

The University of Maryland Baltimore County  
Interim Policy on Prohibited  
Sexual Misconduct and Other Related Misconduct

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**Including Sexual and Gender Based Harassment, Sexual Violence,  
Relationship Violence, Domestic Violence, Sexual Exploitation,  
Sexual Intimidation, Sex and Gender Based Stalking, and Retaliation**

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Policy Effective Date:	December 31, 2014
Policy Amended Effective Date:	August 24, 2015
Responsible Offices:	Office of the General Counsel Office of Human Relations
Replacement for:	UMBC VI-1.20.01 Policy on Sexual Harassment

## INTRODUCTION

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The University of Maryland, Baltimore County (“University” or “UMBC”) is a dynamic public research university integrating teaching, research and service. UMBC understands that as an educational institution, it plays an essential role in preparing the future generations of leaders. By virtue of this special role, the University is fully committed to providing an environment where all UMBC community members are treated with respect and dignity and UMBC community member differences are honored. To achieve this environment, the University recognizes its responsibility to maintain an environment which is free from Sexual Misconduct and other Related Misconduct. Such acts violate the essential dignity of our community members and are contrary to our institutional values.

To that end, this Policy sets forth how the University defines Sexual Misconduct and other Related Misconduct, describes available resources and reporting options, explains whether and to what extent interactions with various resources are confidential, identifies interim measures that may be available in particular cases, and describes the University’s education and prevention programs.

The accompanying Procedures set forth how the University will address reports of Sexual Misconduct and other Related Misconduct, as well as identify the rights of all parties involved in the process.

## University of Maryland Baltimore County Notice of Non-Discrimination

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The University of Maryland, Baltimore County (“University” or “UMBC”) values safety, cultural and ethnic diversity, social responsibility, lifelong learning, equity, and civic engagement. Consistent with these principles, the University does not discriminate in offering equal access to its educational programs and activities or with respect to employment terms and conditions on the basis of an UMBC community member’s race, creed, color, religion, sex, gender, pregnancy, ancestry, age, gender identity or expression, national origin, veterans status, marital status, sexual orientation, physical or mental disability, or genetic information.

The University’s protection of these statuses, is in accordance with applicable federal, state, and local laws and regulations, as well as University System of Maryland (“USM”) policies. Relevant laws and policies include, but are not limited to: Title IX of the Education Amendments of 1972 as amended (“Title IX”), Title VI of the Civil Rights Act of 1964 as amended (“Title VI”), Title VII of the Civil Rights Act of 1964 as amended (“Title VII”), Jeanne Clery Disclosure of Campus Security and Crime Statistics Act, 20 U.S.C. § 1092(f) (“Clery Act”), Section 304 of the 2013 Amendments to the Violence Against Women Act (“VAWA”), Equal Pay Act of 1963, Lilly Ledbetter Fair Pay Act of 2009, Executive Order 11246 as amended, Executive Order 13672, Section 504 of the Rehabilitation Act of 1973 (“Rehab Act”), Americans with Disabilities Act of 1990 as amended (“ADA”), Age Discrimination in Employment Act of 1967 as amended (“ADEA”), Uniformed Services Employment and Reemployment Rights Act (“USERRA”), Vietnam Era Veterans’ Readjustment Assistance Act of 1974 (“VEVRAA”), Veterans Employment Opportunities Act of 1998 as amended (“VEO”), Genetic Nondiscrimination Act of 2008 (“GINA”), Pregnancy Discrimination Act (“PDA”), Immigration Reform and Control Act of 1986, Small Business Act of 1958 as amended, Section 15(g)(1), and USM Policies VI-1.00, VI-1.05, and VI-1.60.

Inquiries concerning the application of Title IX may be referred to:

Stephanie Lazarus, Title IX Coordinator  
University of Maryland Baltimore County  
Office of Human Relations  
1000 Hilltop Circle  
Administration Building, Room 902  
Baltimore, MD 21250  
(410) 455-5745  
[slazar@umbc.edu](mailto:slazar@umbc.edu)

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Dept. of Education Bldg.  
400 Maryland Ave., SW  
Washington, DC 20202  
Telephone: 202-453-6100

U.S. Department of Education  
Office for Civil Rights  
The Wanamaker Bldg., Region III Office  
100 Penn Square, East-Suite 505  
Philadelphia, PA 19107  
Telephone: 215-656-6010

TDD: 800-877-8339  
[OCR@ed.gov](mailto:OCR@ed.gov)  
[www2.ed.gov](http://www2.ed.gov)

Inquiries concerning the University's Notice of Non-Discrimination may be referred to:

Bobbie L. Hoye  
Assistant General Counsel/Human Relations Officer  
University of Maryland Baltimore County  
Office of Human Relations  
1000 Hilltop Circle  
Administration Building, 9<sup>th</sup> Floor  
Baltimore, MD 21250  
(410) 455-1606  
[bhoye@umbc.edu](mailto:bhoye@umbc.edu)

David R. Gleason  
General Counsel  
University of Maryland Baltimore County  
Office of the General Counsel  
1000 Hilltop Circle  
Administration Building, 10<sup>th</sup> Floor  
Baltimore, MD 21250  
(410) 455-2870  
[gleason@umbc.edu](mailto:gleason@umbc.edu)

# UMBC Resource Page for Sexual Misconduct and Other Related Misconduct

**How to Get Help in the Event of an Emergency:** Because Sexual Misconduct may constitute both a violation of this Policy and criminal activity, the University encourages all students, faculty, staff, and community members affected by Sexual Misconduct to seek **Immediate Assistance** from the University Police or a local law enforcement agency. University police may also be contacted directly, by using the Blue Light emergency phones, located throughout the UMBC campus along sidewalks and buildings. Additionally, individuals can call 410.455.3133 if they are in need of a University escort on campus.

