



## **VI-1.60(A) UNIVERSITY OF MARYLAND SEXUAL MISCONDUCT POLICY & PROCEDURES**

(Approved on an interim basis October 13, 2014; Amended May 4, 2015; Amended October 1, 2015; Amended March 21, 2016; Amended and approved by the President May 13, 2016)

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### **I. POLICY STATEMENT**

Sexual Misconduct is a form of sex discrimination prohibited by federal and state discrimination laws, including Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act. In addition, some forms of Sexual Misconduct violate the criminal laws of the State of Maryland. Sexual Misconduct is also a form of sex discrimination in violation of the University of Maryland Non-Discrimination Policy and

Procedures: <http://www.president.umd.edu/administration/policies/section-vi-general-administration/vi-100b>. However, this Policy supersedes the “Non-Discrimination Policy and Procedures” with respect to matters of Sexual Misconduct. The University will respond to complaints of Sexual Misconduct in accordance with the provisions of the Sexual Misconduct Policy and accompanying investigation and adjudication procedures.

The Office of Civil Rights & Sexual Misconduct (OCRSM) shall receive notice of all reports of Sexual Misconduct received by any individual deemed a “Responsible University Employee” under this policy. No employee (other than law enforcement) is authorized to investigate or resolve reports of Sexual Misconduct without the involvement of the Title IX Officer:

**Catherine A. Carroll, Director**  
**Title IX Officer**  
Office of Civil Rights & Sexual Misconduct (OCRSM)  
University of Maryland

4113 Susquehanna Hall, College Park, MD 20742-5025  
E-mail: [carrollc@umd.edu](mailto:carrollc@umd.edu) | [titleixcoordinator@umd.edu](mailto:titleixcoordinator@umd.edu)  
Phone: 301-405-1142  
Fax: 301-405-2837  
<http://www.umd.edu/ocrsm/>

The OCRSM is responsible for overseeing the University's training and educational programs related to Sexual Misconduct. To learn more about various resources, on-going training initiatives, and education programs for students, faculty, and staff, please consult the office's website for more current and up-to-date information.

All persons involved in responding to, investigating, or adjudicating Sexual Misconduct reports, or who are involved in the Sexual Misconduct complaint investigation and resolution processes, will participate in annual training in receiving, investigating, and handling complaints of Sexual Misconduct under the University's policy and procedures.

The University of Maryland is committed to a working and learning environment free from Sexual Misconduct. Sexual Misconduct is a broad term used to describe a range of behavior, including Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Sexual Violence, Relationship Violence, Sexual Exploitation, Sexual Intimidation, and Stalking. Sexual Misconduct will not be tolerated. It corrupts the integrity of the educational process and work environment, and violates the core mission and values of the University.

Creating an environment free from Sexual Misconduct is the responsibility of all members of the University community. The University is committed to fostering a campus climate free from Sexual Misconduct through training, education and 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 responding to complaints of Sexual Misconduct, the University will take appropriate steps to eliminate the Sexual Misconduct, prevent its recurrence, and address its effects.

## **II. APPLICABILITY**

The University has jurisdiction over all Title IX complaints made in connection with University programs and activities, and this policy applies to all members of the University community, including students, faculty, and staff. It also applies to contractors and other third parties within the University's jurisdiction. This policy applies to Sexual Misconduct:

- on University premises, in any University facility, or on University property;
- at any University sponsored, recognized, or approved program, visit, or activity, regardless of location;
- that impedes equal access to any University education program or activity or that adversely impacts the education or employment of a member of the University community regardless of where the conduct occurred; or
- that otherwise threatens the health and/or safety of a member of the University community.

### III. DEFINITIONS

**“Coercion”** includes conduct, intimidation, and express or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in sexual contact. Examples of Coercion include causing the deliberate Incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to disclose an individual’s sexual orientation, gender identity, gender expression, or other personal sensitive information if the other party does not engage in the sexual contact.

**“Complainant”** refers to the individual who files a Sexual Misconduct complaint, alleging a violation of this Policy.

**“Confidential”** refers to communications between two parties where one party, based on their professional status, has the ability to ensure the communications between the two parties are legally protected as private.

**“Consent”** means a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Only a person who has the ability and capacity to exercise free will and make a rational, reasonable judgment can give Consent. Consent may be expressed either by words and/or actions, as long as those words and/or actions create a mutually understandable agreement to engage in specific sexual activity. It is the responsibility of the person who wants to engage in sexual activity to ensure that they have consent from the other party, and that the other party is capable of providing Consent.

- Lack of protest or resistance is not consent. Nor may silence, in and of itself, be interpreted as Consent. For that reason, relying solely on non-verbal communication can lead to misunderstanding.
- Previous relationships, including past sexual relationships, do not imply Consent to future sexual acts.
- Consent to one form of sexual activity cannot automatically imply Consent to other forms of sexual activity.
- Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved.
- Consent cannot be obtained by use of physical force, threats, intimidating behavior, or coercion. Coercion is pressuring another person into sexual activity.

It is a violation of this Policy to engage in sexual activity with someone you know, or should know, is Incapacitated. Incapacitated, for purposes of this Policy, means that the person’s decision-making ability is impaired such that they lack the capacity to understand the “who, what, where, why, or how” of their sexual interaction. Incapacitation may result from: sleep or unconsciousness, temporary or permanent mental or physical disability, involuntary physical restraint, or the influence of alcohol, drugs, medication, or other substances used to facilitate

Sexual Misconduct.

**“Incapacitated”** An individual who is Incapacitated is unable to give Consent to sexual contact. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the prime causes of Incapacitation. Where alcohol or drug use is involved, Incapacitation is a state beyond intoxication, impairment in judgment, or “drunkenness.” Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:

- making decisions about the potential consequences of sexual contact;
- appraising the nature of one’s own conduct;
- communicating Consent to sexual contact; or
- communicating unwillingness to engage in sexual contact.

**“Interim Protective Measures”** means reasonably available steps the University may take to protect the parties pending a University investigation and adjudication of Sexual Misconduct.

**“Respondent”** means the individual accused of engaging in Prohibited Conduct under this Policy.

**“Responsible University Employee”** includes all University administrators, supervisors in non-confidential roles, faculty members, campus police, coaches, athletic trainers, resident assistants, and non-confidential first responders.

**“Title IX Officer”** refers to the individual designated by the President of the University to: 1) oversee the University’s response to Sexual Misconduct reports and complaints and identify and address any patterns or systemic problems revealed by such reports and complaints; 2) conduct Sexual Misconduct investigations; 3) oversee, review content, and, in collaboration with other University offices, conduct training for students, faculty, and staff on Sexual Misconduct issues; 4) ensure that appropriate policies and procedures are in place for responding to complaints of Sexual Misconduct against faculty, staff, and students; and 5) work with local law enforcement to ensure coordinated responses to Sexual Misconduct cases.

#### **IV. PROHIBITED CONDUCT**

**“Dating Violence”** encompasses a broad range of behaviors, including Sexual Assault, physical abuse, and other forms of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant, considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

**“Domestic Violence”** encompasses a broad range of behaviors, including Sexual Assault, physical abuse and other forms of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth Complainant protected from those acts by domestic or family violence laws of Maryland.

**“Relationship Violence”** encompasses a broad range of behaviors, including Sexual Assault, physical abuse and other acts, threats, or a pattern of abusive behavior of a physical or sexual nature by one partner intended to control, intimidate, manipulate, humiliate, frighten, coerce, or injure the other. These acts may be directed toward a spouse, an ex-spouse (also referred to as “Domestic Violence”), or by a current or former intimate partner (also referred to as “Dating Violence”).

**“Retaliation”** means intimidating, threatening, coercing, or discriminating against an individual for the purpose of interfering with any right or privilege secured by law or University policy relating to Sexual Misconduct, or because an individual has made a report, filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding related to Sexual Misconduct. Retaliation includes retaliatory harassment.

**“Sexual Assault”** is any type of actual or attempted sexual contact with another individual without that person’s Consent, including sexual intercourse (rape) and attempted sexual intercourse (attempted rape).

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

Any act of sexual intercourse with another individual without Consent (rape). This includes penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s Consent.

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

Any unwanted intentional touching of the intimate body parts of another person, causing another to touch the intimate parts of oneself or another, 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 (including one’s own) that is touched in a sexual manner. Non-consensual sexual contact includes attempted sexual intercourse without Consent (attempted rape).

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

**“Sexual Harassment”** means: (a) unwelcome sexual advances; (b) unwelcome requests for sexual favors; or (c) other behavior of a sexual or gender-based nature where: (i) 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 a University-sponsored educational program or activity; (ii) submission to or rejection of such conduct by an individual is used as the basis for an academic, employment, or activity or program participation decision affecting that individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment.

**“Sexual Intimidation”** means threatening behavior of a sexual nature directed at another person, such as threatening to sexually assault another person or engaging in indecent exposure.

**“Sexual Misconduct”** is an umbrella term that encompasses Dating Violence, Domestic Violence, Sexual Violence, Sexual Harassment, Sexual Assault, Sexual Exploitation, Sexual Intimidation, Relationship Violence, and Stalking. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by any person, regardless of gender identity, and can occur between people of the same or different sex, sexual orientation, or gender expression.

**“Sexual Violence”** means physical sexual acts perpetrated without Consent. Sexual Violence includes but is not limited to Sexual Harassment, sexual Coercion, and Sexual Assault.

**“Stalking”** means repeated, unwanted attention; physical, verbal, or electronic contact; or any other course of conduct directed at an individual that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances and with similar identities. Stalking may involve individuals who are known to one another or who have a current or previous relationship or may involve individuals who are strangers.

## V. SANCTIONS

Both parties shall be informed of the outcome of any investigative and adjudicative process based on a violation of this policy. The University shall not publically disclose personally identifiable information about either of the parties, except as required by law.

**Employees.** Employees found in violation of this policy are subject to disciplinary action ranging from a written reprimand up to and including termination of employment, depending on the circumstances.

**Students.** Students found in violation of this policy are subject to disciplinary action based on the circumstances and nature of the violation. Sanctions include, but are not limited to: dismissal from the University (suspension or expulsion), removal from University housing, disciplinary probation, and other sanctions such as a community service and mandatory and continuing participation in Sexual Misconduct education programming.

Persons who commit Sexual Misconduct in violation of federal, state, or local law may also be subject to criminal charges and penalties.

## **VI. CONFIDENTIAL RESOURCES**

Generally, it is not confidential when a person reports Sexual Misconduct. If a person desires to keep an incident of Sexual Misconduct confidential, they should speak with individuals who have professional or legal obligations to keep communications confidential. When seeking advice and support, persons should always consider whether they want to discuss their concerns with a confidential resource. Unless there is an imminent threat to health or safety or other basis for disclosure, such as child abuse, confidentiality applies when persons seek services from the following resources:

### **A. ON-CAMPUS**

#### **Campus Advocates Respond and Educate (CARE) to Stop Violence**

**University Health Center Office 301-314-2222**

**24/7 Help Line (call/text) 301-741-3442**

[www.health.umd.edu/care](http://www.health.umd.edu/care) or [care@health.umd.edu](mailto:care@health.umd.edu)

This service is a free and confidential resource that provides support, assistance, and advocacy to any member of the University community impacted by Sexual Misconduct. Its mission is to respond to incidents of Sexual Misconduct, including Sexual Assault, Relationship Violence, Stalking, and Sexual Harassment.

#### **Faculty Staff Assistance Program (FSAP) 301-314-8170 or 301-314-8099**

This program is a confidential assessment, referral, and counseling service staffed by trained mental health professionals. FSAP is available to all University of Maryland employees and their family members at no charge. Faculty and staff may consult with a counselor for many different reasons, including Sexual Misconduct.

#### **University Counseling Center 301-314-7651**

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

The University of Maryland Counseling Center provides comprehensive psychological and counseling services to meet the mental health and developmental needs of students and others in the University community. Staffed by counseling and clinical psychologists, the Counseling Center offers a variety of services to help students, faculty, staff, and the community deal with issues concerning them.

#### **University Health Center, Mental Health Service 301-314-8106**

[www.health.umd.edu/mentalhealth/services](http://www.health.umd.edu/mentalhealth/services)

The Mental Health Service is staffed by psychiatrists and licensed clinical social workers and offers confidential services including short-term psychotherapy, medication evaluations, crisis intervention, and group psychotherapy.

#### **Campus Chaplains 301-405-8450 or 301-314-9866**

[http://thestamp.umd.edu/engagement/memorial\\_chapel/chaplains](http://thestamp.umd.edu/engagement/memorial_chapel/chaplains)

The Campus Chaplains represent 14 faith communities and work collectively to serve the spiritual needs of all members of the University community.

## **B. OFF-CAMPUS**

### **Prince George's Hospital Domestic Violence and Sexual Assault Center**

**301-618-3154 - 24 hours (3001 Hospital Drive, Cheverly, MD 20785)**

Persons who experience sexual assault can access a Sexual Assault Forensic Exam (SAFE) within 72 hours of an assault. Each Maryland County has a hospital that provides SAFE exams. A SAFE exam is available at Prince George's Hospital Center. To find a SAFE provider in other counties call 1-800-656-4653. SAFE exams and attention to medical needs are available without having to reveal a person's identity to the police.

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

**Statewide Sexual Assault Information and Referral help line 1-800-983-RAPE**

MCASA is a statewide coalition of 17 rape crisis and recovery centers that serve all of Maryland's jurisdictions. MCASA works to help prevent Sexual Assault, advocate for accessible, compassionate care for survivors of Sexual Violence, and works to hold offenders accountable.

### **Maryland Network against Domestic Violence**

**1-800-MD-HELPS**

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

Disclosures or reports made to any other entities except those listed above are *not* confidential. For instance, if you discuss an incident of Sexual Misconduct with your supervisor, a resident assistant, a coach, or faculty member, those persons are "Responsible University Employees" and, as such, are obligated pursuant to this policy to report the Sexual Misconduct to the Title IX Officer.

The University recognizes that Sexual Misconduct is a sensitive issue for all parties involved and is committed to operating with discretion, and maintaining the privacy of individuals to the greatest extent possible under applicable law.

## **VII. REPORTING SEXUAL MISCONDUCT**

**Obligations of "Responsible University Employee."** A "Responsible University Employee" (see Definitions) must promptly notify the Title IX Officer in the OCRSM of any report of Sexual Misconduct brought to their attention, including campus law enforcement. The Title IX Officer works collaboratively with the reporting entity, making every effort to operate with discretion and maintain the privacy of the individuals involved.

**Prompt reporting is encouraged.** Persons are encouraged to report Sexual Misconduct promptly in order to maximize the University's ability to obtain evidence, identify potential witnesses, and conduct a thorough, prompt, and impartial investigation. While there are no time

limits to reporting Sexual Misconduct, if too much time has passed since the incident occurred, the delay may result in loss of relevant evidence and witness testimony, impairing the University's ability to respond and take appropriate action.

