

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

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

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Policy Effective Date:	December 31, 2014
Policy Amended Effective Dates:	August 26, 2015 and August 30, 2017
Version:	Policy Version No. III
Responsible Offices:	Office of Human Relations Office of the General Counsel
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 members’ differences are honored. To achieve this environment, the University recognizes its responsibility to maintain an environment which is free from Sexual Misconduct, Interpersonal Violence, 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, Interpersonal Violence, 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, Interpersonal Violence, and other Related Misconduct, as well as identify the rights of all parties involved in the process.

## 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 a 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 University's Notice of Non-Discrimination and application of Title IX may be referred to:

Bobbie L. Hoye, Title IX Coordinator  
Associate 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)

Inquiries concerning the University's application of Title IX may also be referred to:

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson 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 ADA/504 issues may be referred to:

Stephanie Lazarus  
Accessibility Manager & ADA/504 Coordinator  
University of Maryland, Baltimore County  
Office of Accessibility and Resources  
1000 Hilltop Circle  
Math & Psychology, Room 218  
Baltimore, MD 21250  
(410) 455-5745  
[slazar@umbc.edu](mailto:slazar@umbc.edu)

Complaints concerning the University's handling of a Title IX issue may be referred to:

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)

## SUPPORT & RESOURCES

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**How to Get Help in the Event of an Emergency:** University Police may be contacted at 410.455.5555 or by dialing **911, for assistance 24 hours a day, 7 days a week.** They can also be reached 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. The Baltimore County Police Department can be reached at 410.887.0872

### **Confidential Medical Assistance\*:**

Greater Baltimore Medical Center (GBMC)

6701 North Charles Street

Baltimore (Towson), MD 21204

SAFE Program:

443.849.3323

Emergency Room:

443.849.2226

Mercy Hospital

301 Saint Paul Street

Baltimore (City), MD 21202

SAFE Program:

410.332.9499

Emergency Room:

410.332.9477

**\*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 Title IX Coordinator, Women's Center, University Health Services, or Student Affairs can arrange for free transportation for a SAFE exam. The University Police can also provide the above arrangements for after-hours calls.**

### **On-Campus Support & Access to Resources:**

#### **Confidential Medical Assistance & Counseling**

University Health Services (For Students):

410.455.2542

Counseling Center (For Students):

410.455.2472

INOVA EAP (For Faculty and Staff):

1.855.694.6682

#### **Quasi-Confidential Support and Access to Resources**

Women's Center: (For Students):

410.455.2714

Title IX Resources Team (For Reporting Party and Responding Party):

Shawn M. Bediako [bediako@umbc.edu](mailto:bediako@umbc.edu) Math/Psych, Room 306

410.455.2349

Cory Bosco [cbosco@umbc.edu](mailto:cbosco@umbc.edu) Commons, Room 2B14

410.455.3319

Nicole Else-Quest [nmeq@umbc.edu](mailto:nmeq@umbc.edu) Math/Psych, Room 325

410.455.3704

Jamie Gurganus [jmedof1@umbc.edu](mailto:jmedof1@umbc.edu) Engineering, Room E225J

410.455.8439

Lisa Gray [lisamgray@umbc.edu](mailto:lisamgray@umbc.edu) Commons, Room 2B23

410.455.8478

Tom Mandato [tmandato@umbc.edu](mailto:tmandato@umbc.edu) Retriever Activities Center, Rm 330

410.455.3083

Tawny McManus [tmcmanus@umbc.edu](mailto:tmcmanus@umbc.edu) Math/Psychology, Room 227

410.455.3856

Samantha Smith [samsmith@umbc.edu](mailto:samsmith@umbc.edu) Erickson Hall Room 040

410.455.3752

Katie Weir [kweir@umbc.edu](mailto:kweir@umbc.edu) Off-Campus Student Services, Commons, A102

410.455.2027

#### **Non-Confidential Support and Access to Resources**

Bobbie L. Hoye, Title IX Coordinator

410.455.1606

Vice President of Student Affairs Office

410.455.2393

Mosaic Center

410.455.2686

Student Disability Services

410.455.2459

International Education Services

410.455.2624

Office of Financial Aid & Scholarships

410.455.2387

Off Campus Student Services

410.455.2770

\*The contact information for the resources listed above was confirmed at the time the Policy was last amended. The contact information will be periodically updated, however, up to date and additional information about on and off campus support and resources can be found at Appendix II and at <http://humanrelations.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, Interpersonal Violence, 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 through education, disciplinary sanctions, and remedial conditions and address and remedy the discriminatory effects of Sexual Misconduct, Interpersonal Violence, and other Related Misconduct. 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. This Policy is not intended to abridge teaching methods, freedom of expression, or the University's educational mission.

