

2019



# ANNUAL CLERY CAMPUS SECURITY AND FIRE REPORT



UNIVERSITY  
of MARYLAND  
BALTIMORE

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***Non-Discrimination Statement***

*The University of Maryland, Baltimore (UMB) does not discriminate on the basis of race, color, religion, national origin or ancestry, sex, sexual orientation, gender identity or expression, physical or mental disability, marital status, protected veteran’s status, or age in its programs and activities. Specifically, Title IX prohibits discrimination on the basis of sex in UMB’s programs and activities. Report concerns to the UMB Office of Accountability and Compliance, 620 W. Lexington St., Fifth Floor, Baltimore, MD 21201, 410-706-2281 (6-2281) or [equalaccess@umaryland.edu](mailto:equalaccess@umaryland.edu). For external information on notice of non-discrimination, including Title IX inquiries, contact the Office for Civil Rights, U.S. Department of Education, The Wanamaker Building, Suite 515, 100 Penn Square East, Philadelphia, PA 19107, or call 1-800-421-3481.*



## 1.0 WELCOME TO UMB

Welcome to the University of Maryland, Baltimore (UMB) — a vibrant university located in the largest city in Maryland, with a population of approximately 620,000. Baltimore has a unique history and is made up of neighborhoods as diverse as its citizens. F. Scott Fitzgerald lived and wrote here, Billie Holiday sang here, Cab Calloway grew up here, and Edgar Allan Poe died here (take a break and visit his gravesite on campus).

Being a member of the UMB community gives you the opportunity to experience a historic and vibrantly storied city, but the city and its surrounding neighborhoods also present all the challenges of a complex, modern, and urban society. As is spelled out in this *2019 Clery Campus Security and Fire Report*, UMB takes measures to ensure a safe campus environment, but it is important to keep in mind that a level of responsibility for crime prevention and personal safety also rests with each individual.

Whether you are a longtime city dweller or a newcomer to urban life, UMB encourages you to review this report, which includes specific campus crime and arrest statistics. It also contains campus policies and practices intended to promote crime awareness, campus safety, and security, such as what to do in an emergency.

Your safety is our No. 1 priority.



**UMB IS LOCATED IN THE HISTORIC CITY OF BALTIMORE, WHERE FAMED POET EDGAR ALLAN POE IS BURIED ON THE GROUNDS OF WESTMINSTER HALL.**

## 2.0 FROM THE PRESIDENT

Oct. 1, 2019

To the UMB Community:

I'm so glad you've chosen the University of Maryland, Baltimore (UMB) — that you've chosen this University as the place where you learn, work, and serve. Your safety on and around campus is my No. 1 priority, and issuing this report each year is just one way we enhance it. With the *2019 Clery Campus Security and Fire Report*, we disclose data on incidents occurring at UMB, provide instructions for reporting crimes to the UMB Police Department (UMBPD), and detail the resources you can take advantage of to protect your property and yourselves.

We're so fortunate to have in UMBPD a group of tremendously dedicated officers wholly committed to safeguarding the people of this University. I thank them for their diligence in protecting us, for their transparency in alerting us to threats, and for their energetic outreach to our neighbors — outreach that knits us together as one community and makes our campus, each year, one of the safest places in Baltimore.

Sincerely,



**Jay A. Perman, MD**  
President



## 3.0 FROM THE CHIEF OF POLICE

Oct. 1, 2019

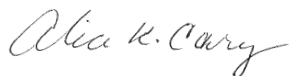
To the UMB Community:

With the school year underway, our officers are hard at work to keep you safe. Whether we're patrolling the streets, engaging with the community, or providing support through our new K-9 comfort dog, the University of Maryland, Baltimore Police Department (UMBPD) makes your safety our top priority.

On behalf of President Perman and myself, I hope you will take time to look through this *2019 Clery Campus Security and Fire Report*. Inside, you will find important information about the University's initiatives and programs as well as what you can do to stay safe. The report also includes specific campus crime and arrest statistics. By reading this report and taking part in our self-awareness and self-defense programs, you can do your part to help prevent crime at UMB and in our community.

I'm proud of the work our department does every day and I hope you take advantage of all UMBPD has to offer. Engage with our officers on campus. Call for a Safe Walk or Safe Ride to get you safely to your destination (410-706-6882 or 6-6882). Attend our outreach programs. By being active and aware, we can work together to ensure a safe and secure campus community.

Sincerely,



**Alice K. Cary, MS**  
Chief of Police



## 4.0 INTRODUCTION

The Federal Student Right-to-Know, Crime Awareness, and Campus Security Act, now cited as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and herein identified as the Clery Act, requires institutions of higher learning to prepare, publish, and distribute a report concerning campus crime statistics and security policies on an annual basis through appropriate publications, mailings, or computer networks to all current students and employees, and all prospective students and prospective employees upon request. This publication contains the annual report concerning specific campus crime and arrest statistics as well as information about campus policies and practices intended to promote crime awareness, campus safety, and security.

Copies of this report may be obtained from the University of Maryland, Baltimore Police Department (UMBPD) headquarters at 222 N. Pine St., Baltimore, MD 21201, or by visiting the UMBPD webpage at [www.umaryland.edu/police](http://www.umaryland.edu/police).



# AT A GLANCE

## 2019 ANNUAL CLERY CAMPUS SECURITY AND FIRE REPORT

### UNIVERSITY OF MARYLAND, BALTIMORE (UMB)

UMB is a vibrant university composed of six professional schools and an interdisciplinary Graduate School.

It is located in Baltimore, the largest city in Maryland, with a population of approximately 620,000.



### CLERY REPORT

The Clery Report is an annual report concerning specific crimes within UMB's campus and arrest statistics as well as information about University policies and practices intended to promote crime awareness, campus safety, and security.

Copies of this report can be obtained from UMB Police Department (UMBPD) headquarters at 222 N. Pine St., Baltimore, MD, 21201, or by visiting the UMBPD webpage at [www.umaryland.edu/police](http://www.umaryland.edu/police).



### UMB POLICE DEPARTMENT

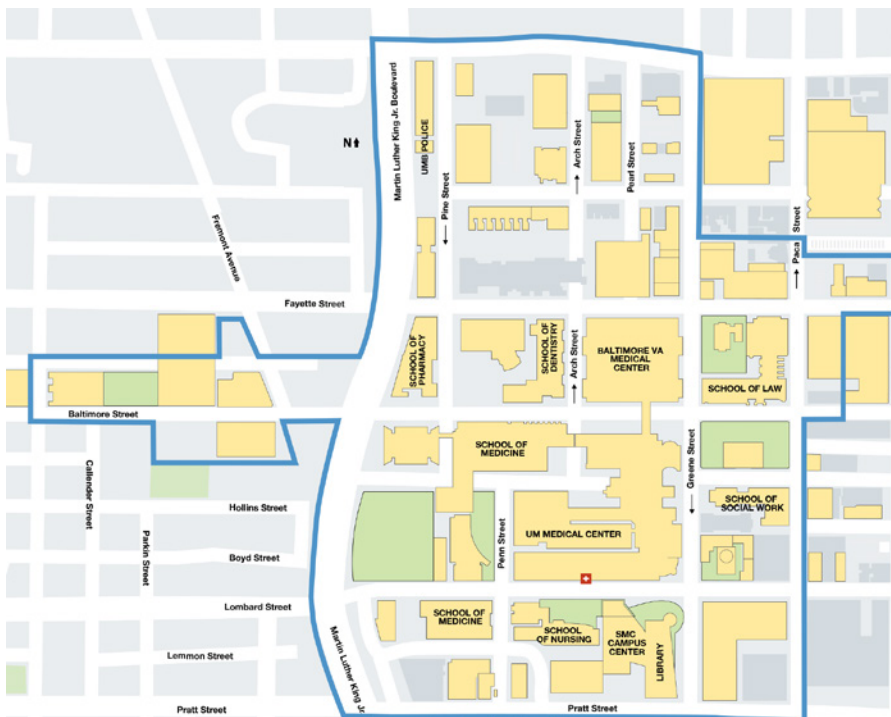
As of September 2019, the department includes:

MORE THAN **50**  
POLICE OFFICERS

MORE THAN **80**  
SECURITY PERSONNEL

APPROXIMATELY **20**  
SUPPORT STAFF

### CLERY BOUNDARY MAP



### 2018 FIRE STATISTICS

NUMBER OF FIRES: **0**

NUMBER OF PERSONS RECEIVING FIRE-RELATED INJURIES: **0**

NUMBER OF DEATHS RELATED TO A FIRE: **0**

VALUE OF PROPERTY DAMAGE RELATED TO A FIRE: **0**



### IF YOU ARE A VICTIM OR WITNESS A CRIME

- Call UMBPD immediately at 6-6882 (410-706-6882) or 911 (from an on-campus phone), or
- Use a blue light emergency phone located throughout the campus

## UMB PROGRAMS, EVENTS, AND SAFETY SUPPORT



### COMMUNITY MEETINGS

Department liaisons periodically meet with formal community organizations to exchange information and ideas related to policing, security, and other related community concerns.

### PRESENTATIONS

Various groups are addressed with crime prevention information adapted to fit the audience. These programs include, but are not limited to:



- **New Staff/Faculty:** An orientation program for newly hired staff and faculty members.
- **International Student Orientation:** Crime prevention information, safety information, and information on American policing philosophies and operations is presented to new international students.
- **Downtown Baltimore Child Care:** Safety presentations and literature are provided to the staff and children at the University's on-campus day care center.
- **Students Promoting Awareness:** The University Student Government Association provides information through peer counselors concerning alcohol and drug abuse.



- **Rape Aggression Defense (R.A.D.) System:** This is a nationally known and respected program on realistic self-defense tactics and techniques for members of the UMB community. R.A.D. is a comprehensive course that begins with awareness, prevention, risk reduction, and risk avoidance before progressing to the basics of hands-on defense training. It is taught to students, faculty, and staff in a cooperative arrangement with the Office of Interprofessional Student Learning and Service Initiatives.



### OPERATION ID

Engraving services are available to University community members to help identify belongings and assist in recovering stolen property.

### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) AND SECURITY SURVEYS

Department employees evaluate security-related matters and make suggestions for improvements in physical security systems. This includes lighting and foliage surveys during "night walks," reviewing construction and renovation plans, and conducting related surveys of various academic, administrative, and support facilities on campus.

### UMBPD WEBSITE

The website is regularly updated with crime prevention tips, crime statistics, and UMB Alerts.



### EMERGENCY TELEPHONES



Direct-connect emergency and blue light emergency phones are strategically placed throughout the campus.



### CLOSED-CIRCUIT TELEVISION (CCTV) CAMERAS

The University is increasing its use of CCTV systems to detect, deter, and investigate crime.

### ANNUAL TITLE IX TRAINING

The University's annual online training includes practical application of bystander intervention and risk-reduction strategies.



### SAFE WALK/SAFE RIDE

UMBPD's Safe Walk service is available 24 hours a day. The Safe Ride service is available from 7 a.m. to noon and 3 p.m. to 1 a.m. The services are available by calling 6-6882 (410-706-6882).

## 6.00 UNIVERSITY OF MARYLAND, BALTIMORE POLICE DEPARTMENT

*(Policies Concerning Law Enforcement)*

The University of Maryland, Baltimore Police Department (UMBPD) is part of the University System of Maryland and has the authority and responsibility to enforce, on all property owned, leased, operated, or under the control of the University of Maryland, Baltimore, all applicable local, state, and federal laws. UMBPD is composed of the following:

- Office of Chief of Police
- Operations Division
- Support Services Division
- Professional Standards Division

### 6.01 Police Authority

UMBPD is a full-service law enforcement agency that evolved from a security force in 1948 to its status as a police department in 1975. UMBPD has the responsibility of providing a full range of police and security services to the University community. UMBPD has complete authority to apprehend and arrest students involved in illegal acts on campus and in areas immediately adjacent to the campus. UMBPD also may refer students to the student affairs office of the appropriate school for violations of the University's/school's rules and student code of conduct or honor code. The 60 sworn police officers in UMBPD are vested with full police authority under the provisions of **Title 13, Subtitle 6, Section 13-601 of the Education Article of the Annotated Code of Maryland**. The sworn police officers are all police academy graduates and fully certified by the Maryland Police and Correctional Training Commission in all areas of law enforcement responsibility. In addition to providing protection and service to the University community, UMBPD is responsible for enforcing state and local laws and campus regulations.

UMBPD has the responsibility for the investigation of most criminal incidents that occur on the property of the University. Concurrent jurisdiction with the Baltimore Police Department allows UMBPD to receive crime information that is reportable for Clery Act purposes. Any member of the University community who is the victim of a crime on campus, or who witnesses a crime on campus, should **call UMBPD immediately at 410-706-6882 or 911 (from an on-campus phone) or by using one of the blue light emergency phones** located throughout the campus. Besides being fully prepared to respond to any emergency and investigate criminal offenses, UMBPD emphasizes a philosophy of quality service to all members of the University community. UMBPD has adopted the philosophy of community policing in an effort to improve the overall quality of campus life.

UMBPD assists with lost or found property by taking possession of any found property and documenting it by police report. Lost property reports also are completed. UMBPD formed a bike patrol and has officers trained in this program. The bicycle program uses specially equipped bicycles to complement the fleet of marked patrol cars in the conduct of routine and directed patrol activities, selective enforcement, and police services at special events.

## **6.02 Mission Statement**

The University of Maryland, Baltimore Police Department (Department of Public Safety) at the University of Maryland, Baltimore (UMB) supports the University's mission statement and core values by preventing crime, solving crimes, and conducting crime prevention initiatives to maintain order and to control the fear of crime. The UMB Police Department values honesty, fairness, integrity, and courage.

## **6.03 Office of Chief of Police**

The chief of police is the chief executive officer of UMBPD and reports directly to the UMB chief business and finance officer and vice president. The chief of police is responsible for the overall management and administration of the department, including operational efficiency, budgeting, planning, responding to the needs and inquiries of the public, and maintaining interactions with city, state, and federal agencies.

## **6.04 Operations Division**

The Operations Division consists of, but is not limited to, the following units, personnel, and functions:

- A. Patrol Operations
- B. Security Operations

UMBPD employs security officers to provide skilled security services on campus and to supplement the sworn police department. Security officers are responsible for providing access control to campus buildings during the hours of operation and highly visible security patrols around campus.

The operations commander reports to the deputy chief of police and has responsibilities that include, but are not limited to, the day-to-day operational efficiency of the uniformed functions assigned to the Operations Division.

## **6.05 Support Services Division**

The Support Services Division consists of, but is not limited to, the following units, personnel, and functions:

- A. Police Communications
- B. Records Management
- C. Property and Evidence
- D. Recruitment and Selection
- E. Victim/Witness
- F. Criminal Investigations
- G. Crime Prevention

Police communications operators staff UMBPD's Communications section 24 hours per day/365 days per year. The support services commander reports to the deputy chief of police



and has responsibilities that include, but are not limited to, ensuring the day-to-day operational efficiency of personnel and functions assigned to the Support Services Division.

### **6.06 Professional Standards Division**

The Professional Standards Division consists of these components:

- A. Inspections
- B. Internal Affairs Investigations
- C. Education and Training
- D. Accreditation Section
- E. Policy Analyst

The professional standards commander reports to the chief of police, is responsible for investigating all complaints against UMBPD employees, and conducts inspections of all internal systems and personnel. The commander also is responsible for accreditation and policy writing.

### **6.07 Allied Police Support**

Concurrent jurisdiction for law enforcement responsibilities between UMBPD and the Baltimore Police Department has existed since 1984. This clarifies police responses to emergencies, investigation of certain crimes, and jurisdictional boundaries. Due to the sophisticated investigative resources required to properly investigate certain crimes, UMBPD will partner with allied police agencies on incidents of mutual concern.

## **7.00 CRIME PREVENTION**

*(Programs to Inform About Crime Prevention and Programs About Security Practices)*

The University of Maryland, Baltimore Police Department (UMBPD), working in cooperation with other University departments and schools, has developed an active and comprehensive program with the objective of preventing crime to the fullest extent possible through awareness and participation of the University community. While UMBPD may offer advice and assistance regarding campus safety, each individual has the primary responsibility for their own safety.

The dedicated individuals of UMBPD are committed to the principles of community policing. Crime prevention/awareness programs begin with new student or employee orientation presentations. Through UMBPD's website, special pamphlets, flyers, and the crime log, the University community is informed of crime trends, safety tips, and special programs. Special UMB alerts (emergency notifications) also are made through the University's electronic mail system as noted in Section 10.01.

Upon request from any department, student organization, or residence facility, UMBPD will provide informational seminars, including speakers, on a variety of topics, including rape and sexual assault prevention, theft and robbery prevention, drug and alcohol awareness, safety issues, and advice about personal defense. Members of UMBPD also routinely participate in Safety Awareness Committee meetings on these and other crime prevention subjects. UMBPD attends

University Student Government Association meetings upon invitation to answer any questions and provide information relative to crimes and crime trends on campus.

Operation Identification allows any member of the University community to have personal property engraved with a personally selected number to facilitate the recovery of lost or stolen property. Please contact UMBPD at 6-6882 (410-706-6882) to request this service. Any academic or administrative department also may request that a security survey be conducted by UMBPD to identify areas of potential risk and offer recommendations to enhance security.

UMBPD and the Office of Interprofessional Student Leadership Service Initiatives (ISLSI) offer the Rape Aggression Defense (R.A.D.) System, a program of realistic self-defense tactics and techniques for women of the UMB community. R.A.D. is a comprehensive course that begins with awareness, prevention, risk reduction, and risk avoidance, while progressing on to the basics of hands-on defense training. R.A.D. is not a martial arts program. UMBPD, in conjunction with ISLSI, notifies the University community when the course will be taught.

Anyone wishing to request such crime prevention service or desiring more information should contact UMBPD at 6-6882 (410-706-6882).

## 7.01 Campus Safety/Education

UMBPD works closely with University departments, schools, and organizations to provide security and safety programs/presentations and workshops throughout the year. Numerous brochures and pamphlets relating to crime prevention and personal safety are made available. The following are just a few examples of the programs and materials made available each year to the campus.

### *Safety and Security Education Programs and Presentations*

**Community Meetings:** Department liaisons periodically meet with formal community organizations to exchange information and ideas related to policing, security, and other related community concerns.

**Presentations:** Various groups are addressed with crime prevention information adapted to fit the audience. These programs include, but are not limited to:

- **New Staff/Faculty:** An orientation program for newly hired staff and faculty members.
- **International Student Orientation:** Crime prevention information, safety information, and information on American policing philosophies and operations is presented to new international students.
- **Downtown Baltimore Child Care:** Safety presentations and literature are provided to the staff and children at the University's on-campus day care center.

**Students Promoting Awareness:** The University Student Government Association provides information through peer counselors concerning alcohol and drug abuse.

**Rape Aggression Defense (R.A.D.) System:** This is a nationally known and respected program on realistic self-defense tactics and techniques for members of the UMB community. R.A.D. is a comprehensive course that begins with awareness, prevention, risk reduction, and risk avoidance,

while progressing on to the basics of hands-on defense training. It is taught to students, faculty, and staff in a cooperative arrangement with ISLSI.

**Operation ID:** Engraving services are available to University community members to help identify belongings and assist in recovering stolen property.

**Crime Prevention Through Environmental Design (CPTED) and Security Surveys:** Department employees evaluate security-related matters and make suggestions for improvements in physical security systems. This includes lighting and foliage surveys during “night walks,” reviewing construction and renovation plans, and conducting related surveys of academic, administrative, and support facilities on campus.

**UMBPD Website:** The website is regularly updated with crime prevention tips, crime statistics, and UMB Alerts.

**Emergency Phones:** Direct-connect emergency and [blue light emergency phones](#) are strategically placed throughout the campus.

**Closed-Circuit Television (CCTV) Cameras:** The University is increasing its use of CCTV systems to detect, deter, and investigate crime.

### **Brochures, Pamphlets, and Handouts Distributed Each Year to Students, Staff, and Faculty**

- *Safety Begins With You* guide to personal safety
- Flyer about Maryland’s child safety seat laws
- Website information and Clery Act information

Students, faculty, and staff may contact UMBPD at 6-6882 (410-706-6882) to obtain more information.

**Annual Title IX Training:** The University’s current annual online training includes practical application of bystander intervention and risk-reduction strategies.

## **7.02 Campus Residence Facilities**

The two residence facilities on campus are locked 24 hours per day. A key or access card is required to gain entry to the gated courtyard of the University Suites at Fayette Square or through the doors of the Pascault Row Apartments, and to individual rooms. The facility manager or security officers are stationed in the entry building of the Fayette Square apartments for the purpose of ensuring that only persons with official business to conduct are allowed to enter.

Campus residents are reminded that crime can happen anywhere, at any time, to anyone. Residents must take personal safety issues very seriously. Crime prevention is everyone’s responsibility. Residents should be especially mindful of the following:

- Keep room and apartment doors locked at all times. Never prop open the exterior doors or doors to your room.
- Secure all valuables out of sight.

- Do not leave personal property unattended.
- Report all suspicious activity or persons immediately to UMBPD.
- Never walk alone at night and always stay in well-lit areas.

Emergency telephones have been installed throughout the campus. Everyone should be alert for any suspicious activity or other emergency and use a [blue light emergency phone](#) for immediate contact with UMBPD. The phone locations are available online and on printed maps.

### 7.03 Safe Walk/Safe Ride Program

UMBPD maintains a Safe Walk/Safe Ride Program in which a member of UMBPD will accompany students, staff, or faculty by foot or by van. **The Safe Walk service is available 24 hours a day. The Safe Ride service is available from 7 a.m. to noon and 3 p.m. to 1 a.m.** The services are available by calling 6-6882 (410-706-6882).

## 8.00 CAMPUS FACILITIES ACCESS AND SECURITY

*(Security of and Access to Campus Facilities)*

### 8.01 Access to Campus Facilities

All academic buildings on the University of Maryland, Baltimore (UMB) campus are generally open from 7 a.m. to 11:45 p.m., Monday through Friday. Certain academic buildings also are open for weekend classes and special activities. All campus facilities and grounds are maintained in such a manner as to enhance security. While on patrol, police officers and security officers observing lights malfunctioning will submit work orders so the repairs are made in a timely manner.

### 8.02 UMB Housing

UMB is an urban campus with two residential facilities housing a maximum of 426 students. The UMB Police Department (UMBPD) and UMB Housing personnel work closely together to create a safe and comfortable living and learning environment.

Theft is the most common crime problem in the residential areas, so precautions should be exercised at all times. Residents are encouraged to be watchful and cautious — be aware of your surroundings and the presence of unknown persons. Residents are reminded to always lock their doors to reduce the opportunity of crime.

### 8.03 Solicitors

Door-to-door solicitation is prohibited at the University. Residents are encouraged to report the presence of such persons to UMB Housing personnel and/or UMBPD. Residents also are advised to keep their residence hall or apartment doors locked at all times. Residents are encouraged not to hesitate to ask for assistance from any UMB Housing staff member, security officer, or police officer.



## 8.04 Shuttle Bus Service

The University of Maryland (UM) *shuttle* provides the UMB community with a variety of bus routes that travel to neighborhoods such as Federal Hill, Mount Vernon, Canton/Fells Point, and the BioPark, transporting UMB students, faculty, and staff to and from the University fare-free. UM *shuttle* routes connect with Baltimore City public transportation such as the Charm City Circulator, the Maryland Transit Administration MARC train, Light Rail, Metro subway, and local bus service. Visit the UM *shuttle* website at [www.umaryland.edu/shuttlebus](http://www.umaryland.edu/shuttlebus) for more information or call 410-706-BBUS.

## 8.05 Parking Structures

The University maintains seven parking garages on campus and has spaces for students in an off-campus garage. To reduce the chance of property loss, never leave your vehicle running or unlocked and do not leave keys in the ignition or the windows down. Keep all valuables out of sight. Use security devices such as a car alarm, steering wheel lock, and/or a fuel/electric cutoff switch. When approaching your vehicle, have your keys in hand and remember to look inside your vehicle before you get in.

## 8.06 Fire Safety

Fire safety is a high priority at UMB. Fire and life safety system testing, fire safety inspections, fire drills, false alarm prevention activities, and fire safety information for students help to make on-campus student housing safer from fire. The following information comprises the UMB Fire Safety Report required by 34 CFR (Code of Federal Regulations) 668.49 for each on-campus student housing location.

***Fire statistics for each on-campus student housing facility (three most recent calendar years) (34 CFR 668.49(2)(b)(1)):***

	Year	On-Campus Student Housing Facility	
		Pascault Row	University Suites at Fayette Square
Number of Fires (See details below for causal information)	2018	0	0
	2017	0	0
	2016	0	0
Number of persons receiving fire-related injuries	2018	N/A	N/A
	2017	N/A	N/A
	2016	N/A	N/A
Number of deaths related to a fire	2018	N/A	N/A
	2017	N/A	N/A
	2016	N/A	N/A
Value of property damage related to a fire	2018	N/A	N/A
	2017	N/A	N/A
	2016	N/A	N/A

***Description of each on-campus student housing facility fire safety system  
(34 CFR 668.49(2)(b)(2))***

There are two on-campus student housing facilities at UMB. They are the University Suites at Fayette Square and the Pascault Row Apartments. The following information describes the fire safety system in each facility.

**University Suites at Fayette Square**

University Suites at Fayette Square is protected with a wet pipe sprinkler system on occupied floors and a dry pipe system in the parking garage levels. The fire department connection is located on the east side of the building on Fayette Street. Fire department suppression equipment has access to the west, south, and limited east sides of the structures. These systems are supported by a 750-gpm (gallons per minute) fire pump in the basement. Caps have been installed on the fire department connection to prevent vandalism. Portable fire extinguishers are located throughout the facility.

A complete fire alarm system consisting of manual pull stations, audible voice/visible alarms, sprinkler water flow, valve supervisory devices, and duct smoke detectors (supervisory signal only) has been installed. Single-station local smoke alarms are located in all apartments.

A fire command center is located on the ground floor to the left of the elevator lobby.

**Pascault Row Apartments**

Pascault Row is protected with a residential wet sprinkler system. The system contains water flow alarms and valve supervisory switches connected to the building fire alarm system. Standpipes are located with hose valves on each level of the stairwells. The fire department connection is located on Lexington Street. Caps are installed on fire department connections to prevent vandalism.

The building is equipped with an interior fire alarm system consisting of manual pull stations, water flow devices, and audible/visual devices that transmit a signal to the Pine Street Police Station. The four handicapped units each have smoke detectors that are interconnected with the fire alarm system. The handicapped apartments also are equipped with high-intensity strobe lights that flash when the complex's fire alarm system activates. The balance of the living units has smoke alarms that sound only within the dwelling unit.

***Fire Drills (34 CFR 668.49(2)(b)(3))***

Fire drills are conducted biannually for each building on campus.

***Institutional policies on portable electric appliances, smoking, and open flames in student housing, evacuation procedures, and fire safety education (34 CFR 668.49(2)(b)(4-6))***

Each resident of any on-campus student housing facility is given a copy of the UMB Housing handbook. The handbook dictates that residents must:

- Only use power strips with a UL seal and ones that are not frayed or worn.
- Limit the number of appliances that are plugged in or in use at one time.
- Not smoke or allow others to smoke in your room or anywhere in the building.

Further, rules and regulations incorporated and made a part of the license between UMB Housing and residents within on-campus student housing state:

1. Setting or fueling a fire of any size is prohibited. A resident shall give immediate notice to UMB Housing of fire, accident, damage, and dangerous or defective conditions. All residents must evacuate the building during a fire alarm. Falsely reporting a fire or any other emergency including a bomb threat, falsely reporting a serious injury, or pulling a fire alarm when no fire is evident are prohibited. Fire warning devices and safety equipment are to be used only in an emergency. Upon the sounding of a fire alarm, a resident should proceed according to the instructions posted in and about the building. Intentional sounding of an alarm outside of an emergency situation or tampering with emergency equipment will be considered a criminal offense, and the person or persons responsible will be treated accordingly. Tampering with smoke detectors is prohibited. UMB Housing reserves the right to impose additional charges, penalties, or sanctions for tampering with fire or life safety equipment in addition to criminal and judicial action. Refusal to leave a building during a fire alarm, refusal to produce proper identification upon request of UMB Housing or UMB officials, and refusal to cooperate with any reasonable request by UMB Housing or University officials acting in performance of their duties are prohibited. A resident shall be responsible for fire alarms initiated by the resident and/or resident's guests. If any charge for responding to a false alarm is assessed to UMB Housing, the resident will be charged a fine equal to that charge.
2. The use or storage of wood or charcoal stoves and/or flammable liquid, gas, or electric space heaters within the building is prohibited. The use of candles or other open-flame devices, the use of hot plates, burning of incense, and the use of halogen lamps are prohibited anywhere in the building or about the property. All torchier-style lamps, including but not limited to those that use halogen, incandescent, or fluorescent bulbs, are prohibited. Any style lamp that uses a halogen bulb, 101 watts or more, is likewise prohibited. Connecting three or more sets of stringed lights, including but not limited to holiday lights, is likewise prohibited. Use of the stove, microwave, and/or oven while the apartment unit is unoccupied also is prohibited. Charcoal and gas grills, or other open-flame cooking devices, are prohibited in the premises and about the property. Having more than 20 people in any unit at any one time is prohibited.