## Emergency Response:

Emergency Law Enforcement:	Call 911
University Police (assistance provided 24 hours a day, 7 days a week):	410.455.5555
Baltimore County Police Department:	410.887.2214

## On-Campus Support and Resources for Students:

### Confidential Support and Resources:

University Health Services:	410.455.2542
Counseling Center:	410.455.2472

### Quasi Confidential Support and Resources:

Voices Against Violence:	410.455.3748
Women's Center:	410.455.2714

## On-Campus Support and Resources for Faculty and Staff:

Employee Assistance Program (INOVA):	1.800.346.0110
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## Additional Resources\*:

Greater Baltimore Medical Center (GBMC)

6701 North Charles Street

Baltimore (Towson), MD 21204

SAFE Program:	443-849-3323
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Emergency Room:	443-849-2226
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Mercy Hospital

301 Saint Paul Street

Baltimore (City), MD 21202

SAFE Program:	410-332-9499
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Emergency Room:	410.332.9477
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Howard County General Hospital

5755 Cedar Lane

Columbia, MD 21044

Emergency Room and SAFE Program:	410-740-7778
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\*If you are interested in a free Sexual Assault Forensic Exam (SAFE) exam, it should happen within 120 hours/5 days of the assault and, if possible, before showering, using the bathroom, and changing or washing clothes. The University Health Services, Voices Against Violence, or University Police can arrange for free transportation for a SAFE exam.

## Helplines

Hopeworks (Columbia, MD)	410-997-0304 or 1-800-752-0191 (24-hr hotline)
TurnAround, Inc. (Baltimore City and Towson, MD)	443-279-0379 (24-hr hotline)
Baltimore County Domestic Violence Referral Program	410-828-6390 (24-hr hotline)
Rape, Abuse, Incest National Network (RAINN) Sexual Assault	1-800-656-4673 (24-hr hotline)
	Online chat hotline: <a href="https://ohl.rainn.org/online/">https://ohl.rainn.org/online/</a>
National Domestic Violence Hotline	1-800-799-7233 (24-hr hotline)
	Online chat hotline: <a href="http://www.thehotline.org">http://www.thehotline.org</a>
Family & Children's Services (Catonsville, MD)	410-281-1334

## Website Resources (Campus, Local, and National)

Voices Against Violence at UMBC <http://vav.umbc.edu/>

Relationship Violence Awareness & Prevention (RVAP) at UMBC <http://rvap.umbc.edu/>

Turnaround, Inc, a local sexual assault and domestic violence center [www.turnaroundinc.org](http://www.turnaroundinc.org)

House of Ruth, local domestic violence provider [www.houseofruth.org](http://www.houseofruth.org)

Maryland Network Against Domestic Violence [www.ndvh.org](http://www.ndvh.org)

Maryland Coalition Against Sexual Assault [www.mcasa.org](http://www.mcasa.org)

National Sexual Assault Hotline [www.rainn.org](http://www.rainn.org)

National Sexual Violence Resource Center [www.nsvrc.org](http://www.nsvrc.org)

Gay and Lesbian National Hotline [www.glnh.org](http://www.glnh.org)

Assistance for Stalking Victims <http://stalkingvictims.com/>

The contact information for the resources listed was confirmed at the time the Policy was amended, effective August 26, 2015. The contact information will be periodically updated, however, up to date contact information and additional resources can always be found at the University's website <http://umbc.edu/>.

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## I. Policy Statement

The University is dedicated to fostering an inclusive and welcoming environment for all members of the campus community and recognizes its responsibility to maintain a campus environment which is free from Sexual Misconduct, and other Related Misconduct. This Policy embodies the University's commitment to increasing awareness of such prohibited conduct and actively promoting prevention and educational programs for community members in an effort to eliminate occurrences, prevent reoccurrences, and address and remedy the discriminatory effects of the Sexual Misconduct.

This Policy expressly prohibits all forms of **Discrimination** and **Harassment** on the basis of an UMBC community member's sex (including pregnancy), gender, sexual orientation, or gender identity or expression (collectively referred to as "**Protected Status**") in its educational programs and activities or with respect to terms and conditions of employment. It expressly, therefore, also prohibits **Sexual Misconduct**, which is a form of sex discrimination, including **Sexual and Gender Based Harassment, Sexual Violence, Relationship Violence, Domestic Violence, Sexual Exploitation, and Sexual Intimidation**. This Policy further expressly prohibits **Sex and Gender Based Stalking**. Finally, this Policy expressly prohibits **Retaliation** against an UMBC community member for their good faith participation in reporting, assisting others in reporting, or opposing a violation of this Policy. University faculty, staff, and students who violate this Policy may face disciplinary action up to termination or dismissal.

Discrimination, Harassment, Sexual Misconduct (including Sexual and Gender Based Harassment, Sexual Violence, Relationship Violence, Domestic Violence, Sexual Exploitation, Sexual Intimidation, and Sex and Gender Based Stalking), and Retaliation (collectively hereafter referred to as "**Prohibited Conduct**") are defined below in Section IV of this Policy.