All reports of Sexual Misconduct will be responded to immediately and appropriate action will be taken in accordance with the University's Sexual Misconduct Complaint Procedures (see *Appendices A, B, C*). If the University determines that Sexual Misconduct has occurred, it will take prompt and effective steps to eliminate the Sexual Misconduct, prevent its recurrence, and address its effects.

The University strives to take appropriate action, including investigation and resolution of complaints, within sixty (60) business days from when the complaint was filed. The University may extend the time frames set forth in this policy for good cause, with written notice to both parties of the delay and the reason for the delay. Exceptions to this timeframe may vary depending on the complexity of the investigation, access to relevant parties, and the severity and extent of the misconduct.

Sexual Misconduct by students, faculty, staff, and third parties should be reported to:

**Office of Civil Rights & Sexual Misconduct (OCRSM) 301-405-1142**

<http://www.umd.edu/ocrsm/> | [titleixcoordinator@umd.edu](mailto:titleixcoordinator@umd.edu)

The mission of the Office of Civil Rights & Sexual Misconduct (OCRSM) is to support the University's commitment to a working and learning environment free from Sexual Misconduct and Relationship Violence. The core services of the OCRSM include: oversight for all institutional responses to Sexual Misconduct and Relationship Violence, ensuring University compliance with federal statutory and regulatory requirements, promoting best practices in responding to victims of Sexual Violence and holding respondents accountable, receiving and investigating reports of Sexual Misconduct and Relationship Violence, and increasing access to information and available resources to the University community. The office seeks to work collaboratively across all University constituent groups and create a climate where diversity, inclusion, and respect inform all processes.

Sexual Misconduct committed by students may also be reported to:

**Office of Student Conduct (OSC), Division of Student Affairs 301-314-8204**

[www.studentconduct.umd.edu](http://www.studentconduct.umd.edu) | [studentconduct@umd.edu](mailto:studentconduct@umd.edu)

The Office of Student Conduct (OSC) administers adjudicative processes involving students who commit violations of the University of Maryland Code of Student Conduct and can provide assistance to students who wish to report incidents of Sexual Misconduct.

**Office of Rights and Responsibilities, Department of Resident Life 301-314-7598**

[www.reslife.umd.edu/rights](http://www.reslife.umd.edu/rights) | [drl-rr@umd.edu](mailto:drl-rr@umd.edu)

The Office of Rights and Responsibilities administers adjudicative processes involving students who commit conduct violations of the Residence Hall Rules and the University

of Maryland Code of Student Conduct in on-campus residence halls and can provide assistance to students who wish to report incidents of Sexual Misconduct.

**Reporting a crime.** Sexual Misconduct, particularly Sexual Violence, may be a crime. The University will assist Complainants who wish to report Sexual Misconduct to law enforcement authorities, including campus police. Representatives of the OCRSM, OSC, Office of Rights & Responsibilities, and Campus Advocates Respond and Educate (CARE) to Stop Violence Office in the University Health Center are available to assist students in reporting to campus police. Campus police will also assist Complainants in notifying other law enforcement authorities in other jurisdictions, as appropriate. To report to the University of Maryland Police, please call 301-405-3555.

Because the standards for a violation of criminal law are different from the standards for a violation of this policy, criminal investigations and proceedings are not determinative of whether a violation of this Policy has occurred. In other words, conduct may violate this Policy even if law enforcement agencies or local prosecutors decline to prosecute. Complaints of Sexual Misconduct and related internal University processes may occur prior to, concurrent with, or following criminal proceedings off campus.

Upon receipt of a report of Sexual Misconduct that may constitute a crime, campus police will advise the student that in addition to making a criminal report, they also have the right to file a complaint with the University and engage the University's investigation and adjudicative processes under this Policy. In addition, as Responsible University Employees under this policy, campus police who receive any type of report of Sexual Misconduct, whether it rises to the level of a crime or not, shall promptly notify the Title IX Officer at [titleixcoordinator@umd.edu](mailto:titleixcoordinator@umd.edu).

**Co-Occurring Criminal Action.** Proceeding with a University investigation and adjudication of a complaint of Sexual Misconduct under this policy is independent of any criminal investigation or proceeding. Reporting to law enforcement does not preclude a person from proceeding with a complaint of Sexual Misconduct under this policy. The University is required to conduct an investigation in a timely manner, which means, in most cases, the University will not wait until a criminal investigation or proceeding is concluded before conducting its own investigation, implementing Interim Protective Measures, and taking appropriate action. However, *at the request of law enforcement*, the Title IX Officer may defer its fact gathering until the initial stages of a criminal investigation are complete. If such a request is made, University of Maryland Police will submit the request in writing and the Complainant will be notified. In addition, when possible, in cases where there is a co-occurring criminal investigation by University of Maryland Police, Prince George's County Police, or the local prosecutor's office, the OCRSM will work collaboratively and supportively with each respective agency within the parameters outlined above. The OCRSM will communicate any necessary delays in the University's investigative process to both parties in the event of a deferral.

The OCRSM shall not disclose information about Sexual Misconduct complaints to third parties (persons other than those in the University community with a need to know) except as may be required or permitted by federal or state law. If a report of Sexual Misconduct discloses a serious and on-going threat to the University community, the University of Maryland Police may

issue a timely warning of the conduct under the Clery Act in the interests of the health and safety of the University community. This notice will not contain any personally identifying information related to the Complainant.

### **Amnesty for Students Who Report Sexual Misconduct**

The University recognizes that a student who is under the influence of alcohol and/or drugs when an incident of Sexual Misconduct occurs, may be reluctant to report the Sexual Misconduct out of concern they may face disciplinary sanctions for engaging in prohibited alcohol or drug use. As such, a student who reports Sexual Misconduct to the University or law enforcement, or who participates in a Sexual Misconduct investigation either as a Complainant or third party witness, will not face disciplinary action for violating University drug and alcohol policies. This amnesty provision applies only when the University determines that: (1) the drug/alcohol violation occurred during or near the time of the reported Sexual Misconduct; (2) the student acted in good faith in reporting or participating as a witness; and (3) the violation was not likely to place the health or safety of another individual at risk.

### **Requests for Confidentiality**

If a Complainant requests that their name not be disclosed or that the University not investigate or take action against the respondent, the Title IX Officer or designee will determine whether or not it can honor such a request while still providing a safe and non-discriminatory environment for all students, faculty, and staff, including the Complainant. The Title IX Officer shall make a determination as to whether the Complainant's request can be honored, by considering the following factors:

- circumstances that suggest there is an increased risk of the respondent committing additional acts of Sexual Misconduct or other violence (e.g., whether there have been other Sexual Misconduct complaints about the same respondent);
- whether the respondent has any documented history of violence known to the University;
- whether the respondent threatened further Sexual Misconduct or other violence against the Complainant or others that is known to the University;
- whether the Sexual Misconduct was committed by multiple persons;
- whether the Sexual Misconduct was perpetrated with a weapon;
- the age of the Complainant subjected to the Sexual Misconduct; and
- whether the University possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

## **VIII. INTERIM PROTECTIVE MEASURES**

Reports of Sexual Misconduct in violation of this Policy may require immediate protective measures to protect the safety and well-being of the parties and/or the University community pending the outcome of the investigative and adjudicative processes. Interim protective measures may include the following:

**No Contact Order.** A no contact order is an official University directive that serves as notice to an individual that they must not have verbal, electronic, written, or third party communications with another individual.

### **For Students:**

- *Academic accommodations*, such as, assistance in transferring to another section of a lecture or laboratory, assistance in arranging for incompletes, leaves or withdrawal from campus, or rearranging class schedules, and
- *Housing accommodations*, such as, facilitating changes in on-campus housing location to alternate housing, assistance in exploring alternative housing off-campus, and
- *Employment accommodations*, such as, arranging for alternate University employment, different work shifts, etc., and
- *Transportation and parking accommodations*.

### **For Employees:**

- *Employment accommodations*, such as, temporary assignment, if appropriate, to other work duties and responsibilities, or other work locations, or other work groups/teams or alternative supervision/management, and
- *Transportation and parking accommodations*.

## **IX. RETALIATION**

**Complaints of Retaliation.** Individuals who engage in retaliatory behavior against a reporting party or party participating in an investigation are in violation of this policy and will be subject to appropriate disciplinary action pursuant to the procedures for this policy. Individuals who believe they have experienced retaliation in violation of this policy should immediately report such conduct to the Title IX Officer at [titleixcoordinator@umd.edu](mailto:titleixcoordinator@umd.edu).

## **X. COMPLAINT PROCEDURES**

**Complaints Against Students.** Complaints against students based on a violation of this policy will be reviewed in accordance with the procedures set forth in *Appendix A*.

**Complaints Against Staff.** Complaints against staff based on a violation of this policy will be reviewed in accordance with the procedures set forth in *Appendix B*.

**Complaints Against Faculty.** Complaints against faculty members based on a violation of this policy will be reviewed in accordance with the procedures set forth in *Appendix C*.

**Complaints Against Third Parties Not Affiliated With the University.** If a member of the University community (student, faculty, or staff) is subjected to Sexual Misconduct by a third party not affiliated with the University on University premises or during University sponsored activities, the matter should be reported to the Title IX Officer. The University will take available and reasonable steps to address the Sexual Misconduct, prevent its recurrence, and address its effects at the University.

## **XI. STEPS TO TAKE FOLLOWING A SEXUAL ASSAULT**

**Stay Warm.** Persons who experience Sexual Assault may be in a state of shock. It is important to stay warm by wrapping up in a blanket or coat. This will help recovery from shock and make it less likely that physical evidence is disturbed.

**Get to a Safe Place and Seek Emotional Support.** Talking with a trusted friend or relative or someone who is professionally trained to deal with sexual assault like a confidential CARE advocate or mental health professional at the University Health Center can help you make decisions about what to do. Whether you decide to go to law enforcement or not, it is important to take care of your own emotional needs. Professional counseling may be beneficial.

**Preserve Evidence.** If possible, consider taking steps to preserve physical evidence - on the body and at the location of an assault. It is important not to shower or bathe, eat or drink, brush teeth or gargle, change clothes, urinate or defecate, brush or comb hair, or smoke. Clothing worn at the time of an assault should not be washed but placed in a paper bag “as is” and brought to the hospital. In order to avoid forgetting important details, write down the facts about the accused and the assault.

**Seek Medical Attention.** It is important to seek medical attention as soon as possible. A medical examination will ensure appropriate medical treatment, including testing for pregnancy or sexually transmitted infections. You may also want to obtain a Sexual Assault Forensic Exam (SAFE). A SAFE exam allows for the collection of evidence and can ensure any physical evidence is preserved in the event of a report to law enforcement. A SAFE exam may be obtained within 72 hours after an assault at:

**Prince George’s Hospital Domestic Violence and Sexual Assault Center (DV/SAC)**  
**301-618-3154**

<http://www.dimensionshealth.org/index.php/dimensions-healthcare-facilities/prince-georges-hospital-center/domestic-violence-and-sexual-assault-center-dvsac/>

## **XII. CAMPUS SAFETY**

The health and safety of all members of the University community are the University’s primary concern. The University makes the following services available:

### **Emergency Phones**

University of Maryland Police Emergency Response Telephones (PERT), recognized by a blue light affixed to each station, are available throughout campus. By activating the phone, an individual will be automatically connected to a campus police dispatcher who is immediately alerted to the location of the phone.

### **24 Hour Walking Escort Service/Student Police Auxiliary Foot Patrol** **301-405-3555 or blue light emergency PERT phone**

The University of Maryland Police Department provides a walking escort service 24 hours a day for anyone who feels unsafe while walking on campus. The Student Police

Auxiliary foot patrol program provides walking escorts, conducted by University of Maryland Police officers when the foot patrol program is out of service or if requested and available.

**University Department of Public Safety**  
**301-405-3555 (non-emergency) or 301-405-3333 (emergency)**  
**Local Police in ANY location - 911**

Persons who experience Sexual Misconduct are strongly encouraged to contact the University of Maryland Police. If a person is not certain whether criminal conduct is involved, an officer can assist in determining whether a crime has occurred. If Sexual Misconduct occurred off campus, an officer can assist in contacting the appropriate law enforcement agency. A student can request and receive the assistance of campus police without making a criminal complaint. Campus police can also assist in accompanying the student to a hospital that can provide a Sexual Assault Forensic Exam (SAFE) to both ensure appropriate medical treatment and the timely collection of physical evidence in the event the person seeks to make a criminal complaint.

### **XIII. CONSENSUAL RELATIONSHIPS AND PROFESSIONAL CONDUCT**

Sexual relationships that occur in the context of educational or employment supervision and evaluation present potential conflicts of interest. Relationships in which one party maintains a supervisory or evaluative responsibility over the other also reflect an imbalance of power, leading to doubt as to whether such relationships are truly consensual. For these reasons, the University *strongly* discourages such relationships.

Because of the potential conflicts of interest, persons involved in consensual sexual relationships with anyone over whom they have supervisory and/or evaluative responsibilities *must inform their supervisor(s)* of the relationship(s). Supervisory or evaluative responsibilities may be reassigned, as appropriate. While no relationships are expressly prohibited by this policy, failure to self-report such relationships in a timely manner, as required by this policy, may result in disciplinary action.

### **XIV. EXTERNAL GOVERNMENT AGENCIES THAT ADDRESS COMPLAINTS OF SEXUAL MISCONDUCT**

Employee complaints relating to Sexual Misconduct may also be filed with:

**Equal Employment Opportunity Commission**

City Crescent Building  
10 S. Howard Street, Third Floor  
Baltimore, MD 21201  
Phone: 1-800-669-4000  
Fax: 410-962-4270  
TTY: 1-800-669-6820  
Website: <https://egov.eeoc.gov/eas/>

**Maryland Commission on Civil Rights**

William Donald Schaefer Tower

6 Saint Paul Street, Ninth Floor

Baltimore, MD 21202-1631

Phone: 410-767-8600

Fax: 410-333-1841

TTY: 410-333-1737

Website: <http://mccr.maryland.gov/>

E-mail: [jcole@mccr.state.md.us](mailto:jcole@mccr.state.md.us)

It is important to note that in order to protect the legal rights and remedies available to a Complainant, a Complainant must comply with certain time limits and deadlines. Affected persons should contact the relevant agencies to verify the time limits. Failure to meet required deadlines may result in a loss of rights to seek a legal remedy.