***Reporting a fire (34 CFR 668.49(2)(b)(7))***

Any resident of an on-campus student housing facility who sees smoke or flames in any University building, or when hearing the fire alarm, should follow these procedures:

1. If you discover a fire, pull the manual fire alarm if it hasn't already been activated.
2. Call 911 and follow up with the Department of Public Safety at 911 and give the location of the fire.
3. Fire extinguishers should be used only if you are trained to use them and only after the alarm has been pulled and 911 has been called.
4. Evacuate the building using the nearest stairwell. DO NOT USE ELEVATORS.

5. Make use of the nearest exit door to the outside of the building, and doors marked for emergency should be used. Remember: A fire alarm is an emergency!
6. Once outside, move across the street or down the sidewalk, away from the building entrance.
7. Do not re-enter the building until the "All Clear" is given by the fire officer in charge or University police.

## 9.00 REPORTING CRIMINAL ACTIVITY

*(Policies for Reporting Crimes and Emergencies)*

The University of Maryland, Baltimore Police Department (UMBPD) has primary jurisdiction and responsibility for investigating crimes and providing police services to the University community. Police services are available 24 hours per day, every day of the year. UMBPD headquarters is located at 214 N. Pine St. The police operations building is located at 222 N. Pine St.

In keeping with federal guidelines, it is the policy of the University that all crimes reported to any campus official must be relayed to UMBPD (professional and pastoral counselors are exempted when acting in their official capacity).

UMBPD works cooperatively with the Baltimore Police Department and the Maryland State Police in matters of mutual concern (see Section 6.07). A concurrent jurisdiction agreement has been established between UMBPD and the Baltimore Police Department. UMBPD will contact the Baltimore Police Department when needed, per the concurrent jurisdiction agreement.

### 9.01 Emergencies

Any member of the University community who is the victim of a crime on campus or witnesses a crime on campus should call UMBPD **immediately at 6-6882 (410-706-6882) or 911 (from an on-campus phone)** or by pushing the **red emergency button** on any **blue light emergency phone**. UMBPD has staff on duty and available to assist 24 hours per day, each day of the year. Anyone requiring police services on the UMB campus is to contact UMBPD at 6-6882 on campus or 410-706-6882 off campus. UMBPD will contact any outside agency for assistance if necessary or direct the University member on how to contact the appropriate agency.

### 9.02 Procedures

Whenever a crime is reported, a uniformed police officer is dispatched to conduct the initial investigation, gathering information and seeking physical evidence. The investigating officer attempts to determine the basic facts by questioning all persons involved in the incident as well as any witnesses. Basic and necessary information, including home address, telephone number, and date of birth, are obtained. Please bear in mind that the police officer, by asking detailed questions, is attempting to solve the crime and apprehend the person(s) responsible. The crime scene (the area where the incident occurred) must not be disturbed so that physical evidence such as fingerprints can be preserved.



Each member of the University community is asked to be observant and pay attention to descriptions of persons, including clothing worn, and vehicles, including license plate numbers. Any suspicious person observed in or around your residence facility, classroom, office, or work area should be reported to UMBPD **immediately at 6-6882 (410-706-6882), at 911 (from an on-campus phone)**, or by pushing the **red emergency button** on any **blue light emergency phone**.

If additional information is needed after the initial inquiry, a patrol officer or a detective from UMBPD will be assigned to conduct a follow-up investigation. The University is committed to doing everything possible to assist crime victims and witnesses. When you report a crime to UMBPD or are interviewed as a witness, the investigating officer will provide you with a Victim and Witness Assistance Guide. This brochure contains important information to aid in coping with your experience. Information and assistance for victims and witnesses, including referral to counseling resources, both routine and emergency, as well as legal, medical, and social service referrals, are available from UMBPD 24 hours a day. Additional services, such as case status information, court liaison, and security surveys, are available by contacting the victim/witness coordinator at 6-5547 (410-706-5547).

### 9.03 Limited Voluntary/Confidential Reporting

UMBPD encourages anyone who is a victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, UMBPD cannot hold reports of a crime in confidence. Confidential reports for the purposes of inclusion in the annual disclosure of crime statistics can generally be made to UMB campus security authorities, as defined in Section 9.04 of this report.

Professional and pastoral counselors are exempt from reporting requirements. UMB encourages counselors and clergy, if and when they deem it appropriate, to inform those they counsel of procedures for reporting crimes on a voluntary, confidential basis to any campus security authority for inclusion in the annual security report.

### 9.04 Campus Security Authorities

The Clery Act mandates that institutions disclose statistics for crimes reported to local police agencies and crimes reported to campus security authorities. The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many individuals, students in particular, are hesitant about reporting crimes to the police but might be more inclined to report incidents to other campus-affiliated individuals.

A campus security authority is defined as:

- A campus law enforcement unit.
- Any individual or individuals who have responsibility for campus security but do not constitute a campus security force, such as an individual who is responsible for monitoring entrance into school property (e.g., an access monitor).
- An individual or organization specified in a school's campus security statement as the individual or organization to which students and employees should report criminal offenses.

- An official of a school who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

### ***Campus Security Authority Cite 34 CFR 668.46(a)***

Although we encourage the reporting of campus criminal activity directly to UMBPD, in some instances members of the University community may choose to file a report with one of the other campus security authorities. Crime statistics are continuously gathered from UMB campus security authorities using the convenient and accessible Clery Incident Report Form. This form ([Attachment III](#)) is available on the UMBPD website at [www.umaryland.edu/police](http://www.umaryland.edu/police). A crime reported to any campus security authority can be immediately conveyed to UMBPD via email, fax, or campus mail. For reporting purposes at UMB, campus security authorities have been identified as:

- University of Maryland, Baltimore Police Department
- Title IX Coordinator
- Student Judicial Programs — Dean or Assistant Dean
- Student Affairs — Assistant Dean for Each School
- UMB Housing Official
- Health Services — Director
- Student Counseling Center — Director
- Academic Affairs — Assistant Deans
- Fitness and Recreation — Director

## **9.05 Staff and Faculty Disciplinary Referrals**

Regardless of criminal prosecution decisions, all criminal cases involving students are referred by UMBPD to the dean of student affairs and/or the Title IX coordinator, as appropriate. When there is evidence that a student has committed a crime on campus, disciplinary action at the University may proceed whether or not criminal charges involving the same incident have been adjudicated or dropped. The University does not have student organizations with off-campus locations. For more information, refer to the Code of Conduct policy in the Student Answer Book.

## **9.06 Annual Clery Notice Compliance**

The University's Clery Notice is distributed (directly) via email to all current students and current employees in October each year. The Annual Clery Report is posted on the UMBPD homepage.

### **NOTICE OF THE ANNUAL CLERY CAMPUS SECURITY REPORT**

In accordance with the guidelines established by the University of Maryland, Baltimore and pursuant to federal law, identified as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, all currently enrolled students, campus employees, prospective students, and prospective employees are entitled to request and receive a copy of the University's Annual Campus Security and Fire Report (Clery Report).

The report contains crime statistics about certain specified crimes/incidents that have been reported to UMBPD and/or campus security authorities over the past three years and occurred on

campus, in off-campus buildings or property owned or controlled by the University, or on public property adjacent to campus.

The report also contains policies and practices pertaining to campus security, crime reporting, alcohol and drugs, victim assistance programs, student discipline, campus resources, community safety alerts, crime prevention, access to campus facilities/properties, and personal safety tips. The report encourages the reporting of all crime occurrences. The report describes how and to whom to report crimes. Copies of this report may be obtained by calling 6-6882 (410-706-6882) or 6-3575 (410-706-3575), or in person from UMBPD or online at the UMBPD website at [www.umaryland.edu/police](http://www.umaryland.edu/police).

The University's Clery Notice is printed and distributed to all current students/employees and made available to all prospective students/employees using a variety of methods to ensure Universitywide dissemination to satisfy federal law mandates. The following summary outlines the Clery Notice compliance mechanisms.

- A. Current Students and Employees
  - 2. Electronic mail
    - Annual (October) electronic mailing (email) to all students, faculty, and staff
  - 3. Webpage postings
    - University of Maryland, Baltimore Police Department
  - 4. Publications
    - Clery Report is available in hard copy at UMBPD headquarters
- B. Prospective Students and Employees
  - 3. Webpage postings
    - University of Maryland, Baltimore Police Department webpage
  - 4. Publications
    - Clery Report is available in hard copy at UMBPD headquarters
  - 5. Human Resources
    - New Employee Orientation

## 9.07 Police Daily Crime Log

A daily log of all criminal offenses reported on campus is maintained by UMBPD and available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at 222 N. Pine St., excluding holidays when the University is closed. The crime log also is available online at [www.umaryland.edu/police/60-day-crime-log](http://www.umaryland.edu/police/60-day-crime-log).

UMBPD may withhold information from the daily crime log if the release of such information would jeopardize a criminal investigation or the safety of an individual, cause a suspect to evade detection or flee, and/or result in the destruction of evidence.

UMBPD's crime log covers the most recent 60-day period and is open for public inspection during normal business hours. Crime log information dating back more than 60 days will be made available for inspection within two business days of a written request.

## 10.00 CRIME ALERT BULLETIN

*(Emergency Notifications and Timely Warnings)*

To safeguard the University community, increase crime awareness, and meet our emergency notification commitments (subject to the availability of accurate information), UMB Alerts shall be distributed as soon as possible following a reported incident. The circumstances of any particular situation coupled with the University of Maryland, Baltimore Police Department's (UMBPD) evaluation of the situation/threat potential will dictate the need and manner for the issuance of a crime alert bulletin.

However, in general, whenever there has been a report of a violent crime or a major property crime on campus and UMBPD is of the opinion that the safety of the University community is at risk, a UMB Alert will be issued. The alert process will at a minimum entail a combination of all campus electronic mail postings and electronic posting on the UMBPD webpage at [www.umaryland.edu/police](http://www.umaryland.edu/police). Physical postings of bulletins in designated University buildings and residential facilities by campus police security personnel may be an option depending upon circumstances.

### 10.01 Emergency Notifications

UMBPD is tasked with making the decision on whether to issue a UMB Alert. The alert shall include, but not be limited to, the following items if available:

- Description of the incident (type of crime, time, date, location, etc.)
- Physical description of the offender
- Safety notice (when practical) specific to the incident

For a sample UMB Alert, see [Attachment V](#).

### 10.02 Distribution Procedures

There is no single best method to distribute a UMB Alert. However, depending upon the circumstances of the particular case, a UMB Alert bulletin will often be limited to Universitywide email distribution. Other situations may necessitate the physical posting of bulletins in designated campus areas. All UMB Alerts are posted on the UMBPD website at [www.umaryland.edu/police](http://www.umaryland.edu/police).

For the UMB Alerts procedure, see [Attachment XI](#).

### 10.03 Emergency Management

As part of the University's Emergency Management Plan, UMB uses several notification mediums designed to ensure that vital information is communicated quickly in an emergency. The system is capable of rapidly sending text and voice messages to identified devices and systems.

- Campus emergency information phone line, 6-8622 (410-706-UMAB)
- University alerts — Everbridge
- Mass notification system (public address system)

In the event campus evacuation is recommended by the Emergency Management Team or the appropriate governmental authority and approved by the University president, the following actions will be taken: Notification will be sent to the individual schools and administrative departments via the usual communication channels (telephone, internet, email, and voicemail), and fire wardens and shelter in place coordinators will be notified to make sure the information is distributed.

Exercises and drills are key parts of the University's emergency response management program. The emergency management director is responsible for scheduling and oversight of emergency exercises. Exercises are developed based on an assessment of which areas of emergency response capability need testing and will include appropriate internal and external groups needed to effectively test the University's response.

#### **10.04 Distinction Between Timely Warnings and Emergency Notifications**

Federal law has required that universities issue "timely warnings" of potential dangers to the University community involving criminal activity. While such warnings must be "timely," they need not be immediate and can await the results of investigations into the danger. Recent events have caused universities to develop emergency notification systems that could quickly notify all or selected members of the University community of immediate dangers, including active shooters, fires, or severe and dangerous weather incidents.

### **11.00 MISSING STUDENTS**

*(Campus Policies and Procedures on Missing Students)*

#### **11.01 Scope**

This policy and procedure is established pursuant to federal law (20 USC § 1092 (j)), which requires any institution that participates in a Title IV federal student financial aid program and that maintains on-campus housing facilities to establish a missing student notification policy. This policy applies specifically to students who reside in University of Maryland, Baltimore (UMB) on-campus residential facilities (UMB Housing).

#### **11.02 Policy**

Missing student reports should be made immediately. Campus police receive missing person reports and make the determination for the University that a student is deemed missing under this policy. UMB will allow each student to designate an emergency contact. All contact information will remain confidential but accessible to authorized campus officials and law enforcement personnel in furtherance of a missing person investigation. UMB will notify the parent or guardian of a student under the age of 18 within 24 hours after a student is determined to be missing. UMB will notify appropriate law enforcement agencies and campus officials within 24 hours after a student is determined to be missing.



### 11.03 Procedure

Any person can make a missing student report. The report should be made immediately to UMBPD by calling 911 (from an on-campus phone) or 6-6882 (410-706-6882) or by visiting police headquarters at 214 N. Pine St., Baltimore, MD 21201. UMBPD is responsible for investigating each report and determining if a student should be classified as missing. UMBPD will initiate the report and notify the associate vice president for academic and student affairs and the general manager for University housing. UMB will notify the emergency contact within 24 hours after a student is determined to be missing. UMB will notify the parent or guardian of a student under the age of 18 within 24 hours after a student is determined to be missing. The UMB Missing Student Policy can be found at [www.umaryland.edu/policies-and-procedures](http://www.umaryland.edu/policies-and-procedures).

Questions or comments regarding the missing student policies or procedures can be directed to:

Flavius Lilly, PhD, MA, MPH  
 Associate Vice President for Academic and Student Affairs  
 Senior Associate Dean, Graduate School  
 620 W. Lexington St., Suite 5112  
 Baltimore, MD 21201  
 Phone: 410-706-7767  
 Email: [flilly@umaryland.edu](mailto:flilly@umaryland.edu)

## 12.00 SUBSTANCE ABUSE

*(Policies on Alcoholic Beverages, Illegal Drugs, and Drug/Alcohol Abuse Programs)*

### 12.01 Alcohol Policies

Any person using alcoholic beverages while on the University of Maryland, Baltimore (UMB) campus shall be responsible to all civil and University authorities for compliance with state and city laws and the University Alcohol Policy. It is illegal in Maryland for anyone under the age of 21 to purchase, possess, or consume alcohol or to falsify or misrepresent their age to obtain alcohol. It also is illegal in Baltimore to possess alcohol in an open container in any public area that has not been specifically designated as a location where alcohol may be consumed.

### 12.02 Drug Policies

The use, possession, and/or sale of illegal drugs are violations of the University's Substance Abuse Policy, the faculty contract, and the terms of employment of administrative, classified, and contingent staff. Faculty, students, and staff who use, possess, or sell illegal drugs are subject to criminal prosecution as well as administrative disciplinary actions, including mandatory counseling, suspension, or dismissal.

### 12.03 Enforcement

The possession, sale, or furnishing of alcohol and illicit drugs on the University campus is governed by the University's Policy on Substance Abuse ([Attachment VIII](#)), the code of conduct for each school, and state and federal laws. These laws are strictly enforced by the University of

Maryland, Baltimore Police Department. Violators are subject to University disciplinary action, criminal prosecution, fines, and/or imprisonment.

## 12.04 Education

Numerous drug and alcohol abuse prevention programs are presented each year through a cooperative effort among many University departments and schools. Alcohol counseling and drug rehabilitation programs and referrals are available at the Student Counseling Center ([www.umaryland.edu/counseling](http://www.umaryland.edu/counseling)). Students may participate in drug, alcohol, and other substance abuse education programs conducted by Student Health. Information may be obtained by visiting the Student Health website at [www.umaryland.edu/health](http://www.umaryland.edu/health).

## 13.00 SEXUAL MISCONDUCT AND HARASSMENT PREVENTION

*(Campus Sexual Misconduct Policy and Programs)*

The University of Maryland, Baltimore (UMB) is committed to creating a safe and secure campus environment that is free from acts of intimidation or the fear of falling victim to sexual misconduct or hate violence. The University explicitly prohibits dating violence, domestic violence, rape and other forms of sexual assault, and stalking as defined by both the Clery Act and University policy. The following offices and services contribute greatly toward this effort: Office of Accountability and Compliance, 6-2281 (410-706-2281); Anonymous Hotline, 866-594-5220; Student Counseling Center, 8-8404 (410-328-8404); and the University of Maryland, Baltimore Police Department (UMBPD), 6-6882 (410-706-6882).

### 13.01 Definitions

It is important that members of the UMB community share common terminology and understanding of the following terms.

#### Sexual Assault

- UMB Policy Definition:
  - Sexual Assault I.** Non-Consensual Sexual Intercourse: Any act of sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth-to-genital contact.
  - Sexual Assault II.** Non-Consensual Sexual Contact: Any intentional touching of the intimate parts of another person, causing another to touch one's intimate parts, or disrobing or exposure of another without consent. Intimate parts may include genitalia, groin, breast, or buttocks, or clothing covering them, or any body part that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.
- Maryland Definition:
 

Maryland Criminal Law Code Ann. § 3-304, et. seq., defines various degrees of rape and other sexual offenses. These definitions can be found at [www.mcasa.org/law-public-policy/maryland-law-regulations](http://www.mcasa.org/law-public-policy/maryland-law-regulations).

- **Federal Definition:**  
The Department of Justice (DOJ) defines sexual assault generally as “any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.” ([www.justice.gov/ovw/sexual-assault](http://www.justice.gov/ovw/sexual-assault)) Rape is specifically defined as “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.” ([ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/violent-crime/rape](http://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/violent-crime/rape))

#### Consent

- **UMB Policy Definition:**  
Consent means a 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. Consent may be withdrawn at any time. 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 engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

#### Stalking

- **UMB Policy Definition:**  
Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the safety of oneself or the safety of others or suffer substantial emotional distress.
- **Maryland Definition:**  
Criminal Law Code Ann. § 3-802 defines stalking as “a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear of serious bodily injury; of an assault in any degree; of rape or sexual offense or attempted rape or sexual offense in any degree; of false imprisonment; or of death; or that a third person likely will suffer any of the acts listed in item (1) of this subsection.”
- **Federal Definition:**  
DOJ defines stalking as “a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.” ([www.justice.gov/ovw/stalking](http://www.justice.gov/ovw/stalking))

## Domestic Violence

- UMB Policy Definition:  
Domestic violence means 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 person against an adult or youth complainant protected from those acts by domestic or family violence laws of Maryland.
- Maryland Definition:  
Maryland law relies on general criminal law definitions for assault and abuse.
- Federal Definition:  
DOJ defines domestic violence as “a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.” ([www.justice.gov/ovw/domestic-violence](http://www.justice.gov/ovw/domestic-violence))

## Dating Violence

- UMB Policy Definition:  
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.
- Maryland Definition:  
Maryland law relies on general criminal law definitions for assault and abuse.
- Federal Definition:  
DOJ defines dating violence as “violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship.” ([www.justice.gov/ovw/dating-violence](http://www.justice.gov/ovw/dating-violence))

Additional UMB policy definitions can be found at [www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160a.php](http://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160a.php).

Additional Maryland definitions can be found at [www.mcasa.org/law-public-policy/maryland-law-regulations](http://www.mcasa.org/law-public-policy/maryland-law-regulations).

## 13.02 Sexual Assault, Domestic Violence, Dating Violence, and Stalking Safety Procedures

Persons who believe they have been sexually assaulted or who have been the victim of any type of sex offense, interpersonal violence, or stalking should immediately report the incident to UMBPD by calling 6-6882 (410-706-6882) or the University Title IX coordinator by calling 6-2281 (410-706-2281), or both. The Title IX coordinator can assist with notification of off-campus authorities, obtaining medical attention, accessing counseling on and off campus, and providing information about additional campus resources and applicable policies and procedures. Immediately after an incident, the following steps are strongly suggested:

- Get to a safe place.
- Call the police and/or the University Title IX coordinator immediately.
- If you are not sure about filing a criminal complaint or seeking a protective/peace order, but you might want to file a complaint at a later time, you are encouraged to obtain a medical evidentiary forensic examination (as appropriate to the incident). You are encouraged to file a police report, and you always have the right to change your mind and not pursue a criminal complaint or petition for court-ordered protection.
- If you are not sure what to do, you can call TurnAround, Inc. (Rape Crisis and Recovery Center) at 410-377-8111 or its help line at 443-279-0379. The advocate will provide you with options, and you do not need to give your name.

### Sexual Assault:

- If possible, do not bathe, shower, douche, change your clothes, or disturb anything at the crime scene. Extremely valuable physical evidence can be obtained from you, your clothing, and objects at the scene of the crime.
- The Emergency Department at Mercy Medical Center, located at 345 St. Paul Place, Baltimore, MD 21201, operates a Sexual Assault Forensic Examiner (SAFE) program that offers free exams from trained forensic nurse examiners. They can be reached at 410-332-9494.
- If you do not wish to make a report to the police to obtain a medical evidentiary forensic examination, you are still encouraged to seek professional medical advice as soon as possible for a sexually transmitted infection (STI) screen, pregnancy test, prophylactic HIV treatment, and other palliative and preventative medical care.
- If you live with or are otherwise controlled in day-to-day living by the assailant and are not ready to leave or otherwise change these circumstances, you are still encouraged to develop a safety plan with assistance from a counselor or a community agency.

### Stalking:

- Trust your instincts if you feel unsafe, and never dismiss direct threats. Use the contact recommendations listed above and alert friends and family. Don't communicate with the stalker or respond to attempts to contact you.



- Keep all evidence of the stalking. When the stalker follows you or contacts you, write down the time, date, and place. Keep emails, text messages, phone messages, letters, or notes. Photograph anything of yours the stalker damages and any injuries the stalker causes. Ask witnesses to write down what they saw.
- For additional information, go to [www.victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims](http://www.victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims).

Refer to the UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination, Attachment IV, and the University System of Maryland Policy on Sexual Misconduct, Attachment VI.

### 13.03 Physical Evidence

The timely preservation of physical evidence is essential to the successful prosecution of most sex offenses and/or instances of interpersonal relationship violence. Considering the time-sensitive nature regarding the preservation and collection of such evidence, it is essential that UMBPD be contacted as soon as possible.

Due to the sophisticated investigative resources required to properly investigate certain sex crimes, UMBPD has a concurrent jurisdiction agreement with the Baltimore Police Department to take primary investigative responsibility for investigating first- and second-degree rapes and first- and second-degree sex offenses. UMBPD also will assign an investigator to facilitate internal University incident management and internal judicial affairs protocols.

### 13.04 Campus and Community Resources

Counseling, mental health, and other student services for victims of sexual assault, interpersonal relationship violence, stalking, and sexual exploitation are available both on campus and in the community. Below is a list of resources:

#### **Student Counseling Center**

(Confidential)

Health Sciences and Human Services Library

601 W. Lombard St., Suite 440

Monday to Friday, 8:30 a.m. to 5 p.m.

Phone: 410-328-8404

Fax: 410-328-5291

Website: [www.umaryland.edu/counseling](http://www.umaryland.edu/counseling)

#### **Student Health Center**

408 W. Lombard St. between Eutaw and Paca streets

Monday to Friday, 7 a.m. to 5 p.m.

Monday to Thursday, 5 p.m. to 7 p.m., at Family and Community Medicine (29 S. Paca St.)

Appointments: 667-214-1899 (external) or 4-1899 (internal)

After Hours (urgent questions, available 24/7): 667-214-1800 (external) or 4-1800 (internal)

Director: Gregory Huang, MD: 667-214-1899 (external) or 4-1899 (internal)

Website: [www.umaryland.edu/studenthealth](http://www.umaryland.edu/studenthealth)

**Mercy Medical Center**

(Sexual Assault Forensic Examiner [SAFE] program)

345 St. Paul Place

Baltimore, MD 21201

Phone: 410-332-9494

Email: [bMOREsafe@mdmercy.com](mailto:bMOREsafe@mdmercy.com)

Website: [www.bmoresafemeracy.org](http://www.bmoresafemeracy.org)

Directory of other Maryland SAFE Programs:

[www.mcasa.org/assets/files/SAFE-Programs-List-Updated-July-2015.pdf](http://www.mcasa.org/assets/files/SAFE-Programs-List-Updated-July-2015.pdf)

**TurnAround, Inc.**

(Confidential; rape crisis and recovery center; also a resource for interpersonal relationship violence)

1800 N. Charles St.

Baltimore, MD 21201

Phone: 410-377-8111

Help Line: 443-279-0379

Website: [www.turnaroundinc.org](http://www.turnaroundinc.org)

**Maryland Coalition Against Sexual Assault (MCASA)**

(Provides a list of confidential support resources throughout the state)

P.O. Box 8782

Silver Spring, MD 20907

Phone: 301-328-7023

Website: [www.mcasa.org](http://www.mcasa.org)

Statewide Service Provider Directory:

[www.mcasa.org/survivors/find-a-rape-crisis-center](http://www.mcasa.org/survivors/find-a-rape-crisis-center)

MCASA's Sexual Assault Legal Institute (SALI)

Phone: 301-565-2277 or toll-free at 877-496-SALI (7254)

**National Sexual Assault Hotline**

(Confidential)

Phone: 1-800-656-HOPE (4673)

**Maryland Network Against Domestic Violence**

4601 Presidents Drive, Suite 370

Lanham, MD 20706

Phone: 301-429-3601

Email: [info@mnadv.org](mailto:info@mnadv.org)

Website: [www.mnadv.org](http://www.mnadv.org)

Statewide Service Provider Directory:

[www.mnadv.org/find-help/find-help](http://www.mnadv.org/find-help/find-help)

**Statewide Help Line**

Monday to Friday, 9 a.m. to 5 p.m.

Phone: 1-800-MD-HELPS (1-800-634-3577)

**National Stalking Resource Center**

(National Center for Victims of Crime program)

2000 M St. NW, Suite 480

Washington, DC 20036

Phone: 202-467-8700

Victim Connect Hotline: 855-4-VICTIM (855-484-2846)

Website: [www.victimsofcrime.org/our-programs/stalking-resource-center/resources](http://www.victimsofcrime.org/our-programs/stalking-resource-center/resources)

**13.05 Confidentiality**

The Title IX coordinator will work collaboratively with a reporting individual to establish the appropriate parameters of confidentiality in each case, always making every effort to operate with discretion and maintain the privacy of the individuals involved. If the complainant requests that the Title IX coordinator keep the matter confidential, the Title IX coordinator will carefully evaluate that request by balancing the complainant's wish for privacy against the safety and welfare of the UMB community. Where there is a need to preserve the health and safety of the victim and/or members of the University community, information may be shared on a need-to-know basis. Unless there is an imminent threat to health or safety or a basis for disclosure such as child abuse, confidentiality is offered when individuals seek support services from the Employee Assistance Program and the Student Counseling Center or when a report is made through the UMB Ethics Point Hotline.

UMB recognizes that sexual violence, interpersonal violence, and stalking are sensitive subject matters for all parties involved. However, persons should be aware that the University may need to disclose information to conduct an investigation, resolve a complaint, or comply with applicable law. UMB shall share details about investigations with those who have a need to know. Investigations of complaints often require the complainant's identity to be known by the party or parties whose conduct is being reviewed. Individuals who wish to make a confidential complaint of sexual violence, interpersonal violence, or stalking should speak with those who have a professional or legal obligation to keep communications confidential.

