipt of a Written Notice of Designation or Written Notice of 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 designation or written determination.
- The Title IX Coordinator or designee shall coordinate the scheduling of the Appellate Hearing Officer(s) and notify the Parties of the date of the appeal deliberation.
- The appeal deliberation is closed to the parties.
- The Appellate Hearing Officer(s) will issue a written decision including its rationale. The decision shall be shared with the Parties, within five (5) business days of the deliberations.
- The Appellate Hearing Officer(s) may:
 - Affirm the designation or written determination;
 - Overturn the designation or written determination; or
 - Remand the case to remedy procedural errors or to consider new evidence.
- The written decision by the Appellate Hearing Officer(s) is final and is not subject to further appeal.
- After the adjudication process is concluded or when the time for filing an appeal has expired and no Party has submitted an appeal, the Title IX Coordinator or designee shall notify the Parties simultaneously of the final outcome of the adjudication process. The determination regarding responsibility for a violation of the Policy becomes final either on the date that the University provides the Parties with the written decision of the result of the appeal if an appeal is filed, or if an appeal is not filed, the final decision regarding responsibility will take effect on the date when an appeal could no longer be submitted, subject to any remanded proceedings.

XXVIII. Academic Transcripts and Effect of Withdrawal on Student Respondents

Sanctions of expulsion and suspension are permanently noted on a student Respondent's academic transcript. When a student Respondent requests their transcript prior to the completion of the resolution process, the existence of a pending investigation is also noted. In the event a Respondent chooses to withdraw from the University prior to the resolution of a Formal Complaint, or where the Respondent declines to participate in the University proceedings under the Policy and Procedures, the University will continue the resolution process in accordance with the Procedures. When a Respondent withdraws before the conclusion of the resolution process, the Respondent is ineligible to return to the University until the resolution process has concluded.

XXIX. Respondent Acceptance of Responsibility

The Respondent may accept responsibility for all or part of the alleged Policy violation(s) at any point during the resolution process. If the Respondent wishes to accept responsibility, the Title IX Coordinator may initiate the Informal Resolution process if permitted, after obtaining all Parties' voluntary, written consent, and after providing the required Notice of Informal Resolution if it has not already been provided. Any remaining allegations that are not resolved through the Informal Resolution process may proceed to investigation or Hearing, as appropriate.

XXX. Informal Resolution

When a Formal Complaint is filed, the University may choose to offer and facilitate informal resolution options to address the alleged Prohibited Conduct as an alternative to proceeding to an investigation and Hearing. Informal

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

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 Formal 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, Respondent acknowledgement of responsibility, and/or negotiated interventions and Remedies. All Parties and the Title IX Coordinator or designee must agree to the process in writing. Any Party may terminate an ongoing Informal Resolution at any time prior to reaching an agreement.

The Title IX Coordinator or designee has the discretion to determine whether a Formal Complaint is appropriate for Informal Resolution and which resolution approach is best utilized given the specifics of the Formal Complaint. The Title IX Coordinator or designee retains discretion to terminate an ongoing Informal Resolution process at any time, at which point the Title IX Coordinator or designee will determine appropriate next steps. The Title IX Coordinator or designee will inform all Parties simultaneously in writing of the reason(s) for terminating an Informal Resolution process.

B. Informal Resolution Permitted

When Informal Resolution is utilized, the process is voluntary and is not a requirement or condition of continued enrollment or employment at the University.

In such case, Parties will receive a written Notice of Informal Resolution containing the following:

- Summary of the allegations;
- Notice that no Party is required to accept responsibility for the alleged Prohibited Conduct, unless a Respondent chooses to do so;
- Notice that there is no finding of a Policy violation or Sanction unless agreed to by the Respondent;
- Notice that agreement to Informal Resolution is not a waiver of right to proceed with an investigation and Hearing;
- Notice that until an Informal Resolution agreement is finalized, the Parties may, at any time, opt out of Informal Resolution, at which point the Formal Complaint would proceed or resume to investigation and Hearing, as appropriate; ● Notice of any potential consequences resulting from participating in the Informal Resolution process, including that records will be maintained or could be shared;
- Notice about the reasonable confidentiality restrictions of the Informal Resolution process;
- 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
- Notice that the results of Informal Resolution are not eligible for appeal.

C. Informal Resolution Not Permitted

Although the Title IX Coordinator or designee retains discretion to determine whether a Formal Complaint is appropriate for Informal Resolution in other cases, Informal Resolution is not permitted under the following circumstances:

- Formal Complaints by a student alleging Prohibited Conduct against an employee (staff or faculty); or
- Formal Complaints alleging Sexual Assault or Sexual Coercion.