Student or employee complaints relating to Sexual Misconduct may be directed to:

**Office for Civil Rights**

U.S. Department of Education

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Phone: 215-656-8541

Fax: 215-656-8605

TDD: 800-877-8339

Website: [http://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

E-mail: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

Replacement for:

*VI-1.20(A) University of Maryland Policy and Procedures on Sexual Harassment*

*VI-1.30(A) University of Maryland Procedures on Sexual Assault and Misconduct*

## **APPENDIX A: STUDENT SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

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## **APPENDIX A: STUDENT SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

### **I. OVERVIEW**

These procedures (“Student Procedures”) set forth in Appendix A accompany the University of Maryland (UMD) Sexual Misconduct Policy (the “Policy”) and are the exclusive procedures that govern the handling of all reports or complaints of Sexual Misconduct against UMD students. Key terms used herein are defined in the Policy. For example, Sexual Misconduct is an umbrella term defined in the Policy that encompasses Dating Violence, Domestic Violence, Sexual Violence, Sexual Harassment, Sexual Assault, Sexual Exploitation, Sexual Intimidation, Relationship Violence, and Stalking.

Both the Complainant and Respondent may participate or decline to participate in the complaint process. As appropriate, the Title IX Officer and the Director of Student Conduct will determine whether the Investigation and University Resolution processes will proceed without the participation by one or both parties. A lack of participation by a party does not necessarily preclude a finding of a Policy violation or the imposition of appropriate disciplinary action.

Reference herein to the Title IX Officer includes the Director of the Office of Civil Rights and Sexual Misconduct (OCRSM) and designees. Reference herein to the Director of Student Conduct includes the Assistant Director of Resident Life for Student Conduct in the Office of Rights and Responsibilities (R&R) and designees.

### **II. RIGHTS TO SUPPORT PERSON AND ADVISOR**

Throughout the process, any party may be accompanied to any meeting related to an investigation and resolution of a complaint by up to two (2) other people: (1) a Support Person, and/or (2) an Advisor. Meetings include, but are not limited to, the following meetings concerning a report: meetings with the OCRSM, meetings with the Office of Student Conduct (OSC), investigative interviews, document reviews, Disciplinary Conferences with the Director of Student Conduct, Standing Review Committee (SRC) Conferences, Alternative Resolutions, and sanction meetings.

#### **A. Support Person**

A party may choose to be assisted by a Support Person of their choice, at their own initiation and expense. A Support Person is someone who can provide emotional, logistical, or other kinds of assistance. The Support Person cannot be a witness or provide evidence in the case. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the party in a way that does not disrupt or cause any delay. A Support Person shall not be an active participant and the parties must speak for themselves.

#### **B. Advisor**

A party may choose to be assisted by an Advisor of their choice, including an attorney, at their own initiation and expense. The Advisor is a non-participant who is present to provide advice and consultation to a party. An Advisor cannot be a witness or provide evidence in a case. If

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necessary, a party may request a recess in order to speak privately with an Advisor. An Advisor shall not be an active participant. The parties must speak for themselves. An Advisor may not delay, or otherwise interfere with, the University's process.

### **C. Party Obligations**

Throughout the process, the Title IX Officer or designee, Investigator(s), and other University representatives will communicate and correspond directly with the parties, not through a Support Person or Advisor. Parties are responsible for ensuring that Support Persons and Advisors follow the non-party participation requirements below. When a party wishes to have a Support Person or Advisor accompany them to a meeting, the party must notify the OCRSM or the OSC in advance. Parties are also responsible for making sure appropriate authorization exists (e.g., authorization related to the Family Educational Rights and Privacy Act [FERPA]) for the University to communicate the non-party participation requirements below to any Support Person or Advisor.

### **D. Non-Party Participant Requirements**

All Support Persons and Advisors must review the materials about the scope of their respective roles prior to accompanying a party to any meeting or other activity. These materials may be obtained from the OSC, or online at the OCRSM website, [www.umd.edu/ocrsm/](http://www.umd.edu/ocrsm/). This is to ensure the Support Persons and Advisors are informed about the process and their respective roles. All parties, Support Persons, and Advisors are expected to understand their roles and adhere to the University's expectations regarding decorum and privacy considerations.

## **III. REPORTING**

Complaints and other reports of Sexual Misconduct against a student may be made to the following:

- The Office of Civil Rights & Sexual Misconduct (OCRSM),
- The Office of Student Conduct (OSC), or
- The Department of Resident Life, Office of Rights and Responsibilities (R&R).

Reports may also be made to any Responsible University Employee (RUE). An RUE, as defined by the Policy, includes all University administrators, supervisors in non-confidential roles, faculty members, campus police, coaches, athletic trainers, resident assistants, and non-confidential first responders. RUEs are required to share all reports of Sexual Misconduct they receive promptly with the Title IX Officer or designee.

Prompt reporting of Prohibited Conduct is encouraged so that the University can take immediate and corrective action to eliminate the misconduct, prevent its recurrence, and address its effects. The University will provide support and assistance to the Complainant and respond according to the steps outlined in these Student Procedures. Upon receipt of any report, the Title IX Officer will make an immediate assessment of the risk of harm to the parties or to the University community and will take steps necessary to address any risks. These steps may include working

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with the OSC and other campus offices to facilitate Interim Protective Measures that provide for the safety of the parties and the University community, when appropriate.

A Complainant may choose to make a report to the University to pursue resolution under these Student Procedures and may also choose to make a report to law enforcement. A Complainant may pursue either of these options or both options at the same time. The criminal process and the University's internal process under these Student Procedures are separate and independent. A Complainant who wishes to pursue criminal action should contact campus police or external law enforcement directly. See Policy section VII for more information on criminal reporting.

The University recognizes that deciding whether to report Sexual Misconduct and proceed with a formal complaint under these Student Procedures is a personal decision that may evolve over time. While prompt reporting is strongly encouraged, there is no time limit for reporting Sexual Misconduct. The OCRSM and the OSC will coordinate to provide support and assistance to each Complainant in making important decisions related to reports of Sexual Misconduct. Consistent with the goal of safety for all community members, the University will make every effort to respect a Complainant's autonomy in making their own personal decisions after reporting Sexual Misconduct. When appropriate, the University, through the OCRSM, retains the right to initiate a formal complaint on its own, independent of any individual's decision as to how they wish to proceed.

### **IV. COMPLAINT INTAKE PROCESS**

#### **A. Notification to the Complainant**

Upon receipt of a complaint, the OCRSM will ensure that the Complainant is provided with a copy of the Policy and Student Procedures and informed of their rights and responsibilities. Either the OSC or the OCRSM will provide information to the Complainant about the University's internal administrative complaint process and review with them their respective rights and responsibilities. The Complainant will be informed of available community and campus resources and services; their right to a Support Person and the Support Person's role; their right to an Advisor and the Advisor's role; their right to file a report with law enforcement; and the University's prohibition against retaliation. The Complainant will have an opportunity to ask questions and seek additional information.

#### **B. Requests for Confidentiality**

When possible, the OCRSM will take action consistent with the Complainant's expressed wishes regarding confidentiality. The University's ability to fully investigate and respond to a complaint may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an Investigation. If a Complainant requests their name or other identifiable information not be disclosed and/or that no further action be taken, the Title IX Officer will seek to honor such requests, balancing the Complainant's wishes for confidentiality with the University's obligation to provide a safe and non-discriminatory environment for all members of the University community. The University retains the right to

## **APPENDIX A: STUDENT SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

proceed with a complaint as necessary to meet its obligations and, in some cases, may not be able to honor a request for confidentiality.

### **C. Initial Assessment of Complaint**

When the University receives a complaint, the OCRSM will conduct an Initial Assessment. The Initial Assessment will determine whether the reported conduct constitutes a potential violation of the Policy, whether further action is warranted based on the reported conduct, and whether the University has jurisdiction over the parties.

The first step in the Initial Assessment is a preliminary meeting between the Complainant and the OCRSM and/or the OSC to gather information that will enable the OCRSM, in consultation with other offices, as appropriate, to:

- Assess the nature and circumstances reported in the complaint;
- Assess the safety of the Complainant and of the University community;
- Implement any appropriate Interim Protective Measures;
- Assess for pattern evidence or other similar conduct by the Respondent as relevant to the safety assessment;
- Assess the Complainant's expressed preference regarding resolution, including any request that no further action be taken;
- Assess any request by the Complainant for confidentiality or anonymity; and
- Assess the reported conduct for possible referral to the University of Maryland Police Department (UMPD) for a timely warning under the Clery Act.

At the conclusion of the Initial Assessment, the OCRSM will determine the appropriate next steps, including but not limited to: no further action, the imposition of Interim Protective Measures, Alternative Resolution, and/or proceeding with an investigation.

When the Initial Assessment determines the reported conduct does not constitute a potential violation under the Policy but may violate other University policy, the complaint may be referred to another appropriate University official for review and resolution.

When the Initial Assessment determines the alleged reported conduct does constitute a potential violation under the Policy, but reveals that the University lacks jurisdiction over the Respondent, the University will take available and reasonable steps to address the Sexual Misconduct, prevent its recurrence, and address its effects at the University.

### **D. Interim Protective Measures**

Based on the nature and circumstances of the complaint, the Director of Student Conduct, after consultation with the Title IX Officer, may authorize Interim Protective Measures to ensure the safety and well-being of the Complainant and others in the University community, as appropriate. The Director of Student Conduct will promptly inform the Respondent (if they are a member of the University community) of any Interim Protective Measures that will directly impact the Respondent and provide an opportunity for the Respondent to respond.

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The Director of Student Conduct retains discretion to impose and/or modify any Interim Protective Measures based on all available information. Interim Protective Measures will remain in effect until the University's final resolution of the Sexual Misconduct complaint. Interim Protective Measures may be made permanent, as needed, after adjudication. A party may challenge the imposition of Interim Protective Measures, or a decision not to impose Interim Protective Measures, by contacting the Director of Student Conduct to address any concerns. Information about Interim Protective Measures can be found on page 11 of the Policy.

### **V. RESOLUTION PROCESSES**

#### **A. Time Frame for Resolution**

Consistent with the goal of maximizing educational opportunities, remedying the effects of Prohibited Conduct and promoting campus safety while minimizing the possible disruptive nature of the process, the OCRSM and the OSC will strive to resolve all complaints within sixty (60) business days of receipt. In general, the investigation phase may last approximately four to five weeks and the adjudication phase may last approximately another four to five weeks. Good faith efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with the importance of resolving complaints in a timely and expeditious manner. The Title IX Officer may extend the general time frames for the completion of required actions. If such an extension occurs, the parties will be notified in writing, and given the reason(s) for the extension, by the OCRSM or the OSC.

#### **B. Alternative Resolution Process**

Alternative Resolution is a process whereby remedies and interventions may serve to address the alleged Prohibited Conduct without proceeding to an investigation and adjudication. Alternative Resolution is not appropriate for complaints involving Sexual Violence, including Sexual Assault. Neither party is required to accept responsibility for the alleged Prohibited Conduct in order to proceed with Alternative Resolution. Either party may decide not to proceed with Alternative Resolution and may request an investigation and adjudication at any time.

The Title IX Officer has the discretion to determine whether a complaint is appropriate for Alternative Resolution and retains discretion to terminate an ongoing Alternative Resolution process at any time.

The purpose of Alternative Resolution is to take appropriate action by imposing individual and community interventions and remedies designed to maximize the Complainant's access to educational, extra-curricular, and/or employment activities at the University; and/or to address the effects of the conduct on the larger University community. Any combination of interventions and remedies may be utilized, including but not limited to:

- Increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur;
- Targeted or broad-based educational programming or training for relevant individuals or groups;

## **APPENDIX A: STUDENT SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

- Academic and/or housing modifications for Student Complainants;
- Workplace modifications for Complainants;
- Completion of projects, programs, or requirements designed to help the Respondent manage behavior, refrain from engaging in Prohibited Conduct, and understand why the Prohibited Conduct is prohibited;
- Compliance with orders of no contact that limit access to specific University buildings or areas or forms of contact with particular persons; and
- Completion of up to sixty (60) hours of community service over a period not to exceed twelve (12) weeks under guidelines established by the OCRSM in consultation with the OSC.

The imposition of remedies or interventions obtained through Alternative Resolution may be achieved by an agreement acceptable to the parties and University. The OCRSM will work with the Director of Student Conduct to facilitate the development of this agreement. In such cases where an agreement is reached, the terms of the agreement are implemented and the matter is resolved and closed. In cases where an agreement is not reached and the Title IX Officer determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for investigation and adjudication under these Student Procedures.

Where the Complainant, Respondent, and the University have reached an Alternative Resolution agreement, the parties will be provided with a written copy of the agreement. Entering into Alternative Resolution and signing an agreement does not mean that the Respondent admits responsibility; nor does it mean that there has been a finding of a Policy violation. The Title IX Officer will maintain all records of matters referred for Alternative Resolution.

### **C. Investigation Process**

When the Initial Assessment determines the University has jurisdiction over the Respondent and the alleged conduct, and where Alternative Resolution is not appropriate, an investigation will occur.

#### **1. Standard of Review**

In making a determination about whether a Policy violation has occurred, the standard of review is preponderance of the evidence. A preponderance of the evidence means “it is more likely than not.” Thus, at the conclusion of the investigation phase, a recommended finding will be made, based on the information gathered, that it is more likely than not that the reported conduct occurred and that it constituted Prohibited Conduct in violation of the Policy.

#### **2. Preliminary Meeting**

Prior to an investigation, the OCRSM and/or the OSC will notify both parties and require their attendance (separately) at a preliminary meeting with the OSC. The parties will be informed of the purpose of the meeting. The purpose of the meeting is to ensure students are provided adequate information about the investigation and adjudication process, and have an opportunity

## **APPENDIX A: STUDENT SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

to ask and receive answers to any questions they may have. When a party does not attend the preliminary meeting with the OSC, the University shall proceed with an investigation, noting the party's lack of attendance at the preliminary meeting.

### **a. Notice of Potential Policy Violation and Investigation**

At the preliminary meeting, the Respondent will be informed verbally and in writing of: the circumstances of the alleged incident (which generally will include, to the extent known, the name of the Complainant and the date, time, and location), the Prohibited Conduct alleged as defined by the Policy, and the range of potential sanctions associated with the Prohibited Conduct. If a Respondent does not attend the preliminary meeting, the University will provide the Respondent with the information in writing. A copy of the Notice of Potential Policy Violation and Investigation will also be provided to the Complainant.

Both parties will also be informed during the preliminary meeting that they will have an opportunity to be heard regarding the complaint during the investigation process, including the opportunity to be heard during an interview with an Investigator regarding the alleged Sexual Misconduct.

### **b. Notice of Rights and Responsibilities**

Both parties will be provided with a copy of the Policy and Student Procedures and informed verbally (if present at the Preliminary Meeting) and in writing of their rights and responsibilities pursuant to the Policy. This includes but is not limited to: no contact directives (and provided a copy), prohibitions against retaliation and guidance about reporting any retaliatory conduct, and available community and campus resources and services.

## **3. Role of the Investigator**

The Title IX Officer will designate an Investigator(s) from the OCRSM and/or an external Investigator to conduct a prompt, thorough, fair, and impartial investigation. All Investigators will receive annual training on issues related to sexual and gender-based harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking. The training will also include how to conduct a fair and impartial investigation that provides parties with notice and a meaningful opportunity to be heard, as well as how to protect the safety of Complainants and the University community while promoting accountability.