The University's commitment is consistent with the values and standards of an intellectual community of distinction, as well as the law and USM policies.

The University is also committed to the principles of free inquiry and expression. Nothing in this Policy is intended to abridge teaching methods, freedom of expression, or the University's educational mission.

## II. Scope and Applicability

### A. UMBC Community Members Covered By This Policy

This Policy applies to the conduct of, and protects all students (including but not limited to, undergraduate, graduate, professional and doctoral, post-doctoral, and student employees), faculty, and staff.

The Policy also applies to the conduct of and protects all interns, contractors, volunteers, guests, visitors, and other third parties under circumstances within the University's control.

The individuals covered by this policy, shall be collectively hereafter referred to as "member of the UMBC community" or "UMBC community member."

## B. Jurisdiction

This Policy applies to Prohibited Conduct in connection with any UMBC office, or regional center education program or activity. Including Prohibited Conduct: (1) in any UMBC facility or on any UMBC property; (2) in connection with any UMBC sponsored, recognized, or approved program, visit, or activity, regardless of location; (3) that impedes equal access to any UMBC educational program or activity or adversely impacts the employment of a member of the UMBC community; or (4) that otherwise threatens the health or safety of a member of the UMBC community. Nothing in this policy is intended to supersede or conflict with any federal compliance obligation.

## C. Reports Involving Minors

Any member of the UMBC community, who suspects that a child is being harmed, or observe a child being harmed, should contact law enforcement by dialing 911 or 410-455-5555.

In addition, pursuant to Family Law Article of the Maryland Annotated Code, Sections 5-701 through 5-708, any member of the UMBC community, who has a reason to believe that a child has been abused or neglected, has a mandatory obligation to report that suspicion to the local department of social services or local police department **and** to the University's Designee for reporting child abuse.

The Baltimore County Department of Social Services:	410.853.3000
University Police Department:	410.455.5555
Baltimore County Police Department:	410.887.2214
UMBC Title IX Coordinator	410.455.5745

Detailed information regarding reporting suspected child abuse and neglect may be found at [www.usmh.usmd.edu/regents/bylaws/SectionVI/VI150.pdf](http://www.usmh.usmd.edu/regents/bylaws/SectionVI/VI150.pdf).

## III. Preservation of Evidence

Seeking assistance promptly may be important to ensure physical safety, obtain medical care, or other support including assistance with peace/protective orders. It may also be necessary to preserve relevant evidence, particularly forensic evidence, which can assist the University and/or law enforcement in responding effectively. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy, criminal investigations or reports are not determinative of whether Sexual Misconduct, for purposes of this Policy, has occurred. In other words, conduct may constitute Sexual Misconduct under this Policy even if it is not a crime or law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

## IV. Prohibited Conduct

This Policy prohibits all forms of Discrimination and Harassment, due to a UMBC community member's Protected Status. This Policy expressly prohibits Sexual Misconduct, which is a form of sex discrimination, which includes Sexual and Gender Based Harassment, Sexual Violence, Relationship Violence, Domestic Violence, Sexual Exploitation, Sexual Intimidation, and Sex and Gender Based Stalking. Finally, this Policy expressly prohibits Retaliation against any UMBC community member for their good faith participation in reporting, assisting others in reporting, or opposing a violation of this Policy.

The use of alcohol, drugs, and/or legally prescribed medication, does not justify or excuse behavior that constitutes Prohibited Conduct under this Policy. Further, the use of alcohol, drugs, and/or legally prescribed medication never makes an individual at fault for being subjected to behavior that constitutes Prohibited Conduct under this Policy.

### A. Discrimination

This Policy prohibits Discrimination. For the purposes of this Policy, Discrimination is defined as any unlawful preference or prejudice to a UMBC community member as compared to others, that is based on the UMBC community member's Protected Status, and that is sufficiently serious to unreasonably interfere with or limit a UMBC community member's: access to employment or conditions and benefits of employment; ability to participate in, access, or benefit from educational programs, services, or activities; or ability to participate in, access, or benefit from the University's extracurricular programs.

### B. Sexual Misconduct

This Policy prohibits Sexual Misconduct. For purposes of this Policy, Sexual Misconduct is defined as a form of sex discrimination, which includes Sexual and Gender Harassment, Sexual Violence, Relationship Violence, Domestic Violence, Sexual Exploitation, Sexual Intimidation, and Sex and Gender Based Stalking, as defined below.

#### 1. Sexual and Gender Based Harassment

This Policy Prohibits Sexual and Gender Based Harassment. For purposes of this Policy, Sexual and Gender Based Harassment includes Quid Pro Quo Harassment and Hostile Environment Harassment.

##### *a. Quid Pro Quo Harassment*

This Policy prohibits Quid Pro Quo Harassment. For purposes of this Policy, Quid Pro Quo Harassment is defined as unwelcome conduct based on the UMBC community member's Protected Status, where submission to, or rejection of, such unwelcome conduct is used, explicitly or implicitly, as the basis for any decision affecting a UMBC community member's education, employment, or participation in a University sponsored, recognized, or approved program, visit, or activity.