D. 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 or designee. Sanctions are not possible as a result of Informal Resolution unless the Parties agree to accept Sanctions and/or appropriate Remedies.

E. Negotiated Informal Resolution Interventions and Remedies

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

- Increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur;
- Targeted or broad-based educational programming or training for relevant individuals or groups;
- Academic and/or housing modifications for any Party;
- Workplace modifications for any Party;
- 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
- Compliance with a No Contact Order;
- Compliance with Denial of Access;
- Completion of community service hours over a specified period of time; and
- Separation from the University. The Title IX Coordinator or designee will work with the Offices of Student Conduct, Human Resources, and/or Provost/Academic Affairs as needed to facilitate such negotiated interventions and Remedies, when necessary.

F. 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 or designee is responsible for ensuring compliance with the agreement.

In cases where an agreement is not reached and the Title IX Coordinator or designee 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 or designee will maintain all records regarding Informal Resolution.

XXXI. Post Resolution Follow Up

After any Sanction and/or Remedies are issued, if the Complainant agrees, the Title IX Coordinator or designee 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 or designee 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 their campus Student Accessibility Services office before accommodations can be considered and provided.
- Staff and faculty accommodations with disabilities who receive accommodations in the workplace may be eligible for accommodations under these Procedures. Staff and faculty with disabilities requesting accommodations and services under these Procedures will need to present a current accommodation verification letter from their campus Student Accessibility Services office 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.

USM POLICY ON THE USE OF ALCOHOLIC BEVERAGES AT UNIVERSITY SYSTEM INSTITUTIONS AND FACILITIES

<https://www.usmd.edu/regents/bylaws/SectionVI/VI800.html>

UMES POLICY CONCERNING THE USE OF ALCOHOLIC BEVERAGES

(Approved by the President January 1, 1992)

I. Policy

The University of Maryland Eastern Shore is committed to having a campus that is free of the illegal or abusive use of alcohol. In keeping with this commitment, it is the policy of UMES that the illegal or abusive use of alcohol by students or employees is prohibited on University property or as part of University activities.

II. Prohibited Conduct

The Code of Student Conduct prohibits the violation of published University regulations or policies regarding the possession, use or distribution of alcoholic beverages, as approved and compiled by the Vice President for Student Affairs. These policies are described below and are available for public inspection in the Judicial Programs Office.

- Resident Life Alcohol Policy

The Resident Life Alcohol Policy controls the use, possession or distribution of alcohol by students in campus residence halls. This policy prohibits the possession or use of alcohol by any student under the age of 21 or the furnishing of alcohol to a person known to be under the age of 21. It prohibits kegs, the sale of alcohol, and parties involving alcohol. Students of legal drinking age may consume alcohol in their rooms, suites or apartments only.

- Office of Campus Activities

The Office of Campus Activities Alcohol Policy controls the use, possession or distribution of alcohol by students on University premises or at University sponsored functions. This policy prohibits the possession or use of alcohol by any student under the age of 21 or the furnishing of alcohol to a person known to be under the age of 21. Alcoholic beverages otherwise may not be possessed, consumed or distributed at events occurring on University premises or at University sponsored events unless advance written approval has been obtained from the Office of Campus Activities.

III. Purchase of Alcoholic Beverages

Alcoholic beverages may not be purchased with Federal, State or other funds under the University's administrative control. The only exceptions to this are:

- Alcoholic beverages purchased strictly for resale i.e. paid for from an individual or group's private funds, not from a University or State assigned account number. Strict accounting procedures must be maintained to ensure that University funds advanced to pay for such beverages are repaid from sale of the beverages.
- Alcoholic beverages purchased from funds, which have been paid into a University, or State assigned account for the express purpose of purchasing alcoholic beverages, for example, a non-credit short course in wine and cheese tasting. Such expectations must be approved in writing, and in advance, by the Office of the Vice President for Administrative Affairs.

IV. Disciplinary Actions

Sanctions for violations of University alcohol policies include expulsion, suspension, disciplinary probation, disciplinary reprimand, restitution, dismissal from University housing, work or research projects, and restrictions on further use of University facilities. Disciplinary action at the University will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident are pending.

STATE OF MARYLAND WORKPLACE SUBSTANCE ABUSE POLICY

EXECUTIVE ORDER

01.01.2023.16

(Rescinds Executive Order O1.01.1991.16)

<https://dbm.maryland.gov/employees/Documents/Policies/Substance%20Abuse%20Policy%202023.pdf>