**13.06 Sexual Misconduct Education/Prevention Programs**

Several crime prevention educational programs are provided to the University community throughout the year. Topics include personal safety, date rape, police services, crime prevention tips, and the Rape Aggression Defense (R.A.D.) System. Programs are accompanied by informational bulletins, posters, crime prevention books, and pamphlets that are posted around the University to promote campus crime prevention. Most information is targeted for a specific area or time frame, such as crime prevention tips for resident students, protecting employee property, and working in open areas where non-employees have accessibility.

Upon request, the director of public safety or designee will provide crime prevention recommendations and input to any requesting University group. For more information about campus safety, University security policies, or crime prevention services, call UMBPD at 6-6882 (410-706-6882). By being aware that crime does occur on campus, members of the University

community can take positive measures to prevent crime. Such positive measures include locking doors, keeping valuables in a safe place, avoiding walking in areas that look unsafe or are not well-lit, using the police Safe Walk/Safe Ride Program, and being alert to surroundings.

### ***Sex and Gender-Based Violence Primary Prevention and Awareness Education***

In addition to the programs described above, all UMB faculty, staff members, and affiliates are required to complete an online Title IX awareness training program each academic year. The purposes of this mandatory online training are to help employees recognize examples of sexual discrimination in higher educational settings, to learn practical strategies for responding to sexual misconduct, and to model appropriate behavior according to UMB policy. Mandatory online training also is deployed to all new students. Returning students are provided with a refresher program at the beginning of each academic year. The student training includes an overview of Title IX legislation as well as UMB's obligations and students' rights under the law. The training also discusses UMB's policies and procedures related to sex-based discrimination, including sexual harassment and sexual violence, as well as how to report an incident. Additionally, the training includes information on alcohol awareness, bystander intervention, how to recognize problem behaviors, and the on- and off-campus resources available to those who experience any form of sex-based discrimination. A separate online employee and affiliate training also is required covering similar information to that provided in the student training.

### ***Ongoing Prevention and Awareness Campaigns***

Upon request, the University's Office of Accountability and Compliance (OAC) also will conduct presentations to members of the UMB community, including UMB students or affiliates, to educate them on Title IX and how it applies to UMB, reporting sexual misconduct, and ways they can prevent sexual misconduct through risk reduction strategies and bystander intervention.

Education and outreach entities throughout the campus also offer programs from time to time on topics pertaining to Title IX. Beyond UMBPD and OAC, the University's Wellness Hub, UMB Community Collaborative on Intimate Partner Violence, URecFit, and others contribute to awareness and education efforts.

### ***Domestic Violence Specifically***

UMBPD is committed to reducing the incidence and severity of domestic violence by recognizing it as a significant societal problem and dealing with it as a serious criminal offense. As a result, UMBPD will strive to educate victims of their legal rights, advise victims of the help that is available, and encourage victims to seek legal and social assistance, hold abusers accountable for their actions, and make arrests when there is evidence of injury consistent with warrantless arrest criteria.

Domestic violence is a physical injury or the threat of physical injury committed by a person in an intimate relationship with the victim. Intimate relationship refers to relationships that are heterosexual or homosexual and have a sexual or emotional component or have had a sexual or emotional component.

- A. Persons involved in an intimate relationship are partners who:
  2. Are married, separated, or divorced

3. Live or have lived together
4. Have children in common
5. Date or have dated, but do not live or have never lived together

B. Persons not involved in an intimate relationship are:

3. Other family members such as children or parents
4. Individuals living together in a situation in which the relationship is usually not considered intimate, such as dormitory or rooming arrangements

If there is an existing temporary protection order or peace order in place, the investigating officer shall determine whether the perpetrator has violated the order and respond appropriately as provided by law for such violations. UMBPD does not issue orders of protection, but uses the services of the Baltimore City Sheriff's Office.

If there is not an existing temporary protection order or peace order in place, UMBPD can assist with filing restraining orders that may take the form of protective/peace orders (interim, temporary, and final) issued by the District Court (1400 North Ave.) and which shall be served immediately by law enforcement officers.

UMBPD provides victims/witnesses with literature and programs that assist with victim assistance and related community services available within the serviced area. Information pertaining to these services includes, but is not limited to: University of Maryland, Baltimore Police Department Victim Assistance/Incident Information Form; *Safety Begins With You: A Guide to Campus Security* booklet; TurnAround, Inc., counseling services; Roberta's House counseling services; House of Ruth domestic violence counseling and housing services; UMB Employee Assistance Program; and the Baltimore City State's Attorney's Office.

Domestic violence programs in Baltimore:

**House of Ruth Maryland**

2201 Argonne Drive  
Baltimore, MD 21218  
Phone: 410-889-0840  
Hotline: 410-889-7884  
Website: [www.hruth.org](http://www.hruth.org)

**TurnAround, Inc.**

1800 N. Charles St.  
Baltimore, MD 21201  
Phone: 410-837-7000  
Help Line: 443-279-0379  
Website: [www.turnaroundinc.org](http://www.turnaroundinc.org)

For further information, see the Family Law Article Title 4 of the Annotated Code of Maryland.



## 13.07 Campus Policy and Procedures for Reporting and Adjudicating Complaints of Sexual Misconduct

A student and other community members with a complaint about sexual harassment or sexual violence, including sexual assault, domestic or dating violence and stalking, should report to the Title IX coordinator.

### **Title IX Coordinator:**

Ms. Mikhel Kushner, JD, MSW  
Executive Director, Diversity and Inclusion  
[mikhel.kushner@umaryland.edu](mailto:mikhel.kushner@umaryland.edu)  
410-706-1852 (Direct Number)

Office of Accountability and Compliance  
Education and Equal Access Team  
620 W. Lexington St., Fifth Floor  
Baltimore, MD 21201  
Phone: 410-706-2281  
Email: [TitleIXCompliance@umaryland.edu](mailto:TitleIXCompliance@umaryland.edu)  
Website: [www.umaryland.edu/titleix](http://www.umaryland.edu/titleix)

The procedures for filing a complaint and campus investigation proceedings are found in the UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination, as well as one of two procedural documents based on the status of the accused. Attachment VII.A., UMB Procedures for Adjudicating Complaints Against UMB Personnel of Sexual Misconduct and Sex and Gender-Based Discrimination (Policy VI-1.60(B)) Attachment VII is followed when the respondent to a complaint is an employee. This procedure also offers guidance regarding the management of claims involving affiliates not directly employed by UMB. UMB Procedures for Adjudicating Complaints Involving Students of Sexual Misconduct and Sex and Gender-Based Discrimination (Policy VI-1.60(C)) Attachment IV outlines the process when a student is the respondent to a complaint.

The University is committed to working with a complainant and a respondent through a prompt, fair, and impartial investigation process. During the campus investigation, both the complainant and the respondent are entitled to the same opportunities to meet with the investigator, submit written statements, names of witnesses and other evidence, and consult with and obtain advice and support from personal and/or legal advisors. Both the complainant and the respondent shall receive notification that is as close to simultaneous as possible with respect to the outcome of an investigation, as well as the final determination regarding sanctions and remedial action where there is an allegation of sexual assault, domestic violence, dating violence, or stalking. Both the complainant and the respondent are entitled to appeal. Outcomes will be reached using the standard of preponderance of the evidence (more likely than not). Proven sexual harassment or sexual violence, including sexual assault, will result in remedial and disciplinary actions that may include, but are not limited to, suspension, expulsion, or dismissal.

Appeal options exist for the complainant and the respondent. The specific procedure depends on whether the accused is an employee or a student.

When a complaint involves the alleged conduct of an employee, the appealing party must submit their written appeal to the appropriate dean, vice president, unit head, or designee detailing the basis for the appeal. Upon receipt and prompt review of the report and any written appeals, the UMB dean, vice president, unit head, or designee may (a) affirm the finding; (b) alter the finding; or (c) return the matter to the Title IX coordinator with instructions to fix a procedural or substantive error or to assess the weight and impact of newly discovered evidence. At the conclusion of the investigative and appellate process after the finding has become final, the Title IX coordinator, or designee, shall issue a final outcome notice to both parties separately and concurrently, in writing, and in person, when possible. Issuance of the notice completes the investigation and adjudication under these procedures.

When a complaint involves the alleged conduct of a student, the complainant and the respondent each may appeal for reconsideration of a University administrator's decision to which they are subject. The University administrator in consultation with the Title IX coordinator will consider the documents submitted on appeal and issue a final determination or other appropriate action regarding sanctions and remedial action. The Title IX coordinator will ensure that the complainant and respondent have been informed of the University administrator's final decision about sanction and remediation.

The Title IX coordinator will assist a complainant with interim responsive action if needed, including, but not limited to, arranging alternate academic or living situations, coordinating with schools to reschedule assignments or exams, facilitating change of class sections, authorizing leave to attend counseling and health care appointments, etc.

The Title IX coordinator, deputy Title IX coordinator, and other designees are trained annually and through ongoing professional development opportunities on issues related to domestic violence, dating violence, sexual assault, and stalking, as well as investigative techniques and the review and investigation process. All available steps are taken to assure that training and practice protect the safety of victims and promote accountability.

### **13.08 Victims' Rights**

- Victims have the right to be free from undue coercion to pursue or not pursue any course of action.
- Victims who have not yet reported to an employee who is required to notify the Title IX coordinator may request and receive information on how to make a confidential report for the purposes of tracking campus crime without otherwise revealing details that would require or permit UMB to review and respond.
- Upon notifying UMB of an alleged incident of sex or gender-based violence or harassment, victims will be informed of their options, including a description of necessary steps and potential consequences of each option.
- Victims have the right to be advised of their option to notify appropriate law enforcement authorities and to be informed about how to receive assistance from the University in notifying these authorities, if requested.

- Victims have the right to be fully informed of any applicable disciplinary conduct process and procedures.
- Upon written request, the dean of student affairs will disclose to the victim of a crime of violence or a sex offense (or to the victim's next of kin if the victim dies as a result of the crime or offense) the final results of the University's conduct code proceedings dealing with that specific crime or offense.
- Where applicable, victims will be informed of the institution's role regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a civil, criminal, or tribal court.
- Victims have the same right as the accused to attend and have a support person of their choice and/or witnesses present at all meetings and during all conversations that are part of the review process.
- Victims have the right to be informed of the outcome of any student or colleague conduct process involving alleged sex or gender-based misconduct. In the case of student conduct proceedings, victims have the right to appeal the outcome.
- Victims have the right to request a change in academic, on-campus employment, or on-campus living arrangements after the alleged sex or gender-based violence or harassment and to be informed of the reasonably available options for those changes or other interim or protective measures even if the victim does not choose to report the crime to law enforcement.
- Victims will be informed in writing about campus and/or community resources for counseling, advocacy, and/or other services for survivors of sexual assault, relationship violence, and other forms of sexual misconduct.

### **13.09 Rape on College Campuses**

Although you may never have been personally involved in a sexually violent situation, chances are that someone you know has been. The following material will address the subject of acquaintance rape — a problem that is increasing on university campuses. It will define acquaintance rape, offer suggestions on how to avoid it, and give information on how to help a victim. Rape is not just a problem for women. Men and women must work together to bring about the changes needed to end sexual violence.

#### ***Types of Rape***

People who are forced to have sexual contact against their will are victims of sexual assault. If the assault involves sexual intercourse by force or without consent, it is rape. Two types of rape include:

- Acquaintance rape: Rape by someone the victim knows (this type of rape occurs most often)
- Stranger rape: Rape by someone unknown to the victim

Rapists aren't always strangers. When someone you know — a date, significant other, or casual friend — forces you to have sex, it's still rape. Data indicate that women are victims of sexual assault, including rape, at higher rates. However, sexual assault affects individuals of any gender.

### ***Risk Reduction***

There are no definite rules to avoid becoming a victim of acquaintance rape and other forms of sexual assault. However, there are precautions we all can take that may limit our exposure to situations that could result in non-consensual sexual acts by or against us.

- Remember that consent should be affirmative and continuous. If there is any question or ambiguity, you should proceed as if you do not have consent.
- Recognize the potential for a sexual partner to feel intimidated or coerced by you as a result of a power advantage (size, strength, social capital, etc.). Do not use or abuse that power.
- Clearly communicate your intentions and give your sexual partner the opportunity to clearly communicate the same.
- Consider mixed messages from a partner to be an indication that sexual conduct should stop so that better communication can occur.
- Do not make assumptions about consent, sexual availability, sexual attraction, how far an interaction can go, or about physical and/or mental ability to consent.
- If someone shares intimate images, pictures, videos, or content with you, discuss and honor their expectations regarding how the information may be used, shared, or disseminated.
- Do not take advantage of someone's intoxication or altered state, even if alcohol or drugs were consumed willingly.
- Acknowledge that alcohol/drugs lower sexual inhibitions and may make you vulnerable to someone who sees an impaired person as a sexual opportunity.
- Take responsibility for your alcohol/drug use.
- If possible, leave the physical presence of a sexual aggressor or otherwise violently aggressive person.
- Communicate limits/boundaries and respect the limits/boundaries of others.
- Clearly and firmly say "No" to a sexual aggressor.

- If someone is nearby, ask for help. Bystander intervention preventing rape and other forms of sexual assault is everyone's responsibility. You can help prevent sexual misconduct and other forms of harassment. Always assess a situation to determine the safest/best possible course of action for all concerned.
- Step in to change the course of an interaction.
- Make an excuse to get someone out of a dangerous situation.
- Warn a potential or perceived perpetrator that their actions may lead to severe consequences.
- Refuse to leave the company of a potential victim despite efforts of an aggressor/pursuer to get them alone.
- Call the police or security.
- Remain at the scene of observed misconduct to offer a witness statement subsequent to police or security intervention.
- Participate in activities that seek to hold an aggressor accountable.
- Have honest conversations about sexual violence and harassment.
- Refuse to participate in conversations that degrade and objectify others sexually.
- Commit to being part of the solution before you find yourself in a position to stop misconduct.
- When you suspect someone has experienced sexual violence or harassment, ask them.
- When someone says they experienced sexual violence or harassment, believe and support them.

### ***Alcohol and Date Rape Drugs***

#### **Alcohol**

Alcohol causes greater misperceptions by reducing the ability to process complex stimuli, resulting in poor decision-making and reduced ability to communicate your own or respect another person's boundaries.

In more than 75 percent of college rapes, alcohol was involved in some way.

#### **Rohypnol and GHB**

Rohypnol and GHB are called the date rape drugs because when they are slipped into someone's drink, a sexual assault can take place without the victim being able to remember what happened.



**Rohypnol**

Referred to as “roofies,” “roopies,” “circles,” and the “forget pills,” rohypnol works like a tranquilizer. It causes muscle weakness, fatigue, and slurred speech, loss of motor coordination and judgment, and amnesia that lasts up to 24 hours. It looks like an aspirin — small, white, round.

**GHB (Gamma-Hydroxybutyrate)**

GHB — also known as “liquid X,” “salt water,” or “scoop” — causes quick sedation. Its effects include drowsiness, nausea, vomiting, headaches, dizziness, coma, and death. Its most common form is clear liquid, although it also can be a white, grainy powder.

***Understanding Consent***

Consent is a voluntary, conscious, affirmative agreement to engage in a specific sexual act. Consent can only exist free from force, threat of force, or coercion. Rules apply when assessing whether consent has been/was given.

- Consent can never be assumed.
- Consent cannot be implied from the lack of explicit consent or the lack of explicit dissent.
- Where there is use of threat or force by the accused, the lack of verbal or physical resistance or the submission by the victim does not constitute consent.
- The manner of dress of the victim does not constitute consent.
- Past consent to sexual contact and/or a shared sexual history does not imply consent to future sexual contact.
- A person who initially consents to sexual contact including penetration may withdraw continued consent at any time during the course of that interaction.
- Consent to some form of sexual activity cannot automatically be taken as consent to any other form of sexual activity.
- Intoxication due to use of alcohol or drugs may impair an individual’s capacity to consent freely and may render an individual incapable of giving consent.
- A power differential between people engaged in a sexual act presumes the inability to consent for the less-powerful person (e.g., the student in a student-employee interaction; the supervisee in a direct report-supervisor interaction).

**14.00 REGISTERED SEX OFFENDER INFORMATION**

*(Location of Registered Sex Offender Information)*

The Campus Sex Crimes Prevention Act is a federal law enacted Oct. 28, 2000, that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education or working or volunteering on campus.

The act amended the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which requires sex offenders already required to register in a state to provide notice, as required under state law, to each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. Furthermore, it requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located

and that it is entered into appropriate state records or data systems. These changes took effect Oct. 28, 2002.

It also amends the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to require institutions of higher education to issue a statement, in addition to other disclosures required under that act, advising the campus community about where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. These changes took effect Oct. 28, 2002, and this notice took place beginning with the annual security report due Oct. 1, 2003.

The Office of Accountability and Compliance and the University of Maryland, Baltimore Police Department receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.

Lastly, the act amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders. It also requires the secretary of education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

To find the sex offender registry for Maryland, visit [www.dpscs.state.md.us/onlineservs/socem/default.shtml](http://www.dpscs.state.md.us/onlineservs/socem/default.shtml). This website provides access to information on registrants employed or enrolled at Maryland institutions of higher education.

## 15.00 HATE VIOLENCE

### 15.01 Reporting Hate Violence

Reporting hate violence is a crucial component in the development of a more tolerant society and a hate-free campus environment. If you have been the target of a hate crime or hate bias-motivated incident, you are encouraged to report the occurrence to the University of Maryland, Baltimore Police Department (UMBPD). Under the Clery Act, each institution must report, by geographic location and by category of prejudice, any of the hate violence statistics for specified crimes of murder, manslaughter, sex offenses, robbery, aggravated assault, simple assault, burglary, motor vehicle theft, arson, and any other crime involving bodily injury reported to the local police agencies or to the campus security authority that manifests evidence that the victim was intentionally selected because of the victim's actual or perceived:

- **Race.** A pre-formed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites); or ...
- **Gender.** A pre-formed negative opinion or attitude toward a group of persons because those persons are male or female; or ...

- **Gender identity.** A pre-formed negative opinion or attitude toward a group of persons based on their actual or perceived gender identity, self-image, appearance, behavior, or expression being different from that traditionally associated with the person's gender at birth; or ...
- **Religion.** A pre-formed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or non-existence of a supreme being (e.g., Catholics, Jews, Protestants, atheists); or ...
- **Sexual orientation.** A pre-formed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals); or ...
- **Ethnicity.** A pre-formed negative opinion or attitude toward a group of people whose members identify with one another through a common heritage, often consisting of a common language, common culture, and/or ideology that stresses common ancestry; or ...
- **National origin.** A pre-formed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions (e.g., Arabs, Hispanics); or ...
- **Disability.** A pre-formed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

## 15.02 Procedures for Responding to Hate/Bias Incidents

The University of Maryland, Baltimore has an established procedure for responding to hate/bias incidents on campus. Please refer to [Attachment IX](#) for the complete procedures.

## 16.00 CRIME STATISTICS

*(Collection of Crime Statistics for the Annual Report)*

In compliance with the Clery Act, the University of Maryland, Baltimore Police Department (UMBPD) has the responsibility to report certain crime statistics to the Department of Education. Additionally, UMBPD must comply with other state and federal crime statistics reporting mandates. There is a vast difference in reporting requirements between the Clery Report and other state and federal crime statistics reporting mandates. Clery Act reporting requires the reporting of student disciplinary referrals that are not required by state or federal law enforcement. The Clery Act also mandates the collection of crime data from non-law enforcement personnel identified as campus security authorities (refer to Section 9.04).

This report contains crime statistics that have been compiled from the 2018 calendar year and the two previous years. The statistics reported in **Section 16.02** have been compiled from data collected from three reporting sources: (1) UMBPD, (2) the Baltimore Police Department (BPD), and (3) University of Maryland, Baltimore (UMB) campus security authorities (non-police).

Crime statistics gathered by UMBPD are collected and reported on an annual/calendar year basis. Crime statistics for “public property” on each table have been collected from BPD crime data. UMB campus security authorities (Section 9.04) convey “reportable crimes” using the Clery Incident Report Form available at [www.umaryland.edu/police](http://www.umaryland.edu/police). Click on “Contact Us” and then “Clery Incident Report Form” to locate this form. Any reportable crime made to a campus security authority can be immediately transmitted to UMBPD via fax machine or campus mail.

## **16.01 Reporting Locations/Offense Statistics**

### ***1. On-campus***

Any building or property owned, leased, or under the control of UMB is subject to statistics reporting.

### ***2. On-campus residential facilities***

All on-campus residential buildings are subject to offense statistics reporting.

### ***3. Non-campus properties***

Offense statistics are required for non-campus property or buildings owned or controlled by UMB that are frequently used by students and are not within the same reasonably contiguous geographic area of the institution, or any building/property that is owned or controlled by a student organization that is officially recognized by the institution.

### ***4. Public properties***

Offense statistics for public property located immediately adjacent to and easily accessible from campus, including: thoroughfares, sidewalks, streets, lands, parks, and beaches (property not owned or controlled by UMB and not a private residence or business).

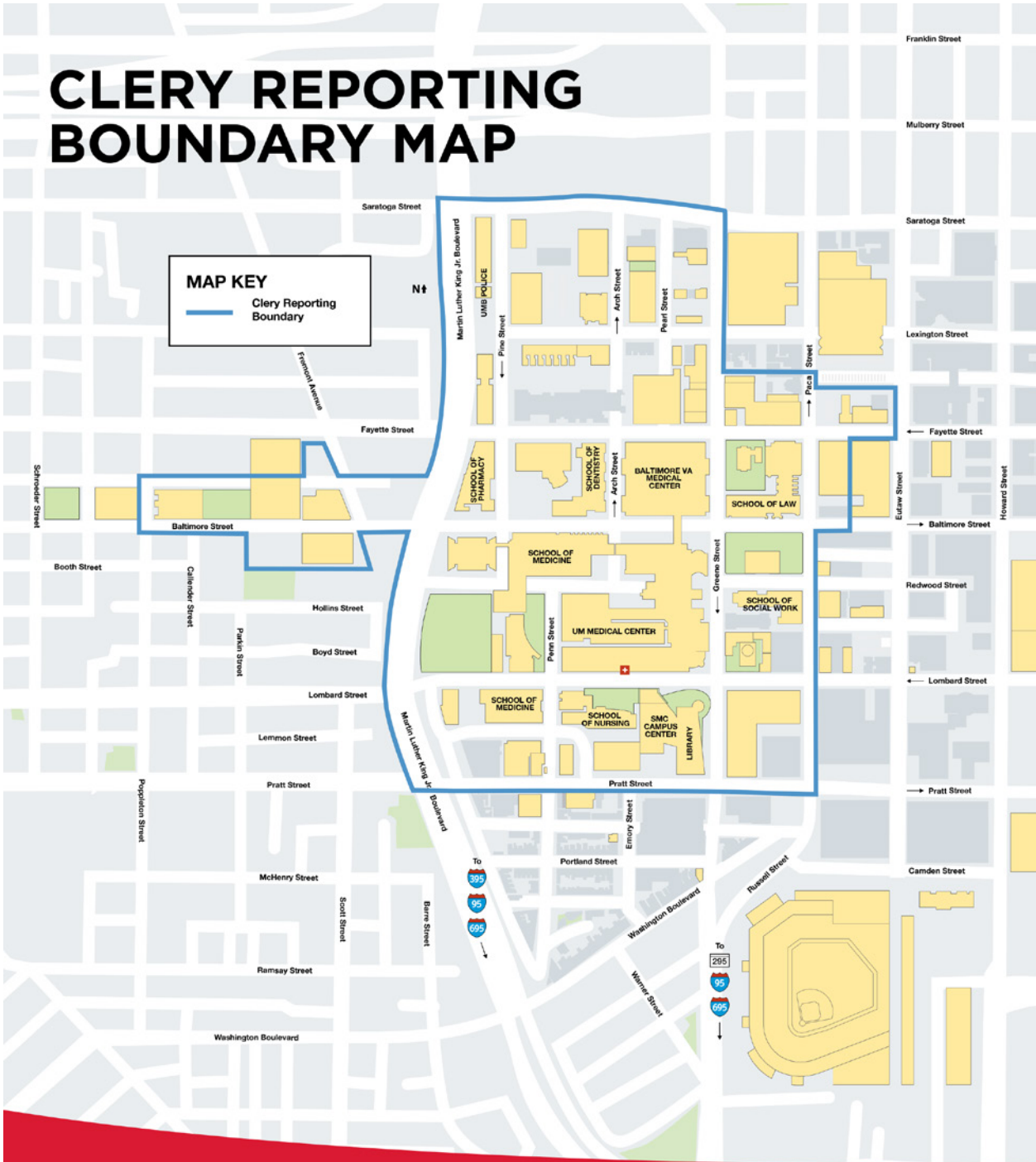
Public property reporting areas identified by UMB are as follows:

The UMB campus is located within BPD’s Central, Western, and Southern districts. The area surrounding the campus is both residential and commercial. To access crime statistics from BPD, visit the department’s website at [www.baltimorepolice.org](http://www.baltimorepolice.org).

### ***Campus Boundary Map***

UMBPD is required to report crimes that occur within the campus boundary for buildings and property that are owned, leased, or controlled by the University and are used to support its educational purposes. The map on the next page displays the campus boundaries. UMBPD has a concurrent jurisdiction agreement with BPD. The agreement defines the areas of shared responsibility between the two police agencies. The concurrent jurisdiction area includes areas that expand beyond the campus boundaries that are not required to be included in this report.

# CLERY REPORTING BOUNDARY MAP



## 16.02 Crime Statistics, Baltimore Campus – Three-Year Comparison

CRIME REPORTS						
Offense	Year	On Campus*	In Dorms, Residential Facilities	Non-Campus Buildings Property	On Public Property	Total
Murder & Non-Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	2	2
	2016	0	0	0	1	1
Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Rape	2018	0	0	0	2	2
	2017	0	0	0	0	0
	2016	0	0	0	1	1
Fondling	2018	0	0	0	0	0
	2017	1	0	0	0	1
	2016	1	0	0	2	3
Incest	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Robbery	2018	3	1	0	14	17
	2017	1	0	0	10	11
	2016	0	0	0	27	27
Aggravated Assault	2018	2	0	0	8	10
	2017	0	0	0	5	5
	2016	0	0	0	14	14
Burglary	2018	3	1	0	0	3
	2017	0	0	0	1	1
	2016	0	0	0	0	0
Motor Vehicle Theft	2018	0	0	0	5	5
	2017	0	0	0	4	4
	2016	0	0	0	8	8
Arson	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Hate Crimes	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	1	0	0	1	2

There were two unfounded crimes in 2016, one unfounded crime in 2017, and eight unfounded crimes in 2018.



<b>CRIME REPORTS</b>						
<b>Offense</b>	<b>Year</b>	<b>On Campus*</b>	<b>In Dorms, Residential Facilities</b>	<b>Non-Campus Buildings Property</b>	<b>On Public Property</b>	<b>Total</b>
<b>Domestic Violence</b>	2018	0	0	0	4	4
	2017	1	0	0	5	6
	2016	0	0	0	1	1
<b>Dating Violence</b>	2018	2	1	0	1	3
	2017	1	1	0	1	2
	2016	1	0	0	3	4
<b>Stalking</b>	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	1	0	0	1	2
<b>ARRESTS</b>						
<b>Liquor Law Violations</b>	2018	0	0	0	1	1
	2017	0	0	0	3	3
	2016	0	0	0	0	0
<b>Drug Law Violations</b>	2018	0	0	0	3	3
	2017	0	0	0	28	28
	2016	0	0	0	11	11
<b>Illegal Weapons Possession</b>	2018	0	0	0	2	2
	2017	0	0	0	1	1
	2016	0	0	0	6	6
<b>CAMPUS DISCIPLINARY REFERRALS</b>						
<b>Liquor Law Violations</b>	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
<b>Drug Law Violations</b>	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
<b>Illegal Weapons Possession</b>	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0

\*On Campus – This category includes all on-campus incidents, including those listed in the category to the right, “In Dorms, Residential Facilities.” Therefore, the two categories are not cumulative, but duplicative.

2018: The 2018 statistics from the Baltimore Police Department are included in the report.

2017: The 2017 statistics from the Baltimore Police Department are included in the report.

2016: The 2016 statistics from the Baltimore Police Department are included in the report.