*b. Hostile Environment Sexual and Gender Based Harassment*

This Policy prohibits Hostile Environment Sexual and Gender Based Harassment. For purposes of this Policy, Hostile Environment Sexual and Gender Based Harassment is defined as any unwelcome sexual advance, unwelcome request for sexual favors, unwelcome verbal, physical, electronic or other conduct of a sexual nature, that targets a UMBC community member because of their Protected Status, when: such conduct is sufficiently severe or pervasive that it alters the conditions of education, employment, or participation in a University sponsored, recognized, or approved program, visit, or activity; and creates an environment that a reasonable person in similar circumstances would find intimidating, hostile, humiliating, demeaning or a sexually offensive. An isolated incident, unless sufficiently severe, does not amount to Hostile Environment Sexual and Gender Based Harassment.

Hostile Environment Sexual and Gender Based Harassment is also defined as harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex or gender or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the individual's actual or perceived sex, gender, sexual orientation, or gender identity or expression.

**2. Sexual Violence**

This Policy prohibits Sexual Violence. For purposes of this Policy, Sexual Violence is defined as physical sexual acts perpetrated or attempted without consent. Sexual Violence includes, but is not limited to, rape, sexual assault, sexual battery, and sexual coercion. Sexual Violence, in any form, is a criminal act.

*a. Sexual Assault I*

This Policy prohibits Sexual Assault I. For purposes of this Policy, Sexual Assault I is defined as any act of non-consensual sexual intercourse (vaginal, anal, or oral). For purposes of this Policy, non-consensual sexual intercourse can occur between UMBC community members and between a UMBC community member and a Non-UMBC community member. Sexual intercourse includes vaginal or anal penetration (however slight) by a penis, object, tongue, finger, or any body part; and oral copulation involving mouth to genital or genital to mouth contact.

*b. Sexual Assault II*

This Policy prohibits Sexual Assault II. For purposes of this Policy, Sexual Assault II is defined as any act of non-consensual sexual contact (however slight) without consent. For purposes of this Policy, non-consensual sexual contact can occur between UMBC community members and between a UMBC community member and a Non-UMBC community member. Non-consensual sexual contact means any intentional touching of the intimate body parts of another person, causing another person to touch someone's intimate body parts, or disrobing or exposure of another person without consent. Intimate body parts may include genitalia, groin, breast, buttocks, or clothing covering them, or any other body part that is touched in a sexual manner. Non-consensual sexual contact also includes attempted non-consensual sexual intercourse.

### **3. Relationship Violence**

This Policy prohibits Relationship Violence. For purposes of this Policy, Relationship Violence is defined as physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual, or economic abuse directed towards a person who is or has been in a social relationship of a romantic or intimate nature with a UMBC community member. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound another. Relationship Violence can be a single act or a pattern of behavior.

The existence of a social relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

### **4. Domestic Violence**

This Policy prohibits Domestic Violence. For purposes of this Policy, Domestic Violence is defined as physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual, or economic abuse directed towards: a.) a UMBC community member's current or former spouse or intimate partner; b.) a person with whom the UMBC community member shares a child in common; c.) a person who is cohabitating with or has cohabitated with the UMBC community member as a spouse or intimate partner; d.) a person similarly situated to a spouse of the UMBC community member; or e.) any other person who is protected from those acts under the domestic or family violence laws of Maryland. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound another. Domestic Violence can be a single act or a pattern of behavior.

### **5. Sexual Exploitation**

This Policy prohibits Sexual Exploitation. For purposes of this Policy, Sexual Exploitation is defined as non-consensual or abusive sexual advantage of another person for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Sexual Exploitation may take many forms, subtle and indirect or blatant and overt.

### **6. Sexual Intimidation**

This Policy prohibits Sexual Intimidation. For purposes of this Policy, Sexual Intimidation means threatening to sexually assault another person; Sex and Gender-based Stalking, including cyber-stalking; or engaging in indecent exposure.

### **7. Sex and Gender Based Stalking**

This Policy prohibits Sex and Gender Based Stalking ("Stalking"). For purposes of this Policy, Stalking is defined as a form of Sexual Intimidation, when there is a course of conduct that would cause a reasonable person to fear for their immediate health or safety or the safety of others, or suffer substantial emotional distress, which is directed at a specific person based upon that person's Protected Status.

## C. Retaliation

This Policy prohibits Retaliation. For the purposes of this Policy, Retaliation is defined as intimidating, threatening, coercive, or discriminatory action, inaction, conduct, or words, taken against a UMBC community member, for the purpose of interfering with any right or privilege secured by law or this Policy that is intended to discourage a reasonable person from engaging in a protected activity. Retaliation does not include petty slights and annoyances.

Protected activity includes a UMBC community member's: good faith participation in filing, reporting, investigating, or resolving an alleged violation of this Policy; opposition to policies, practices, or actions that a UMBC community member has a good faith and reasonable belief are in violation of this Policy; providing assistance to another UMBC community member in filing or reporting an alleged violation of this Policy; or participation as a witness in an investigation of an alleged violation of this Policy. Protected activity does not include unlawful activities such as acts or threats of violence.

## V. Related Concepts used in this Policy

### A. Coercion

For purposes of the Policy, Coercion is defined as unreasonable pressure to persuade or compel a person to engage in any conduct or behavior, including sexual activity.

### B. Complicity

For purposes of this Policy, Complicity is defined as any act that knowingly aids, facilitates, promotes, or encourages the commission of a violation of this Policy.

### C. Consent

For purposes of this Policy, Consent is defined as a knowing, voluntary, and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. It must be given by a person with the ability and capacity to exercise free will and make a rational and reasonable judgment. Consent may be expressed either by affirmative words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity or behavior. It is the responsibility of the person who wants to engage in sexual activity or behavior to ensure that they have the consent from the other person to engage in the sexual activity or behavior.