This Policy expressly prohibits all forms of **Discrimination** and **Harassment** on the basis of 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, Sexual Exploitation, and Sexual Intimidation**. This Policy expressly prohibits Interpersonal Violence, including **Relationship Violence and Domestic Violence**. 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, Sexual Exploitation, and Sexual Intimidation), Interpersonal Violence (including Relationship Violence and Domestic Violence), Sex and Gender Based Stalking, and Retaliation (collectively hereafter referred to as "**Prohibited Conduct**") are defined below in Section VI of this Policy.

## II. Scope and Applicability of the Policy

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

This Policy applies to the conduct of and protects all UMBC students (including but not limited to, undergraduate, graduate, exchange, visiting, professional, doctoral, and 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.

Moreover, the University continues to administer this Policy with respect to any such conduct by a student, faculty and/or staff member even if the student graduates, withdraws, takes leave or is otherwise absent or if the student, faculty or staff member leaves the University's employ or is otherwise absent and even if the University does not learn of such conduct until after the student, faculty or staff member leaves the University's employ or is otherwise absent.

The individuals covered by this Policy, shall be collectively hereafter referred to as “**member of the UMBC community**” or “**UMBC community member.**”

#### B. Reporting Party and Responding Party Defined

For purposes of this Policy, **Reporting Party** is defined as anyone who has been subjected to conduct that may constitute Prohibited Conduct under this Policy, regardless of whether the Reporting Party makes a report to the University or seeks redress under this Policy. Reporting Parties can include, but are not limited to, a UMBC community member, group, organization, or team and individuals not affiliated with UMBC.

For purposes of this Policy, **Responding Party** is defined as anyone who has been alleged to have engaged in conduct that may constitute Prohibited Conduct under this Policy. Responding Parties can include, but are not limited to, a UMBC community member, group, organization, or team and individuals not affiliated with UMBC.

#### C. 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. This Policy is not intended to supersede or conflict with any federal compliance obligation.

#### D. Reporting Suspected Child Abuse or Neglect

Any member of the UMBC community who suspects or observes 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
University’s Designee/UMBC Title IX Coordinator	410.455.1606

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. Amnesty

The University encourages reporting of incidents of Prohibited Conduct and seeks to remove any barriers to reporting. The University recognizes that an individual who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential consequences for their own conduct. As such, an individual who makes a report of Prohibited Conduct to the University or law enforcement, or participates as a witness in good faith, will not be subject to



disciplinary action for their own personal consumption of alcohol or drugs taken/used at or near the time of the incident of Prohibited Conduct, provided that any such violation was not an act that was reasonably likely to place the health or safety of any other person at risk.

The University may, however, initiate an educational discussion or pursue other mandatory interventions/assessments for substance abuse. Amnesty will not be extended for any violations of University policy other than alcohol/drug use. In addition, Amnesty does not preclude or prevent action by police or other legal authorities.

The use of alcohol, drugs, and/or legally prescribed medication does not justify or excuse behavior that constitutes Prohibited Conduct under this Policy.

#### IV. Interim Protective Measures

Interim Protective Measures are temporary actions taken by the University prior to concluding an investigation of reported Prohibited Conduct, 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 Protective Measures may be requested by the Reporting Party or the Responding Party, or the University can initiate the Interim Protective 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 by contacting the Title IX Coordinator, any member of the Title IX Resources Team, and/or another University official.

When a request is received, the Title IX Coordinator, in consultation with the University, is responsible for implementing 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, work location or job assignment;
- Arranging for an incomplete grade in a class, 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; and
- University-imposed leave or suspension for the Responding Party.

## V. Consent

### A. Consent Is?

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. Under this definition, consent can never be assumed. The definition of consent will not vary based upon individual cultural variances. Anyone who falls under the scope of this Policy is subjected to any and all definitions provided herein including, but not limited to, Consent.

### B. Consent Is Not?

For purposes of this Policy, Consent may not be inferred from silence, passivity or a lack of objection or resistance. 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. The absence of a negative response, such as silence or a failure to physically resist does not equal consent.

Some behaviors and comments that do **not** indicate consent include (but are not limited to):

- Silence;
- "I don't know;"
- "Maybe;"
- A head shake;
- Lack of objection;
- Not fighting back;
- Ambiguous responses such as "uh huh" or "mm hmm" without more; and
- A verbal "no," even if it may sound indecisive or insincere.