## 16.03 Crime Statistics, Baltimore Police Department

BALTIMORE POLICE DEPARTMENT CRIME REPORTS						
Offense	Year	On Campus	In Dorms, Residential Facilities	Non-Campus Buildings Property	On Public Property	Total
Murder & Non-Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
Rape	2018	0	0	0	2	2
	2017	0	0	0	0	0
Fondling	2018	0	0	0	0	0
	2017	0	0	0	0	0
Incest	2018	0	0	0	0	0
	2017	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0
	2017	0	0	0	0	0
Robbery	2018	0	0	0	10	10
	2017	0	0	0	12	12
Aggravated Assault	2018	0	0	0	8	8
	2017	0	0	0	5	5
Burglary	2018	0	0	0	0	0
	2017	0	0	0	0	0
Motor Vehicle Theft	2018	0	0	0	1	1
	2017	0	0	0	3	3
Arson	2018	0	0	0	0	0
	2017	0	0	0	0	0
Hate Crimes	2018	0	0	0	0	0
	2017	0	0	0	0	0
Domestic Violence	2018	0	0	0	1	1
	2017	0	0	0	2	2
Dating Violence	2018	0	0	0	0	0
	2017	0	0	0	0	0
Stalking	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>ARRESTS</b>						
Liquor Law Violations	2018	0	0	0	0	0
	2017	0	0	0	0	0
Drug Law Violations	2018	0	0	0	9	9
	2017	0	0	0	29	29
Illegal Weapons Possession	2018	0	0	0	7	7
	2017	0	0	0	0	0

The 2017 and 2018 report provided by BPD is included in a separate table (**Section 16.03**). UMB was unable to determine if the reports obtained were duplicate incidents and arrests or if these incidents occurred within our identified Clery Act geographical boundaries.

### 16.04 Crime Statistics, Universities at Shady Grove — Three-Year Comparison

The Universities at Shady Grove (USG) is a regional center located in Rockville, Md., that supports programs from nine institutions within the University System of Maryland. Students attend classes at USG but are still considered students of their “home campus.” In addition, employees at USG can be affiliated with any of the nine institutions.

Please go to [www.shadygrove.umd.edu/about/public-safety](http://www.shadygrove.umd.edu/about/public-safety) for the USG Annual Security Report that is compiled and distributed annually in compliance with the Clery Act. This publication contains crime statistics and statements of security policy. Annually, prior to Oct. 1, current students and employees are sent an email message that includes a link to this brochure and notification that the current edition of the *Safety & Security* publication has been posted on the Universities at Shady Grove website. Printed copies may be obtained from the 24-hour security desk located in the Camille Kendall Academic Center on the Shady Grove campus.

Crime statistics for USG are reported, in their entirety, by each of the nine institutions that conduct classes at USG.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) mandates the manner and format in which statistics are to be collected and published. Statistical updates, if any, will be posted online at [www.shadygrove.umd.edu/about/public-safety](http://www.shadygrove.umd.edu/about/public-safety).

THE UNIVERSITIES AT SHADY GROVE <sup>(1)</sup>					
Crime Report Statistics <sup>(4)</sup>					
Offense	Year	On Campus	Non-Campus Buildings or Property	Public Property <sup>(2)</sup>	Total
Murder & Non-Negligent Manslaughter	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Rape	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Fondling	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Incest	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0

<b>THE UNIVERSITIES AT SHADY GROVE<sup>(1)</sup></b>					
<b>Crime Report Statistics<sup>(4)</sup></b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus Buildings or Property</b>	<b>Public Property<sup>(2)</sup></b>	<b>Total</b>
Statutory Rape	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Robbery	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Aggravated Assault	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Burglary	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Motor Vehicle Theft	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Arson	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Hate Crimes <sup>(3)</sup>	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Domestic Violence <sup>(5)</sup>	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Dating Violence <sup>(5)</sup>	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Stalking <sup>(5)</sup>	2018	1	0	0	1
	2017	0	0	0	0
	2016	1	0	0	1
Liquor Law Violation Referrals <sup>(6)</sup>	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Drug Law Violation Referrals <sup>(6)</sup>	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Illegal Weapons Violation Referrals <sup>(6)</sup>	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0

1. The Universities at Shady Grove (USG) is a regional center for the University System of Maryland (USM). Degree programs provided by nine of the 12 USM institutions are offered at USG. Students from each of these nine institutions attend classes at USG and in some cases may attend classes on both campuses.
2. Statistics listed in the "Public Property" category include those that took place off campus, on public property immediately adjacent to and accessible from the campus, but not on USG property.
3. Hate crimes are crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race (RA), religion (RE), sexual orientation (SO), gender (G), ethnicity (E), disability (D), gender Identity (GI), or national origin (NO). Any numbers in small-print parentheses would indicate how many of the total number of reported incidents were motivated by each type of bias.
4. Statistics on this chart are a summation of records requested and received from the Montgomery County Police Department. (which includes all Rockville City Police Department records) and the Maryland State Police. This chart additionally includes all Clery Act reportable statistics reported to USG security officers or other campus security authorities.
5. The Montgomery County Police Department does not classify crimes into this category; statistics in this category will only be those reported or known by campus security authorities or where enough information is known to allow classification.
6. Individuals not arrested, but referred for possible campus disciplinary action (e.g., first offenders required to attend educational programs).

## 17.00 UMB WEAPONS POLICY - PROHIBITING WEAPONS

### XI - 2.00(A) - UMB Policy Prohibiting Weapons

(Adopted June 28, 1994; Amended March 27, 2008; April 30, 2010)

1. The University of Maryland, Baltimore (UMB) prohibits the carrying of guns, firearms, ammunition, other weapons, or replicas of weapons at the UMB campus and in any other locations owned, rented, occupied, or used by and under the control of UMB. This prohibition applies to employees, students, invitees, tenants, visitors, and other persons on UMB properties. Employees and students also are prohibited from carrying guns, firearms, ammunition, other weapons, or replicas of weapons at any off-campus location where they are assigned as part of employment or educational experience.
2. Exceptions: (a) UMB police officers and other law enforcement officers whose official duties require them to be at the UMB campus or at other locations owned, rented, occupied, or used by and under the control of UMB may carry guns, firearms, ammunition, and other weapons consistent with and in compliance with the rules and regulation of their employing agencies. (b) An individual only with prior written approval from the UMB chief of police may display or engage in a demonstration using a weapon or replica of a weapon for educational purposes.
3. Violations of this policy should be reported immediately to the UMB chief of police or, in the chief's absence or unavailability, to the UMB Police Department.
4. Employees or students in violation of this policy are subject to discipline, up to and including termination of employment or expulsion. Other persons in violation of this policy will be barred from the campus or other UMB locations for violation of this policy.
5. Criminal sanctions for violation of state, federal, or local law relating to guns, firearms, ammunition, and other weapons will be sought where applicable.

# ATTACHMENT I

## CRIME DEFINITIONS

**Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Sex Offense (Forcible):** Any sexual act directed against another person without the other person's consent (includes attempts).

- **Forcible Rape:** The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's free will where the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity (or because of their youth).
- **Forcible Sodomy:** Oral or anal intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

**Sex Offense (Non-forcible):** Any unlawful but consensual sex act with another person (includes attempts).

- **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.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence:** Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (b) where the existence of such a



relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others or (b) suffer substantial emotional distress.

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

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could or probably would result in a serious potential injury if the crime were successfully completed.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with the intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classified as motor vehicle theft are all cases in which automobiles are taken by persons not having lawful access, even though the vehicles were later abandoned — including joyriding.)

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

**Weapon Law Violation:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, or possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

## ATTACHMENT II

### JEANNE CLERY ACT

#### *20 U.S.C. § 1092(f) Disclosure of Campus Security Policy and Campus Crime Statistics*

(1) Each eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

- (A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.
- (B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
- (C) A statement of current policies concerning campus law enforcement, including:
  - (i) the enforcement authority of security personnel, including their working relationship with State and local police agencies; and
  - (ii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies
- (D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
- (E) A description of programs designed to inform students and employees about the prevention of crimes.
- (F) Statistics concerning the occurrence on campus, in or on non-campus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available—
  - (i) of the following criminal offenses reported to campus security authorities or local police agencies:
    - I. murder;
    - II. sex offenses, forcible or non-forcible;
    - III. robbery;
    - IV. aggravated assault;
    - V. burglary;
    - VI. motor vehicle theft;
    - VII. manslaughter;
    - VIII. arson; and
    - IX. arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and
  - (ii) of the crimes described in sub-clauses (I) through (VIII) of clause (i), and other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security

authorities or local police agencies, which data shall be collected and reported according to category of prejudice.

- (G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.
- (H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 1011 i of this title.
- (I) A statement advising the campus community where law enforcement agency information provided by a State under section 14071(j) of Title 42, concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.
  - Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.
  - Each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.

(4)(A) Each institution participating in any program under this subchapter [20 U.S.C. § 1070 et seq.] and part C of subchapter I of chapter 34 of Title 42 [42 U.S.C. § 2751 et seq.] that maintains a police or security Force of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security Force, including—

- i. the nature, date, time, and general location of each crime; and ii. the disposition of the complaint, if known.

(B)(i) All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the Force or a campus security authority.

(ii) If new information about an entry into a log becomes available to a police or security Force, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security Force.

(iii) If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

(5) On an annual basis, each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 [42 U.S.C. § 2751 et seq.] shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall—

- A. review such statistics and report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on campus crime statistics by September 1, 2000;
- B. make copies of the statistics submitted to the Secretary available to the public; and
- (C) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

(6)(A) In this subsection:

- (i) The term “campus” means—
  - I. any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and
  - II. property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).
- (ii) The term “non-campus building or property” means—
  - I. any building or property owned or controlled by a student organization recognized by the institution; and
  - II. any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.
- (iii) The term “public property” means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes.

(B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.

(7) The statistics described in paragraph (1)(F) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Force of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act. Such statistics shall not identify victims of crimes or persons accused of crimes.

(8)(A) Each institution of higher education participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding:

- i. such institution’s campus sexual assault programs, which shall be aimed at prevention of sex offenses; and
- ii. the procedures followed once a sex offense has occurred.

(B) The policy described in subparagraph (A) shall address the following areas:

- i. Education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.
- ii. Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape, or other sex offenses, forcible or non-forcible.

- iii. Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.
- iv. Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that:
  - I. the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and
  - II. both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.
- v. Informing students of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses.
- vi. Notification of students of existing counseling, mental health or student services for victims of sexual assault, both on campus and in the community.
- vii. Notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

(C) Nothing in this paragraph shall be construed to confer a private right of action upon any person to enforce the provisions of this paragraph.

(9) The secretary shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.

(10) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.

(11) The secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.

(12) For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur—

- A. on campus;
- B. in or on a non-campus building or property;
- C. on public property; and
- D. in dormitories or other residential facilities for students on campus.

(13) Upon a determination pursuant to section 1094(c)(3)(B) of this title that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 1094(c)(3)(B) of this title.

(14) (A) Nothing in this subsection may be construed to:

- i. create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or
- ii. establish any standard of care.

(B) Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(15) This subsection may be cited as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## **ATTACHMENT III**

### **REPORTING FORM**

Clery Incident Report Form: [attached]





# UMB Police Department

## Clery Incident Report Form

This report is to be completed if victim/witness does not wish to report the incident to the University of Maryland Baltimore Police Department.

**If the reported incident constitutes a threat to the safety of the UMB community, prior to completing this form, the CSA shall immediately telephone UMBPD at 401-706-6882.**

One purpose of Clery is to encourage reporting and collection of accurate campus crime statistics to promote crime awareness and enhance campus safety. This report form provides a uniform method of documenting the What, When, and Where of certain reportable crimes and/or non-criminal, hate-motivated incidents that have occurred and have been reported to Campus Security Authorities (CSA) other than the University of Maryland Baltimore Police Department (UMBPD). Data collected on this form is to be used to increase public safety, not to identify the victim; therefore, personal identifying information is not required.

It is the policy of UMB to encourage victims and/or witnesses to report crimes to the police and/or to a designated CSA. A complete list of CSAs can be found in the [2018 Annual Clery Report](#) PDF. For the purposes of Clery, CSAs are required to document certain reportable crimes and non-criminal, hate-motivated incidents that have been reported to them and have occurred in the following locations:

1. On-campus property: Offense statistics for any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purpose, including buildings or property the location described herein that is owned by the University but controlled by another person and that is frequently used by students. (Excluding Residential Life buildings).
2. On-campus residential life buildings

<https://www.umaryland.edu/police/contact-us/clery-incident-report-form/>

3. Non-campus property: Offense statistics for non-campus property or building owned or controlled by the University that is frequently used by students and is not within the same reasonably contiguous geographic area of the institution, or any building/property that is owned or controlled by a student organization that is officially recognized by the institution.
4. Public property: Offense statistics for public property located immediately adjacent to and accessible from campus, including thoroughfares, sidewalks, streets, and lands.

For Clery purposes, the student status of the offender or the victim is not a relevant fact as to whether or not this report form is to be completed. If a violation of one of the 15 violations (see next page) occurs, documentation is required. Clery documentation is not satisfied by simply directing/referring the reporting party to the UMBPD. For UMBPD to satisfy the statistical reporting requirements of the Clery Act, all CSAs are required to complete this form when any of the specified offenses listed is reported to them. In addition, a person reporting a crime also shall be encouraged to report the crime to the UMB Police Department.

*NOTE: Certain individuals, specifically pastoral and professional counselors, are exempted from this requirement to report certain crimes; however, to be exempt from disclosing reported offenses, pastoral and professional counselors must be acting in the official role of pastoral or professional counselor.*

### Crime Definitions ▼

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### Definition of Campus Security Authority (CSA) ▼

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### Instructions ▼

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<https://www.umaryland.edu/police/contact-us/clery-incident-report-form/>

## **ATTACHMENT IV**

### **UMB POLICY PROHIBITING SEXUAL MISCONDUCT AND SEX AND GENDER-BASED DISCRIMINATION**

UMB VI-1.60(A) – UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination: [attached]



# Policies and Procedures

## Administration Policies

### VI-1.60(A)

## UMB POLICY PROHIBITING SEXUAL MISCONDUCT AND SEX AND GENDER-BASED DISCRIMINATION

**ADMINISTRATION** | *Approved August 25, 2015*

### RESPONSIBLE VP/AVP

[Roger J. Ward, EdD, JD, MPA](#)

### REVISION HISTORY

Approved by the President March 30, 2015, replaced VI-1.30(A), to comply with USM VI-1.60 (eff. June 27, 2014, revised June 19, 2015); Revised August 26, 2015

## Policy Statement

### 1. Policy

The University of Maryland, Baltimore (UMB) is committed to providing a working and learning environment free from all types of sex and gender-based discrimination prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 as amended ("Title IX") and Title VII of the Civil Rights Act of 1964. UMB prohibits and will not tolerate any form of sex or gender discrimination. Sexual Misconduct is a form of sex discrimination prohibited by Title IX and may also constitute criminal activity. In accordance with applicable state and federal laws, UMB must take prompt and effective steps to prevent the occurrence of sex or gender discrimination (hereinafter "Prohibited Sex Discrimination") and remedy its discriminatory effects. In addition, UMB prohibits Retaliation against anyone who files a complaint of Prohibited Sex Discrimination, anyone to whom a complaint of Prohibited Sex Discrimination is filed, or anyone who participates in an investigation of Prohibited Sex Discrimination. Likewise, UMB will not tolerate or condone the deliberate filing of false accusations. An individual found to have made a bad faith complaint is in violation of UMB Policy and may be subject to disciplinary action.

### 2. Purpose and Scope

The UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination is designed to comply with the requirements of the USM Board of Regents' Policy on Sexual Misconduct, VI-1.60, and other state and federal laws. This policy applies to all complaints involving UMB faculty; UMB staff; UMB students; third parties and contractors under UMB control; UMB affiliates; and others not affiliated with UMB. Related UMB policies and procedures include [VI-1.60\(B\) UMB Procedures for Adjudicating](#)

<https://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160a.php>

[Complaints Against UMB Personnel of Sexual Misconduct and Sex and Gender-Based Discrimination](#), and [VI-1.60\(C\) UMB Procedures for Adjudicating Complaints Involving Students of Sexual Misconduct and Sex and Gender-Based Discrimination](#).

### 3. Definitions

For purposes of this Policy, the following definitions apply:

- a. **Consent** means a 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. Consent may be withdrawn at any time. 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 engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- b. **Complainant** refers to an individual who files a complaint of Prohibited Sex Discrimination alleging a violation of this Policy.
- c. **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.
- d. **Domestic Violence** means 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 person against an adult or youth complainant protected from those acts by domestic or family violence laws of Maryland.
- e. **Interim Protective Measures** means reasonably available steps UMB may take to protect the parties while a Prohibited Sex Discrimination review or investigation is pending. Interim measures may include, but are not limited to, possible absences employment or the academic program and arrangements for alternate academic, living or employment situations.
- f. **Respondent** means an individual who has been accused of Prohibited Sex Discrimination under this Policy.
- g. **Responsible Employee** includes all UMB administrators, faculty, non-confidential staff in their supervisory roles, teaching assistants and institutional law enforcement. Responsible Employees who receive an oral or written complaint of Prohibited Sex Discrimination involving UMB faculty, staff, students or a UMB affiliate have an affirmative responsibility to promptly report the complaint to the Title IX Coordinator.
- h. **Retaliation** means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or UMB policy relating to Prohibited Sex Discrimination, or because an individual has made a report, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to Prohibited Sex Discrimination. Retaliation includes retaliatory harassment.
- i. **Sex and Gender-Based Discrimination** means unlawful discrimination against an individual because of the individual's sex or gender in regard to hiring, termination, promotion, compensation, training, admission, dismissal, advancement, graduation or any other term, condition or privilege of employment or student status.
- j. **Sexual Assault:**

<https://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160a.php>

- i. **Sexual Assault I. - Non-Consensual Sexual Intercourse** - Any act of sexual intercourse with another individual without Consent. Sexual intercourse includes vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth to genital contact.
- ii. **Sexual Assault II. - Non-Consensual Sexual Contact** - Any intentional touching of the intimate parts of another person, causing another to touch one's intimate parts, or disrobing or exposure of another without Consent. Intimate parts may include genitalia, groin, breast, or buttocks, or clothing covering them, or any body part that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.
- k. **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.
- l. **Sexual Harassment** is any unwelcome sexual advance, unwelcome request for sexual favors, or unwelcome verbal or physical conduct of a sexual nature generally characterized by non-consensual, unwelcome sexual behavior whether between people of the same gender or different genders or sexual orientation when: (1) submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a UMB program or activity; (2) submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation-related decisions affecting an individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, residential or social environment. Sexual Harassment, including Sexual Violence, can include any or all of the following behaviors, as well as others which are not listed:
  - i. Harassment through public or private insult, sexually suggestive comments concerning a person's body or behavior, and sexual demands
  - ii. Subtle or overt pressure to comply with demands of sexual activity
  - iii. Remarks about another person's clothing, body, sexual activities, sexual preferences, gender identity or sexual orientation, as well as teasing, jokes, remarks, or gestures which are sexual in nature
  - iv. Unnecessary touching, pinching, patting, or exposure of another person's body
  - v. Unwarranted staring at another person's body
  - vi. Unwanted communications of a sexual nature in any form, over any medium, and in any media
  - vii. Requests or demands for sexual favors accompanied by implied or overt threats or promised rewards, e.g., grades, class or clinical assignments, recommendations, student employment (for students) or assignments, promotions, discipline, references (for employees)
  - viii. Repetition of unwanted invitations for dates
  - ix. Physical assault of a sexual nature, up to and including attempted or actual rape
- m. **Sexual Intimidation** means (1) threatening to sexually assault another person; (2) gender or sex-based Stalking, including cyber-stalking; or (3) engaging in indecent exposure.
- n. **Sexual Misconduct** is an umbrella term that includes Dating Violence, Domestic Violence, Sexual Exploitation, Sexual Harassment, Sexual Intimidation, Sexual Violence, Stalking and related Retaliation.
- o. **Sexual Violence** is a form of sexual harassment. Sexual violence means physical sexual acts perpetrated against a person's will or where a person cannot give Consent. Sexual violence encompasses rape, sexual assault, sexual battery and sexual coercion.

<https://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160a.php>



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

#### 4. Title IX Coordinator and Compliance Oversight

- a. The UMB Title IX Coordinator is responsible for coordinating UMB's efforts to comply with and carry out its responsibilities under Title IX and this Policy:

**Title IX Coordinator**

*Ms. Mikhel A. Kushner, JD, MSW*  
Executive Director, Diversity and Inclusion  
Office of Accountability and Compliance  
620 West Lexington Street, 5th Floor  
Baltimore, MD 21201  
Direct Telephone: 410-706-1852  
Email: [mikhel.kushner@umaryland.edu](mailto:mikhel.kushner@umaryland.edu)

**Office of Accountability and Compliance**

Main Telephone: 410-706-2281  
Website: <http://www.umaryland.edu/titleix/>

- b. The Title IX Coordinator is responsible for (1) overseeing UMB's response to Prohibited Sex Discrimination inquiries and complaints, and identifying and addressing ongoing problems revealed by such complaints; (2) conducting, or designating an individual(s) to conduct, reviews and/or investigations of complaints of Prohibited Sex Discrimination; (3) overseeing educational programs and training related to Prohibited Sex Discrimination issues for students, faculty and staff; (4) ensuring that appropriate policies and procedures are in place for responding to complaints of Prohibited Sex Discrimination against students, faculty and staff, and (5) working with local law enforcement to ensure coordinated responses to Prohibited Sex Discrimination complaints.

#### 5. Complaints and Due Process

- a. Once UMB knows or reasonably should know of alleged Prohibited Sex Discrimination, it will take prompt and appropriate action to investigate or inquire to determine what occurred. This applies to Prohibited Sex Discrimination covered by this policy whether or not a parallel law enforcement action is pending or if a formal complaint is filed. UMB may need to delay temporarily fact-finding while police are initially gathering evidence.
- b. After receiving a complaint with an allegation of Prohibited Sex Discrimination, the Title IX Coordinator will determine if the allegations are Prohibited Sex Discrimination subject to this policy. Complaints of Prohibited Sex Discrimination will be resolved in accordance with the applicable UMB procedure.
- c. Campus Procedure for Complaints of Sexual Misconduct and Sex and Gender-Based Discrimination: [VI-1.60\(B\) UMB Procedures for Adjudicating Complaints Against UMB Personnel of Sexual Misconduct and Sex and Gender-Based Discrimination](#)  
[VI-1.60\(C\) UMB Procedures for Adjudicating Complaints Involving Students of Sexual Misconduct and Sex and Gender-Based Discrimination](#)

#### 6. Interim Measures

- a. Interim measures are reasonably available steps UMB may take to protect parties while a Prohibited Sex Discrimination matter is investigated. The office of the Title IX Coordinator should be contacted with requests for interim measures. The Title IX Coordinator will contact appropriate UMB personnel to coordinate and implement appropriate interim measures.

<https://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160a.php>

b. Interim Measures, may include, but are not limited to, the following:

- i. notification of off-campus authorities;
- ii. obtaining medical attention, including providing transportation;
- iii. access to counseling both on and off campus;
- iv. notification of the appropriate School or administrative unit in accordance with applicable campus procedures; and
- v. notification of the appropriate authority regarding:
  - A. possible absences from employment or the academic program; and/or
  - B. arrangements for alternative academic, living or employment situation, if such alternative is available, feasible, and appropriate to the facts of the Prohibited Sex Discrimination reported.

#### 7. Confidentiality

UMB recognizes that Prohibited Sex Discrimination and allegations thereof are a sensitive subject matter for all parties involved. However, persons should be aware that the University may need to disclose information in order to conduct an investigation, resolve a complaint and comply with applicable law. UMB shall share details about investigations with those who have a need to know. Investigations of complaints of Prohibited Sex Discrimination often require the Complainant's identity to be known by the party or parties whose conduct is being reviewed. Individuals who wish to make a confidential complaint of Prohibited Sex Discrimination should speak with those who have a professional or legal obligation to keep communications confidential as described in Section VIII of this Policy under "Confidential Resources."

#### 8. Resources

a. Contact UMB Police and Report a Crime

**To report a crime or emergency, call 711 or 410-706-3333 or go to the nearest UMB police officer.**

Any person may contact the UMB Police directly at any time. Some forms of discrimination on the basis of sex or gender, e.g., all forms of Sexual Violence, may constitute a crime. UMB will assist any individual who wishes to report alleged criminal conduct under this policy to appropriate enforcement authorities. Contact information is given below.

b. Seek Medical Attention

For health emergencies, call 911 or go to the nearest emergency room

Any Title IX Coordinator can facilitate contacting appropriate medical personnel as soon as possible following the incident to obtain attention and guidance in the preservation of evidence needed for proof of criminal assault and the apprehension and prosecution of assailants.

c. Resource Contact Information

UMB Campus Police  
 Pine Street Police Station  
 214 N. Pine Street  
 Baltimore, MD 21201  
 For emergencies phone x 711 or 410-706-3333  
 TTD/TTY: 410-706-3416  
[www.umaryland.edu/police](http://www.umaryland.edu/police)  
 Baltimore City Police:  
 Emergency contact number: 911.

University of Maryland Medical Center:  
 22 North Greene Street between Baltimore and Lombard Street

<https://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160a.php>

Baltimore, MD 21201  
Adult Emergency 410-328-9400  
[www.umm.edu](http://www.umm.edu)

Mercy Medical Center:  
Mercy Emergency Department operates a Sexual Assault Forensic Examiner (SAFE) program where victims of sexual assault may receive free exams from trained forensic nurse examiners.  
301 St. Paul Place,  
Baltimore MD 21011  
The hospital's Emergency Room phone number is 410-332-9477.  
<https://mdmercy.com/departments-and-services/emergency-department>

Student Health Center, UMaryland Immediate Care  
408 W. Lombard Street between Eutaw and Paca Streets  
Baltimore, MD 21201  
Monday - Friday 7:00 a.m. to 4:45 p.m.  
Monday & Thursday 5:00 p.m. - 7:00 p.m. at Family and Community Medicine 29 S. Paca St.  
Appointments: 667-214-1899 (external) or 4-1899 (internal)  
Director: Gregory Haug, MD: 667-214-1899 (external) or 4-1899 (internal)  
[www.umaryland.edu/studenthealth](http://www.umaryland.edu/studenthealth)

Employee Health Services  
Family and Community Medicine  
29 South Paca Street  
Baltimore, MD 21201

667-214-1899(external) or 4-1899 (internal)  
Hours for Employee Health are Monday and Thursday, 7am-7pm; Tuesday, Wednesday, and Friday 7 am-5 pm. through Friday 7am- 5pm.  
Employees may also access UMaryland Immediate Care, 408 W. Lombard Street located between Eutaw and Paca Streets, at (667) 214-1899 (external) or 4-1899 (internal) for urgent care or worker's compensation.  
A physician is on call 24 hours a day at 667-214-1800 (external) or 4-1800 (internal) to provide assistance with care. After-hours emergencies are referred to the University of Maryland Medical Center Emergency Department. [www.umaryland.edu/employeehealth](http://www.umaryland.edu/employeehealth)

Employee Assistance Program (confidential)  
419 W. Redwood St., Suite 560  
Baltimore, MD 21201  
Phone: (667) 214-1555 (external) or 4-1555 (internal);  
Monday - Friday from 8:00 a.m. to 5:00 p.m. (other times by appointment)  
A counselor is available by pager 24 hours a day, 7 days a week - follow the instructions on voicemail.  
[www.umb-eap.org](http://www.umb-eap.org)

Student Counseling Center (confidential)  
HS/HSL Library  
601 W. Lombard St., Suite 440  
Baltimore, MD 21201  
Phone: 410-328-8404; Fax: 410-328-5291  
[www.umaryland.edu/counseling](http://www.umaryland.edu/counseling)  
Monday - Friday from 8:30 a.m. to 5:00 p.m. and limited evening hours Mondays and Tuesdays

UMB Ethics Point Hotline (anonymous reporting option):

<https://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160a.php>

Dial toll-free: (866) 594-5220  
or report online at [www.ethicspoint.com](http://www.ethicspoint.com) and choose File a Report

Student Financial Assistance and Education: Students can obtain information about financial aid, tuition refunds, leaves of absences, and options for loan repayment. (410) 706-7347 (external) or 6-7347 (internal); [www.umaryland.edu/fin](http://www.umaryland.edu/fin)

Human Resource Services: Human Resource Services (HRS) includes the Employee and Labor Relations unit. HRS is located at 620 W. Lexington Street, 3rd Floor, Baltimore, MD 21201. (410) 706-7302 (external) or 6-7302 (internal); [www.umaryland.edu/hr](http://www.umaryland.edu/hr)

Off-Campus Organizations and Hotlines offering victim assistance and advocacy services, including legal assistance, emergency shelter and transitional housing:

Turn Around, Inc.: Helpline: (443) 279-0379; [www.turnaroundinc.org](http://www.turnaroundinc.org)

House of Ruth: 24 hr. Hotline: (410) 889-7884; [www.hruth.org](http://www.hruth.org)

Maryland Network Against Domestic Violence: Helpline: 1-800-MD-HELPS; [www.mnadv.org](http://www.mnadv.org)

d. Confidential Resources

The Title IX Coordinator will work collaboratively with a reporting individual to establish the appropriate parameters of confidentiality in each case, always making every effort to operate with discretion and maintain the privacy of the individuals involved. If the Complainant requests that the Title IX Coordinator keep the matter confidential, the Title IX Coordinator will carefully evaluate that request by balancing the Complainant's wish for privacy against the safety and welfare of the UMB community. Where there is a need to preserve the health and safety of the victim and/or members of the University community, information may be shared on a need-to-know basis. Unless there is an imminent threat to health or safety or basis for disclosure, such as child abuse, confidentiality is offered when individuals seek Title IX support services from the Employee Assistance Program and the Student Counseling Center, or when a report is made through the UMB Ethics Point Hotline.