- Consent cannot be inferred from silence, passivity, or a lack of resistance.
- There is no requirement that a UMBC community member verbally or physically resist unwelcome sexual activity or behavior.

- Consent must be present throughout the entire sexual activity or behavior and may be withdrawn at any time. Once consent is withdrawn, the sexual activity or behavior must cease immediately. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the sexual activity or behavior cease until the confusion is resolved.
- Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation, or through the use of one's mental or physical helplessness or incapacity.
- Consent cannot be implied based upon the mere fact of a previous or existing consensual dating or sexual relationship. In the context of a current relationship, consent for future sexual activity or behavior cannot be implied.
- Consent to one form of sexual activity or behavior cannot automatically imply consent to engage in other forms of sexual activity or behavior.

#### **D. Group Infractions**

For purposes of this Policy, Group Infractions are defined as members of a group, organization, team, or individuals acting collusively, who commit an act that constitutes Prohibited Conduct under this Policy. The individuals may be charged as a group or individually, depending upon the specific circumstances.

#### **E. Incapacitated or Incapacitation**

For the purposes of this Policy, Incapacitation is a state in which a person's decision-making ability is impaired such that the person lacks the ability to understand the "who, what, where, why, or how" of their sexual activity or behavior. Incapacitation may result from sleep or unconsciousness, temporary or permanent mental or physical disability, or the influence of alcohol, drugs, including but not limited to, Rohypnol, Ketamine, GHB, Burundanga, and other substances used to facilitate date-rape or Sexual Misconduct, or legally prescribed medication. Incapacitation may also occur when a person is physically restrained, without their consent, so the person is physically unable to resist sexual activity or behavior.

#### **F. Interim Protective Measures**

For purposes of this Policy, Interim Protective Measures are defined as the reasonably available steps the University may take to protect UMBC community members in response to an allegation of Prohibited Conduct under this Policy.

#### **G. Protected Status**

For purposes of this Policy, Protected Status is defined as a UMBC community member's gender, gender identity or expression, sex (including pregnancy), and/or sexual orientation.

##### **1. Gender**

For purposes of this Policy, Gender is defined as a person's socially constructed status based on the behavioral, cultural, or psychological traits typically associated with societal attribution of masculinity and femininity, typically related to one's assigned sex at birth.

## 2. Gender Identity or Expression

For purposes of this Policy, Gender Identity or Expression is defined as a person's actual or perceived gender identity, self-image, appearance, behavior, or expression, regardless of whether that identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the person's gender at birth.

## 3. Pregnancy

For purposes of this Policy, Pregnancy is defined as a range of matters concerning the childbearing process, including current pregnancy, past pregnancy, potential or intended pregnancy, and medical conditions related to pregnancy or childbirth.

## 4. Sex

For purposes of this Policy, Sex is defined as an individual's biological status of male or female.

## 5. Sexual Orientation

For purposes of this Policy, Sexual Orientation is defined as the identification, perception, or status of an individual as to homosexuality, heterosexuality, or bisexuality.

## H. Reporting Party

For purposes of this Policy, Reporting Party is defined as the UMBC community member, who has been subjected to conduct that constitutes Prohibited Conduct under this Policy, regardless of whether the Reporting Party makes a report or seeks redress under this Policy.

## I. Responding Party

For purposes of this Policy, Responding Party is defined as the UMBC community member, group, organization, team, or individuals acting collusively, alleged to have committed an act that constitutes Prohibited Conduct under this Policy.

# VI. University Employee Reporting Obligations

The University values the privacy of its students, faculty, and staff and will make every effort to respect and safeguard the information they share. Information related to a report made under this Policy will only be shared with others, on a limited need-to-know basis. However, pursuant to



federal and state law, in some circumstances, certain UMBC community members have specific reporting obligations.

## A. Confidential Resources

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

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

**Professional Licensed Mental Health Providers:** Professional, licensed mental health providers who provide mental-health counseling to members of the UMBC community, and also those who act in roles under the supervision of a licensed counselor, through the Counseling Center (for students) and the Employee Assistance Program (for employees) are Confidential Resources. Conversations with these Confidential Resources will remain confidential, *except*, when there is clear and imminent danger that someone's life is at risk, there is apparent or suspected abuse of a child or dependent adult; or there is a legal obligation to reveal such information under enforceable court order.

**Professional Licensed Healthcare Providers:** Professional, licensed healthcare providers who provide medical care to members of the UMBC community, and other health provider who act in roles under the supervision of a licensed healthcare provider, through the University's Health Services, are Confidential Resources. Conversations with these Confidential Resources will remain confidential, *except*, when there is clear and imminent danger that someone's life is at risk, there is apparent or suspected abuse of a child or dependent adult; or there is a legal obligation to reveal such information under enforceable court order.

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

## B. Quasi-Confidential Resources

Non-Licensed Counselors, Non-Licensed Healthcare Providers, and/or Advocates who work or volunteer at the Counseling Center, University Health Services, Voices Against Violence, or Women's Center are Quasi-Confidential Resources. Conversations with these Quasi-Confidential Resources can remain confidential *unless*, there is a continuing threat of harm, as determined in the sole discretion of the University, or there is a legal obligation to reveal such information (for example in cases of mandatory reporting related to abuse or neglect of minors or in response to a legally sufficient subpoena). Further, Quasi-Confidential Resources may report incidents of Prohibited Conduct under this Policy, without any identifying information and will send the reports to the University's Title IX Coordinator.