## **4. Overview of the Investigation**

The investigation is an impartial fact-gathering process. It is an important stage of the process in which both parties have an opportunity to be heard regarding the complaint. During the investigation the parties will each have an opportunity to meet and speak with the Investigator, provide any relevant information about the reported conduct, and identify persons they believe the Investigator should speak with because they have relevant information. The Investigator will speak separately with both parties and any other individuals who may have relevant information. The Investigator will also gather any available physical evidence or documents, including prior

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statements by the parties or witnesses, communications between the parties, email messages, text messages, social media materials, and other records, as appropriate and available.

### **a. Special Considerations**

Information related to the prior sexual history of either party is generally not relevant to the determination of a Policy violation. However, prior sexual history between the parties may be relevant in very limited circumstances. For example, where there was a prior or ongoing consensual relationship between the parties, and where Consent is at issue in the case at hand, evidence as to the parties' prior sexual history as it relates to Consent may be relevant to assess the manner and nature of communications between the parties. As noted in the Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute Consent. Sexual history will never be used for purposes of illustrating either party's individual character or reputation. The Investigator will determine the relevance of prior sexual history and inform the parties if information about the parties' sexual history with each other is deemed relevant.

At the discretion of the OCRSM, multiple reports may be consolidated in one investigation if the information related to each incident is relevant in reaching a determination. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct involving the same parties, provided that it does not delay the prompt investigation and resolution of complaints.

### **b. Draft Report**

At the conclusion of the investigation, the Investigator will draft a written investigation report that summarizes the information gathered (including, but not limited to, the names of witnesses and summaries of their statements), and synthesizes the areas of agreement and disagreement between the parties.

### **c. Notice of Opportunity to Review the Draft Investigation Report**

Before the investigation report is finalized, the parties will be given an opportunity to review and respond to the draft report. Upon receipt of notice to review the draft report, the parties will each have five (5) business days to review the report and all underlying documents and submit comments, information, and/or questions to the Investigator(s). If there is any new or additional information to be provided by either party, it must be presented to the Investigator at this time. If further investigation is warranted based on the comments, information, and/or questions provided during the review period, the Investigator will continue the investigation, as needed.

### **d. Final Investigation Report**

Upon timely receipt of any additional information or comments from the parties or after the five (5) business day comment period has lapsed with no comments provided, and the investigation is complete, the Investigator will finalize the investigation report. The final investigation report will include all relevant information obtained in the course of the investigation, an analysis and proposed findings of material fact, and a recommendation by the Investigator as to whether the information gathered establishes, by a preponderance of the evidence, a potential Policy violation by the Respondent.

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Both parties will be contacted by the OSC, and directed to contact the OSC to schedule separate meetings with the Director of Student Conduct to discuss next steps.

### **VI. ADJUDICATION**

#### **A. Meeting with Director of Student Conduct**

The Director of Student Conduct will meet separately with each party to explain next steps and provide each party with a confidential copy of the final investigation report, including all attachments.

- When an investigation concludes with a recommended finding of a Policy violation, and the Director of Student Conduct determines that either expulsion or suspension is a possible sanction, the matter will be referred automatically to the Standing Review Committee (SRC) for an administrative determination of the initial outcome.
- When an investigation concludes with a recommended finding of a Policy violation, and the Director of Student Conduct determines that neither expulsion nor suspension is a possible sanction, the OSC will resolve the Complaint by facilitating a Disciplinary Conference.
- In all cases when an investigation concludes with a finding of no Policy violation and the Director of Student Conduct concurs with the finding, the Director of Student Conduct will meet separately with both parties to discuss next steps.
- In all cases when an investigation concludes with a finding of no Policy violation and the Director of Student Conduct does not concur with the finding, the Director of Student Conduct may request additional investigation and/or determine the appropriate next steps.

At the meeting, the Director of Student Conduct will explain the relevant process to each party, and inform each party of the date and time of the SRC Conference or Disciplinary Conference, if applicable.

Each party will be allowed five (5) business days to submit a written response to the final investigation report, which will be considered by the respective reviewer, i.e., the SRC or the Director of Student Conduct during the SRC or Disciplinary Conference process, as appropriate. All written responses will be shared with the other party prior to the SRC review or Disciplinary Conference.

In order to protect the privacy of all individuals involved, all materials shared with the parties are considered confidential and should not be publicly disclosed or released.

#### **B. Disciplinary Conference**

The Director of Student Conduct facilitates Disciplinary Conferences. Each party will be given an opportunity to speak separately to the Director of Student Conduct in person and respond to the information presented in the final investigation report. The Director of Student Conduct will consider any written response to the final investigation report submitted by the parties before issuing a decision.

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The Disciplinary Conference decision shall be in writing and will include Policy violation findings and a rationale for the decision. The Disciplinary Conference Decision shall be issued to both the Complainant and Respondent.

Determinations by the Director of Student Conduct in a Disciplinary Conference shall be based on the preponderance of the evidence. In the event that the Director of Student Conduct finds that a Respondent is responsible for Prohibited Conduct, the Director of Student Conduct shall determine an appropriate sanction and/or remedy, as described in section VII below.

Before a sanction and/or remedy are issued, the parties shall have the opportunity to submit impact and mitigation statements, as described in section VII below. Sanctions and remedies imposed as a result of a finding of responsibility for Prohibited Conduct after a Disciplinary Conference will not include expulsion or suspension. If either party disagrees with the outcome of the Disciplinary Conference, they may appeal pursuant to section VIII below.

### **C. Standing Review Committee (SRC) Conference**

The role of the SRC is to review cases where a Policy violation could result in a sanction of suspension or expulsion. The SRC's role is to review all the available information and determine, independent of the Investigator's recommendation, whether it is more likely than not that the reported Prohibited Conduct occurred, constituting a Policy violation.

The SRC is a five (5) member body composed of at least three (3) faculty or staff (at least one of whom is faculty) and at least one (1) student who receive on-going training to serve in this capacity, including a Chair who facilitates the conference. SRC members are obligated to disclose to the OSC any known conflicts prior to participating in any specific SRC Conference. Conflicts or familiarity with the individuals involved in the matter that are disclosed to the OSC will automatically disqualify an individual SRC member from participation in any particular review.

Both parties will be notified of the date, time, and location of the SRC Conference. If either or both parties are not in attendance, the SRC Conference may proceed. The parties are not required to participate and the SRC may not draw any adverse inference from a decision by either party not to participate. The Investigator is required to attend all SRC Conferences. The SRC and/or a party may request the attendance of witnesses who provided information to the Investigator.

The SRC Conference offers the parties an opportunity to address the SRC members, in person, about the allegations, and have their respective questions asked and answered. The parties may address any information in the final investigation report and supplemental responses. The parties may not directly question each other or any witness, but may submit written questions (to the SRC Chair) for the SRC to ask the Investigator, the other party, and/or any witnesses who are present. The SRC may exercise reasonable discretion to decline to ask questions submitted by the parties that are harassing, unnecessarily repetitive, or irrelevant.

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### **1. SRC Conference Format**

The SRC Conference generally begins with the SRC Chair introducing the purpose of the conference, identifying all persons present, and then inviting the Investigator to summarize the Investigation and explain the evidence relevant to the alleged Prohibited Conduct in violation of the Policy. The SRC may pose questions directly to the Investigator, the parties, and any other witnesses. When the SRC has concluded its questioning, the Chair will invite the parties to submit written questions to be asked by the SRC of any of the witnesses, parties, or the Investigator. When all questioning is concluded, the parties will be given an opportunity to make brief closing statements. The SRC will then adjourn and the parties are excused.

If and when appropriate, the SRC, in its discretion, may suspend its review and request further investigation. Once the Investigator has concluded any further investigation, and if the recommendation by the Investigator is that there is sufficient evidence to support a finding of Prohibited Conduct in violation of the Policy (using a preponderance of the evidence standard), another SRC Conference will be scheduled. The OSC will use best efforts to complete this process as promptly as possible, and will notify the parties of the status, as appropriate.

### **2. SRC Decision**

The SRC will issue a written decision based on its review. The decision is determined by majority vote. The SRC decision will include findings of relevant fact and a finding as to whether the Respondent engaged in the Prohibited Conduct in violation of the Policy, or not (based on a preponderance of evidence standard).

If the SRC finds the Respondent responsible for a Policy violation by a preponderance of the evidence, the matter will proceed through the impact/mitigation statement phase, as well as the sanctioning phase below.

If the SRC does not find the Respondent responsible for a Policy violation based on a preponderance of the evidence, the Complainant may appeal the SRC Decision pursuant to section VIII below. If there is no appeal, the case is resolved, and notice of the final outcome will be issued.

## **VII. REMEDIES AND SANCTIONS**

Any Disciplinary Conference or SRC decision will be sent by the OSC to the parties. Where there is a finding of responsibility, both parties have the opportunity, within three (3) business days from the date of receipt of the decision, to submit statements for consideration by the Director of Student Conduct in determining an appropriate sanction.

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### A. Impact Statement and Mitigation Statement

The Complainant may submit a written Impact Statement to the Director of Student Conduct describing the impact of the Prohibited Conduct on the Complainant.

The Respondent may submit a written Mitigation Statement to the Director of Student Conduct explaining any factors the Respondent believes should mitigate or otherwise be considered in determining the sanction(s).

The Director of Student Conduct will consider any impact and mitigation statements in determining the remedies and sanctions to be imposed. The parties' respective statements will not be shared with the other party.

### B. Remedies

The Title IX Officer, in consultation with the OSC, will identify reasonable short-term and/or long-term remedies to address the effects of the conduct on the Complainant, prevent its reoccurrence, restore the Complainant's safety and well-being, and maximize the Complainant's educational opportunities. Such remedies seek to restore to the Complainant, to the extent possible and within reason, the benefits and opportunities lost as a result of the Prohibited Conduct.

The Title IX Officer may also identify remedies, such as training for specific audiences, to address the effects of the conduct on the larger University community.

Remedies include, but are not limited to:

- **Supportive measures**, such as: extended classwork deadline, or flexible deadlines, change of venue for taking an exam, change in exam date, and/or retaking of an exam.
- **Academic accommodations** such as: retroactive drop from a particular class, retroactive withdrawal from a semester, policy exemption requests, and/or tuition reimbursement.
- **Additional remedies** such as: no contact orders, denial of access, housing accommodations, schedule changes, counseling and/or referral to outside agencies.

### C. Sanction Considerations

The imposition of disciplinary sanctions is designed to eliminate Prohibited Conduct under the Policy, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal obligations. Disciplinary sanctions may include educational, restorative, and rehabilitative components, such as completion of an educational project, removal from University housing, removal from specific courses or activities, and disciplinary probation. Some behavior, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires more severe sanctions, including suspension or expulsion from the University.

The Director of Student Conduct will determine the appropriate disciplinary sanction in every

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Sexual Misconduct case. In reaching this determination, the following factors will be considered:

- The nature and degree of violence of the conduct at issue;
- The impact of the conduct on the Complainant;
- The impact or implications of the conduct on the community and/or the University;
- Prior relevant misconduct by the Respondent, including the Respondent's relevant prior discipline history;
- Breach of a prior Alternative Resolution agreement;
- Respondent's acceptance of responsibility for the conduct;
- Maintenance of a safe and respectful environment conducive to learning;
- Protection of the University community and the University; and
- Any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

### D. Sanctions

When the Director of Student Conduct concludes that a sanction of expulsion or suspension is appropriate, and the Respondent has not already been suspended on an interim basis, there will be an immediate assessment by the Director of Student Conduct to determine whether the Respondent poses a serious disruption to the learning environment or a continuing danger to other members of the University community or University property. Interim suspension may be imposed at this point pending conclusion of the Appeal, where appropriate. Interim Protective Measures already in effect will continue pending Appeal. Disciplinary sanctions for Policy violations may include, but are not limited to:

- **Educational Requirements.** Completion of projects, programs, or requirements designed to help the student manage behavior and understand why certain behavior is inappropriate.
- **“No Contact” Orders or Denial of Access.** Compliance with orders of no contact that limit access to specific University areas or forms of contact with particular persons.
- **Housing Restrictions.** Exclusion from University housing or change in housing arrangements.
- **Community Service.** The OSC will monitor completion of up to sixty (60) hours of community service over a period not to exceed twelve (12) weeks under guidelines established by the OCRSM in consultation with the OSC.
- **Disciplinary Reprimand.** The student is warned that further misconduct may result in more severe disciplinary action.
- **Disciplinary Probation.** The student shall not represent the University in any extracurricular activity or run for or hold office in any student group or organization. Additional restrictions or conditions may also be imposed. Notification will be sent to appropriate University offices, including the Office of Campus Programs.
- **Suspension.** The student is separated from the University for a specified period of time. A permanent notation will appear on the student's transcript. The student shall not participate in any University-sponsored activity and may be barred from University

## **APPENDIX A: STUDENT SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

premises. Suspended time will not count against any time limits of the Graduate School for completion of a degree.

- **Expulsion.** The student is permanently separated from the University. A permanent notation will appear on the student's transcript. The student will also be barred from the University premises.

### **E. Notice of Sanction**

Once a sanction is determined, the OSC will issue written notification of the sanction to both parties, as allowed by law, and provide the parties with information about their rights to appeal, per section VIII below. This constitutes the conclusion of the initial outcome phase.

## **VIII. APPEALS**

The Complainant and Respondent may appeal the outcome of a Disciplinary or SRC Conference, including the sanction issued under either process. The scope of the appeal is limited to the grounds set forth below. Mere dissatisfaction with the decision and sanction is not a valid basis for appeal. An appeal must be submitted in writing within five (5) business days of the date of receipt of the notice of sanction. If an appeal is received by the OSC, the other party will be notified and given five (5) business days from the date of receipt of the notice to respond. Responses shall be submitted directly to the OSC. Appeals filed by each party will be considered together in one appeal review process. All appeal documents will be shared with the other party. Appeals will be decided by an SCC Appellate Body (as defined in section VIII. C below).

If neither party submits an appeal, the decision and sanction are final after five (5) business days from the date of receipt of the notice to respond. Appeals submitted after five (5) business days shall be denied.

### **A. Grounds for Appeal**

Grounds for appeal shall be limited to:

#### **1. Substantial Procedural Error**

Specified procedural errors or errors in interpretation of University policy that were so substantial as to effectively deny a Complainant or a Respondent notice or a fair opportunity to be heard. Mere deviations from procedures that were not so substantial as to deny a Complainant or Respondent notice or a fair opportunity to be heard will not be a basis for sustaining an appeal.

#### **2. New Evidence**

New and significant relevant information has become available which a reasonably diligent person could not have discovered during the Investigation phase and/or prior to the issuance of the Disciplinary Conference or SRC Decision, as applicable.