**9. Mandatory Reporting Requirements**

- a. A Responsible Employee who receives a complaint of Prohibited Sex Discrimination shall promptly report the complaint to the Title IX Coordinator. No employee is authorized to investigate or resolve complaints of Prohibited Sex Discrimination without the involvement of the Title IX Coordinator.
- b. Because Prohibited Sex Discrimination may constitute both a violation of UMB Policy and a crime, UMB encourages persons to report incidents of Prohibited Sex Discrimination to the UMB campus police or appropriate law enforcement agencies. UMB will comply with its legal and policy obligations to report Prohibited Sex Discrimination that is child abuse and neglect. (See USM Policy on the Reporting of Suspected Child Abuse and Neglect, VI-1.50)
- c. UMB will continue to report instances of Prohibited Sex Discrimination in accordance with the Crime Awareness and Campus Security Act of 1990 ("Clery Act") and its amendments. (See the Clery Incident Report Form information at: <http://www.umaryland.edu/publicsafety>). Data collected for Clery Act reporting is to be used to increase public safety, not to identify the victim; therefore, personal identifying information is not required.

**10. External Reporting Options**

- For Students:  
United States Department of Education, Office for Civil Rights (OCR), Wanamaker Building, 100 Penn Square Street East, Room 6300, Suite 515, Philadelphia, PA 19107, (800) 421-3481, (215) 656-8541; [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)
- For Employees:  
Office of the Statewide EEO Coordinator (OSEEOC), Maryland State Department of Budget and

<https://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160a.php>

Management, 301 West Preston Street, Room 607, Baltimore, MD 21201, (410)767-3800

Maryland Commission on Civil Rights (MCCR), 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, (800) 637-6247

Equal Employment Opportunity Commission (EEOC), 10 South Howard Street, 3rd Floor, Baltimore, MD 21201, (800) 669-4000

**11. Educational Programs**

- a. Educational courses addressing Title IX and Prohibited Sex Discrimination are required for all UMB faculty and staff, including student employees. Title IX education is required for all UMB students. Detailed information regarding required educational programs can be found at the Office of Accountability and Compliance website: [www.umaryland.edu/titleix/training](http://www.umaryland.edu/titleix/training).
- b. University Recreation and Fitness (URecFit), in conjunction with University Police, offers Rape Aggression Defense Training (RAD) on techniques for the prevention of becoming a victim of an attack and for defense. For more information, see the Safety Education section of the URecFit website: <http://www.umaryland.edu/urecfit/safety-education/>.

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<https://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160a.php>

## ATTACHMENT V

### EMERGENCY NOTIFICATION SAMPLE

**Shooting on W. Lexington St.  
Sat, 18 Feb 2017 06:08**

Police are investigating a shooting in the 600 block of West Lexington Street. The victim reports that he was shot at approximately 12:15 a.m. Saturday. No other details are available at this time. More information will be provided in the updates if it becomes available.

If you have any information about this incident or wish to report any other suspicious activity, please call UMB Police at 410-706-6882 (6-6882).

## **ATTACHMENT VI**

### **UNIVERSITY SYSTEM OF MARYLAND POLICY ON SEXUAL MISCONDUCT**

USM VI-1.60 - USM Policy on Sexual Misconduct: [attached]



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**USM Bylaws, Policies and Procedures of the Board of Regents**

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**VI-1.60 - UNIVERSITY SYSTEM OF MARYLAND POLICY ON SEXUAL MISCONDUCT** (Approved by the Board of Regents, June 27, 2014; Amended June 19, 2015; Amended June 21, 2019)**PURPOSE & APPLICABILITY**

The University System of Maryland (USM) is committed to providing a working and learning environment free from Sexual Misconduct, including sexual and gender-based harassment, sexual violence, dating violence, domestic violence, sexual exploitation, and sexual intimidation. USM prohibits and will not tolerate Sexual Misconduct. Sexual Misconduct is a form of sex discrimination prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 as amended (“Title IX”) and Title VII of the Civil Rights Act of 1964 as amended, and also may constitute criminal activity.

USM endeavors to foster a System-wide climate free from Sexual Misconduct through training, education, prevention programs, and through policies and procedures that promote prompt reporting, prohibit retaliation, and promote timely, fair and impartial investigation and resolution of Sexual Misconduct cases in a manner that eliminates the Sexual Misconduct, prevents its recurrence, and addresses its effects. All students, faculty, and staff of USM institutions (including USM regional centers), as well as the USM Office and third parties and contractors under USM or USM constituent institution control, are subject to this policy regardless of sex, sexual orientation, gender identity and gender expression. This Policy applies to Sexual Misconduct in connection with any USM institution, office or regional center education programs or activities, including Sexual Misconduct: (1) in any USM institution facility or on any USM institution property; (2) in connection with any USM or USM institution sponsored, recognized or approved program, visit or activity, regardless of location; (3) that impedes equal access to any USM institution education program or activity or adversely impacts the employment of a member of the USM community; or (4) that otherwise threatens the health or safety of a member of the USM community. Nothing in this policy is intended to supersede or conflict with any federal compliance obligation.

**I. Definitions**

For purposes of this Policy, the following definitions apply. While institutions may adopt their own definitions that do not conflict with the language below, institutions are strongly encouraged, at a minimum, to adopt the elements of these definitions in institution policies/procedures:

- A. Consent** means a 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

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**USM Bylaws, Policies and Procedures of the Board of Regents**

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actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity. Consent may be withdrawn at any time. 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 engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

- B. 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.
- C. Domestic Violence** means 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 violence laws of Maryland.
- D. Interim Measures** means reasonably available steps an institution may take to protect the parties while a Sexual Misconduct investigation is pending.
- E. Responsible Employee** includes any employee who (1) has the authority to take action regarding Sexual Misconduct; (2) is an employee who has been given the duty of reporting Sexual Misconduct; or (3) is someone another individual could reasonably believe has this authority or duty. At a minimum, Responsible Employees must include: the Title IX Coordinator and any Title IX Team members, all institution administrators, all non-confidential employees in their supervisory roles, all faculty, all athletic coaches, institution law enforcement, and all other non-confidential first responders.
- F. Retaliation** means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or USM policy relating to Sexual Misconduct, or because an individual has made a report, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to Sexual Misconduct. Retaliation includes retaliatory harassment.

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**G. Sexual Assault*****Sexual Assault I. – Non-Consensual Sexual Intercourse***

Any act of sexual intercourse with another individual without Consent. Sexual intercourse includes vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth to genital contact.

***Sexual Assault II. – Non-Consensual Sexual Contact***

Any intentional touching of the intimate parts of another person, causing another to touch one's intimate parts, or disrobing or exposure of another without Consent. Intimate parts may include genitalia, groin, breast, or buttocks, or clothing covering them, or any other body part that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

- H. Sexual Coercion** means the use of unreasonable pressure in an effort to compel another individual to initiate or continue sexual activity against the individual's will. A person's words or conduct are sufficient to constitute 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.
- I. 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.
- J. Sexual Harassment** is any unwelcome sexual advance, unwelcome request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when: (1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a USM or USM institution program or activity; (2) Submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation related decisions affecting an individual; or (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, residential or social environment.
- K. Sexual Intimidation** means (1) threatening to sexually assault another person; (2) gender or sex-based Stalking, including cyber-Stalking; or (3) engaging in indecent exposure.

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- L. **Sexual Misconduct** is an umbrella term that includes Dating Violence, Domestic Violence, Sexual Exploitation, Sexual Harassment, Sexual Intimidation, Sexual Violence, and Stalking.
- M. **Sexual Violence** is a form of Sexual Harassment and refers to physical sexual acts perpetrated without Consent. Sexual Violence includes rape, Sexual Assault, sexual battery, and Sexual Coercion.
- N. **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.

**II. Institutional Obligations****A. Title IX Compliance Oversight****1. Title IX Coordinator**

Each Chief Executive Officer of a USM institution shall designate a Title IX Coordinator responsible for coordinating the institution's efforts to comply with and carry out its responsibilities under Title IX.

The Title IX Coordinator must have adequate training on the requirements of Title IX, including what constitutes Sexual Misconduct, Consent, credibility assessments, and counter-intuitive behaviors resulting from Sexual Misconduct. The Coordinator must understand how relevant institution policies and procedures operate and must receive notice of all reports raising Title IX issues at the institution.

**2. Title IX Team**

Depending on the size and specific needs of the institution, the institution may want to identify a Title IX Team, which may include the Title IX Coordinator, Deputy Title IX Coordinators, Title IX investigators, and representatives from campus safety, Student Affairs, the Provost's Office, and Human Resources. The Title IX Coordinator shall be responsible for coordinating the activities of the Title IX Team.

**B. Notice of Nondiscrimination****1. Content**

Each institution must publish a notice of nondiscrimination that contains the following content:

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- a. Title IX prohibits the institution from discriminating on the basis of sex in its education program and activities;
- b. Inquiries concerning the application of Title IX may be referred to the institution's Title IX Coordinator or the Office for Civil Rights; and
- c. The Title IX Coordinator and any Title IX Team Member's title, office address, telephone number and email address. The institution's web site must be kept up to date with the name of the institution's current Title IX Coordinator.

**2. Dissemination of Notice**

The notice must be widely distributed to all students, employees, applicants for admission and employment, and other relevant persons. The notice must be prominently displayed on the institution's web site and at various locations throughout the campus, and must be included in publications of general distribution that provide information to students and employees about the institution's services and policies. The notice should be available and easily accessible on an ongoing basis.

**C. Prompt Investigation and Resolution****1. Investigation**

Once an institution knows or reasonably should know of possible Sexual Misconduct, it must take immediate and appropriate action, in accordance with its internal procedures, to investigate or otherwise determine what occurred. This obligation applies to Sexual Misconduct covered by this Policy regardless of where the Sexual Misconduct allegedly occurred, regardless of whether a parallel law enforcement investigation or action is pending, and regardless of whether a formal complaint is filed.

**2. Prompt Resolution**

If the institution determines that Sexual Misconduct has occurred, the institution must take prompt and effective steps to eliminate the Sexual Misconduct, prevent its recurrence, and address its effects.

- a. In this subsection, "prompt" generally means within 60 calendar days from the time a report is brought to the institution's attention until an initial decision is rendered.
- b. There may be circumstances that prevent an institution from meeting the 60-day timeline. When an institution is unable to meet the 60-day timeline, the institution should document the reasons why it was

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unable to meet the 60-day timeline.

**3. Notice of Outcome**

As permitted by law, the institution must notify the parties concurrently, in writing, about the outcome of the complaint and whether or not Sexual Misconduct was found to have occurred. The institution must also concurrently inform the parties of any change to the results or outcome that occurs before the results or outcome become final, and the institution must inform the parties when the results or outcome become final.

**D. Policy & Procedures****1. General**

- a. Each institution shall adopt and publish policies and procedures, as needed, that:
  - i. Prohibit Sexual Misconduct;
  - ii. Prohibit Retaliation against any individual who reports, testifies, assists, or participates in any manner in a Sexual Misconduct investigation, hearing, or proceeding;
  - iii. Maintain employee and student procedures that provide for the prompt and equitable reporting, investigation, and adjudication of Sexual Misconduct and/or Retaliation cases;
  - iv. Require prompt Interim Measures be implemented, as necessary, to protect the parties during the investigation and adjudication processes;
  - v. Apprise the institution community of various USM institution resources and education programs, as well as other community resources and programs, geared to promote the awareness of and eliminate Sexual Misconduct, prevent its recurrence; and, as appropriate, remedy its effects; and
  - vi. Are easily understood, easily located, and widely distributed.
- b. Each institution shall ensure that Sexual Misconduct cases undergo an appropriate legal sufficiency review by counsel prior to any decision.

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**2. Required Content**

At a minimum, policies and procedures must:

- a. Include a statement prohibiting Sexual Misconduct and Retaliation;
- b. Define Consent, Dating Violence, Domestic Violence, Retaliation, Sexual Harassment, Sexual Exploitation, Sexual Intimidation, Sexual Misconduct, Stalking, and Sexual Violence;
- c. Identify Responsible Employees required to report any knowledge of Sexual Misconduct to the Title IX Coordinator;
- d. Identify confidential and non-confidential medical, counseling and advocacy resources on and off campus to assist individuals affected by Sexual Misconduct, including sexual assault centers, victim advocacy offices, women's centers, and health centers;
- e. Identify options and procedures for immediate and ongoing assistance following an incident of Sexual Misconduct, including encouragement to obtain immediate medical help and notify law enforcement as appropriate (especially to receive guidance in the preservation of evidence needed for proof of criminal assaults and the apprehension and prosecution of assailants), institution resources available to help obtain such medical or law enforcement assistance, and available Interim Measures;
- f. Detail the following:
  - i. Identify who can file a complaint of Sexual Misconduct with the institution (to include students, institution employees, and third parties);
  - ii. Explain how to file a complaint;
  - iii. Identify to whom such complaints should be directed;
  - iv. Describe any institutional policies governing confidentiality;
  - v. Identify the institution's amnesty policy for parties or witnesses who violate drug use, alcohol or other student conduct policies. At a minimum, institutions must have an amnesty policy that prohibits student conduct action (except for a mandatory intervention for substance abuse) for a violation of alcohol or drug use policies by a student who reports Sexual Misconduct to the institution or law



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enforcement or participates in a Sexual Misconduct matter as a witness, if the institution determines that (1) the violation occurred during or near the time of the alleged Sexual Misconduct; (2) the student made the report of Sexual Misconduct, or is participating in an investigation as a witness, in good faith; and (3) the violation was not an act that was reasonably likely to place the health or safety of another individual at risk;

- vi. Inform the parties about Interim Measures and how to request them. Each institution must provide notice, in writing, to the parties about options for, and available assistance in, obtaining no contact or protective orders, enforcing existing and lawful no contact or protective orders, and changing academic, transportation, residential, and working situations, if such an accommodation is reasonably available. The institution also must advise the parties of existing options for counseling, health, mental health, victim advocacy, legal assistance, and other services available on and off campus;
- vii. Explain the parties' options and rights, as well as institution responsibilities, regarding notification of law enforcement and campus authorities, as well as student conduct options;
- viii. Afford an investigative process and adjudicative process that provides the parties equal opportunity to present relevant witnesses and evidence throughout the process, and affords the parties similar and timely access to information to be used during any process;
- ix. Explain that the parties are entitled to the same opportunities to have others present during an institution disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an adviser of their choice, and explain the scope of any adviser's role or potential involvement;
- x. Specify "preponderance of the evidence" as the standard of review, which shall be the same standard of review that is used in other disciplinary proceedings at the institution for allegations of code of conduct violations involving discrimination or harm to another individual;
- xi. Identify the range of possible employment and student sanctions for those found responsible for Sexual Misconduct,

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- up to and including suspension, dismissal, expulsion and termination of employment;
- xii. Provide an appeal process that is equally available to the parties;
  - xiii. Require the institution, after a legal sufficiency review, to inform the parties, concurrently and in writing, as permitted by law, about the outcome of any investigation, adjudication, and appeal conducted under this policy;
  - xiv. Designate reasonably prompt timeframes for the major stages of the process, and set forth the procedure for extending such timeframes, to include the timeframes within which (1) the institution will conduct a full investigation, (2) the parties will receive a notice of outcome, and (3) the parties may file an appeal;
  - xv. Provide an affirmative statement to the institution community that the institution will take steps to prevent the occurrence of any Sexual Misconduct and remedy its discriminatory effects;
  - xvi. Advise the community of institutional programs that endeavor to promote the awareness of Sexual Misconduct and prevent its occurrence; and
  - xvii. Advise the community of external options for reporting Sexual Misconduct, including local law enforcement, the Equal Employment Opportunity Commission and the U.S. Department of Education Office for Civil Rights;
- g. Include a description of the rights of a student who alleges a violation of, or a student who responds to an allegation of a violation of, the institution's sexual misconduct policies, including:
- i. Treatment with dignity, respect, and sensitivity by institution officials during all phases of the disciplinary proceedings;
  - ii. A fair and impartial investigation;
  - iii. Disciplinary proceedings and resolutions that are prompt and equitable and provide an opportunity for the parties to be heard;

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- iv. Timely written notice of:
  - 1. The reported violation, including the date, time, and location of the alleged violation, and the range of potential sanctions associated with the alleged violation;
  - 2. The party's rights and responsibilities under the institution's sexual misconduct policies and procedures and information regarding other civil and criminal options;
  - 3. The date, time, and location of each hearing, meeting, or interview that the party is required or permitted to attend;
  - 4. A final determination made by the adjudicating official or body regarding whether a policy violation occurred and the basis for the determination;
  - 5. Any sanction imposed, as permitted by law; and
  - 6. The party's rights to appeal and a description of the appeal process;
  
- v. Participation in the disciplinary proceedings, including:
  - 1. Access to the case file and evidence regarding the incident obtained by the institution during the investigation or considered by the adjudicating official or body, with personally identifiable or other information redacted as required by applicable law;
  - 2. Offering testimony at a hearing or, if the institution's process does not include a hearing, to the adjudicating official;
  - 3. Submitting evidence, witness lists, and suggested specific questions to be posed to the other party involved in the disciplinary proceedings by investigators or the adjudicating official or body;
  - 4. Providing and reviewing testimony electronically or in a way in which the parties are not required to be in the physical presence of one another;
  - 5. Reviewing and providing written responses to reports and proposed findings; and
  - 6. Appealing a determination or sanction;
  
- vi. Assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate throughout the disciplinary proceedings, including by the attorney or advocate's:
  - 1. Attendance at hearings, meetings, and interviews with the party;

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2. Private consultations with the party during hearings, meetings, and interviews, except during questioning of the party at a hearing; and
  3. Assistance with the party's exercise of any right during the disciplinary proceedings; and
- vii. Notwithstanding whether a student accesses counsel paid for by the Maryland Higher Education Commission (MHEC) as described in Section II.D.2.j of this Policy, the presence of no more than two people, including a personal supporter of the party's choice, an attorney, or an advocate, at any hearing, meeting, or interview during the disciplinary proceedings;
- h. Provide a student party with notice, presented in an appropriate and sensitive format, before the start of the disciplinary proceedings, of:
    - i. The student's right to the assistance of an attorney or an advocate;
    - ii. The legal service organizations and referral services available to the student; and
    - iii. The student's right to have a personal supporter of the student's choice at any hearing, meeting, or interview during the disciplinary proceedings;
  - i. Permit the use of mediation or other informal mechanisms for resolving a complaint if:
    - i. A complaining student requests an informal mechanism;
    - ii. All parties to the complaint, and the institution, agree to the use of the informal mechanism;
    - iii. The institution participates in the informal mechanism by providing trained staff;
    - iv. Any party may end the informal mechanism at any time in favor of a formal resolution proceeding; and
    - v. The alleged misconduct does not involve Sexual Assault or Sexual Coercion; and
  - j. Permit a current or former student who makes a complaint or responds to a complaint on which a formal Title IX investigation is initiated, and who was enrolled as a student at the institution at the time of the

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incident that is the basis of the complaint, to access counsel paid for by MHEC, unless the student knowingly and voluntarily chooses not to have counsel, and provide that in accordance with COMAR 13B.09.01:

- i. A student may select and retain an attorney before the conclusion of the formal Title IX proceedings;
- ii. A student may obtain from MHEC, through MHEC's website, a list of licensed attorneys who have indicated that they will represent such students in Title IX proceedings on a pro bono basis or for reduced legal fees; and
- iii. 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.

### **3. Prohibited Content**

Policies and procedures may not include any of the following content:

- a. Requirement that the parties attempt to resolve any Sexual Misconduct matter informally;
- b. Requirement for or allowance of mediation or other informal mechanisms for resolving a complaint in Sexual Assault cases, or Sexual Coercion cases where the complainant is a student;
- c. Allowing a party to personally cross-examine the other party, if an institution allows cross-examination;
- d. Allowing or requiring the institution to wait until a concurrent law enforcement proceeding concludes to begin any Sexual Misconduct investigation, Interim Measures or adjudication;
- e. Allowing questioning or evidence about the complainant's sexual history with anyone other than the respondent during any adjudication proceeding (in a proceeding where such evidence or questioning may be appropriate);
- f. Allowing questioning or evidence about a student respondent's prior sexual history with anyone other than the complainant during any adjudication proceeding, except to:

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- i. Prove the source of injury;
  - ii. Prove prior sexual misconduct;
  - iii. Support a claim that a student has an ulterior motive; or
  - iv. Impeach a student's credibility after that student has put his or her own prior sexual conduct at issue;
- g. Allowing questioning or evidence during any adjudication proceeding about a student's history of mental health counseling, treatment, or diagnosis, unless the student consents;
  - h. Discouraging a student from retaining an attorney as described in Section II.D.2.j of this Policy; and
  - i. Discouraging a reporter from notifying local law enforcement of alleged Sexual Misconduct.

**III. Clery Act Compliance**

In handling Sexual Misconduct reports, each institution remains responsible for complying with the requirements of the Crime Awareness and Campus Security Act of 1990 ("Clery Act") and its amendments. Institutions must comply with Clery Act requirements, including crime recording and reporting requirements, where compliance is not otherwise reached by actions under this policy.

**IV. Agreements with Local Law Enforcement & Rape Crisis Programs**

Each institution must, at a minimum, pursue formalized agreements with (1) the institution's local law enforcement agency and (2) a State designated rape crisis program and/or federally recognized sexual assault coalition. Agreements with law enforcement agencies must comply with Title IX and clearly state when an institution will refer a matter to a local law enforcement agency. Agreements with rape crisis or sexual assault programs must formalize a commitment to provide trauma-informed services to victims of sexual assault and to improve the institution's overall response to sexual assault.

**V. Training****A. Prevention and Awareness Education**

Each institution must develop and implement preventive education, directed toward both employees and students, to help reduce the occurrence of Sexual Misconduct. At a minimum, these educational initiatives must contain information regarding what constitutes Sexual Misconduct, definitions of consent and prohibited conduct, the

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institution's procedures, bystander intervention, risk reduction, and the consequences of engaging in Sexual Misconduct. These educational initiatives shall be for all incoming students and new employees. Each institution also must develop ongoing prevention and awareness campaigns for all students and employees addressing, at a minimum, the same information. Educational initiatives for employees shall comply with state law requirements.

**B. Training for Persons Involved in Sexual Misconduct Cases**

All persons involved in any way in responding to, investigating, or adjudicating Sexual Misconduct reports, including but not limited to, the Title IX Team, Responsible Employees, law enforcement, pastors, counselors, health professionals, resident advisers, and complainant advocates, must have annual training in receiving, reporting and handling complaints of Sexual Misconduct; must be familiar with the institution's procedures; and must understand the parameters of confidentiality.

**VI. Campus Sexual Assault Climate Survey**

On or before March 1, 2016, and at least every two (2) years thereafter, each institution 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 MHEC. On or before June 1, 2016, and at least every two (2) years thereafter, each institution shall submit to MHEC a report in accordance with the requirements set forth in Md. Code Ann., Educ. § 11-601(g).

**VII. Record Keeping**

Each institution must keep records of Sexual Misconduct matters, including, but not limited to records of any (1) complaints/ reports of Sexual Misconduct; (2) investigation, adjudication and resolution of complaints; (3) training (including, but not limited to, lists of trainees, training dates and content); and (4) related surveys and reports. Records must be maintained in accordance with the institution's Records Retention Schedule.

Replacement for: USM BOR VI-1.20 Policy on Sexual Harassment and USM BOR VI-1.30 Policy on Sexual Assault in their entirety.

This policy should be cross-referenced with USM BOR VI-1.50 Policy on the Reporting of Child Abuse & Neglect.



## ATTACHMENT VII

### UMB GRIEVANCE PROCEDURES

UMB VI-1.60(B) - UMB Procedures for Adjudicating Complaints Against UMB Personnel of Sexual Misconduct and Sex and Gender-Based Discrimination: [attached]



# Policies and Procedures

## Administration Policies

### VI-1.60(B)

## UMB PROCEDURES FOR ADJUDICATING COMPLAINTS AGAINST UMB PERSONNEL OF SEXUAL MISCONDUCT AND SEX AND GENDER-BASED DISCRIMINATION

**ADMINISTRATION** | *Approved August 26, 2015*

### RESPONSIBLE VP/AVP

[Roger J. Ward, EdD, JD, MPA](#)

### REVISION HISTORY

Approved by the President August 17, 1993; revised April 9, 1998; revised May 15, 2009, replaced UMB VI-1.20(A) and UMB VI-1.30(A), to comply with USM VI-1.60 (eff. June 27, 2014, revised June 19, 2015) and UMB VI-1.60(A) (eff. Date March 30, 2015); revised August 26, 2015

## Policy Statement

### 1. Purpose

The University of Maryland, Baltimore ("UMB") prohibits sexual misconduct and other sex and gender-based discrimination ("Prohibited Sex Discrimination") against and by employees (faculty or staff) and other persons involved in activities conducted under the auspices of UMB. Employment decisions will not be based on stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of sex. Furthermore, both intentional discrimination and

<https://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160b.php>

neutral procedures that disproportionately exclude individuals on the basis of sex that are not job related are prohibited.

Prohibited Sex Discrimination is an infringement of an individual's right to work in an environment free from unwanted sexual attention and sexual pressure of any kind. Prohibited Sex Discrimination can result in a significant human resource drain for UMB, can hinder the service and efforts of faculty, administrators, staff and students, and may violate the law of Maryland and the United States. A UMB faculty or staff employee found responsible for Prohibited Sex Discrimination will be subject to appropriate disciplinary action up to and including discharge.

These Procedures are not limited to UMB employment relationships. Many UMB employees work with, supervise, or are under supervision of, employees of UMB's affiliates and teaching sites (e.g., University of Maryland Medical System, University of Maryland Faculty Physicians, faculty practice professional associations, Veterans' Administration Medical Center). UMB Personnel (defined below) in all UMB activities are entitled to an environment free of Prohibited Sex Discrimination and are prohibited from illegally discriminating against other UMB Personnel and students. These Procedures provide a process for the prompt and equitable investigation and resolution of complaints of Prohibited Sex Discrimination against UMB Personnel. These Procedures are intended to comply with, and will be interpreted under federal and state law and USM and UMB policies prohibiting discrimination based upon sex and gender, including, but not limited to, VI-1.60(A) UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination.

Related Policies:

[System Policy: VI-1.60 - Policy on Sexual Misconduct](#)  

[Campus Policy - General: VI-1.60\(A\) UMB Policy Prohibiting Sexual Misconduct And Sex and Gender-Based Discrimination.](#)

[Campus Procedure - Students: VI-1.60\(C\) UMB Procedures for Adjudicating Complaints Involving Students of Sexual Misconduct and Sex and Gender-Based Discrimination.](#)

## 2. Definitions

For purposes of these Procedures, **UMB Personnel** means all UMB employees, full-time and part-time, including faculty, staff, post-doctoral fellows, volunteers, visiting employees, student employees, acting within their scope of employment, and others working under the auspices of UMB or doing work using UMB resources.