## C. Responsible Employees

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

For purposes of this Policy, a Responsible Employee is defined as including any UMBC community member who (1) has the authority to take action regarding Prohibited Conduct covered under this Policy; (2) is an employee who has been given the duty of reporting Prohibited Conduct under this Policy; or (3) is someone another UMBC community member could reasonably believe has this authority or duty.

Responsible Employees are *Non-Confidential* which means they will safeguard the UMBC community member's privacy, however **they are required to immediately** share the known details of an incident of Prohibited Conduct (date, time, location, names of parties involved, description of the incident, etc.), to the Title IX Coordinator and other need-to-know University officials. Responsible Employees will try to ensure that any UMBC community member making a disclosure to a Responsible Employee, understands the Responsible Employee's reporting obligations. Those identified below have been designated as Responsible Employees:

- Title IX Coordinator
- All Title IX Team Members
- All employees in Human Resources
- All employees in the Office of the General Counsel
- All University Police
- All UMBC Administrators (President, Provost, Vice Presidents, Vice Provosts, Deans, Associate Deans, Directors, Department Chairs)
- All UMBC Supervisors (excluding Supervisory Confidential Resources)
- All UMBC Faculty (including Adjuncts)
- All UMBC Graduate Assistants
- All UMBC Academic Advisors
- All UMBC Athletic Coaches (including Volunteer Coaches), Trainers, and Advisors
- All UMBC Resident Assistants
- All UMBC First Responders (excluding First Responders who are Confidential Resources)

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

All members of the UMBC community are strongly encouraged to forward all information received about an incident of Prohibited Conduct to the Title IX Coordinator and/or other Designated Responsible Employees. However, if a UMBC community member receives information about a child being abused or neglected, this information must be immediately reported, as explained in more detail under Section II. C of this Policy.

## VII. Reporting Prohibited Conduct

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

The University understands that at the time a report is made, the Reporting Party may only want to seek resources and support and may not be prepared to decide what steps in the process they want to take. Choosing to make a report and informing the University of the Reporting Party's preferred method of addressing the report, can unfold over time as the process proceeds. The University recognizes that the decision whether or not to make a report of Prohibited Conduct is personal, and that there are many barriers and influences, both individual and societal, to reporting. A Reporting Party can choose to pursue both a report under this Policy and a criminal investigation at the same time.

### A. Making a Report to a Designated Responsible Employee

Under the Policy, a Reporting Party can make a report to the University by telling a **Designated Responsible Employee** what happened, in-person, by telephone, in writing, by e-mail, electronically, or anonymously. Designated Responsible Employees are *Non-Confidential*, which means they will disclose the known details of the incident (date, time, location, names of parties involved, description of the incident, etc.), to the Title IX Coordinator and other need-to-know University administrators.

Reports of incidents of Prohibited Conduct can be made to any of the **Designated Responsible Employees** identified below:

- Paul Dillon, University Police  
410.707.6012
- Jeff Cullen, Student Judicial Programs  
410.455.2453
- John Fox, Office of Residential Life  
410.455.2591
- Lee Hawthorne, Office of Student Life  
410.455.1745
- Stephanie Lazarus, Title IX Coordinator:  
410.455.5745

### B. Making a Report to a Quasi-Confidential Resource

Under the Policy, a Reporting Party can make a report to the University by telling a Quasi-Confidential Resource what happened, in-person, by telephone, in writing, by-email, electronically, or anonymously. Quasi-Confidential Resources will report incidents of Prohibited Conduct under this Policy, without sharing any identifying information to the University's Title IX Coordinator.

Reports of incidents of Prohibited Conduct can be made to any of the following **Quasi-Confidential Resources** identified below:

- Rina Rhyne, Voices Against Violence Coordinator  
410.455.3748
- Jess Myers, Women's Center  
410.455.2714

### C. Anonymous Reporting

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

## VIII. Reporting Party Requests for Confidentiality

A Reporting Party may request that their identity is not disclosed to anyone else, including the Responding Party **or that the University not investigate or take action.** While such request may limit the University's ability to address and respond to the reported Prohibited Conduct, in consultation with the Title IX Coordinator, the request will be taken into consideration and weighed against the University's responsibility to provide a safe and non-discriminatory environment for all UMBC community members. However, the University will endeavor to honor any request, whenever possible, considering the totality of the circumstances. The University will promptly notify the Reporting Party whether the request can be honored, and, if not, the reasons why it cannot be honored and discuss any appropriate Interim Protective Measures.

## IX. Time Frame For Resolution

The University will seek to resolve every report of Prohibited Conduct within sixty (60) calendar days after receiving the report, excluding any appeal. The time frame may be extended for good cause, as determined on a case-by-case basis, as necessary to ensure the integrity and completeness of an investigation, comply with a request by law enforcement, reasonably accommodate the availability of witnesses, reasonably accommodate delays by the parties, account for University closures, or address other legitimate reasons, including the complexity of the investigation (e.g. the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged Prohibited Conduct.