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### **3. Sanction**

Sanction is substantially disproportionate to the offense. The sanction is substantially disproportionate to the facts of the particular Policy violation. This basis for appeal is limited to cases involving sanctions of expulsion or suspension.

#### **B. Considerations**

Appeals are not intended to allow for a second review of the facts of the case and determination of whether there was a Policy violation. A review of the matter will be prompt and narrowly tailored to the stated grounds for appeal. In most cases, appeals are confined to a review of the written record and the pertinent documentation regarding the grounds for appeal.

When the basis of the Appeal is new evidence, the SCC Appellate Body will determine whether the information is new and was unavailable at the time of the investigation. If the SCC Appellate Body determines that the information is not new and was available at the time, the Appeal will be denied. If the information is determined to be new and unavailable at the time of the investigation, the SCC Appellate Body will make a determination whether the new information could change the outcome of the SRC or Disciplinary Conference decision. If it is determined that the outcome could be impacted by the new evidence, the case will be sent back to the SRC or to the Director of Student Conduct for further review.

#### **C. SCC Appellate Body**

The University Senate Student Conduct Committee (SCC) is the designated appellate body for all appeals under these Student Procedures. The SCC Appellate Body is composed of three (3) members from the SCC (including at least one [1] student) who have had no previous involvement with the case, and have been trained to review such cases. Deference shall be given to the determinations of the SRC or Disciplinary Conference as applicable. The SCC Appellate Body considers any written appeal submission and, based on its review, may:

- Affirm the Decision and the sanction imposed;
- Affirm the Decision and reduce, but not eliminate, the sanction; or
- Remand the case to the SRC or Disciplinary Conference, in accordance with section VI, above.

The SCC Appellate Body Chair will render a written decision on the appeal to the OSC within ten (10) business days from the date of the submission of all appeal documents. Appeal decisions by the SCC Appellate Body are final with the exception of cases involving expulsion or suspension that require approval by the Vice President for Student Affairs.

### **IX. FINAL OUTCOME**

After all review processes are concluded (or when the time for an appeal has passed with no appeal submitted, whichever is later), the OSC will promptly notify the Complainant and Respondent, in writing, of the final outcome of the Sexual Misconduct complaint.

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### **X. RECORDS RETENTION**

The OCRSM will maintain records of all complaints, Initial Assessments, investigations, adjudications, appeals, and Alternative Resolutions arising under the Policy in accordance with the University's Records Retention and Disposal Schedule.

The OSC will maintain disciplinary records for all cases that result in a finding of a Policy violation in accordance with the University's Records Retention and Disposal Schedule. Disciplinary records may be retained for longer periods of time or permanently, if so specified in the sanction.

### **XI. ACADEMIC TRANSCRIPTS AND EFFECT OF WITHDRAWAL**

Disciplinary sanctions of expulsion and suspension are permanently noted on a Respondent's academic transcript. When a Respondent requests their transcript, the existence of a pending Investigation is also noted. In the event a Respondent chooses to withdraw from the University prior to the resolution of disciplinary charges under the Policy, or where the Respondent declines to participate in the University proceedings under the Policy, the University will continue to process the disciplinary action in the student's absence. When a Respondent withdraws before resolution of pending disciplinary charges, the Respondent is ineligible to return to the University until the disciplinary proceedings have been resolved. In the event the student graduates while an Investigation and Resolution is pending, issuance of the student's diploma will be withheld until the case is concluded. Academic transcripts will be withheld until the matter is resolved or marked "Disciplinary Action Pending."

### **XII. POST-RESOLUTION FOLLOW UP**

After a sanction or remedy is issued, if the Complainant agrees, the Title IX Officer or the OSC may periodically contact the Complainant to ensure the Prohibited Conduct has ended and to determine whether additional remedies are necessary. The Complainant may decline future contact at any time. The Title IX Officer or the OSC may periodically contact the Respondent to assure compliance with any sanctions that have been imposed. Any violation by a Respondent of a sanction and/or protective measure imposed under the Policy should be reported to the Director of Student Conduct, and a failure by the University to provide a specified disciplinary action and/or remedy should be reported to the OCRSM.

The Complainant and Respondent are encouraged to provide the Title IX Officer with feedback about their experience with the process and recommendations regarding ways to improve the effectiveness of the University's implementation of the Policy and Student Procedures.

## **APPENDIX B: STAFF SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

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## **APPENDIX B: STAFF SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

### **I. OVERVIEW**

These procedures (“Staff Procedures”) set forth in Appendix B accompany the University of Maryland (UMD) Sexual Misconduct Policy (the “Policy”) and are the exclusive procedures that govern the handling of all reports or complaints of Sexual Misconduct against UMD staff. Key terms used herein are defined in the Policy. For example, Sexual Misconduct is an umbrella term defined in the Policy that encompasses Dating Violence, Domestic Violence, Sexual Violence, Sexual Harassment, Sexual Assault, Sexual Exploitation, Sexual Intimidation, Relationship Violence, and Stalking.

For purposes of the Policy and these Staff Procedures, staff include University coaches and all University employees other than those with faculty rank as described in II-1.00(A) University of Maryland Policy on Appointment, Promotion, and Tenure of Faculty at <http://president.umd.edu/administration/policies/section-ii-faculty/ii-100a><sup>1</sup>.

Employees with faculty rank are governed by the Faculty Sexual Misconduct Complaint Procedures (*see Appendix C*). These Staff Procedures replace all procedures previously in effect pertaining to the investigation and resolution of Sexual Misconduct complaints against staff at UMD.

### **II. RIGHTS TO SUPPORT PERSON AND ADVISOR**

Throughout the process, any party may be accompanied to any meeting related to an investigation and resolution of a complaint by up to two (2) other people: (1) a Support Person, and/or (2) an Advisor. Meetings include, but are not limited to, meetings with the Office of Civil Rights & Sexual Misconduct (OCRSM), investigative interviews, document reviews, and Alternative Resolutions.

#### **A. Support Person**

A party may choose to be accompanied by a Support Person of their choice, at their own initiation and expense. A Support Person is someone who can provide emotional, logistical, or other kinds of assistance. The Support Person cannot be a witness or provide evidence in the case. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the party in a way that does not disrupt or cause any delay. A Support Person shall not be an active participant and the parties must speak for themselves.

#### **B. Advisor**

A party may choose to be assisted by an Advisor of their choice, including an attorney, at their own initiation and expense. The Advisor is a non-participant who is present to provide advice

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<sup>1</sup> Complaints against law enforcement officers will be investigated and adjudicated consistent with the requirements of the Law Enforcement Officers’ Bill of Rights (LEOBR), Md. Code Ann., Public Safety Article, Title 3, Subtitle 1.

## **APPENDIX B: STAFF SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

and consultation to a party. An Advisor cannot be a witness or provide evidence in a case. If necessary, a party may request a recess in order to speak privately with an Advisor. An Advisor shall not be an active participant. The parties must speak for themselves. An Advisor may not delay, or otherwise interfere with, the University's process.

### **C. Party Obligations**

Throughout the process, the Title IX Officer or designee, Investigators, and other University representatives will communicate and correspond directly with the parties, not through a Support Person or Advisor. Parties are responsible for ensuring that Support Persons and Advisors follow the non-party participation requirements below. When a party wishes to have a Support Person and/or Advisor accompany them to a meeting, the party must notify the OCRSM in advance. Parties are also responsible for making sure appropriate authorization exists for the University to communicate the non-party participation requirements below to any Support Person or Advisor.

### **D. Non-Party Participant Requirements**

All Support Persons and Advisors must review the materials about the scope of their respective roles, prior to accompanying a party to any meeting or other activity. These materials may be obtained online at the OCRSM website, [www.umd.edu/ocrsm/](http://www.umd.edu/ocrsm/) or from the OCRSM directly. This is to ensure the Support Persons and Advisors are informed about the process and their respective roles. All parties, Support Persons, and Advisors are expected to understand their roles and adhere to the University's expectations regarding decorum and privacy considerations.

## **III. REPORTING**

Complaints and other reports of Sexual Misconduct against staff may be made to the OCRSM. Reports may also be made to any Responsible University Employee (RUE). An RUE, as defined by the Policy, includes all University administrators, supervisors in non-confidential roles, faculty members, campus police, coaches, athletic trainers, resident assistants, and non-confidential first responders. RUEs are required to share all reports of Sexual Misconduct they receive promptly with the Title IX Officer or designee.

Students may also report Sexual Misconduct against staff to the Office of Student Conduct (OSC), or to the Office of Rights & Responsibilities (R&R) in the Department of Resident Life.

Prompt reporting of Prohibited Conduct is encouraged so that the University can take immediate and corrective action to eliminate the misconduct, prevent its recurrence, and address its effects. The University will provide support and assistance to the Complainant and respond according to the steps outlined in these Staff Procedures. As described in section IV. C, upon receipt of any report, the Title IX Officer or designee will make an immediate assessment of the risk of harm to the parties or to the University community and will take steps necessary to address any risks. These steps may include working with University Human Resources and other campus offices to facilitate Interim Protective Measures (as described in section IV. D) that provide for the safety of the parties and the University community, when appropriate.

## **APPENDIX B: STAFF SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

A Complainant may choose to make a report to the University and pursue resolution under these Staff Procedures, and may also choose to make a report to law enforcement. A Complainant may pursue either of these options or both options at the same time. The criminal process and the University's internal process under these Staff Procedures are separate and independent. A Complainant who wishes to pursue criminal action should contact campus police or external law enforcement directly. See Policy section VII for more information on criminal reporting.

The University recognizes that deciding whether to report Sexual Misconduct and proceed with a formal complaint under these Staff Procedures is a personal decision that may evolve over time. While prompt reporting is strongly encouraged, there is no time limit for reporting Sexual Misconduct. The OCRSM will coordinate with the appropriate University office to provide support and assistance to each Complainant in making important decisions related to reports of Sexual Misconduct. Consistent with the goal of safety for all University community members, the University will make every effort to respect a Complainant's autonomy in making their own personal decisions after reporting Sexual Misconduct. However, when appropriate, the University, through the OCRSM, retains the right to initiate a formal complaint on its own, independent of any individual's decision as to how they wish to proceed.

### **IV. COMPLAINT INTAKE PROCESS**

#### **A. Notification to the Complainant**

Upon receipt of a complaint, the OCRSM will ensure that the Complainant is provided with a copy of the Policy and Staff Procedures and is informed of their rights and responsibilities. The OCRSM will provide information to the Complainant about the University's internal administrative complaint process and review with them their respective rights and responsibilities. The Complainant will be informed of available community and campus resources and services; their right to a Support Person and the Support Person's role; their right to an Advisor and the Advisor's role; their right to file a report with law enforcement; and the University's prohibition against retaliation. The Complainant will have an opportunity to ask questions and seek additional information.

#### **B. Requests for Confidentiality**

Whenever possible, the OCRSM will take action consistent with the Complainant's expressed wishes regarding confidentiality. The University's ability to fully investigate and respond to a complaint may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an Investigation. When a Complainant requests their name or other identifiable information not be disclosed and/or that no further action be taken, the Title IX Officer or designee will seek to honor such requests, balancing the Complainant's wishes for confidentiality with the University's obligation to provide a safe and non-discriminatory environment for all members of the University community. The University retains the right to proceed with a complaint as necessary to meet its obligations, and in some cases, may not be able to honor a request for confidentiality.

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### **C. Initial Assessment of Complaint**

When the University receives a complaint, the OCRSM will conduct an Initial Assessment. The Initial Assessment will determine whether the reported conduct constitutes a potential violation of the Policy, whether further action is warranted based on the reported conduct, and whether the University has jurisdiction over the parties.

The first step in the Initial Assessment is a preliminary meeting between the Complainant and the OCRSM to gather information that will enable the OCRSM to:

- Assess the nature and circumstances reported in the complaint;
- Assess the safety of the Complainant and of the University community;
- Implement any appropriate Interim Protective Measures;
- Assess for pattern evidence or other similar conduct by the Respondent when relevant to the safety assessment;
- Assess the Complainant's expressed preference regarding resolution, including any request that no further action be taken;
- Assess any request by the Complainant for confidentiality or anonymity; and
- Assess the reported conduct for possible referral to the University of Maryland Police Department (UMPD) for a timely warning under the Clery Act.

During the Initial Assessment, information will be shared with other units/administrators only as necessary and confidentiality will be maintained by the OCRSM and other administrators, to the extent possible.

At the conclusion of the Initial Assessment, the OCRSM will determine the appropriate next step(s), including but not limited to: no further action, the imposition of Interim Protective Measures, Alternative Resolution, and/or proceeding with an investigation.

When the Initial Assessment determines the reported conduct does not constitute a potential violation under the Policy, but may violate another University policy, the complaint may be referred to another appropriate University official for review and resolution.

When the Initial Assessment determines the alleged reported conduct does constitute a potential violation under the Policy, but reveals that the University lacks jurisdiction over the Respondent, the University will take available and reasonable steps to address the Sexual Misconduct, prevent its recurrence, and address its effects at the University.

### **D. Interim Protective Measures**

Based on the nature and circumstances of the complaint, the Title IX Officer or designee in consultation with appropriate University administrators may authorize Interim Protective Measures to ensure the safety and well-being of the Complainant and others in the campus community, as appropriate. The Title IX Officer or designee will promptly inform the Respondent (if they are a member of the University community) of any Interim Protective

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Measures that will directly impact the Respondent and provide an opportunity for the Respondent to respond.

The OCRSM retains discretion to impose and/or modify any Interim Protective Measures based on all available information. Interim Protective Measures will remain in effect until the University's final resolution of the Sexual Misconduct complaint. Interim Protective Measures may be made permanent, as needed, after adjudication. A party may challenge the imposition of Interim Protective Measures, or a decision not to impose Interim Protective Measures, by contacting the OCRSM and University Human Resources to address any concerns. Information about Interim Protective Measures can be found on page 11 of the Policy.

### **V. RESOLUTION PROCESSES**

#### **A. Time Frame for Resolution**

Consistent with the goal of maximizing educational and working opportunities, remedying the effects of Prohibited Conduct and promoting campus safety while minimizing the possible disruptive nature of the process, the OCRSM will strive to resolve all complaints within sixty (60) business days of receipt. In general, the investigation phase may last approximately four to five weeks and the adjudication phase may last an additional estimated four to five weeks. Good faith efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with the importance of resolving complaints in a timely and expeditious manner. The Title IX Officer may extend the general time frames for the completion of all required actions. If such an extension occurs, the parties will be notified in writing by the OCRSM.

#### **B. Alternative Resolution Process**

The Title IX Officer or designee has the discretion to determine whether a complaint is appropriate for Alternative Resolution and may propose Alternative Resolution to the Complainant as an option. The Complainant may then seek Alternative Resolution in lieu of an investigation and adjudication.