[See VI-1.60\(A\) UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination](#) for definitions of:

<https://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160b.php>

- Consent
- Complainant
- Dating Violence
- Domestic Violence
- Interim Protective Measures
- Respondent
- Responsible Employee
- Retaliation
- Sexual Assault
- Sex and Gender-Based Discrimination
- Sexual Exploitation
- Sexual Harassment
- Sexual Intimidation
- Sexual Misconduct
- Sexual Violence
- Stalking

### 3. Reporting Complaints

- a. Complaints of Prohibited Sex Discrimination against UMB Personnel should be reported to the Title IX Coordinator, who is responsible for overseeing and coordinating UMB's response to Prohibited Sex Discrimination inquiries and complaints. Complaints of Prohibited Sex Discrimination against UMB Personnel may also be reported to the Deputy Title IX Coordinator/EEO Manager (Deputy Title IX Coordinator") or any Responsible Employee, who will promptly report the complaint to the Title IX Coordinator.

Title IX Coordinator

Ms. Mikhel A. Kushner, JD, MSW

Deputy Title IX Coordinator/EEO Manager

Office of Accountability and Compliance

620 West Lexington Street, 5th Floor

Baltimore, MD 21201

Telephone: 410-706-1852

Email: [mikhel.kushner@umaryland.edu](mailto:mikhel.kushner@umaryland.edu)

Office of Accountability and Compliance

Main Telephone: 410-706-2281

<https://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160b.php>

Website: <http://www.umaryland.edu/titleix/>

- b. The Title IX Coordinator will review all complaints alleging Prohibited Sex Discrimination to determine if the allegations are subject to these Procedures or are instead allegations subject to other UMB policies and procedures. The Title IX Coordinator in collaboration with the Deputy Title IX Coordinator will ensure that complaints of Prohibited Sex Discrimination are investigated and resolved by the Title IX Coordinator, a Deputy Title IX Coordinator, or a qualified designee, in accordance to these Procedures.
- c. UMB encourages prompt reporting of an allegation of Prohibited Sex Discrimination whenever possible. Reporting an incident close in time to its occurrence will enhance UMB's ability to promptly and effectively investigate complaints, protect employees and students, and educate and discipline offenders. Nevertheless, UMB will investigate any and all complaints filed.
- d. In certain circumstances, Interim Measures may be available while a complaint is being investigated. Requests for Interim Measures should be directed to the Title IX Coordinator. The Title IX Coordinator, in coordination with the Deputy Title IX Coordinator(s), will contact appropriate UMB personnel to coordinate and implement appropriate Interim Measures.

#### 4. **Complaint Response and Investigation**

A Complainant should refer to the procedures below to file a complaint to allow the process to begin as soon as practicable. UMB is committed to working with the Complainant and the Respondent throughout the investigation.

Deviations from these procedures that do not materially prejudice the rights of a participant will not invalidate findings or other actions taken in implementation of this process or other UMB policies.

##### a. Informal Resolution

Once a complaint of Prohibited Sex Discrimination has been made, the parties may elect to informally resolve the complaint. The Title IX Coordinator, in collaboration with the Deputy Title IX Coordinator, will work with the parties to come to a mutually agreeable resolution. At any point during an informal resolution, the parties may request a formal investigation in accordance with the procedures contained herein. Informal resolution is not available for allegations of Sexual Assault.

##### b. Investigation

- i. After receiving a complaint and doing a preliminary review, the Title IX Coordinator will determine whether the complaint alleges Prohibited Sex Discrimination and is subject to these Procedures. The Title IX Coordinator will work in coordination with the Deputy Title IX Coordinator, or designee, to ensure that the complaint is promptly investigated and

<https://www.umaryland.edu/policies-and-procedures/library/administration/policies/vi-160b.php>

resolved.

- ii. Investigations will be conducted in accordance with the due process requirements of VI-1.60(A) UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination. The Title IX Coordinator will conduct the investigation through or with the Deputy Title IX Coordinator or another designee ("Investigator").
- iii. The Investigator will interview the Respondent, Complainant and other relevant persons regarding their factual knowledge of the circumstances surrounding the complaint. The parties will be given the opportunity to present relevant witnesses and evidence. The Investigator is authorized to require UMB offices to produce relevant documentary evidence (e.g., emails, work records, prior grievances) relevant to the allegation.
- iv. All participants are free to consult personal or legal advisors, at their own expense. Each participant may have one advisor of the participant's choice present in meetings during the investigative process. The advisor is present as a support and may not speak for a participant during meetings. The schedule for the investigation will allow time for the participants to consult with and obtain advice from personal and legal advisors.
- v. Timely access to documents considered relevant to the investigation will be provided to the parties. Particularly sensitive material may be available for inspection only in order to ensure no unauthorized distribution of copies. All material will be considered confidential and shared only with those with a need to know.
- vi. Records of the investigation, including copies of evidence and related communications, are confidential and shall be kept secure in the office of the Title IX Coordinator or a place directed by the Title IX Coordinator.
- vii. The investigation will be completed as expeditiously as possible, generally within a period of sixty (60) calendar days from receipt of the complaint unless circumstances warrant a longer period. If this deadline cannot be met, a request for extension may be made to the Title IX Coordinator which includes a description of the progress to date, and an anticipated schedule for completing the investigation, and all involved persons shall be informed of the time extension.
- viii. Upon timely completion of the investigation conducted in an impartial manner, a draft written Report shall be prepared that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties with any supporting information or accounts. Prior to finalizing the Report and before reaching a finding, the Investigator will provide the Complainant and Respondent an opportunity to review the draft Report (absent a finding). The Complainant and

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Respondent may submit any additional comment or information in writing within five (5) business days of receiving the draft Report. This is the final opportunity for the parties to identify any additional information or witnesses and review their statements for accuracy.

- ix. Once the draft Report is reviewed by the parties and any additional pertinent information is incorporated, or after the five (5) business day comment period has lapsed without comment by either party, the Investigator will finalize the Report and make a finding as to whether there has been a violation of the Policy.
- x. The finding will be based on the Investigator's assessment of the evidence gathered in the course of the investigation, using the preponderance of evidence standard (i.e., whether it is more likely than not that a violation of the Policy has occurred). In reaching this determination, the Investigator will consult with the Title IX Coordinator about the Report and finding. The finding will be added to the final Report.
- xi. After the final Report has been approved by the Title IX Coordinator, it will be directed to the appropriate UMB dean, vice president, unit head, or designee. The Report will also be given promptly and concurrently to the Complainant and the Respondent. The Report shall notify the parties of their rights of appeal.

c. Appeal

If the Complainant or Respondent wishes to appeal the finding, the Complainant or Respondent must submit their written appeal to the appropriate dean, vice president, unit head, or designee detailing the basis for the appeal within five (5) business days of receiving the final Report. Appeals submitted after five (5) business days may be denied.

Appeals must be based upon either (1) procedural error, (2) production of previously unavailable relevant evidence that could significantly impact the outcome of the case, or (3) a violation of substantive due process (e.g., the decision was based upon an illegal or constitutionally impermissible consideration such as a party's gender, race, age, national origin, sexual orientation, or exercise of First Amendment rights).

Appeals are not intended to allow for a new investigation of the matter. Instead, the review will be narrowly tailored to the specific grounds requested for in the appeal. In most cases, appeals are confined to a review of the written record and the pertinent documentation.

Upon receipt and prompt review of the Report and any written appeals, the UMB dean, vice president, unit head or designee may (a) affirm the finding; (b) alter the finding; or (c) return the matter to the Title IX Coordinator with

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instructions to cure a procedural or substantive error or to assess the weight and impact of newly discovered evidence. In the event that a matter is returned to the Title IX Coordinator under this section, the investigative steps set forth in Section IV.B(8) - (11) of these Procedures shall apply.

d. Final Outcome Notice

At the conclusion of the investigative and appellate process after the finding has become final, the Title IX Coordinator, or designee, shall issue a Final Outcome Notice to both parties separately and concurrently, in writing, and in person, when possible. Issuance of the Notice completes the investigation and adjudication under these Procedures.

**5. Sanctions or Remedial Action**

Discipline or sanctions may be imposed if the Final Outcome Notice reflects a violation of the Policy. Additional administrative or remedial measures, including environmental changes and educational programming, may be required where, in consultation with the Title IX Coordinator, the UMB dean, vice president, unit head, or designee determines that these measures will improve compliance with and understanding of the Policy.

If there is an allegation of Sexual Violence, the Complainant will receive notice of the final results of any disciplinary proceeding.

**6. Grievance Rights**

UMB Personnel may grieve disciplinary actions depending on the rights afforded to them based on their employee status and the applicable USM or UMB Appointment, Rank and Tenure Policies, other faculty policies, applicable collective bargaining agreements, or other procedures under state law or USM or UMB policy.

Employees may not grieve administrative and/or other remedies that do not constitute formal disciplinary action.

**7. Complaints Involving UMB Affiliates and Third Parties Not Affiliated with UMB**

UMB's affiliates will be informed of UMB's commitment to provide UMB Personnel and others with a workplace free of Prohibited Sex Discrimination and will be asked to work with UMB in confidence to investigate complaints and eliminate Prohibited Sex Discrimination through education and, if need be, employee sanctions.

UMB affiliates and affiliates' employees are encouraged to report complaints of Prohibited Sex Discrimination involving UMB Personnel to the Title IX Coordinator. UMB cannot discipline employees of its affiliates, but UMB will cooperate with its affiliates to resolve such complaints and take reasonable steps to prevent Prohibited Sex Discrimination that may be directed toward the Complainant and others. UMB will attempt to resolve the issue, as soon as practicable, and may reassign the Complainant to another area or supervisor, if a resolution is not

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feasible. If necessary, UMB may also work with the affiliate to co-investigate the complaint under the affiliate's process. UMB Personnel are subject to discipline for Prohibited Sex Discrimination directed toward employees and others in the affiliate's workplace.

Failure to file a complaint with one's own employer may jeopardize legal remedies. Therefore, employees of affiliates should be aware that their complaints involving UMB Personnel should be filed with their own employer as well as with UMB. Likewise, UMB Personnel should file complaints involving affiliates' employees with UMB as well as with the affiliate.

Any UMB Personnel who believe they have been subjected to Prohibited Sex Discrimination by a third party not affiliated with UMB, should report a complaint to the Title IX Coordinator. After discussion with the Complainant and a review of the circumstances, UMB will take reasonable steps to prevent Prohibited Sex Discrimination that may be directed toward the Complainant and others, which may include requesting from the UMB President's Office a formal letter to the third party denying access to UMB buildings or grounds for acting in a manner that disrupts or disturbs the normal operational or educational functions of UMB. The UMB President is authorized by State law to deny campus access to a third party engaged in disruptive behaviors (see Sections 26-101 and 26-102, Education Article, Annotated Code of Maryland).

#### **8. External Complaints**

UMB Personnel have the right to file complaints of Prohibited Sex Discrimination with external government agencies. UMB investigations may offer the potential of more timely resolutions of complaints. Complaints of employees may be directed to the following agencies:

Office of the Statewide EEO Coordinator (OSEEOC), Maryland State Department of Budget and Management, 301 West Preston Street, Room 607, Baltimore, MD 21201, (410)767-3800

Maryland Commission on Civil Rights (MCCR), 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, (800) 637-6247

Equal Employment Opportunity Commission (EEOC), 10 South Howard Street, 3rd Floor, Baltimore, MD 21201, (800) 669-4000

To protect legal rights and remedies, certain time deadlines must be met in connection with external filings. Failure to meet these deadlines can result in a loss of all rights to seek a legal remedy for one's complaint.

#### **9. Counseling**

The Employee Assistance Program or personal counselors can be useful in helping employees cope with the stress resulting from experiencing Prohibited Sex

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Discrimination or participating in an investigation of a complaint of Prohibited Sex Discrimination. Please call (667)214-1555 for information about employee counseling services. More information can also be found at [www.umb-eap.org](http://www.umb-eap.org). For more information, see [VI-1.60\(A\) UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination](#).

**10. Educational Programs and Consultations**

Through the Office of Human Resource Services, educational programs and preventive consultations with employees can be arranged. Contact the EEO Manager at 410-706-7302. In addition, detailed information regarding required educational programs and other trainings related to Prohibited Sex Discrimination can be found at the Office of Accountability and Compliance website: [www.umaryland.edu/titleix/training](http://www.umaryland.edu/titleix/training). For more information, see [VI-1.60\(A\) UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination](#).

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## **UMB GRIEVANCE PROCEDURES**

**(cont'd)**

UMB VI-1.60(C) - UMB Procedures for Adjudicating Complaints Involving Students of Sexual Misconduct and Sex and Gender-Based Discrimination: [attached]



# Policies and Procedures

## Administration Policies

### VI-1.60(C)

## UMB PROCEDURES FOR ADJUDICATING COMPLAINTS INVOLVING STUDENTS OF SEXUAL MISCONDUCT AND SEX AND GENDER-BASED DISCRIMINATION

**ADMINISTRATION** | *Approved August 26, 2015*

### RESPONSIBLE VP/AVP

[Roger J. Ward, EdD, JD, MPA](#)


### REVISION HISTORY

Approved by the President August 17, 1993; revised April 9, 1998; revised May 15, 2009, replaced UMB VI-1.20(A) and UMB VI-1.30(A), to comply with USM VI-1.60 (eff. June 27, 2014, revised June 19, 2015) and UMB VI-1.60(A) (eff. Date March 30, 2015); revised August 26, 2015

## Policy Statement

### 1. Purpose

The University of Maryland, Baltimore ("UMB") prohibits sexual misconduct and other sex and gender-based discrimination ("Prohibited Sex Discrimination") against or by a UMB Student (defined below). Education and academic decisions will not be based on stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of sex. Furthermore, both intentional discrimination and neutral procedures that disproportionately exclude individuals on the basis of sex that are not educationally or academically related are prohibited. Prohibited Sex Discrimination is an infringement of an individual's right to equal opportunity in education in an environment free from unwanted sexual attention and sexual pressure of any kind. Any UMB Student found responsible for Prohibited Sex Discrimination will be subject to appropriate disciplinary action up to and including dismissal. Sexual Misconduct is a form of sex discrimination prohibited by Title IX and may also constitute criminal activity.



These Procedures provide a process for the prompt and equitable investigation and resolution of student complaints of Prohibited Sex Discrimination. These Procedures are intended to comply with, and will be interpreted and applied to comply with UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination, [USM Board of Regents' Policy on Sexual Misconduct, VI-1.60](#) , and other state and federal laws.

UMB's Title IX investigation is performed under the authority of the University's Title IX Coordinator. It is an administrative investigation to determine denial of equal opportunity in education based on sex. It is not a substitute for civil or criminal charges or for any other administrative or legal process either party may wish to pursue.

Scope

This procedure does not supersede policies and procedures addressing issues specifically governed by other University policies, such as: school grade appeals and school dismissal appeals, disability and reasonable accommodation complaints. UMB Students are expected to present such complaints in accordance with the applicable policy and procedure of the school and/or the University.

Related Policies:

- [System Policy: VI-1.60 - Policy on Sexual Misconduct](#)  
- [Campus Policy - General: VI-1.60\(A\) UMB Policy Prohibiting Sexual Misconduct And Sex and Gender-Based Discrimination.](#)
- [Campus Procedure - UMB Personnel: VI-1.60\(B\) UMB Procedures for Adjudicating Complaints Against UMB Personnel of Sexual Misconduct and Sex and Gender-based Discrimination.](#)

## 2. Definitions

For purposes of these Procedures, UMB Student means any UMB student, full-time or part-time, including visiting students, at the UMB campus, under the auspices of UMB, and using UMB resources.

See [VI-1.60\(A\) UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination](#) for definitions of:

- Consent
- Complainant
- Dating Violence
- Domestic Violence
- Interim Protective Measures
- Respondent
- Responsible Employee
- Retaliation
- Sexual Assault
- Sex and Gender-Based Discrimination
- Sexual Exploitation
- Sexual Harassment
- Sexual Intimidation
- Sexual Misconduct
- Sexual Violence
- Stalking

## 3. Reporting Complaints

- a. Complaints of Prohibited Sex Discrimination against a UMB Student should be reported to the Title IX Coordinator, who is responsible for overseeing and coordinating UMB's response to Prohibited Sex Discrimination inquiries and complaints. If the Title IX Coordinator cannot be reached contact the Office of Accountability and Compliance. If there is a role conflict, a qualified alternate will be designated.

### **Title IX Coordinator**

*Ms. Mikhel A. Kushner, JD, MSW*  
 Executive Director, Diversity and Inclusion  
 Office of Accountability and Compliance  
 620 West Lexington Street, 5th Floor  
 Baltimore, MD 21201  
 Direct Telephone: 410-706-1852  
 Email: [mikhel.kushner@umaryland.edu](mailto:mikhel.kushner@umaryland.edu)

**Office of Accountability and Compliance**

Main Telephone: 410-706-2281

Website: <http://www.umaryland.edu/titleix/>

- b. A student with questions about Prohibited Sex Discrimination should report to the Title IX Coordinator. UMB recognizes that a student who is under the influence of alcohol and/or drugs at the time of an incident may be hesitant to make a report of Prohibited Sex Discrimination because of the threat of disciplinary sanctions for their own violation of campus alcohol or drug use policies, including but not limited to, [VI - 8.00\(A\) UMB Policy on the Use of Alcoholic Beverages at University System Institutions And Facilities](#), and [VII-1.10\(A\) UMB Substance Abuse Policy](#). In this context, a student who reports Prohibited Sex Discrimination, either as a Complainant or third party witness, will not face disciplinary charges for a violation of alcohol or drug use policies (except for a mandatory intervention for substance abuse), if the University determines that (1) the violation occurred during or near the time of the alleged Prohibited Sex Discrimination; (2) the student made the report of Prohibited Sex Discrimination, or is participating in an investigation as a witness, in good faith; and (3) the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.
- c. The University may not attempt to resolve a complaint of Prohibited Sex Discrimination informally such as through a conference with the parties or mediation.
- d. Before an investigation begins, the Title IX Coordinator will ask the Complainant for an oral or written report of the incident underlying the complaint. The student may also provide pertinent records and documentation. Information that may be helpful to an inquiry and resolution of the complaint includes:
- Date, Time, Name, E-mail, Address and Phone Number of the Complainant's School or unit with which Complainant is associated
  - Complainant's title or program/year of study
  - Complainant's role in the incident, e.g., target of alleged Prohibited Sex Discrimination, witness, friend
  - Name of the Respondent
  - School or unit with which Respondent is associated
  - Respondent's title or program/year of study
  - Relationship between the Respondent and the Complainant
  - Address where the alleged Prohibited Sex Discrimination occurred
  - Date and time when the alleged Prohibited Sex Discrimination occurred
  - A description of the alleged Prohibited Sex Discrimination, e.g., sexually degrading comments or gestures, inappropriate touching; sexual contact without consent, including sexual intercourse
  - Other circumstances which contributed to the incident, e.g., physical disability, alcohol use
  - Other incidents that may constitute Prohibited Sex Discrimination by the Respondent, if any
  - Other(s) involved in the incident as possible Complainant(s), witness(es) or additional Respondent(s)
  - What action by the University does the Complainant seek in response to the conduct
  - Has the Complainant made a report to others, e.g., local or Campus Police, BETA Team, faculty, students, others
  - Has the Complainant requested partial or complete confidentiality
- e. The University must make a prompt, thorough and impartial inquiry, regardless of whether or not the Complainant has already reported the matter to the police, or makes a formal report to the campus Title IX Coordinator, desires an inquiry, or requests that no inquiry be made.
- f. A request for confidentiality may limit the University's ability to respond to the complaint. The University will take reasonable steps to investigate and respond to the complaint consistent with the Complainant's requests, as long as doing so does not prevent the University from responding effectively to and preventing Prohibited Sex Discrimination that may be directed toward others.
- g. UMB encourages prompt reporting of an allegation of Prohibited Sex Discrimination whenever possible. Reporting an incident close in time to its occurrence will enhance UMB's ability to promptly and effectively investigate complaints, protect employees and students, and educate and discipline offenders. Nevertheless, UMB will investigate any and all complaints filed.



- h. Requests for Interim Measures while a complaint is being investigated should be directed to the Title IX Coordinator. The Title IX Coordinator or a designee, will contact necessary UMB personnel to coordinate and implement appropriate Interim Measures (e.g. a dean of the Complainant's school may be notified in confidence, and regarding reassigning a class assignment, rescheduling due dates of assignments or exams, allowing distance learning in lieu of class attendance where available, facilitating change of class section, changing schedules, authorizing leave to attend counseling and healthcare appointments, referrals to campus police escort, etc.).
- i. The University will comply with law enforcement requests for cooperation and such cooperation may require the University to temporarily suspend the fact-finding aspect of the complaint of Prohibited Sex Discrimination while law enforcement is in the process of gathering evidence. The University will promptly resume its investigating of the complaint of Prohibited Sex Discrimination as soon as notified by law enforcement that it has completed the evidence gathering process, which may delay the University's investigation by ten (10) calendar days or longer depending on the circumstances. While law enforcement evidence gathering is conducted, the Title IX Coordinator will issue a reminder to persons involved about the importance of complying with the investigation process; the presumption of innocence of the parties; the need to consult with the Title IX Coordinator before taking Interim Protective Measures; the prohibition against Retaliation; and the obligation to treat the matter in strict confidence for the protection of both the Complainant and the Respondent. The University will implement appropriate Interim Protective Measures during the law enforcement evidence gathering period to provide for the safety of the Complainant and the campus community and the avoidance of Retaliation.

#### 4. Preliminary Review of the Complaint

- a. If it is not apparent from the content of an allegation whether or not it relates to Prohibited Sex Discrimination, or if it warrants initiation of an investigation, the Title IX Coordinator may conduct a Preliminary Review. The Title IX Coordinator will determine whether to conduct a Preliminary Review or proceed directly to an investigation within ten (10) working days after receiving an allegation, when feasible. During this 10-day period, the Title IX Coordinator, or a person designated by the Title IX Coordinator, may gather additional information from the Complainant (if known) and others allegedly subject to the Prohibited Sex Discrimination.
- b. If a Preliminary Review is undertaken, it shall be concluded within thirty (30) calendar days after it is commenced unless extended for good cause. In the Preliminary Review, the Title IX Coordinator, or a person designated by the Title IX Coordinator, will notify and interview the Complainant (if known) and the Respondent (if known). Complainant and Respondent will be offered an equal opportunity to participate in the Preliminary Review. A written summary should be made of the information gathered. Notice of the outcome of the Preliminary Review will be provided to the parties.
- c. Based on the result of the Preliminary Review, the Title IX Coordinator will decide either to (1) proceed with an investigation, or (2) conclude the complaint process under these Procedures. The Title IX Coordinator may conclude the complaint process due to (a) insufficient evidence to support a finding of Prohibited Sex Discrimination by a preponderance of the evidence; or (b) finding the complaint involves matters which are beyond the scope of applicable University policies related to Prohibited Sex Discrimination.
- d. In the event the Title IX Coordinator decides to conclude the complaint process after the Preliminary Review, and without referral to any other due process for further action, either party may appeal for reconsideration by writing to the Title IX Coordinator who will issue a written response. The written appeal for reconsideration must be submitted within seven (7) calendar days following notice of the Title IX Coordinator's decision.
- e. Documentation of the Preliminary Review and the reasons for the decision of the Title IX Coordinator will be kept for at least 3 years following conclusion of the matter.
- f. At any time, the Title IX Coordinator may implement, or recommend to appropriate University administrators, Interim Protective Measures to protect the parties involved and prevent further Prohibited Sex Discrimination.

#### 5. Complaint Investigation

- a. Investigations will be conducted in accordance with the due process requirements of [VI-1.6Q\(A\) UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination](#).
- b. UMB is committed to working with the Complainant and the Respondent throughout the investigation. Good faith errors that do not materially prejudice the rights of a participant will not invalidate findings or other actions taken in implementation of this process. Upon deciding to proceed with an investigation, the Title IX Coordinator shall appoint an investigative team as expeditiously as possible, but in all cases within thirty (30) calendar days following the determination to proceed.

- c. The investigative team will develop an appropriate investigational plan depending on the circumstances surrounding the complaint class (e.g., familiarity with location, unit, school, and curriculum). If a complaint involves persons from more than one school or operational unit of the University, the investigative team may consult appropriate University administrators about the investigational plan.
- d. The Title IX Coordinator will provide the Complainant, Respondent, University administrators who have authority over the Complainant or Respondent (e.g., a Dean or Vice President), and persons whose decisions or actions are the subject of the complaint with notice of the investigation, a copy of these Procedures, and information about the appointment of the investigative team. In so doing, the Title IX Coordinator will also issue a reminder about the importance of complying with the investigation process; the presumption of innocence of the parties; the need to consult with the Title IX Coordinator before taking Interim Protective Measures; the prohibition against Retaliation; and the obligation to treat the matter in strict confidence for the protection of both the Complainant and the Respondent.
- e. In cases where a University administrator has authority over the Complainant or Respondent (e.g., a Dean or Vice President) or has a conflict of interest, the Title IX Coordinator may select an alternative to assume the role of University administrator for the purposes of these Procedures. This is to ensure that each step of the investigation and appeal involving a determination by the University administrator will be conducted in an impartial manner by an impartial decision-maker.
- f. The Complainant and Respondent will each have an opportunity to meet separately with the investigative team to discuss the complaint and the investigative process, and to submit written statements, names of witnesses and other evidence.
- g. Where the Complainant seeks confidentiality, the investigative team will attempt to maintain that confidentiality to the degree compatible with accomplishing the fact-finding purpose of the investigation and as long as doing so does not prevent the University from responding effectively to and preventing Prohibited Sex Discrimination.
- h. The investigative team will investigate the complaint, interview the parties and witnesses, review evidence, look at the record as a whole and at the totality of the circumstances.
- i. The investigative team will complete its investigation as expeditiously as possible. An investigation must be completed within sixty (60) calendar days of its initiation unless circumstances clearly warrant a longer period. If this deadline cannot be met, a request for extension which includes a report of reasons for the request, a description of the progress to date and an anticipated schedule for completing the Investigation shall be filed with the Title IX Coordinator, and all involved persons shall be informed of the time extension by the Title IX Coordinator.
- j. The investigative team will prepare a report summarizing the administrative process including what evidence was reviewed, names of persons interviewed, summary of interviews, discussion of the evidence, and findings, conclusions and recommendations for sanctions and remedial action, as permitted by applicable law. The investigative team will use a "preponderance of the evidence" standard. Preponderance of the evidence means that the information and facts establish it is "more likely than not" that the alleged Prohibited Sex Discrimination occurred, as defined in relevant Policy.
- k. The Respondent, the Complainant and persons whose decisions or actions are the subject of the complaint will be given a copy of the investigative report and will have fifteen (15) calendar days to comment in writing on the report. Comments shall be made part of the record.
- l. Persons involved in the investigation will be expected to cooperate and provide information, records, and other pertinent data at least to the extent such cooperation is required by applicable school policy (including codes of conduct) and University policy.
- m. All participants are free to consult personal or legal advisors, each at their own expense. Each participant may have one advisor of the participant's choice present in meetings with the investigative team or with the Title IX Coordinator. The advisor is present as a support and may not speak for a participant during meetings. The schedule for the investigation will allow time for the participants to consult with and obtain advice from personal and legal advisors.
- n. Timely access to documents considered relevant to the investigation will be provided to the Complainant and the Respondent and persons whose decisions or actions are the subject of the complaint. Particularly sensitive material may be available for inspection only in order to ensure no unauthorized distribution of copies. All material will be considered confidential and shared only with those with a need to know.
- o. Records of the investigation, including copies of evidence and related communications, are confidential and shall

be kept secure in the office of the Title IX Coordinator or a place directed by the Title IX Coordinator.