## X. Amnesty

The University prohibits student conduct action (except for mandatory intervention/assessment for substance abuse) for a violation of the University's alcohol or drug use policies by a student who reports Prohibited Conduct to the University or law enforcement or participates in a matter that

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

## **XI. Co-Occurring Criminal Investigation**

The filing of a report of Prohibited Conduct that constitutes Sexual Misconduct under this Policy is independent of any criminal investigation or proceeding, which means a report made 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 or implementing Interim Protective Measures to protect the safety of the Reporting Party and/or the entire UMBC campus community, if necessary. However, at the request of law enforcement, the University's investigation may be delayed temporarily, during the initial evidence gathering stage of the criminal investigation, as long as the delay does not inhibit the University's ability to respond to the Prohibited Conduct in a prompt manner. If such a request is made, the University Police will submit the request in writing to the Title IX Coordinator, and the Reporting Party and Responding Party will be notified. In addition, when possible, in cases where there is a co-occurring criminal investigation by University Police, Baltimore County Police or the local prosecutor's office, the University will work collaboratively and supportively with each respective agency within the parameters outlined above.

## **XII. Exceptions for Public Disclosures and Certain Research-Based Disclosures**

Disclosures in the following categories shall not be considered notice to the University of Prohibited Conduct for the purpose of triggering its obligation to investigate any particular incident(s):

### **A. Public Disclosures**

Public disclosures include disclosures of incidents of alleged Sexual Misconduct during or in connection with public awareness events such as "Take Back the Night," candlelight vigils, protests, "survivor speak-outs," or other forums. Although such disclosures do not constitute notice to the University of Sexual Misconduct for purposes of triggering its obligation to investigate any particular incident(s), such disclosures may inform the need for campus-wide education and prevention efforts, and the University will provide information at these events about UMBC community members' Title IX rights and about available University and community resources and support services.

### **B. Certain Research-Based Disclosures**

Research-based disclosures include disclosures of incidents of alleged Sexual Misconduct made by a University student during such student's participation as a subject in an Institutional Review Board-approved human subject's research protocol. Institutional Review Boards may, however, in appropriate cases, require researchers to provide information to all subjects of a study about their Title IX rights and about available University and community resources and support services.

### **XIII. Clery Act Compliance and Release of Information**

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

Pursuant to the Clery Act anonymous statistical information regarding reported criminal incidents must be shared with the UMBC Police Department for inclusion in the daily crime log. This information will be included in the University's Annual Security Report and the University may also share aggregate and non-personally identifiable data about reports, outcomes, and sanctions.

### **XIV. Interim Protective Measures**

Interim Protective Measures are temporary actions taken by the University prior to concluding the investigation which may be applied to the Reporting Party, Responding Party, and other involved UMBC community members as appropriate to ensure their safety and well-being and to limit undeterred campus educational and employment access. Interim measures may be requested by the Reporting Party or the Responding Party, or the University can initiate the Interim Measures in the absence of a request, at any time, during the process. Individuals can make a request for Interim Protective Measures in-person or in-writing to any of the Designated Responsible Employees listed above, in Section II.

When a report is received, the University, in consultation with the Title IX Coordinator, can impose reasonable and appropriate Interim Protective Measures.

Interim Protective Measures are taken based on the information available at the time and are not intended to be permanent resolutions. Interim Protective Measures may be withdrawn or amended as additional information is discovered. The University will take appropriate, responsive, and prompt action to enforce Interim Protective Measures and to respond to any reports about the inadequacy or failure of another UMBC community member to abide by the Interim Protective Measures. The range of Interim Protective Measures can include, but are not limited to:

- Access to counseling and medical services and assistance in setting up initial appointments, both on and off campus
- Imposition of a campus "No-Contact Order"
- Rescheduling of exams and assignments

- Providing alternative course completion options
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections
- Change in work schedule or job assignment
- Arranging for class incompletes, a leave of absence, or withdrawal
- Change in campus housing assignment or housing license
- Assistance from University support staff in completing University housing relocation
- Restricting access to certain University facilities, resources, or activities pending resolution of the report
- To the extent practicable, preserving eligibility for academic, athletic, or other scholarships, institution-based financial aid, or program eligibility
- Providing academic support services, such as tutoring
- University-imposed leave or suspension for the Responding Party

## **XV. Range of Disciplinary Actions or Sanctions**

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

Disciplinary actions which may be imposed on faculty, staff, and student employees in the employment context, can include, but are not limited to the following: no contact orders, a letter of reprimand, censure, service to the University, counseling, retraining, transfer, demotion, suspension, and/or termination.

Sanctions which may be imposed on students in the academic context, can include, but are not limited to the following: no contact orders, housing restrictions (including removal from on-campus housing), community service, educational requirements, written warning, reprimand, probation, suspension, and/or dismissal.

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

## XVI. Agreements with Local Law Enforcement and Rape Crisis Programs

UMBC will pursue formalized agreements with (1) the local law enforcement and (2) a State designated rape crisis program and/or federally recognized sexual assault coalition. The agreement with law enforcement will comply with Title IX and clearly state when the University will refer a matter to local law enforcement. The agreement with rape crisis or sexual assault programs will formalize a commitment to provide trauma-informed services to victims/survivors of sexual assault and to improve the University's overall response to sexual assault.

## XVII. University Sexual Assault Climate Survey

On or before March 1, 2016, and at least every two (2) years thereafter, the University will: (1) develop an appropriate Sexual Assault campus climate survey using nationally recognized best practices for research and climate surveys; and (2) administer the Sexual Assault campus climate survey to students in accordance with the procedures set by the Maryland Higher Education Commission (MHEC). On or before June 1, 2016, and at least every two (2) years thereafter, each institution shall submit to MHEC a report in accordance with the requirements set forth in Md. Code Annotated, Education Article, Section 11-601(g).