Alternative Resolution is a process whereby remedies and interventions may serve to address the alleged Prohibited Conduct without proceeding to an investigation and adjudication. Alternative Resolution is not appropriate for complaints involving Sexual Violence, including Sexual Assault. Neither party is required to accept responsibility for the alleged Prohibited Conduct in order to proceed with Alternative Resolution. The parties may decide not to proceed with Alternative Resolution and may request an investigation and adjudication at any time. The Title IX Officer retains discretion to terminate an ongoing Alternative Resolution process at any time.

The purpose of Alternative Resolution is to take appropriate action by imposing individual and community interventions and remedies designed to maximize the Complainant's access to educational, extra-curricular, and/or employment activities at the University; and/or to address the effects of the conduct on the larger University community. Any combination of interventions and remedies may be utilized, including but not limited to:

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- Targeted or broad-based educational programming or training for relevant individuals or groups;
- Academic and/or housing modifications for Student Complainants;
- Workplace modifications and other administrative changes;
- Completion of projects, programs, or requirements designed to help the Respondent manage behavior, refrain from engaging in Prohibited Conduct, and understand why the Prohibited Conduct is prohibited; and
- Agreements to cease contact and limit access to specific University buildings or areas or forms of contact with particular persons.

The imposition of remedies or interventions obtained through Alternative Resolution may be achieved by an agreement acceptable to the parties and the University. The Title IX Officer or designee will work with University Human Resources to facilitate the development of this agreement. In cases where an agreement is reached, the terms of the agreement are implemented and the matter is resolved and closed. In cases where an agreement is not reached, and the Title IX Officer or designee determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution agreement, the matter may be referred for investigation and resolution under these Staff Procedures.

Where the Complainant, Respondent, and the University have reached an Alternative Resolution agreement, the parties will be provided with a copy of the agreement. Entering into Alternative Resolution and signing an agreement does not mean that the Respondent admits responsibility; nor does it mean that there has been a finding of a Policy violation.

### **C. Investigation Process**

When the Initial Assessment determines the University has jurisdiction over the Respondent and the alleged conduct, and where Alternative Resolution is not appropriate or Respondent fails to comply with the terms of an Alternative Resolution agreement, an investigation will occur.

#### **1. Notice of Investigation**

In the event of an investigation, the Investigator will send a written *Notice of Investigation* and *Notice of Rights and Responsibilities* to both parties.

The *Notice of Investigation* will contain the circumstances of the alleged incident (which generally will include, to the extent known, the name of the Complainant and the date, time, and location), the Prohibited Conduct alleged as defined by the Policy, and the range of potential disciplinary action associated with the Prohibited Conduct. Both parties will also be informed that they will have an opportunity to be heard regarding the complaint during the investigation process, including the opportunity to be heard during separate interviews with an Investigator regarding the alleged Sexual Misconduct.

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### **2. Notice of Rights and Responsibilities**

Both parties will be provided with a copy of the Policy and Staff Procedures and informed of their rights and responsibilities pursuant to the Policy. This includes but is not limited to: no contact directives (and provided a copy), prohibitions against retaliation and guidance about reporting any retaliatory conduct, and available community and campus resources and services.

### **3. Standard of Review**

In making a determination about whether a Policy violation has occurred, the standard of review is preponderance of the evidence. A preponderance of the evidence means “it is more likely than not.” Thus, at the conclusion of the investigation phase, based on the information gathered, a recommended finding will be made as to whether it is more likely than not that the reported conduct occurred and that it constituted Prohibited Conduct in violation of the Policy.

### **4. Role of the Investigator**

The Title IX Officer or designee will designate one or more Investigator(s) from the OCRSM and/or an external Investigator to conduct a prompt, thorough, fair, and impartial investigation. All Investigators will receive annual training on issues related to sexual and gender-based harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking. The training will also include how to conduct a fair and impartial investigation that provides parties with notice and a meaningful opportunity to be heard, as well as how to protect the safety of Complainants and the University community while promoting accountability.

### **5. Overview of the Investigation**

The investigation is an impartial fact-gathering process. It is an important stage in which both parties have an opportunity to be heard regarding the complaint. During the investigation the parties will each have an opportunity to meet and speak with the Investigator, provide any relevant information about the reported conduct, and identify persons they believe the Investigator should speak with because they believe they have relevant information. The Investigator will speak separately with both parties and any other individuals who may have relevant information. The Investigator will also gather any available physical evidence or documents, including prior statements by the parties or witnesses, communications between the parties, email messages, text messages, social media materials, and other records, as appropriate and available.

#### **a. Special Considerations**

Information related to the prior sexual history of either party is generally not relevant to the determination of a Policy violation. However, prior sexual history between the parties may be relevant in very limited circumstances. For example, where there was a prior or ongoing consensual relationship between the parties, and where Consent is at issue in the case at hand, evidence as to the parties’ prior sexual history as it relates to Consent may be relevant to assess the manner and nature of communications between the parties. As noted in the Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself,

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is not sufficient to constitute Consent. Sexual history will never be used for purposes of illustrating either party's individual character or reputation. The Investigator will determine the relevance of prior sexual history and inform the parties if information about the parties' sexual history with each other is deemed relevant.

At the discretion of the OCRSM, multiple reports may be consolidated in one investigation if the information related to each incident is relevant in reaching a determination. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct involving the same parties, provided that it does not delay the prompt investigation and resolution of complaints.

### **b. Draft Report**

At the conclusion of the investigation, the Investigator will draft a written investigation report that summarizes the information gathered (including, but not limited to, the names of witnesses and summaries of their statements), and synthesizes the areas of agreement and disagreement between the parties.

### **c. Notice of Opportunity to Review the Draft Investigation Report**

Before the investigation report is finalized, the parties will be given an opportunity to review and respond to the draft report. Upon receipt of notice to review the draft report, the parties will each have five (5) business days to review the report and all underlying documents and submit written comments, information, and/or questions to the Investigator. If there is any new or additional information to be provided by either party, it must be presented to the Investigator at this time. If further investigation is warranted based on the comments, information, and/or questions provided during the review period, the Investigator will continue the investigation, as needed.

## **6. Recommended Finding**

Upon timely receipt of any additional information or comments from the parties or after the five (5) business day comment period has lapsed with no comments provided, and the investigation is complete, the Investigator will finalize the investigation report.

The final investigation report will include all relevant information obtained in the course of the investigation, an analysis and proposed findings of material fact, and a recommended finding of whether or not a Policy violation occurred by a preponderance of the evidence.

## **7. Independent Review of the Finding**

The final investigation report and the recommended finding will be automatically reviewed by a Standing Review Committee (SRC). Each SRC is composed of three (3) individuals (faculty, staff, and/or students), with at least one (1) staff member. SRC members shall be members of the University community who have had no previous involvement with the case, and have been trained to review such cases. SRC members are obligated to disclose to the OCRSM any known conflicts prior to participating in any specific SRC review. Conflicts or familiarity with the

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individuals involved in the matter that are disclosed to the OCRSM will automatically disqualify an individual SRC member from participation in any particular review.

The SRC will review the final investigation report and consider whether the recommended finding is supported by the information obtained in the course of the investigation. The SRC will confine its consideration to a review of the written record. The SRC may speak with the Investigator when clarification about the final investigation report is needed and/or to issue specific instructions to the Investigator for further investigation. The results of any additional requested investigation will be reported to the SRC.

Once any additional investigation is complete, the SRC will issue its determination on the recommended finding. The SRC will make one of two possible decisions:

- Approve the recommended finding; or
- Reject the recommended finding.

The SRC must issue a written decision to the OCRSM within five (5) business days of receipt of the final investigation report and/or receipt of any additional information resulting from additional requests to the Investigator by the SRC.

After the SRC issues its written determination, the OCRSM will issue a *Notice of Finding*, which will include a range of potential disciplinary actions associated with the finding. The *Notice of Finding* will be sent to the parties and University Human Resources, along with the SRC determination and a copy of the final investigation report, including any additional information resulting from additional investigation.

Either party may submit Impact and Mitigation Statements within three (3) business days of receipt of the *Notice of Finding* in accordance with section VII.A.

After the issuance of the *Notice of Finding*, University Human Resources in conjunction with the Respondent's unit head may initiate disciplinary action against the Respondent as set forth in section VII. C.

Regardless of whether a disciplinary action is initiated, either party may appeal the finding in accordance with section VI below.

The Respondent has a separate right to grieve any discipline imposed in accordance with the grievance rights afforded to them based on their specific employment status. Filing an appeal of the finding with the OCRSM does not initiate a grievance of discipline imposed as a result of a finding.

### **VI. APPEAL OF FINDING**

Either or both parties may appeal the finding. An appeal must be submitted to the OCRSM or designee in writing within five (5) business days of the date of receipt of the *Notice of Finding*. Appeals received after five (5) business days shall be denied. If an appeal is received on time, the other party will be notified and given five (5) business days from the date of receipt of the notice to respond. Responses shall be submitted directly to the OCRSM or designee. Appeals

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and responses filed by each party will be shared with the other party and considered together in one appeal review process. If neither party submits an appeal, the finding is final after five (5) business days. Appeals will be decided by an SRC Appellate Body (as defined in section VI. C below).

### **A. Overview**

The scope of the appeal is limited to the grounds set forth below. Dissatisfaction with the investigation outcome is not a valid basis for appeal. Appeals are not intended to allow for a second review of the same facts of the case or to reconsider whether there was a Policy violation based on the same facts of the case. In most cases, appeals are confined to a review of the written record and the grounds for appeal submitted by the parties.

### **B. Grounds for Appeal**

Grounds for appeal shall be limited to:

#### **1. Substantial Procedural Error**

Specified procedural errors or errors in interpretation of University policy that were so substantial as to effectively deny a Complainant or a Respondent notice or a fair opportunity to be heard. Mere deviations from procedures that were not so substantial as to deny a Complainant or Respondent notice or a fair opportunity to be heard will not be a basis for sustaining an appeal.

#### **2. New Evidence**

New and significant relevant information has become available which a reasonably diligent person could not have discovered during the Investigation.

When the basis of the Appeal is new evidence, the SRC Appellate Body will determine whether the information is new and was unavailable at the time of the investigation. If the SRC Appellate Body determines that the information is not new and was available at the time of the investigation, the Appeal will be denied. If the information is determined to be new and unavailable at the time of the investigation, the SRC Appellate Body will make a determination as to whether the new information could change the outcome of the investigation. If the SRC Appellate Body determines that the new evidence could change the outcome, the case will be sent back to the Investigator for further investigation. After new evidence is considered, the OCRSM will then provide the SRC Appellate Body with a modified report and findings, as appropriate. Copies of the modified report and findings, if any, will also be provided to the parties. The modified report will be considered by the SRC Appellate Body. The SRC Appellate Body will then decide to affirm the recommendations of the modified report, reject them, or ask for additional investigation.

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### **C. SRC Appellate Body**

The Standing Review Committee (SRC) Appellate Body is the designated appellate body for all appeals of findings under these Staff Procedures. The SRC Appellate Body is composed of three (3) members (faculty, staff, and/or students), with at least one (1) staff member. SRC Appellate Body members shall be members from the University community who have had no previous involvement with the case, and have been trained to review such cases.

### **D. Appeal Outcome**

The SRC Appellate Body may:

- Affirm the finding;
- Reject the finding; or
- Remand the case back to the Investigator for further investigation.

The SRC Appellate Body Chair will render a written decision on the appeal to the Title IX Officer or designee within five (5) business days from the date of the submission of all appeal documents. The SRC Appellate Body decision is the final determination of a Policy violation and may not be further appealed under these Staff Procedures. If an appeal outcome changes the finding against an employee covered by the Exempt MOU or Nonexempt MOU, University Human Resources will review the appeal outcome and revise discipline imposed or in process, as appropriate.

## **VII. REMEDIES AND DISCIPLINARY ACTION**

### **A. Impact Statement and Mitigation Statement**

Whenever there is a finding of responsibility, the parties may choose to submit statements to University Human Resources, within three (3) business days from the date of receipt of the *Notice of Finding* or SRC Appellate Body decision, if an appeal was filed.

The Complainant may submit a written Impact Statement to University Human Resources describing the impact of the Prohibited Conduct on the Complainant.

The Respondent may submit a written Mitigation Statement to University Human Resources explaining any factors the Respondent believes should mitigate or otherwise be considered in determining appropriate remedies and/or recommended discipline either issued or being considered, if any.

The parties' respective statements will be considered by University Human Resources and not shared with the other party.

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### B. Remedies

The Title IX Officer or designee, in consultation with University Human Resources or other appropriate administrators, will identify reasonable short-term and/or long-term remedies to address the effects of the conduct on the Complainant and prevent its reoccurrence. Such remedies seek to restore to the Complainant, to the extent possible and within reason, the benefits and opportunities lost as a result of the Prohibited Conduct. The Title IX Officer or designee may also identify remedies, such as training for specific audiences, to address the effects of the conduct on the larger University community. Remedies are separate from disciplinary action and may occur independently of or concurrently with any discipline that is imposed.

Remedies for student Complainants under these Staff Procedures may include, but are not limited to:

- **Support measures** such as extended classwork deadline, or flexible deadlines, change of venue for taking an exam, change in exam date, and/or retaking of an exam;
- **Academic accommodations** such as retroactive drop from a particular class, retroactive withdrawal from a semester, policy exemption requests, and/or tuition reimbursement; and
- **Housing accommodations.**

Other remedies for Complainants may include, but are not limited to:

- Workplace modifications and other administrative changes, no contact orders, denial of access, schedule changes, counseling, and/or referral to outside agencies.

### C. Disciplinary Action

University Human Resources in conjunction with the Respondent's unit head may initiate disciplinary action, if any, based on a violation of the Policy, after a finding of responsibility and the issuance of the *Notice of Finding* set forth in section V. C. 7 above, or in the event of an appeal, after all appeals under these Staff Procedures, if any, have been exhausted.

Discipline imposed on Respondents covered by the Exempt MOU and Nonexempt MOU will comply with the applicable provisions of the MOU. Discipline imposed on Respondents not covered by an MOU shall be in accordance with applicable University and University System of Maryland (USM) policies.

University Human Resources in conjunction with the Respondent's unit head will determine the appropriate disciplinary action, if any. To determine what type of disciplinary action is most appropriate, the following factors shall be considered:

- The nature of the misconduct at issue;
- The impact of the misconduct on the Complainant;
- The impact or implications of the misconduct on the community or the University;

## **APPENDIX B: STAFF SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

- Any prior Sexual Misconduct by the Respondent at the University or elsewhere that is known to the University;
- Respondent's prior disciplinary history at the University; and
- Any other mitigating, aggravating, or compelling circumstances.

Discipline shall be imposed in accordance with all procedural due process rights afforded staff based on their employment status in accordance with University policy and Maryland law. All staff disciplinary action under these Staff Procedures shall be approved by the Assistant Vice President for Human Resources or designee.