- p. The investigative team's report and any written comments received on the report will be submitted to the Title IX Coordinator. The Title IX Coordinator may consult with deans, vice presidents and other administrators in charge of the schools or units involved. After reviewing the report, the Title IX Coordinator may accept it as final or may return the report to the investigative team for further investigation or clarification.
- q. The Title IX Coordinator will mark the report "Confidential" and deliver it to the Complainant, Respondent and any University administrator in charge of the school or administrative unit of the Respondent and the Complainant (e.g., Dean/Vice President). This shall be done within 10 business days unless good cause can be shown for any delay.
- r. The University administrator(s) in charge of the school or administrative unit of the Respondent and of the Complainant (e.g., Dean/Vice President) cannot change the findings or conclusions but will make the final decision about sanctions and remedial action to be taken by the school or administrative unit, and implement the decision. The University administrator will inform the Title IX Coordinator of the outcome.
- s. Proven Prohibited Sex Discrimination will result in remedial and disciplinary action which may include suspension, expulsion or dismissal. The University will take steps to prevent the recurrence of Prohibited Sex Discrimination considering a range of remedial and disciplinary sanctions, including but not limited to a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct or a requirement to undergo training. The University will take steps to correct discriminatory effects of Prohibited Sex Discrimination on the parties and others, as appropriate and feasible.

#### **6. Notice of Outcome and Sanctions**

- a. The Title IX Coordinator will inform the Complainant and the Respondent of the University administrator(s)' decision and advise them of their appeal rights.
- b. The Complainant and the Respondent each may appeal for reconsideration of a University administrator's decision to which they are subject, on the basis of: (1) failure of due process, or (2) availability of new evidence which could not reasonably have been presented during the original investigation. The appeal for reconsideration must be submitted in writing to the University administrator (with notice to the Title IX Coordinator) within seven (7) calendar days following the date of the notice of the University administrator's decision.
- c. The University administrator in consultation with the Title IX Coordinator will consider the documents submitted on appeal and issue a final determination or other appropriate action regarding sanctions and remedial action within ten (10) business days.
- d. The Title IX Coordinator will ensure that the Complainant and Respondent have been informed of the University administrator's final decision about sanction and remediation.
- e. The Title IX Coordinator will maintain records regarding Prohibited Sex Discrimination complaint investigations for at least three years.
- f. To ensure appropriate due process and prompt, equitable resolution of complaints, formal rules of evidence will not apply and the investigative team and Title IX Coordinator may limit repetitive and irrelevant evidence.

#### **7. Complaints Involving UMB Affiliates and Third Parties Not Affiliated with UMB**

Many UMB Students will be supervised by employees of University affiliates and teaching sites during their educational experiences and may have interactions with other third parties while participating in a program at the University. If a student is aggrieved by Prohibited Sex Discrimination from a third party, the behavior may affect the student's equal opportunity in education at the University. Such complaints should be reported to the Title IX Coordinator as described in these Procedures. The University will attempt to resolve the situation and take reasonable steps to prevent Prohibited Sex Discrimination that may be directed toward the Complainant and others. The University will attempt to reassign the student to a different preceptor or teaching site if a prompt resolution of a complaint involving an affiliate is not feasible. See [VI -1.60\(B\) UMB Procedures for Adjudicating Complaints Against UMB Personnel of Sexual Misconduct and Sex and Gender-Based Discrimination](#).

UMB's affiliates will be informed of UMB's commitment to provide an educational environment free of Prohibited Sex Discrimination and affiliates will be asked to cooperate with UMB in confidence to investigate complaints and eliminate Prohibited Sex Discrimination.

A UMB Student, who believes that, in the course their equal opportunity to academics and education, at the UMB campus, under the auspices of UMB, or using UMB resources, has been subjected to Prohibited Sex Discrimination by a third party not affiliated with UMB, should report a complaint to the Title IX Coordinator. After discussion with the Complainant and a review of the circumstances, UMB will take steps that are reasonable and feasible to prevent Prohibited Sex Discrimination that may be directed toward the Complainant and others. This may include requesting from the UMB President's Office a formal letter to a third party denying access to UMB buildings or grounds based on behavior which disrupts or disturbs the normal operational or educational functions of the institution. The UMB President is authorized to deny campus access to a third party engaged in behaviors under Maryland State law (see Sections 26-101 and 26-102, Education Article, Annotated Code of Maryland). See also [VI -1.60\(B\) UMB Procedures for Adjudicating Complaints Against UMB Personnel of Sexual Misconduct and Sex and Gender-Based Discrimination](#).

#### 8. External Complaints

UMB Students have the right to file complaints of Prohibited Sex Discrimination with an external government agency if UMB resolution of a complaint is unsatisfactory or if it is preferred to file externally in the first instance. UMB investigations may offer the potential of more timely resolutions of complaints. Complaints of UMB Students may be directed to the following:

Office for Civil Rights  
U.S. Department of Education  
The Wanamaker Building, Suite 515  
100 Penn Square East  
Philadelphia, PA 19107  
Phone: 1-800-421-3481  
215-656-8541  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

#### 9. UMB Mandatory Reporting Requirements

If a UMB administrator, faculty or staff member receives an oral or written complaint of Prohibited Sex Discrimination involving UMB faculty, staff, student or a UMB affiliate, that person has an affirmative responsibility to promptly inform the Title IX Coordinator. The Title IX Coordinator will respond to the report in accordance to UMB policies and procedures related to Prohibited Sex Discrimination.


The Title IX Coordinator is responsible for ensuring that crimes reportable under the Clery Act (20 U.S.C. §1092(f)) are timely reported to the UMB Campus Police. An optional form for making the report can be found at: <https://www.umaryland.edu/publicsafety/>

Data collected for Clery Act reporting is to be used to increase public safety, not to identify the victim; therefore, personal identifying information is not required.

#### 10. Campus and Other Resources

**For health emergencies, call 911 or go to the nearest emergency room.**

The Title IX Coordinator can facilitate contacting appropriate medical personnel as soon as possible following the incident to obtain attention and guidance in the preservation of evidence needed for proof of criminal assault and the apprehension and prosecution of assailants.

University of Maryland Medical Center:  
22 North Greene Street between Baltimore and Lombard Street  
Baltimore, MD 21201  
Adult Emergency 410-328-9400  
[www.umm.edu](http://www.umm.edu) 

Mercy Medical Center:  
Mercy Emergency Department operates a Sexual Assault Forensic Examiner (SAFE) program where victims of sexual assault may receive free exams from trained forensic nurse examiners.  
301 St. Paul Place,

Baltimore MD 21011

The hospital's Emergency Room phone number is 410-332-9477.

<https://mdmercy.com/departments-and-services/emergency-department> 

Student Health Center:

UMaryland Immediate Care 408 W. Lombard Street between Eutaw and Paca Streets  
Baltimore, MD 21201

Monday - Friday 7:00 a.m. to 4:45 p.m.

Appointments: 667-214-1899 (external) or 4-1899 (internal)

After Hours (urgent questions, available 24/7): 667-214-1899 (external) or 4-1899 (internal)

Director: Gregory Huang, MD

[www.umaryland.edu/studenthealth](http://www.umaryland.edu/studenthealth)

**To report a crime or emergency, call 711 or 410-706-3333 or go to the nearest police officer**

Any person may contact the Police directly at any time. Some forms of discrimination on the basis of sex or gender, e.g., all forms of Sexual Violence, may constitute a crime. UMB will assist any individual who wishes to report alleged criminal conduct under this policy to appropriate enforcement authorities

Campus Police:

Pine Street Police Station

214 N. Pine Street

Baltimore, MD 21201

For emergencies phone x 711 or 410-706-3333

TTD/TTY: 410-706-3416

[www.umaryland.edu/police](http://www.umaryland.edu/police)

Baltimore City Police:

Emergency contact number: 911.

**Other campus and off-campus resources:**




UMB Ethics Point Hotline (anonymous reporting option):

Dial toll-free: (866) 594-5220

or report online at [www.ethicspoint.com](http://www.ethicspoint.com)  and choose File a Report

Student Financial Assistance and Education: UMB Students can obtain information about financial aid, tuition refunds, leaves of absences, and options for loan repayment. (410) 706-7347 (external) or 6-7347 (internal); [www.umaryland.edu/fin](http://www.umaryland.edu/fin)

Off-Campus Organizations and Hotlines offering victim assistance and advocacy services, including legal assistance, emergency shelter and transitional housing:

- Turn Around, Inc.: Helpline: (443) 279-0379; [www.turnaroundinc.org](http://www.turnaroundinc.org) 
- House of Ruth: 24 hr. Hotline: (410) 889-7884; [www.hruth.org](http://www.hruth.org) 
- Maryland Network Against Domestic Violence: Helpline: 1-800-MD-HELPS; [www.mnadv.org](http://www.mnadv.org) 

#### 11. Counseling

The Student Counseling Center or personal counselors can be useful in helping UMB Students cope with the stress resulting from experiencing Prohibited Sex Discrimination or participating in an investigation of a complaint of Prohibited Sex Discrimination. Please see below for information about how to contact the Student Counseling Center. For more information, see [VI-1.60\(A\) UMB Policy Prohibiting Sexual Misconduct and Sex and Gender-Based Discrimination](#).

Student Counseling Center (confidential)

HS/HSL Library

601 W. Lombard St., Suite 440

Phone: 410-328-8404; Fax: 410-328-5291

[www.umaryland.edu/counseling](http://www.umaryland.edu/counseling)

Monday - Friday from 8:30 a.m. to 5:00 p.m. and limited evening hours Mondays and Tuesdays

**12. Educational Programs**

Through the Title IX Coordinator, educational programs on Prohibited Sex Discrimination for UMB Students can be arranged. Detailed information regarding required educational programs and other trainings can be found at the Office of Accountability and Compliance website: [www.umaryland.edu/titleix/training](http://www.umaryland.edu/titleix/training).

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## **ATTACHMENT VIII**

### **USM POLICY ON SUBSTANCE ABUSE**

A. Section VII - 1.10 Policy on a Drug and Alcohol-Free Workplace for Employees [attached]

**USM Bylaws, Policies and Procedures of the Board of Regents**

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**VII - 1.10 - POLICY ON A DRUG AND ALCOHOL-FREE WORKPLACE FOR EMPLOYEES**

(Approved by the Board of Regents, January 2, 1989; Amended October 9, 2015)

**I. PURPOSE**

This policy is intended to affirm the University of System of Maryland (USM) commitment to maintain a safe and healthy drug and alcohol-free workplace for all employees, students and visitors, and to minimize the risk that illegal drugs and controlled substances pose to USM institutions.

**II. POLICY**

- A. The USM is committed to maintaining a drug and alcohol-free workplace that is compliant with applicable federal and state laws. The following are prohibited activities under this policy on all premises owned, operated or controlled by the USM and its institutions:
1. the unlawful possession, use, distribution, dispensation, sale or manufacture of illegal controlled substances by covered employees;
  2. the use by covered employees of any prescription drug in a manner inconsistent with its medically prescribed, intended use, or under circumstances where such use is not permitted;
  3. reporting to work or working under the influence of drugs or alcohol by covered employees; and,
  4. hiring anyone who is known to currently abuse drugs or alcohol who is not actively engaged in a bona fide drug or alcohol abuse assistance or rehabilitation program.
- B. As a condition of USM employment, all employees must abide by the terms of this policy. Employees found to be in violation of this policy are engaged in serious misconduct and may be subject to appropriate disciplinary action applicable in their institution, and/or required to participate in appropriate drug and/or alcohol abuse rehabilitation programs.

VII - 1.10-1



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**USM Bylaws, Policies and Procedures of the Board of Regents**

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**III. APPLICABILITY**

- A. This policy applies to all USM regular and contingent faculty and staff, postdoctoral assistants, graduate assistants, and student employees.
- B. Employees working on a federal grant or contract must notify their supervisor or Department head of any criminal drug convictions in the workplace no later than 5 days after such conviction. Within 10 days of the reported conviction, the Institution must provide written notice to any federal sponsor of grants or contracts on which the convicted employee was working.
- C. To the extent that federal or state law standards are more stringent than the requirements of this policy, the applicable federal or state standards shall apply.

**IV. GENERAL**

- A. Possible violations of the provisions of this policy shall be referred to the institution's Chief Human Resources Officer or other designated institutional official for investigation and when warranted, determination of appropriate administrative/disciplinary action, up to and including termination and, if warranted, referral for criminal prosecution.
- B. Any disciplinary actions imposed shall be consistent with the nature of the violation, and may include, but are not limited to, counseling, reprimand, suspension, demotions, denial of pay increment, denial of promotion, unsatisfactory performance evaluation, reassignment, termination; and/or employee assistance program (EAP) referral to an appropriate rehabilitation program. An institution may make successful completion of a rehabilitation program a condition of continued employment for the employee.
- C. Employees for whom successful completion of a rehabilitation program is a condition of continued employment shall provide documentation of successful completion of a program designated by the institution.
- D. All records related to an employee's substance abuse are confidential and shall be kept by the appropriate administrator of the EAP or other designated institutional official. Such records shall not be included in the employee's personnel file. However, personnel files may contain non-medical records related to disciplinary actions taken as a result of violation of this policy.

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**USM Bylaws, Policies and Procedures of the Board of Regents**

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- E. Institutions may designate certain positions as “sensitive”. Violations of this policy by persons employed in “sensitive” positions shall constitute willfull misconduct and shall be deemed grounds for immediate removal of the employee from the duties of the position, pending further investigation. Examples of such positions include:
1. Positions with a significant degree of responsibility for the safety of one or more persons where impaired performance could result in death or injury to the employee or one or more persons;
  2. Positions requiring the carrying of a firearm;
  3. Positions directly involved in narcotics law enforcement or efforts to interdict the flow of narcotics;
  4. Positions having substantial access to, control and/or research use of a controlled dangerous substances;
  5. Positions having access to Tier 1 biological select agents and toxins (BSAT); and,
  6. Positions, as determined by the President or designee in writing, for which impairment may result in significant harm to public safety or security, or present a threat to the health or safety of institution students, employees or visitors.

**V. SUBSTANCE TESTING**

The President or designee of each USM institution shall determine the sensitive positions that are subject to testing for substance abuse. Each institution shall develop procedures on pre-employment and random drug testing for those positions determined to be sensitive. The Institution Human Resources Department shall maintain a list of those eligible for random testing. Employees in sensitive positions shall be individually notified of such designation and of the provisions of this policy, by the appropriate administrator.

**VI. NOTIFICATION AND REVIEW**

Each institution shall establish drug abuse awareness programs to promote the maintenance of a workplace free of alcohol and drug abuse and to inform employees about:

VII - 1.10-3

**USM Bylaws, Policies and Procedures of the Board of Regents**

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- A. The USM Drug and Alcohol-Free Workplace Policy;
- B. The dangers of alcohol and drug abuse;
- C. Available counseling, rehabilitation, and employee assistance programs; and
- D. The consequences that may be imposed upon employees for violations of this policy.

**VII. IMPLEMENTATION**

Each president shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its institutional website.

VII - 1.10-4

**UMB POLICY ON SUBSTANCE ABUSE**

B. Section VII - 1.10(A) - UMB Substance Abuse Policy [attached]



# Policies and Procedures

## Human Resources Policies

VII-1.10(A)

### UMB SUBSTANCE ABUSE POLICY

**HUMAN RESOURCES** | *Approved August 1, 1990*

**RESPONSIBLE VP/AVP**

[Roger J. Ward, EdD, JD, MPA](#)

#### Purpose

The UMB Substance Abuse Policy is designed to: (1) observe state executive orders and State and Federal laws; (2) promote a campus free of illegal drug use; (3) stress moderation, safety, and individual accountability by those who choose to drink alcohol; (4) provide a campus atmosphere free of coercion for those who choose not to drink alcohol; (5) maintain a community where the effects of abuse are minimal and where problem behavior is reduced; (6) provide information and education on the health risks associated with drug and alcohol abuse; and (7) provide confidential and effective guidance and counseling for those with special needs related to substance abuse.

**BACKGROUND:** Substance abuse is a serious national crisis which has had a detrimental effect on the lives of many of our citizens, and has exerted a negative effect on the operation of academic institutions. Every university experiences a loss of productivity due to drug and alcohol related absenteeism, injuries on the job, decreased work quality and wasted dollars. Substance abusing employees and students function below established standards, may make impaired decisions, may have negative effects on their co-workers and peers, and are not as alert as non-using employees and students. The illegal use of the University campus as a marketplace for drugs endangers the health, safety and welfare of all individuals associated with the campus. Every university must maintain an environment which eliminates this waste and supports the health, well-being and productivity of all its employees and students as they carry out their responsibilities. A campus free of substance abuse is fundamental to promote efficient, effective and responsive education, research and service.

**HEALTH RISKS:** Substance abuse is recognized as the number one public health problem in the United States. Approximately 30% of all admissions to general hospitals and 50% to psychiatric hospitals have detectable substance abuse. Substance abuse accounts for approximately 150,000 deaths annually. This includes deaths from stroke, disease of the heart and liver, and all alcohol and drug related suicides, homicides and accidents. Early detection can minimize or prevent the devastating consequences of substance abuse.

#### Policy Statement

The unlawful manufacture, distribution, dispensing, possession or use of drugs is prohibited at UMB.

B. Alcohol may only be used legally and responsibly on campus or in any location while the employee or student is on official UMB business. Organizers of any on-campus functions where alcohol is served must present a plan to the administration responsible for that particular area (i.e. Dean's Office if the function is in a School, Office of Campus Life if the function is held in the Student Union).

C. All employees and students must report to work, on all premises owned, operated, or controlled by the USM and its institutions in a fit condition to perform. Reporting to work or working while impaired by drugs or alcohol is a violation of this policy and shall subject the employee or student to the appropriate disciplinary or rehabilitative action.

<https://www.umaryland.edu/policies-and-procedures/library/human-resources/policies/vii-110a.php>

D. As a condition of employment every employee must abide by the terms of this policy and notify his/her supervisor of any criminal drug conviction.

1. Such notice should be given no later than five days after such conviction.

2. For all employees working on a Federal Grant:

a. Within ten days of receiving notification of a criminal drug statute conviction which occurred in the workplace, UMB will report the conviction to the granting agency.

E. As a condition of enrollment every student must abide by the terms of this policy and notify his/her Dean's office of any drug or alcohol related conviction.

1. Such notice should be given no later than five days after such conviction.

F. UMB will take either or both of the following actions after receiving notice of a conviction.

1. Require the convicted employee to participate in a substance abuse assistance or rehabilitation program, and/or,

2. Subject the convicted employee to the appropriate disciplinary action, up to, and including, termination or expulsion.

G. UMB will impose disciplinary sanctions on employees and, if appropriate, referral for prosecution for violations of the standards of conduct required by paragraphs A. - D. of this policy. The sanctions not listed in any order, may be progressive or consistent with the nature of the violation and include, but are not limited to:

1. Employees - Counseling, Reprimand, Suspension, Demotion, Denial of Pay Increment, Denial of Promotion, Unsatisfactory Performance Evaluation, Reassignment, Termination; and/or Employee Assistance Program (EAP) Referral, Completion of an appropriate Rehabilitation Program.

H. UMB will establish alcohol and drug abuse awareness programs to inform employees and students about:

1. The dangers of drug and alcohol abuse on the campus;

2. UMB's policy of maintaining a campus free of drug and alcohol abuse;

3. Any available counseling, rehabilitation, and employee assistance programs; and

4. The penalties that may be imposed upon employees or students for drug and/or alcohol abuse violations occurring on the campus.

I. UMB will give each employee and student a copy of this policy. A biennial review will be conducted to determine the program's effectiveness and the consistent imposition of sanctions.

LEGAL SANCTIONS: Students and employees at the University of Maryland, Baltimore are subject to federal, state, and local laws for the possession and distribution of illegal drugs.

Federal law 21 USCA, sections 841 and 844 to 845a (1990), states that it is unlawful to possess any controlled substance, including marijuana, cocaine, or heroin, for any illegal purpose. If the substance is cocaine, or contains a cocaine base, the penalty for simple possession is a fine and/or imprisonment from 5 to 20 years. For other illegal drugs, the penalty for simple possession is a fine of at least \$1000 and/or imprisonment for up to 3 years. The penalties increase if the possession includes intent to manufacture, distribute, or dispense a controlled substance, especially if done so near a public or private elementary, vocational, or secondary school, or a public or private college or university. Additionally, any person who violates this law shall also be liable to the U.S. for any amount up to \$10,000 in civil penalties.

In addition to the federal laws, the State of Maryland has its own laws dealing with distribution, manufacturing, and possession of controlled substances.

Art. 27, Section 286, Ann. Code of Maryland (1989 Supp.)

For the manufacture, distribution, dispensation, or possession with intent to distribute the following:

- a) 50 pounds or more of marijuana
- b) 448 grams or more of cocaine or cocaine mixture
- c) 28 grams or more of morphine or opium mixture
- d) 1000 dosage units of lysergic acid diethylamide or mixture

<https://www.umaryland.edu/policies-and-procedures/library/human-resources/policies/vii-110a.php>

- e) 16 ounces or more of phencyclidine in liquid form
- f) 448 grams or more of any mixture containing phencyclidine
- g) 448 grams or more of methamphetamine or mixture

#### Penalty

##### 1st Offense

No less than 5 years  
or if "drug kingpin"

##### 2nd Offense

Twice that otherwise  
authorized by law

not less than 20 years nor more than 40 years; fine of not more than \$1,000,000

A person who manufactures, distributes, dispenses or possesses with the intent to distribute a controlled dangerous substance in, on, or within 1000 feet of an elementary or secondary school will be subject to an additional term of not more than 20 years or a fine of not more than \$20,000 or both for a first offense, and a term for not less than 5 or more than 40 years or a fine of not more than \$40,000 or both for a second offense. [Art. 27, Section 286, Ann. Code of Maryland. (1990)].

Art. 27, Section 287, Ann. Code of Maryland

#### Miscellaneous

Individuals who have been convicted of a controlled dangerous substance offense on or after January 1, 1991 are required to disclose that fact when applying for a license or a license renewal. The licensing authority may refuse to issue the license or impose appropriate conditions on the license (except for noncommercial driver's licenses). Drug Enforcement Act of 1990, House Bill 515.

Md. Ann. Code Art. 27, section 286 (1989), states that any person who unlawfully manufactures or distributes any controlled dangerous substances may be fined up to \$25,000 and may be imprisoned for up to 20 years for a first offense. Also, in Baltimore City, under Article 19, section 58C of the City Code, it is illegal to loiter in a certified drug free zone, with penalties of imprisonment of up to 30 days and a fine of up to \$400.

Students and employees at the University of Maryland, Baltimore are subject to state laws for drinking and obtaining alcohol.

It is illegal in the State of Maryland, Md. Ann. Code Art. 27, sections 400 to 403B, for any person under 21 to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them. It is also illegal in most situations to furnish alcohol to a person under 21, or to obtain alcohol on behalf of a person under 21. The penalty is a fine of up to \$500 for a first offense, and up to \$1000 for repeat offenses.

Also, it is illegal in the State of Maryland, Md. Ann. Code, Transportation Article, section 21-902, for any person to drive or attempt to drive while intoxicated or under the influence of drugs and/or alcohol. The penalty is a fine of up to \$1000 and/or 1 year of imprisonment for a first offense, \$2000 and/or 2 years for a second offense and to \$3,000 and/or 3 years for a third offense.

Maryland Ann. Code Article 27, Section 211, states that it is illegal in the State of Maryland to drink alcohol on any public property or shopping center, mall, or other retail establishment, with a penalty of a fine up to \$100. Section 207 states that it is illegal to be intoxicated and create a disturbance or endanger the safety of property or another person. The penalty is a fine of up to \$100 and/or imprisonment not exceeding 90 days.

This section describing Legal Sanctions is not intended to be exhaustive of all laws regarding drug and alcohol related offenses.

## Definitions

A. "Substance" means alcohol and/or drugs.

B. "Alcohol" means ethyl alcohol (ethanol).

C. "Drugs" means any substance, including controlled dangerous substances but excluding alcohol, that when taken into

<https://www.umaryland.edu/policies-and-procedures/library/human-resources/policies/vii-110a.php>

the body may impair one's mental faculties or cause changes in mood and/or physical performance.

D. "Substance Abuse" means:

1. A pattern of intentional and inappropriate use of any substance, legal or illegal, that interferes with any of several major life functions, including an individual's educational and/or job performance;

2. Any illegal drug use;

3. Intentional misuse of any over-the-counter drug, in cases where such misuse impairs job performance; or

4. Use of any prescription drug in a manner inconsistent with its medically prescribed, intended use, or under circumstances where use is not permitted.

E. "Employee" refers to faculty, associate staff and classified regular, contractual, temporary or if-and-when-needed appointees.

F. "Conviction" means any disposition by a court of law other than a dismissal or a finding of not guilty.

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<https://www.umaryland.edu/policies-and-procedures/library/human-resources/policies/vii-110a.php>



## ATTACHMENT IX

### UNIVERSITY OF MARYLAND, BALTIMORE PROCEDURES FOR RESPONDING TO HATE/BIAS INCIDENTS

#### **I. Purpose and Applicability:**

- A. The essential nature of the University of Maryland, Baltimore (UMB) requires an atmosphere of tolerance and understanding of diverse groups, ideas, and opinions. Acts of destruction, violence, or harassment that are racially, ethnically, religiously, and/or otherwise motivated against the personal property of others or infringe on the rights and freedom of others will not be tolerated at UMB. Individuals committing such acts at the University are subject to campus judicial and personnel action including suspension, expulsion, or termination.
- B. The University will investigate and report hate/bias incidents or crimes as required by applicable laws and regulations, including Maryland Code Crimes Article Section 10-303 and Maryland Code Public Safety Article Section 2-207.

#### **II. Prohibitive Conduct:**

Acts of harassment, violence, and/or destruction of property because of another's race, color, religion, age, national origin, sex, sexual orientation, or disability are prohibited.

#### **III. Reporting Hate/Bias Incidents:**

- A. Anyone who is a victim of or learns of a hate/bias incident should report the incident to any of the following offices on campus:

University Police	410-706-6882 (emergency) 410-706-6882 (non-emergency)
UMB Housing	410-706-5523
Office of Human Resources	410-706-7302 (faculty and staff)
Office of Academic Affairs <sup>1</sup>	410-706-1850 (students)
- B. UMB Housing or the Office of Human Resources or any school official will notify the University of Maryland, Baltimore Police Department (UMBPD).
- C. UMBPD will conduct an initial investigation and assessment to determine if the matter should be handled by police or another campus office.

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1. *Rather than report to the Office of Human Resources and the Office of Academic Affairs for faculty/staff and students, respectively, anyone on campus who is a victim of or learns of a hate/bias incident should report it the Office of Accountability and Compliance at 410-706-2281.*

- D. If UMBPD determines that the incident does not involve criminal activity, it will contact the Office of Human Resources, UMB Housing, or the appropriate school authority as determined by the status of the alleged victim and status of the alleged perpetrator (student, faculty, staff, visitor, etc.), so that the appropriate administrative action, if warranted, can be taken pursuant to existing procedures.

#### **IV. Communication with University Administration:**

- A. UMBPD, the Dean of Student Affairs, Legal Counsel, and the Office of Human Resources responding to the complaint will communicate information about the incident promptly to the Behavioral Evaluation and Threat Assessment Team (BETA) and the Office of the President.
- B. The nature of the incident will dictate the appropriate courses of action:
1. **Criminal Behavior:**  
If the incident is determined to be a crime, UMBPD will conduct a criminal investigation, offer support services to the victim, and make the appropriate notifications of an incident to other University administrators. If the person responsible for the crime is a student, faculty, or staff member, in addition to criminal prosecution, appropriate referrals will be made to the UMB Housing and/or the Office of Human Resources, and/or the school's dean of student affairs for necessary action.
  2. **Violation of Residence Facility Rules and Contract:**  
UMB Housing will determine if an incident is in violation of residence facility rules and, if so, determine appropriate disciplinary action.
  3. **Violation of UMB Personnel Policies and Procedures:**  
An incident occurring in the work environment will be subject to review and action by the Office of Human Resources.
  4. **Violation of the UMB Code of Student Conduct:**  
The Office of Student Judicial Programs for each UMB school administers the Code of Student Conduct. Incidents found to be in violation of the individual codes will be subject to disciplinary action up to and including suspension or expulsion from the University.

#### **V. Ongoing Educational Programs:**

The Office of Human Resources is charged with designing and implementing educational programs and cross-cultural activities designed to promote tolerance and an appreciation of diversity for faculty and staff. Campus Life Services is charged with designing and implementing educational programs and multicultural activities for students.

#### **VI. Behavioral Evaluation and Threat Assessment Team:**

- A. The University has established a Behavioral Evaluation and Threat Assessment (BETA) Team. The purpose of the team is to provide a coordinated, multidisciplinary response to acts of hate/bias. The Hate/Bias Response Team shall meet on a periodic, as-needed basis to review and respond appropriately to reported hate/bias incidents.