## XVIII. University Procedures for Responding to Reports of Prohibited Conduct

Procedures for Reports of Prohibited Conduct against Students: Reports alleging Prohibited Conduct by students under this Policy shall be reviewed in accordance with the Procedures for Reporting and Responding to Reports of Sexual Misconduct and Other Related Misconduct when the Responding Party is a Student.

Procedures for Reports of Prohibited Conduct against Staff: Reports alleging Prohibited Conduct by staff under this Policy shall be reviewed in accordance with the Procedures for Reporting and Responding to Reports of Sexual Misconduct and other Related Misconduct when the Responding Party is Staff.

Procedures for Reports of Prohibited Conduct against Faculty: Reports alleging Prohibited Conduct by faculty under this Policy shall be reviewed in accordance with the Procedures for Reporting and Responding to Reports of Sexual Misconduct and other Related Misconduct when the Responding Party is Faculty.



Procedures for Reports of Prohibited Conduct against Interns, Contractors, Volunteers, Guests, Visitors, and/or Other Third Parties: If a member of the UMBC community is subjected to Prohibited Conduct under this Policy by an intern, contractor, volunteer, guest, visitor, or other third party, the University can/may request that a formal letter be issued to deny their access to the University. The University is authorized to deny campus access to third-parties who engage in disruptive behavior under Maryland State Law, §§ 26-101 and 26-102, Education Article, Annotated Code of Maryland.

## **XIX. Title IX Coordinator and Title IX Team**

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations at 34 C.F.R. Part 106, the University's Title IX Coordinator has primary responsibility for coordinating the UMBC's efforts to comply with and carry out the University's responsibilities under Title IX, which prohibits sex discrimination in all the operations of the University, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The Title IX Coordinator oversees the University's response to reports and complaints that relate to Prohibited Conduct involving UMBC community members, to monitor outcomes, identifies and addresses any patterns, and assesses effects on the campus climate, so the University can address issues that affect the wider campus community. The Title IX Coordinator is also responsible for leading the University's Title IX Team, which may include Deputy Title IX Coordinators, Title IX Investigators, members from University Police, Student Affairs, the Provost's Office, Human Resources, and other campus members who work with matters of gender equity and/or sexual violence.

## **XX. Educational and Prevention Programs and Training**

The University's Division of Student Affairs, Women's Center, Office of Human Relations, Human Resources, and other campus partners offer educational and prevention programs to promote the awareness and prevention of incidents of Prohibited Conduct. The educational and prevention programs include an overview of the University's policies and procedures; discussion of the impact of alcohol and illegal drug use; safe and positive options for bystander intervention; and information about risk reduction.

The University's Voices Against Violence ("VAV") program addresses all aspects of sexual violence prevention, response, and referral and further serves as a coordinated and collaborative campus resource. The VAV program has established a University protocol for receiving and responding to reports of sexual violence. University-wide training regarding the VAV protocol is provided throughout the year and is available for groups, upon request.

The University sponsors the Peer Health Educators program which partners students with the University's Health Services to provide educational programs about sexual violence to residence halls, classes, sports teams, and greek organizations. Further, the University supports the "I

Deserve” campaign, which raises awareness about relationship violence, and the “What Is Your Green Dot” campaign, which provides awareness and training regarding bystander intervention.

Further, incoming first year and transfer students and new employees will receive primary prevention and awareness training as part of their orientation. Returning students and employees will also have ongoing opportunities for training and education.

Also, all persons involved in any way in responding to, investigating, or adjudicating reports involving Prohibited Conduct, including but not limited to, the Title IX Team, Responsible Employees, law enforcement, pastors, counselors, health professionals, resident advisers, and on-campus advocates, must have annual training in receiving, reporting and handling complaints of Prohibited Conduct; must be familiar with the University’s procedures; and must understand the parameters of confidentiality.

## **XXI. Record Keeping**

The University will keep records of Prohibited Conduct matters, including, but not limited to records of any (1) complaints/ reports of Prohibited Conduct; (2) investigation, adjudication and resolution of complaints; (3) training (including, but not limited to, lists of trainees, training dates and content); and (4) related surveys and reports. Records will be maintained in accordance with the University’s Records Retention Schedule.

## **XXII. Related Policies**

University of Maryland Baltimore County Policy on Amorous and Sexual Relationships, Revised July 1, 2004

## **XXIII. External Reporting Agencies**

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

- Equal Employment Opportunity Commission (EEOC)  
City Crescent Building  
10 S. Howard Street, Third Floor  
Baltimore, Maryland 21201  
Phone: 1.800.669.4000  
Fax: 410.962.4270  
TTY: 1.800.669.6820  
Website: [www.eeoc.gov](http://www.eeoc.gov)
- Maryland Commission on Civil Rights (MCCR)

William Donald Schaefer Tower  
6 St. Paul Street, Ninth Floor  
Baltimore, Maryland 21202  
Phone: 410.767.8600  
Fax: 410.333.1841  
TTY: 410.333.1737  
Website: [www.mccr.maryland.gov](http://www.mccr.maryland.gov)

- 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: 1.800.877.8339  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)  
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)
- Reporting parties who wish to file complaints with these external agencies should make contact as soon as possible, to verify any applicable filing time limits and deadlines.