### **1. Notice of Disciplinary Action**

When disciplinary action is to be imposed, upon the approval by the Assistant Vice President for Human Resources or designee, University Human Resources will ensure that a *Notice of Disciplinary Action* is issued to the Respondent.

Disciplinary action will depend on the specific circumstances in each case and may include discipline ranging from a written reprimand up to and including termination of employment. Other administrative and/or non-disciplinary remedies may also be imposed, including but not limited to, no contact directives, and/or a change in work duties, work locations, or work schedules.

Discipline shall be imposed in accordance with all procedural due process rights afforded staff based on their employment status in accordance with University policy and Maryland law.

## **VIII. GRIEVANCE RIGHTS**

Staff may grieve disciplinary action in accordance with the rights afforded to them based on their specific employment status. Filing an appeal of the finding is not the same as grieving disciplinary action. The review and appeal processes under these Staff Procedures are separate from any grievance rights.

## **IX. FINAL OUTCOME**

When all the procedures and/or grievance processes afforded to both parties under these Staff Procedures, and the rights afforded to them based on their specific employment status have been exhausted, the Assistant Vice President for Human Resources or designee will promptly notify the Title IX Officer or designee of any modification of the final outcome. The Title IX Officer or designee will notify the parties of any modification to the final outcome, except as prohibited by Maryland and federal law.

## **X. RECORDS RETENTION**

The OCRSM shall maintain Initial Assessment, investigation, and outcome records in accordance with the University's record retention schedule.

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University Human Resources and the department/unit head will maintain records of all disciplinary action, remedies, and grievances related to a complaint and any Alternative Resolution agreements.

### **XI. POST-RESOLUTION FOLLOW-UP**

After any disciplinary action and/or remedies are issued, if the Complainant agrees, the Title IX Officer or designee may periodically contact the Complainant to ensure the Prohibited Conduct has ended and to determine whether additional remedies are necessary. The Complainant may decline future contact at any time. The Title IX Officer or designee may periodically contact the Respondent to assure compliance with the intent and purpose of any disciplinary action and/or remedies that have been imposed. Any violation by a Respondent of the intent and purpose of any disciplinary action and/or remedies imposed under the Policy, or a failure by the University to provide a specified disciplinary action and/or remedy should be reported to the OCRSM.

The Complainant and Respondent are encouraged to provide the Title IX Officer or designee with feedback about their experience with the process and recommendations regarding ways to improve the effectiveness of the University's implementation of the Policy and Staff Procedures.

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## **APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

### **I. OVERVIEW**

These procedures (“Faculty Procedures”) set forth in Appendix C accompany the University of Maryland (UMD) Sexual Misconduct Policy (the “Policy”) and are the exclusive procedures that govern the handling of all reports or complaints of Sexual Misconduct against UMD faculty. Key terms used herein are defined in the Policy. For example, Sexual Misconduct is an umbrella term defined in the Policy that encompasses Dating Violence, Domestic Violence, Sexual Violence, Sexual Harassment, Sexual Assault, Sexual Exploitation, Sexual Intimidation, Relationship Violence, and Stalking.

For purposes of the Policy and these Faculty Procedures, faculty include all University employees with faculty rank as described in II-1.00(A) University of Maryland Policy on Appointment, Promotion, and Tenure of Faculty at <http://president.umd.edu/administration/policies/section-ii-faculty/ii-100a>.

Employees other than those with faculty rank are governed by the Staff Sexual Misconduct Complaint Procedures (*see Appendix B*). These Faculty Procedures replace all procedures previously in effect pertaining to the investigation and resolution of Sexual Misconduct complaints against faculty at UMD.

### **II. RIGHTS TO SUPPORT PERSON AND ADVISOR**

Throughout the process, any party may be accompanied to any meeting related to an investigation and resolution of a complaint by up to two (2) other people: (1) a Support Person, and/or (2) an Advisor. Meetings include, but are not limited to, meetings with the Office of Civil Rights & Sexual Misconduct (OCRSM), investigative interviews, document reviews, and Alternative Resolutions.

#### **A. Support Person**

A party may choose to be accompanied by a Support Person of their choice, at their own initiation and expense. A Support Person is someone who can provide emotional, logistical, or other kinds of assistance. The Support Person cannot be a witness or provide evidence in the case. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the party in a way that does not disrupt or cause any delay. A Support Person shall not be an active participant and the parties must speak for themselves.

#### **B. Advisor**

A party may choose to be assisted by an Advisor of their choice, including an attorney, at their own initiation and expense. The Advisor is a non-participant who is present to provide advice and consultation to a party. An Advisor cannot be a witness or provide evidence in a case. If necessary, a party may request a recess in order to speak privately with an Advisor. An Advisor

## **APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

shall not be an active participant. The parties must speak for themselves. An Advisor may not delay, or otherwise interfere with, the University's process.

### **C. Party Obligations**

Throughout the process, the Title IX Officer or designee, Investigators, and other University representatives will communicate and correspond directly with the parties, not through a Support Person or Advisor. Parties are responsible for ensuring that Support Persons and Advisors follow the non-party participation requirements below. When a party wishes to have a Support Person and/or Advisor accompany them to a meeting, the party must notify the OCRSM in advance. Parties are also responsible for making sure appropriate authorization exists (e.g., authorization related to the Family Educational Rights and Privacy Act [FERPA]) for the University to communicate the non-party participation requirements below to any Support Person or Advisor.

### **D. Non-Party Participant Requirements**

All Support Persons and Advisors must review the materials about the scope of their respective roles, prior to accompanying a party to any meeting or other activity. These materials may be obtained online at the OCRSM website, [www.umd.edu/ocrsm/](http://www.umd.edu/ocrsm/) or from the OCRSM directly. This is to ensure the Support Persons and Advisors are informed about the process and their respective roles. All parties, Support Persons, and Advisors are expected to understand their roles and adhere to the University's expectations regarding decorum and privacy considerations.

## **III. REPORTING**

Complaints and other reports of Sexual Misconduct against faculty may be made to the OCRSM. Reports may also be made to any Responsible University Employee (RUE). An RUE, as defined by the Policy, includes all University administrators, supervisors in non-confidential roles, faculty members, campus police, coaches, athletic trainers, resident assistants, and non-confidential first responders. RUEs are required to share all reports of Sexual Misconduct they receive promptly with the Title IX Officer or designee.

Students may also report Sexual Misconduct against faculty to the Office of Student Conduct (OSC), or to the Office of Rights & Responsibilities (R&R) in the Department of Resident Life.

Prompt reporting of Prohibited Conduct is encouraged so that the University can take immediate and corrective action to eliminate the misconduct, prevent its recurrence, and address its effects. The University will provide support and assistance to the Complainant and respond according to the steps outlined in these Faculty Procedures. As described in section IV.C, upon receipt of any report, the Title IX Officer or designee will make an immediate assessment of the risk of harm to the parties or to the University community and will take steps necessary to address any risks. These steps may include working with the Office of Faculty Affairs and other campus offices to facilitate Interim Protective Measures (as described in section IV.D) that provide for the safety of the parties and the University community, when appropriate.

## **APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

A Complainant may choose to make a report to the University and pursue resolution under these Faculty Procedures, and may also choose to make a report to law enforcement. A Complainant may pursue either of these options or both options at the same time. The criminal process and the University's internal process under these Faculty Procedures are separate and independent. A Complainant who wishes to pursue criminal action should contact campus police or external law enforcement directly. See Policy section VII for more information on criminal reporting.

The University recognizes that deciding whether to report Sexual Misconduct and proceed with a formal complaint under these Faculty Procedures is a personal decision that may evolve over time. While prompt reporting is strongly encouraged, there is no time limit for reporting Sexual Misconduct. The OCRSM will coordinate with the appropriate University office to provide support and assistance to each Complainant in making important decisions related to reports of Sexual Misconduct. Consistent with the goal of safety for all University community members, the University will make every effort to respect a Complainant's autonomy in making their own personal decisions after reporting Sexual Misconduct. However, when appropriate, the University, through the OCRSM, retains the right to initiate a formal complaint on its own, independent of any individual's decision as to how they wish to proceed.

### **IV. COMPLAINT INTAKE PROCESS**

#### **A. Notification to the Complainant**

Upon receipt of a complaint, the OCRSM will ensure that the Complainant is provided with a copy of the Policy and Faculty Procedures and is informed of their rights and responsibilities. The OCRSM will provide information to the Complainant about the University's internal administrative complaint process and review with them their respective rights and responsibilities. The Complainant will be informed of available community and campus resources and services; their right to a Support Person and the Support Person's role; their right to an Advisor and the Advisor's role; their right to file a report with law enforcement; and the University's prohibition against retaliation. The Complainant will have an opportunity to ask questions and seek additional information.

#### **B. Requests for Confidentiality**

Whenever possible, the OCRSM will take action consistent with the Complainant's expressed wishes regarding confidentiality. The University's ability to fully investigate and respond to a complaint may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an Investigation. When a Complainant requests their name or other identifiable information not be disclosed and/or that no further action be taken, the Title IX Officer or designee will seek to honor such requests, balancing the Complainant's wishes for confidentiality with the University's obligation to provide a safe and non-discriminatory environment for all members of the University community. The University retains the right to proceed with a complaint as necessary to meet its obligations, and in some cases, may not be able to honor a request for confidentiality.

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### **C. Initial Assessment of Complaint**

When the University receives a complaint, the OCRSM will conduct an Initial Assessment. The Initial Assessment will determine whether the reported conduct constitutes a potential violation of the Policy, whether further action is warranted based on the reported conduct, and whether the University has jurisdiction over the parties.

The first step in the Initial Assessment is a preliminary meeting between the Complainant and the OCRSM to gather information that will enable the OCRSM to:

- Assess the nature and circumstances reported in the complaint;
- Assess the safety of the Complainant and of the University community;
- Implement any appropriate Interim Protective Measures;
- Assess for pattern evidence or other similar conduct by the Respondent when relevant to the safety assessment;
- Assess the Complainant's expressed preference regarding resolution, including any request that no further action be taken;
- Assess any request by the Complainant for confidentiality or anonymity; and
- Assess the reported conduct for possible referral to the University of Maryland Police Department (UMPD) for a timely warning under the Clery Act.

During the Initial Assessment, information will be shared with other units/administrators only as necessary to comply with Title IX requirements, and confidentiality will be maintained by the OCRSM and other administrators, to the extent possible. If communication is not necessary in order to comply with Title IX requirements, the dean, department chair, and/or other administrators will not be notified during the Initial Assessment.

At the conclusion of the Initial Assessment, the OCRSM will determine the appropriate next step(s), including but not limited to: no further action, the imposition of Interim Protective Measures, Alternative Resolution, and/or proceeding with an investigation. In cases where the Initial Assessment determines that the reported conduct does not constitute a potential violation under the Policy and no further action is warranted, the OCRSM will separately notify the parties of the resulting assessment and inform the Respondent of the nature of the complaint. After the parties have been notified, the OCRSM will also notify any administrators who had been contacted during the Initial Assessment of the results of the assessment.

When the Initial Assessment determines the reported conduct does not constitute a potential violation under the Policy, but may violate another University policy, the complaint may be referred to another appropriate University official for review and resolution.

When the Initial Assessment determines the alleged reported conduct does constitute a potential violation under the Policy, but reveals that the University lacks jurisdiction over the Respondent, the University will take available and reasonable steps to address the Sexual Misconduct, prevent its recurrence, and address its effects at the University.

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### **D. Interim Protective Measures**

Based on the nature and circumstances of the complaint, the Title IX Officer or designee in consultation with appropriate University administrators may authorize Interim Protective Measures to ensure the safety and well-being of the Complainant and others in the University community, as appropriate. The Title IX Officer or designee will promptly inform the Respondent (if they are a member of the University community) of any Interim Protective Measures that will directly impact the Respondent and provide an opportunity for the Respondent to respond.

The OCRSM retains discretion to impose and/or modify any Interim Protective Measures based on all available information. Interim Protective Measures will remain in effect until the University's final resolution of the Sexual Misconduct complaint. Interim Protective Measures may be made permanent, as needed, after adjudication. A party may challenge the imposition of Interim Protective Measures, or a decision not to impose Interim Protective Measures, by contacting the OCRSM to address any concerns. Information about Interim Protective Measures can be found on page 11 of the Policy.

## **V. RESOLUTION PROCESSES**

### **A. Time Frame for Resolution**

Consistent with the goal of maximizing educational and working opportunities, remedying the effects of Prohibited Conduct, and promoting campus safety while minimizing the possible disruptive nature of the process, the OCRSM will strive to resolve all complaints within sixty (60) business days of receipt. In general, the investigation phase may last approximately four to five weeks and the adjudication phase may last an additional estimated four to five weeks. Good faith efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with the importance of resolving complaints in a timely and expeditious manner. The Title IX Officer may extend the general time frames for the completion of all required actions. If such an extension occurs, the parties will be notified in writing by the OCRSM.

### **B. Alternative Resolution Process**

The Title IX Officer or designee has the discretion to determine whether a complaint is appropriate for Alternative Resolution and may propose Alternative Resolution to the Complainant as an option. The Complainant may then seek Alternative Resolution in lieu of an investigation and adjudication.

Alternative Resolution is a process whereby remedies and interventions may serve to address the alleged Prohibited Conduct without proceeding to an investigation and adjudication. Alternative Resolution is not appropriate for complaints involving Sexual Violence, including Sexual Assault. Neither party is required to accept responsibility for the alleged Prohibited Conduct in order to proceed with Alternative Resolution. The parties may decide not to proceed with Alternative Resolution and may request an investigation and adjudication at any time. The Title

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IX Officer retains discretion to terminate an ongoing Alternative Resolution process at any time.

The purpose of Alternative Resolution is to take appropriate action by imposing individual and community interventions and remedies designed to maximize the Complainant's access to educational, extra-curricular, and/or employment activities at the University; and/or to address the effects of the conduct on the larger University community. Any combination of interventions and remedies may be utilized, including but not limited to:

- Targeted or broad-based educational programming or training for relevant individuals or groups;
- Academic and/or housing modifications for Student Complainants;
- Workplace modifications and/or other administrative changes;
- Completion of projects, programs, or requirements designed to help the Respondent manage behavior, refrain from engaging in Prohibited Conduct, and understand why the Prohibited Conduct is prohibited; and
- Agreements to cease contact and limit access to specific University buildings or areas or forms of contact with particular persons.

The imposition of remedies or interventions obtained through Alternative Resolution may be achieved by an agreement acceptable to the parties and the University. The Title IX Officer or designee will work with the Faculty Ombuds Officer to facilitate the development of this agreement. In cases where an agreement is reached, the terms of the agreement are implemented and the matter is resolved and closed. In cases where an agreement is not reached, and the Title IX Officer or designee determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution agreement, the matter may be referred for investigation and resolution under these Faculty Procedures.