B. The composition of the response team is as follows:

**Core BETA:**

Chief of Police, Public Safety  
Executive Director, Student Counseling Center  
Assistant Vice President, Academic and Student Affairs  
Manager, Employee Assistance Program  
Director, Employee Health  
Director, Labor Relations, Human Resources  
Office of University Counsel

It is the responsibility of BETA to identify any patterns, trends, or upsurges in hate/bias activity. BETA will work with other departments and schools on campus to develop action-oriented steps to address identified patterns.

## **ATTACHMENT X**

### **POLICY ON THREATS AND VIOLENCE**

Section XI - 3.00(A) UMB Behavioral Evaluation and Threat Assessment Policy: [attached]



# Policies and Procedures

## Public Safety Policies

XI-3.00(A)

### UMB BEHAVIORAL EVALUATION AND THREAT ASSESSMENT POLICY

**PUBLIC SAFETY** | *Approved September 29, 2017*

**RESPONSIBLE VP/AVP**

[Roger J. Ward, EdD, JD, MPA](#)

### Policy Statement

#### I. Purpose

This Policy (Policy) is intended to promote a safe environment for all University of Maryland, Baltimore (UMB) students, faculty, staff, volunteers, visitors, and affiliate employees. This Policy establishes (a) a zero tolerance philosophy for threats and acts of aggression or violence; (b) guidelines for conduct; (c) the requirement to report threats and acts of aggression or violence; and (d) the requirement to be sensitive to and consider reporting warning signs of threats and acts of aggression or violence.

#### II. Definitions

**A. Affiliate:** (1) a faculty practice organization (or its subsidiary) established with authorization of the Board of Regents, (2) the University of Maryland Medical Center (UMMC), (3) University Physicians, Inc., (4) the Baltimore Veterans Administration Medical Center (VAMC), or (5) any affiliated entity, foundation, or alumni organization established with authorization of the Board of Regents.

**B. Affiliate Personnel:** A person who is an employee, agent, contractor, invitee, or volunteer of an Affiliate.

**C. Aggression:** Oral or written statements or physical actions that intentionally or recklessly create reasonable fear or apprehension of, or cause, (1) bodily harm, (2) threat to the safety of another person, or (3) damage to physical property.

**D. BETA Team:** Behavioral Evaluation and Threat Assessment Team

**E. Campus:** Any location on the UMB campus (including UMMC). Also, any work or education site owned, leased, operated, or controlled by UMB.

**F. Off-campus Sites:** Locations other than the Campus where students, faculty or staff are assigned to work or study (for example, clinical placement sites, Shady Grove, hospitals other than UMMC). The VAMC is an Off-campus Site.

**G. Educational Interest:** A School Official's legitimate need to review an education record in order to fulfill his or her professional responsibilities for UMB. These responsibilities include, for all employees, maintaining the safety and security of the campus. This exception applies whether or not there is an emergency situation.

**H. Education Records:** Records in paper, electronic, photographic and other formats which contain information directly related to a student and which are maintained in official working files by UMB. This includes University Associate's Reports (see VII.E.3.j.) kept by the BETA Team. Information gained by UMB about a student through observation of or through conversation with the student or others is not an Education Record unless reduced to writing.

**I. School Official:** (1) A person employed by UMB or the University System of Maryland administration in an administrative, supervisory, academic, or research position (including law enforcement personnel and health staff); (2) a person or company acting as UMB's contractor to provide a service that otherwise would or could be provided by UMB employees or officials (for example, attorneys, auditors, health care providers, and collection agents); (3) a person employed by a management company for UMB affiliated housing located on UMB-owned property; (4) a person serving on the Board of Regents; or (5) a student serving on an official committee, such as a disciplinary or grievance committee, or assisting a School Official in performing his/her professional responsibilities for UMB.

**J. Threat:** An intentional or reckless indication that a person may commit an act of Aggression or Violence toward a person or thing.

**K. Threatening, Aggressive or Violent Behavior:** Conduct (whether or not intended to be humorous) which is objectively or reasonably perceived by another as a Threat, as Violence, or as Aggression.

Examples of such conduct include, but are not limited to, the conduct described below:

1. Unwelcome name-calling; disparaging or excessively obscene language; hate speech; and other abusive language.
2. Direct or indirect Threats.
3. Carrying or possessing a gun, firearm, ammunition, other weapon or replica of a weapon on Campus or at Off-campus Sites, excluding law enforcement officers required to do so or individuals with prior written approval from the UMB Chief of Police.
4. Physically intimidating actions, including but not limited to acts such as obscene gestures, "getting in someone's face," and fist shaking.
5. Touching another person (by direct contact or with an object) in an intimidating, malicious or sexual manner. This includes, but is not limited to, acts such as hitting, slapping, poking, kicking, pinching, grabbing, and pushing.
6. Throwing objects in the workplace, regardless of the size or type of object being thrown and whether a person is the target of the thrown object.

**L. University Associates:** Students, faculty and staff of UMB on Campus and at Off-campus Sites; also, volunteers, visiting students and scholars, Affiliate Personnel, and invitees on Campus (for example, vendors, applicants, clients, patients, museum visitors).

**M. Violence:** Any intentional or reckless act that causes (1) pain or injury to another person; or (2) damage to property

### **III. Warning Signs** *[that may precede or be indicative of violent behavior]*

**A.** University Associates are encouraged to be alert to Warning Signs below and to report Warning Signs exhibited by another University Associate to appropriate School/Department administrators and/or UMB offices trained in evaluating such behavior. University Associates, regardless of their professional training and experience, are encouraged *not* to attempt to evaluate and respond to Warning Signs without seeking assistance from UMB resources.

**B.** Unfortunately, there is no proven method of predicting when someone may become violent. It is important to keep this in mind when attempts are made to identify Warning Signs. It is particularly important to consider the context of things considered to be Warning Signs. For example, voice tone, level of familiarity with the person making troubling statements,

and the presence of other Warning Signs should all be considered. Below are some indicators that warrant closer attention and may warrant intervention and/or reporting.

1. Making threats of suicide or statements about hurting one's self. Threats might be direct, or indirect (for example, hints).
2. Making implied threats of Violence.
3. Expressing fascination with firearms, other weapons, or bombs, or asserting ownership of firearms, other weapons, or bombs, or the materials to manufacture them.
4. Expressing fascination with weaponization of chemical or biological materials, or asserting the ability to produce such weapons.
5. Having a known history of Violence.
6. Preoccupation with computer games, movies, television, music, and/or stories about Violence.
7. Identification with criminal or terrorist individuals, acts and/or philosophy.
8. Making frequent or recurrent suggestions that incidents of publicized Violence may be repeated at UMB.
9. Maintaining a preoccupation with incidents of publicized Violence (for example, collecting articles and photos, showing fascination with perpetrators of Violence).
10. Intimidating others; acting with belligerence or defiance toward others; frequently becoming confrontational.
11. Crossing professional and personal boundaries (for example, excessive phone calls, text messages, or e-mails; excessive impromptu visits; giving gifts inappropriately).
12. Being easily provoked; showing sudden or erratic agitation with others.
13. Blaming others for anything that goes wrong; failure to acknowledge any personal responsibility for disappointments or difficulties.
14. Showing recent, marked academic (or job) performance decline.
15. Demonstrating notable changes in personality, mood or behavior.
16. Giving away personal possessions.
17. Showing notable decline in personal hygiene and personal appearance.
18. Abusing alcohol or other drugs, particularly marked increase in substance abuse.
19. Behavior reflecting social isolation/alienation.

**C.** In addition, listed below are some situational contexts that would not be considered Warning Signs in and of themselves. Knowledge of such contexts may influence judgment about the level of risk indicated by Warning Signs. Knowledge of some of these contexts may indicate that more proactive efforts are needed to increase support in an effort to prevent Violence against one's self or others.

1. Anticipation of severe consequences, such as failing out of school or being expelled due to serious conduct code violations (especially if shame or embarrassment is heightened due to situational and/or cultural factors).
2. Lack of support regarding a history of actual or perceived victimization (discrimination, bullying, or other forms of oppression around race, nationality, religion, sexual orientation, gender identity or expression, physical characteristics, mental functioning, disability, etc.).
3. Severe stressors in personal life (for example, financial, health, family or marital problems).

**D.** Each School will provide its students with instructions concerning a School contact who can assist a student in reporting Warning Signs exhibited by a fellow student.

#### IV. Policy

**A.** University Associates must feel secure at the Campus and in Off-campus Sites in order to focus on their studies, research, duties, and responsibilities. Threatening, Aggressive or Violent Behavior by any University Associate toward another University Associate, or toward the community on Campus or at an Off-campus Site, will not be tolerated.

**B.** Any University Associate having knowledge of Threatening, Aggressive or Violent Behavior toward another University Associate on Campus *must* report the behavior immediately to the University Police. The University Associate also may report the behavior to a BETA Team member, the Employee Assistance Program, the UMB Counseling Center, an appropriate school/department administrator, the Office of the Vice President for Academic Affairs, Employee/Labor Relations - Human Resource Services, or the Office of Student and Employee Health.

**C.** University Associates are encouraged to report Warning Signs exhibited by another University Associate. Warning Signs may be reported to a BETA Team member, the Employee Assistance Program, the UMB Counseling Center, an appropriate school/department administrator, the Office of the Vice President for Academic Affairs, Employee/Labor Relations - Human Resource Services, or the Office of Student and Employee Health.

**D.** A University Associate who is a victim of Threatening, Aggressive or Violent Behavior may be assisted, with limited confidentiality, by administrative and counseling (for faculty, staff and students of UMB) services available at the Campus. Any University Associate responsible for Threatening, Aggressive or Violent Behavior will be subject to appropriate administrative/disciplinary action up to and including expulsion from school (for students), termination of employment (for faculty and staff of UMB), and removal from UMB premises (for volunteers and other invitees).

**E.** UMB will not condone any form of retaliation against a University Associate who reports in good faith Threatening, Aggressive or Violent Behavior or Warning Signs. Similarly, UMB will not condone the deliberate filing of false reports of Threatening, Aggressive or Violent Behavior or Warning Signs.

**F.** Reports of Threatening, Aggressive or Violent Behavior by a UMB faculty, staff or student at an Off-campus Site are subject to this Policy as well as the policies of the Off-campus Site and applicable local laws. Reports that a person affiliated with an Off-campus Site, or Affiliate Personnel, is responsible for Threatening, Aggressive or Violent Behavior toward a UMB faculty, staff or student are subject to this Policy to the extent practical in order to protect the UMB faculty, staff, or student and/or to remove him or her from a potentially harmful Off-campus Site.

**G.** If a University Associate reports Threatening, Aggressive or Violent Behavior by Affiliate Personnel, UMB will notify appropriate officials of the Affiliate and seek cooperation from the Affiliate to investigate and resolve the matter.

**H.** Nothing in this Policy will be interpreted to require the UMB Police or any other law enforcement unit to delay investigations, arrests, or other appropriate law enforcement actions for the protection of University Associates or the public.

#### V. Confidentiality

Under UMB policy and applicable law, it is permissible for School Officials to disclose personally identifiable information to other School Officials who have an Educational Interest in order to fulfill a professional responsibility to UMB and/or University Associates. Similar disclosures may be made to appropriate individuals outside UMB in connection with a health and safety emergency after considering the severity of the matter, the need for information, the time required to deal with the emergency, and the ability of those to whom a disclosure is made to deal with the emergency. Institutional investigations of charges may require the complainant's identity to be known by the accused. Information gained by UMB about a student through observation of or through conversation with the student or others and not reduced to writing should be treated sensitively but is not confidential.

#### VI. Behavioral Evaluation and Threat Assessment (BETA) Team

**A.** The Behavioral Evaluation and Threat Assessment (BETA) Team coordinates activities responsive to reports of Threatening, Aggressive or Violent Behavior. The BETA Team consists of appointed, standing representatives of the following offices: Employee/Labor Relations - Human Resource Services (410-706-7302); Employee Assistance Program (410-328-5860); UMB Counseling Center (410-328-8404); University Police (24-hour emergency service at x 711, 410-706-6882, 410-706-3333); Office of the Vice President for Academic Affairs (410-706-1850); and Student and Employee Health Services (410-328-2686). An attorney from the UMB Office of University Counsel (410-706-5353) will serve as legal advisor



to the BETA Team and will involve the Office of the Attorney General of Maryland as necessary. The BETA Team Chair may include a representative from the Office of External Affairs (410-706-5020) on a case by case basis. The BETA Team Chair may add other representatives on an ad-hoc basis. The BETA Team roster will be posted on the UMB website and other designated places.

**B.** All standing and ad-hoc members of the BETA Team are considered to be (1) School Officials who have legitimate educational interests in accessing the education records of a student involved in an incident referred to the BETA Team; and (2) UMB officials with a legitimate interest in accessing the employment records and/or other personal information of a University Associate other than a student involved in an incident referred to the BETA Team.

**C.** The representative from the University Police will chair the BETA Team. The BETA Team will hold regular meetings on a bi-annual basis. Special meetings to address reports of Threatening, Aggressive or Violent Behavior may be called by the Chair or designee, at the request of any BETA Team member(s), or at the request of the UMB President, a Dean, or Vice President. Special meetings may be held in person, by conference call, or by a combination thereof. Alternates may participate if a BETA Team member is unavailable; at least four members or their alternates must participate to achieve a quorum.

## **VII. General Procedures**

**A.** A University Associate who has been subject to Threatening, Aggressive or Violent Behavior on Campus must report the incident immediately to the University Police. A University Associate may make an additional report about the incident to a BETA Team member (link roster on the UMB website), the Employee Assistance Program, the UMB Counseling Center, an appropriate school/department administrator, the Office of the Vice President for Academic Affairs, Employee/Labor Relations - Human Resource Services, or the Office of Student and Employee Health.

**B.** A University Associate who has been subject to Threatening, Aggressive, or Violent Behavior off campus and is concerned that the behavior may lead to Aggression or Violence on Campus or at an Off-campus Site must report incidents immediately and seek assistance, as appropriate, from the University Police. In such cases, reports should also be made to the security or police unit having jurisdiction over the site where the Threatening, Aggressive, or Violent Behavior took place, or the Off-campus Site involved. Matters occurring off campus, including at Off-campus Sites, are not under the jurisdiction of University Police.

**C.** All reports and identities of involved University Associates will be shared with others only on a need-to-know basis. (See Section V. Confidentiality.)

**D.** Reasonable precautions will be taken to protect victims of, and those reporting, Threatening, Aggressive or Violent Behavior.

### **E. Responsibilities**

#### **1. Responsibilities of University Associates Who Have Been Subject to Threatening, Aggressive or Violent Behavior.**

##### **a. Notify:**

i. the University Police immediately to report Threatening, Aggressive or Violent Behavior (see definitions in Sections II. C.,J.,K.,M.); and

ii. also, at the option of the University Associate, the Employee Assistance Program, the UMB Counseling Center, appropriate school/department administrator, and/or a member of the BETA Team, to report incidents of Threatening, Aggressive or Violent Behavior (see Sections II. C.,J.,K.,M.), or Warning Signs (see Section III) and of the need for assistance.

b. If necessary, discuss with appropriate school/department administrator and/or Employee/Labor Relations - Human Resource Services, options available for scheduling, leave, work location, academic assignment location, classes, means of travel to and from work/school, parking assignment, return to duty, activities on campus, etc. that may reduce risk of exposure to continuing Threatening, Aggressive or Violent Behavior.

c. If possible, provide to University Police a recent photograph of the individual perpetrating the Threatening, Aggressive, or Violent Behavior.

d. Maintain close communications with the assigned BETA Team liaison (see Section VII.E.3.b.) to report any developments and to receive assistance.

## 2. Responsibilities of School/ Department administrators

Be aware of Warning Signs (see Section III) of University Associates, and, if appropriate, make referrals to Employee Assistance Program, UMB Counseling Center or other health services.

Be alert to and report real or potential Threatening, Violent or Aggressive Behaviors of University Associates.

Be aware of unusual absences of University Associates.

Be aware of any signs of physical abuse of University Associates.

Be available to support University Associates who wish to discuss and may need to report Threatening, Violent or Aggressive Behavior on the University Associate's Report Form (attached).

Complete and submit the University Associate's Report Form (attached) if aware that it has not or will not be submitted by the involved University Associate.

Consult the University Police and/or a representative of the BETA Team to discuss observations and concerns and to discuss a strategy to deal with Threatening, Violent or Aggressive Behavior.

Maintain confidentiality of any involved University Associate or anyone reporting Threatening, Aggressive or Violent Behavior, except as required by this Policy and otherwise on a need-to-know basis (See Confidentiality, Section V.)

Honor all civil protection orders (restraining orders or other court ordered sanctions) by coordination and contact with the University Police.

Ensure that a reporting University Associate has provided information including a recent photograph of the threatening person, if available, to the University Police.

Be sensitive to the reporting University Associate's needs and to the seriousness of the situation. Be prepared to make modifications to work or class schedules, locations and other operational situations on at least a temporary basis.

Provide the reporting University Associate with a copy of this Policy and other supporting information.

Maintain close communications with the BETA Team to report any developments and to receive assistance.

## 3. Responsibilities of the BETA Team

When a report is received by any BETA Team member, that member will contact the Chair, who will call a special BETA Team meeting promptly to share information with BETA Team members and, if appropriate, conduct an assessment of the reported incident and develop a strategy and plan.

Assign a member to act as resource and/or liaison to both the reporting University Associate and the school/department administrator in handling the situation.

Cooperate and communicate regularly with the reporting University Associate and the appropriate school/department administrator.

Develop a safety plan for the reporting University Associate.

Work with the school/department to develop administrative options and arrangements.

If a reporting University Associate and/or UMB student, faculty or staff responsible for the reported behavior has been referred to a shelter or counseling resource, maintain liaison with the resource and the person(s) referred.

Maintain confidentiality of any involved University Associate or anyone reporting Threatening, Aggressive or Violent Behavior, except as required by this Policy and otherwise on a need-to-know basis. (See Confidentiality, Section V.)

Coordinate BETA Team effort with action under other relevant policies (for example, sexual harassment policy, school judicial board policies).

Regularly review strategies and plans, as necessary, for on-going situations/incidents.

Keep records of reports and BETA Team actions to assess risk and to evaluate UMB response to Threatening, Aggressive or Violent Behavior. Copies of documents will be maintained by the Chair of the BETA Team.

#### F. Administrative/Disciplinary Process/Consequences

1. A University Associate reported to have committed incidents of Threatening, Aggressive or Violent Behavior may be subject to appropriate administrative/disciplinary processes. Staff members are governed by appropriate policies for non-exempt and exempt staff which could result in penalties up to and including discharge. UMB students or faculty will be referred to the appropriate School's Dean for action under established School and UMB procedures, which could result in penalties up to and including expulsion of students or termination of faculty appointments.

2. Administrative/disciplinary remedies available to address Threatening, Aggressive or Violent Behavior by UMB students include, but are not limited to: (a) administrative counseling; (b) reprimand, suspension, reassignment, or community service; (c) withheld or unsatisfactory references or certifications for post-degree training or employment, licensing, and employment-related academic assignments; (d) permanent or temporary entry of notations in student files; (e) denial of, or removal from, UMB-operated or affiliated student housing; (f) expulsion; (g) voluntary or mandatory UMB Counseling Center referral and treatment; or (h) psychological or psychiatric evaluation.

3. Administrative/disciplinary actions available to address Threatening, Aggressive or Violent Behavior by UMB faculty or staff include, but are not limited to: (a) administrative counseling; (b) reprimand, suspension, and/or demotion; (c) denial of pay increase or promotion; (d) unsatisfactory performance evaluation; (e) reassignment; (f) termination; (g) voluntary or mandatory Employee Assistance Program referral and treatment; or (h) psychological or psychiatric evaluation.

4. UMB students, faculty and staff are subject to arrest and criminal prosecution for unlawful conduct. Arrest and criminal prosecution will be considered in cases of Threatening, Aggressive or Violent Behavior. Administrative and disciplinary processes are independent of criminal prosecutions.

5. Persons who are not UMB students, faculty or staff who commit incidents of Threats, Aggression, or Violence at the Campus will be removed from the Campus under authority of the President. In addition, they are subject to arrest and criminal prosecution for unlawful conduct.

## Downloads

University Associate's Report [08/12]  
Behavioral Evaluation and Threat Assessment (BETA) Team

# UNIVERSITY OF MARYLAND, BALTIMORE

(To be completed by employee/student/affiliate at time of incident)

University Associate Name: \_\_\_\_\_ I.D. # \_\_\_\_\_

**Last**                      **First**                      **Middle**

Date of Birth:                      Student: \_\_\_\_\_ or Employee: \_\_\_\_\_ Full Time or Part Time (*circle one*)

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_

**Address**                      **City**                      **State**   **Zip Code**

Present Title: \_\_\_\_\_ Employment/School Start Date: \_\_\_\_\_

Dept./School: \_\_\_\_\_ Supervisor/Advisor: \_\_\_\_\_

**Last**                      **First**

Dept./School Address: \_\_\_\_\_

**Address**                      **City**                      **State**   **Zip Code**

Date of Incident: \_\_\_\_\_ Time: \_\_\_\_\_ am / pm

Incident Location: \_\_\_\_\_

**Address**                      **City**                      **State**   **Zip code**

When was Incident reported to Supervisor/Advisor? Date: \_\_\_\_\_ Time: \_\_\_\_\_ am / pm

Describe the incident in detail (*your activities at that time*): \_\_\_\_\_

Describe any physical injury and specific part(s) of body affected: \_\_\_\_\_

Was medical treatment sought? If so, where? \_\_\_\_\_

**Address**

**City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip Code** \_\_\_\_\_ **Phone** \_\_\_\_\_

Name(s) of witness(es): \_\_\_\_\_

**Name** \_\_\_\_\_ **Phone** \_\_\_\_\_

**Name** \_\_\_\_\_ **Phone** \_\_\_\_\_

Signature of University Associate: \_\_\_\_\_ Date: \_\_\_\_\_

**FAX Immediately to:**

**UMB Police**

**410-706-0952 (fax)**

## ATTACHMENT XI

### UMB Alerts Procedure

The University of Maryland, Baltimore Police Department (UMBPD) and the Department of Public Safety is committed to providing the UMB campus and surrounding communities with innovative solutions and best practices in the delivery of law enforcement services. As part of this quest for continual improvement, the department regularly reviews alerts procedures and boundaries.

UMB Alerts will be sent in the following situations:

- A significant emergency or dangerous situation on campus that is happening at the moment or is ongoing. The incident can impact the entire campus or may be targeted to a segment.
- Incidents that occur off campus (outside the blue boundary on the campus map) when the suspect(s)/perpetrator(s) are determined to be a direct threat to the University community, as determined by the chief of police or their designee.
- Under special circumstances with the recommendation of the chief of police and approval of the president or their designee. Examples might be civil unrest, traffic issues, or special weather-related events, which will be clearly marked as such.

The UMB Office of Communications and Public Affairs is responsible for sending the above-named alerts and advisories after being requested by the chief of police or their designee, except under special circumstances or times of urgency or limited resources when the chief of police will send the communication.

UMB Alerts will not be sent in the following situations.

- Incidents that happen outside of the blue boundary — regardless of whether a UMB student or employee is involved, except in the circumstance noted above.
- Incidents that occur within the blue boundary but are reported to UMBPD significantly after the fact.

## APPENDICES

### RECOMMENDED PREVENTIVE PRACTICES

Preventive measures can include pre-employment screening, identifying problem situations and risk factors, and security preparations.

Pre-employment screening: Identifying and screening out potentially violent people before hiring is an obvious means of preventing workplace violence.

Pre-employment screening practices must, however, be consistent with privacy protections and anti-discrimination laws.

To ensure that practices are consistent with privacy protection and anti-discrimination laws, it is strongly recommended that you discuss these practices with the Office of Human Resources. As an applicant is examined, the following should be taken into consideration as potential areas of concern:

- Indications of current abuse of drugs or alcohol.
- Past conflicts (especially if violence was involved) with coworkers.
- Past convictions for violent crimes.
- Indications of a defensive, hostile attitude.
- A history of frequent job changes.
- A tendency to blame others for problems.

Operation of effective employee and student assistance programs aids in early identification and intervention efforts for those employees or students who may be displaying signs of emotional stress or who may be experiencing one or more of the life experiences commonly associated with psychological or emotional trouble.

#### ***Recognizing Inappropriate Behavior***

Inappropriate behavior is often a warning sign of potential hostility or violence. When left unchecked, it can escalate to higher levels.

Employees who exhibit the following behaviors should be reported and disciplined in accordance with organizational policy:

- Unwelcome name-calling, obscene language, and other abusive behavior.
- Intimidation through direct or veiled verbal threats.
- Throwing objects in the workplace regardless of the size or type of object being thrown or whether a person is the target of a thrown object.
- Physically touching another employee in an intimidating, malicious, or sexually harassing manner. This includes such acts as hitting, slapping, poking, kicking, pinching, grabbing, and pushing.
- Physically intimidating others, including such acts as obscene gestures, “getting in your face” and fist-shaking.

### ***Warning Signs of Potentially Violent Individuals***

There is no exact method to predict when a person will become violent. One or more of these warning signs may be displayed before a person becomes violent but does not necessarily indicate that an individual will become violent. A display of these signs should trigger concern as they are usually exhibited by people experiencing problems.

- Irrational beliefs and ideas
- Verbal, non-verbal, or written threats or intimidation
- Fascination with weaponry and/or acts of violence
- Expressions of a plan to hurt themselves or others
- Externalization of blame
- Unreciprocated romantic obsession
- Taking up much of supervisor's time with behavior or performance problems
- Fear reaction among coworkers/clients
- Drastic change in belief systems
- Displays of unwarranted anger
- New or increased source of stress at home or work
- Inability to take criticism
- Feelings of being victimized
- Intoxication from alcohol or other substances
- Expressions of hopelessness or heightened anxiety
- Productivity and/or attendance problems
- Violence toward inanimate objects
- Stealing or sabotaging projects or equipment

Follow these suggestions in your daily interactions with people to de-escalate potentially violent situations. If at any time a person's behavior starts to escalate beyond your comfort zone, disengage.

### ***DO***

- Project calmness: Move and speak slowly, quietly, and confidently.
- Be an empathetic listener: Encourage the person to talk and listen patiently.
- Focus your attention on the other person to let them know you are interested in what they have to say.
- Maintain a relaxed yet attentive posture and position yourself at a right angle rather than directly in front of the other person.
- Acknowledge the person's feelings. Indicate that you can see they are upset.
- Request small, specific favors such as asking the person to move to a quieter area.
- Establish ground rules if unreasonable behavior persists. Calmly describe the consequences of any violent behavior.
- Use delaying tactics that will give the person time to calm down. For example, offer a drink of water (in a disposable cup).
- Be reassuring and point out choices. Break big problems into smaller, more manageable problems.
- Accept criticism in a positive way. When a complaint might be true, use statements like, "You're probably right," or "It was my fault." If the criticism seems unwarranted, ask clarifying questions.

- Ask for their recommendations. Repeat back to them what you feel they are requesting of you.
- Arrange yourself so that a visitor cannot block your access to an exit between you and the person.

**DO NOT**

- Use styles of communication that generate hostility such as apathy, brush-off, coldness, condescension, robot-like communication, going strictly by the rules, or giving the runaround.
- Reject all of a person's demands from the start.
- Pose in challenging stances such as standing directly opposite someone, hands on hips or crossing your arms. Avoid any physical contact, finger-pointing, or long periods of fixed eye contact.
- Make sudden movements that can be seen as threatening. Notice the tone, volume, and rate of your speech.
- Challenge, threaten, or dare the individual. Never belittle the person or make them feel foolish.
- Criticize or act impatiently toward the agitated individual.
- Attempt to bargain with a threatening individual.
- Try to make the situation seem less serious than it is.
- Make false statements or promises you cannot keep.
- Try to impart a lot of technical or complicated information when emotions are high.
- Take sides or agree with distortions.
- Invade the individual's personal space. Make sure there is a space of 3 to 6 feet.

Note: Much of the material in this document has been taken from two main sources: The International Association of Chiefs of Police's *Model Policy on Workplace Violence* and the Federal Bureau of Investigation publication *Workplace Violence, Issues in Response*.