Where the Complainant, Respondent, and the University have reached an Alternative Resolution agreement, the parties will be provided with a copy of the agreement. The Office of Faculty Affairs will also receive a copy of the agreement. Entering into Alternative Resolution and signing an agreement does not mean that the Respondent admits responsibility; nor does it mean that there has been a finding of a Policy violation.

### **C. Investigation Process**

When the Initial Assessment determines the University has jurisdiction over the Respondent and the alleged conduct, and where Alternative Resolution is not appropriate or the Respondent fails to comply with the terms of an Alternative Resolution agreement, an investigation will occur.

#### **1. Notice of Investigation**

In the event of an investigation, the Investigator will send a written *Notice of Investigation* and *Notice of Rights and Responsibilities* to both parties.

The *Notice of Investigation* will contain the circumstances of the alleged incident (which generally will include, to the extent known, the name of the Complainant and the date, time, and

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location), the Prohibited Conduct alleged as defined by the Policy, and the range of potential disciplinary actions associated with the Prohibited Conduct. Both parties will also be informed that they will have an opportunity to be heard regarding the complaint during the investigation process, including the opportunity to be heard during separate interviews with an Investigator regarding the alleged Sexual Misconduct.

### **2. Notice of Rights and Responsibilities**

Both parties will be provided with a copy of the Policy and Faculty Procedures and informed of their rights and responsibilities pursuant to the Policy. This includes but is not limited to: no contact directives (and provided a copy), prohibitions against retaliation and guidance about reporting any retaliatory conduct, and available community and campus resources and services.

### **3. Standard of Review**

In making a determination about whether a Policy violation has occurred, the standard of review is preponderance of the evidence. A preponderance of the evidence means “it is more likely than not.” Thus, at the conclusion of the investigation phase, based on the information gathered, a recommended finding will be made as to whether it is more likely than not that the reported conduct occurred and that it constituted Prohibited Conduct in violation of the Policy.

### **4. Role of the Investigator**

The Title IX Officer or designee will designate one or more Investigator(s) from the OCRSM and/or an external Investigator to conduct a prompt, thorough, fair, and impartial investigation. All Investigators will receive annual training on issues related to sexual and gender-based harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking. The training will also include how to conduct a fair and impartial investigation that provides parties with notice and a meaningful opportunity to be heard, as well as how to protect the safety of Complainants and the University community while promoting accountability.

### **5. Overview of the Investigation**

The investigation is an impartial fact-gathering process. It is an important stage in which both parties have an opportunity to be heard regarding the complaint. During the investigation the parties will each have an opportunity to meet and speak with the Investigator, provide any relevant information about the reported conduct, and identify persons they believe the Investigator should speak with because they believe they have relevant information. The Investigator will speak separately with both parties and any other individuals who may have relevant information. The Investigator will also gather any available physical evidence or documents, including prior statements by the parties or witnesses, communications between the parties, email messages, text messages, social media materials, and other records, as appropriate and available.

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### **a. Special Considerations**

Information related to the prior sexual history of either party is generally not relevant to the determination of a Policy violation. However, prior sexual history between the parties may be relevant in very limited circumstances. For example, where there was a prior or ongoing consensual relationship between the parties, and where Consent is at issue in the case at hand, evidence as to the parties' prior sexual history as it relates to Consent may be relevant to assess the manner and nature of communications between the parties. As noted in the Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute Consent. Sexual history will never be used for purposes of illustrating either party's individual character or reputation. The Investigator will determine the relevance of prior sexual history and inform the parties if information about the parties' sexual history with each other is deemed relevant.

At the discretion of the OCRSM, multiple reports may be consolidated in one investigation if the information related to each incident is relevant in reaching a determination. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct involving the same parties, provided that it does not delay the prompt investigation and resolution of complaints.

### **b. Draft Report**

At the conclusion of the investigation, the Investigator will draft a written investigation report that summarizes the information gathered (including, but not limited to, the names of witnesses and summaries of their statements), and synthesizes the areas of agreement and disagreement between the parties.

### **c. Notice of Opportunity to Review the Draft Investigation Report**

Before the investigation report is finalized, the parties will be given an opportunity to review and respond to the draft report. Upon receipt of notice to review the draft report, the parties will each have five (5) business days to review the report and all underlying documents and submit written comments, information, and/or questions to the Investigator. If there is any new or additional information to be provided by either party, it must be presented to the Investigator at this time. If further investigation is warranted based on the comments, information, and/or questions provided during the review period, the Investigator will continue the investigation, as needed.

## **6. Recommended Finding**

Upon timely receipt of any additional information or comments from the parties or after the five (5) business day comment period has lapsed with no comments provided, and the investigation is complete, the Investigator will finalize the investigation report.

The final investigation report will include all relevant information obtained in the course of the investigation, an analysis and proposed findings of material fact, and a recommended finding of whether or not a Policy violation occurred by a preponderance of the evidence.

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### 7. Independent Review of the Finding

The final investigation report and the recommended finding will be automatically reviewed by a Standing Review Committee (SRC). The SRC is composed of three (3) members from the University community who have had no previous involvement with the case, and have been trained to review such cases. The SRC will include at least one (1) member from the constituency (faculty, staff, or student) of each party. SRC members are obligated to disclose to the OCRSM any known conflicts prior to participating in any specific SRC review. Conflicts or familiarity with the individuals involved in the matter that are disclosed to the OSC will automatically disqualify an individual SRC member from participation in any particular review.

The SRC will review the final investigation report and consider whether the recommended finding is supported by the information obtained in the course of the investigation. The SRC will confine its consideration to a review of the written record. The SRC may speak with the Investigator when clarification about the final investigation report is needed and/or to issue specific instructions to the Investigator for further investigation. The results of any additional requested investigation will be reported to the SRC.

Once any additional investigation is complete, the SRC will issue its determination on the recommended finding. The SRC will make one of two possible decisions:

- Approve the recommended finding; or
- Reject the recommended finding.

The SRC must issue a written decision to the OCRSM within five (5) business days of receipt of the final investigation report and/or receipt of any additional information resulting from additional requests to the Investigator by the SRC.

After the SRC issues its written determination, the OCRSM will issue a *Notice of Finding*, which will include a range of potential disciplinary actions associated with the finding. The *Notice of Finding* will be sent to the parties and the Office of Faculty Affairs, along with the SRC determination and a copy of the final investigation report, including any additional information resulting from additional investigation.

Either or both parties may appeal the finding in accordance with section VI below.

### VI. APPEAL OF FINDING

Either or both parties may appeal the finding. An appeal must be submitted to the OCRSM or designee in writing within five (5) business days of the date of receipt of the *Notice of Finding*. Appeals submitted after five (5) business days shall be denied. If an appeal is received on time, the other party will be notified and given five (5) business days from the date of receipt of the notice to respond. Responses shall be submitted directly to the OCRSM or designee. Appeals and responses filed by each party will be shared with the other party and considered together in one appeal review process. If neither party submits an appeal, the finding is final after five (5)

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business days. Appeals will be decided by an SRC Appellate Body (as defined in section VI. C below).

### **A. Overview**

The scope of the appeal is limited to the grounds set forth below. Dissatisfaction with the investigation outcome is not a valid basis for appeal. Appeals are not intended to allow for a second review of the same facts of the case or to reconsider whether there was a Policy violation based on the same facts of the case. In most cases, appeals are confined to a review of the written record and the grounds for appeal submitted by the parties.

### **B. Grounds for Appeal**

Grounds for appeal shall be limited to:

#### **1. Substantial Procedural Error**

Specified procedural errors or errors in interpretation of University policy that were so substantial as to effectively deny a Complainant or a Respondent notice or a fair opportunity to be heard. Mere deviations from procedures that were not so substantial as to deny a Complainant or Respondent notice or a fair opportunity to be heard will not be a basis for sustaining an appeal.

#### **2. New Evidence**

New and significant relevant information has become available which a reasonably diligent person could not have discovered during the Investigation.

When the basis of the Appeal is new evidence, the SRC Appellate Body will determine whether the information is new and was unavailable at the time of the investigation. If the SRC Appellate Body determines that the information is not new and was available at the time of the investigation, the Appeal will be denied. If the information is determined to be new and unavailable at the time of the investigation, the SRC Appellate Body will make a determination as to whether the new information could change the outcome of the investigation. If the SRC Appellate Body determines that the new evidence could change the outcome, the case will be sent back to the Investigator for further investigation. After new evidence is considered, the OCRSM will then provide the SRC Appellate Body with a modified report and findings, as appropriate. Copies of the modified report and findings, if any, will also be provided to the parties. The modified report will be considered by the SRC Appellate Body. The SRC Appellate Body will then decide to affirm the recommendations of the modified report, reject them, or ask for additional investigation.

### **C. SRC Appellate Body**

The Standing Review Committee (SRC) Appellate Body is the designated appellate body for all appeals of findings under these Faculty Procedures. The SRC Appellate Body is composed of

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three (3) members (faculty, staff, and/or students), depending on the case. SRC Appellate Body members shall be members from the University community who have had no previous involvement with the case, and have been trained to review such cases. The SRC Appellate Body will include at least one (1) member from the constituency (faculty, staff, or student) of each party.

### **D. Appeal Outcome**

The SRC Appellate Body may:

- Affirm the finding;
- Reject the finding; or
- Remand the case back to the Investigator for further investigation.

The SRC Appellate Body Chair will render a written decision on the appeal to the Title IX Officer or designee, with a copy to the Senior Vice President and Provost or designee, within five (5) business days from the date of the submission of all appeal documents. The SRC Appellate Body Decision is final and may not be further appealed.

## **VII. REMEDIES AND DISCIPLINARY ACTION**

### **A. Impact Statement and Mitigation Statement**

Whenever there has been a finding of responsibility, before the University issues any remedies or imposes disciplinary action, if any, both parties have the opportunity to submit statements for consideration by the Office of Faculty Affairs within five (5) business days from the date of receipt of the *Notice of Finding*. In the event of an Appeal, Impact and Mitigation Statements may be submitted within three (3) business days from the date of receipt of the SRC Appellate Body Decision.

The Complainant may submit a written Impact Statement to the Office of Faculty Affairs describing the impact of the Prohibited Conduct on the Complainant.

The Respondent may submit a written Mitigation Statement to the Office of Faculty Affairs explaining any factors the Respondent believes should mitigate or otherwise be considered in determining appropriate remedies and/or recommended discipline, if any.

The parties' respective statements will be considered by the Office of Faculty Affairs and not shared with the other party.

### **B. Remedies**

The Title IX Officer or designee, in consultation with the Office of Faculty Affairs, will identify reasonable short-term and/or long-term remedies to address the effects of the conduct on the Complainant and prevent its reoccurrence. Such remedies seek to restore to the Complainant, to the extent possible and within reason, the benefits and opportunities lost as a result of the

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Prohibited Conduct. The Title IX Officer or designee may also identify remedies, such as training for specific audiences, to address the effects of the conduct on the larger University community. Remedies are separate from disciplinary action and may occur independently of or concurrently with any disciplinary action that is imposed.

Remedies for student Complainants under these Faculty Procedures may include, but are not limited to:

- **Support measures** such as extended classwork deadline, or flexible deadlines, change of venue for taking an exam, change in exam date, and/or retaking of an exam;
- **Academic accommodations** such as retroactive drop from a particular class, retroactive withdrawal from a semester, policy exemption requests, and/or tuition reimbursement; and
- **Housing accommodations.**

Other remedies for Complainants may include, but are not limited to:

- Workplace modifications and other administrative changes, no contact orders, denial of access, schedule changes, counseling, and/or referral to outside agencies.

### C. Disciplinary Action

When there is a finding of responsibility, and all appeals under these Faculty Procedures, if any, have been exhausted, the Office of Faculty Affairs, in consultation with the Title IX Officer or designee, will determine the appropriate disciplinary action, if any.

To determine what type of disciplinary action is most appropriate, the Office of Faculty Affairs in consultation with other appropriate administrator(s) shall consider the following:

- The nature of the misconduct at issue;
- The impact of the misconduct on the Complainant;
- The impact or implications of the misconduct on the community or the University;
- Any prior Sexual Misconduct by the Respondent at the University or elsewhere that is known to the University;
- Respondent's prior disciplinary history at the University; and
- Any other mitigating, aggravating, or compelling circumstances.

Discipline shall be imposed in accordance with all procedural due process rights afforded faculty based on their status in accordance with University policy and Maryland law. All faculty disciplinary action under these Faculty Procedures shall be approved by the Senior Vice President and Provost or designee.

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### **1. Notice of Disciplinary Action**

When disciplinary action is to be imposed, upon approval by the Senior Vice President and Provost or designee, the Office of Faculty Affairs will issue a *Notice of Disciplinary Action* to the Respondent.

Disciplinary action will depend on the specific circumstances in each case and may include discipline ranging from a written reprimand up to and including termination of employment. Other administrative and/or non-disciplinary remedies may also be imposed, including but not limited to, no contact directives, and/or a change in work duties, work locations, or work schedules.

Discipline shall be imposed in accordance with all procedural due process rights afforded faculty based on their status in accordance with University policy and Maryland law.

### **VIII. GRIEVANCE RIGHTS**

Faculty may grieve disciplinary action in accordance with the rights afforded to them based on their specific faculty status.

### **IX. FINAL OUTCOME**

When all the procedures and/or grievance processes afforded to both parties under these Faculty Procedures, and the rights afforded to them based on their specific employment status have been exhausted, the Senior Vice President and Provost or designee will promptly notify the Title IX Officer or designee of any modification of the final outcome. The Title IX Officer or designee will notify the parties of any modification to the final outcome, except as prohibited by Maryland and federal law.

### **X. RECORDS RETENTION**

The OCRSM shall maintain Initial Assessment, investigation, and outcome records in accordance with the University's record retention schedule.

The Office of the Senior Vice President and Provost, the department/unit head and/or Office of the Dean will maintain records of all disciplinary action, remedies, and grievances related to a complaint and any Alternative Resolution agreements.

### **XI. POST-RESOLUTION FOLLOW-UP**

After any disciplinary action and/or remedies are issued, if the Complainant agrees, the Title IX Officer or designee may periodically contact the Complainant to ensure the Prohibited Conduct has ended and to determine whether additional remedies are necessary. The Complainant may decline future contact at any time. The Title IX Officer or designee may periodically contact the Respondent to assure compliance with the intent and purpose of any disciplinary action and/or remedies that have been imposed. Any violation by a Respondent of the intent and purpose of

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any disciplinary action and/or remedies imposed under the Policy, or a failure by a University employee to provide a specified disciplinary action and/or remedy should be reported to the OCRSM.

The Complainant and Respondent are encouraged to provide the Title IX Officer or designee with feedback about their experience with the process and recommendations regarding ways to improve the effectiveness of the University's implementation of the Policy and Faculty Procedures.