### C. Additional Guidance Regarding Consent

The use of alcohol, drugs, or other intoxicating substances does not relieve an individual of their ongoing obligation to obtain consent before initiating and/or engaging in sexual activity or behavior. It is the responsibility of the person initiating sexual activity or behavior to make sure that they have received consent at each of those stages from all person(s) engaged in the sexual activity or behavior. If a person is not sure they have received consent or has received an unclear response, they have an obligation to seek additional information to make sure that they have received consent. Failure to do so could violate this Policy and lead to disciplinary action or sanctions. Consent cannot be based on assumptions.

- Consent to one form of sexual activity or behavior does not automatically imply consent to engage in other forms of sexual activity or behavior. Consent to one sexual act does not constitute or imply consent to another act.
- 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 implied based upon 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.

## VI. Incapacitation/Incapacitated

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. Incapacity is a state in which someone cannot make a decision because they lack the ability to fully understand what is happening and therefore cannot consent even if they appear to be a willing participant. Incapacitation is a state beyond drunkenness or intoxication. Incapacitation is a state in which a person lacks the ability to understand the nature of their sexual activity or behavior. Also, when an individual passes from a state of drunkenness or intoxication to a state of Incapacitation, they no longer have the ability to give consent under this Policy.

Incapacitation may result from a number of causes. A person can be incapacitated through the use of drugs, alcohol or any other intoxicating substance, or when they are unconscious, asleep or otherwise unaware the sexual activity or behavior is occurring. Incapacitating drugs may include, but are not limited to, Rohypnol, Ketamine, GHB, Burundanga, and other substances used to facilitate date-rape or Sexual Misconduct, or legally prescribed medication. Further, mental or physical disabilities or cognitive impairments can cause an individual to lack the capacity to consent to sexual activity or behavior. Incapacitation may also occur when a person is physically restrained against their will, so the person is physically unable to resist or consent to sexual activity or behavior.

## VII. Prohibited Conduct and Other Related Misconduct

### A. Discrimination

This Policy prohibits Discrimination. For 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, 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 an 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 and 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 sexually offensive. An isolated incident, unless sufficiently severe and pervasive, 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.

The University considers the harassing conduct from both a subjective and an objective perspective. In evaluating the severity and pervasiveness of the conduct, the University considers all relevant circumstances, i.e., the degree to which the conduct affected one or more UMBC community member's education or work environment; type, frequency, and duration of the conduct; the identity of and relationship between the Responding party and the Reporting party; the number of individuals involved; and other incidents at the school. This Policy requires that the conduct be evaluated from the perspective of a reasonable person in the Reporting party's position, considering all the circumstances. The more serious the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single or isolated incident, unless sufficiently severe, does not amount to Hostile Environment Sexual and Gender Based Harassment. However, a single or isolated incident of Sexual Violence may create a Hostile Environment.

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 are 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. Sexual Exploitation

This Policy prohibits Sexual Exploitation. For purposes of this Policy, Sexual Exploitation occurs when a person(s) takes non-consensual sexual advantage of another, for any purpose. Non-consensual sexual advantage refers to any action or conduct taken without consent in furtherance to benefit from or to attain sexual opportunity. Non-consensual sexual advantage includes, but is not limited to, inducing intoxication or incapacitation of another for the purpose of engaging in sexual activity, photographing or video/audio recording of sexual activity without consent, and voyeurism.

For purposes of this Policy, inducing intoxication or incapacitation for the purpose of engaging in sexual activity is providing drugs, alcohol or other substances to a person(s)—with or without their knowledge—with the intent to impair their ability to withhold consent or their ability to knowingly consent to sexual contact or intercourse. Taking such non-consensual sexual advantage constitutes sexual exploitation regardless of whether sexual contact or intercourse actually occurred. If sexual contact or intercourse does occur, such conduct may also result in a violation of other sections of this Policy, including sexual assault.

For purposes of this Policy, photographing or recording someone (via audio, video or otherwise) involved in sexual contact or intercourse, or in any state of undress, without their consent constitutes Sexual Exploitation. The act of sharing images such as photographs or video/audio of someone involved in sexual contact or in a state of undress, without their consent, constitutes an *additional* act of Sexual Exploitation that is separate from the act of taking the images/audio. This additional act of Sexual Exploitation can be committed by anyone in possession of the images/audio, even if that individual was not responsible for the creation of the original images or recordings and was not engaged in the recorded sexual contact. If an individual is interested in sharing these types of images or recordings, they must obtain the consent of all persons involved in those images/recordings before showing or disseminating the images or recordings.

For purposes of this Policy, voyeurism is the act of intentionally observing, spying on or listening to a person(s) involved in sexual contact or in any state of undress, without their consent. Voyeurism also occurs when an individual allows others to observe this behavior without the consent of all the person(s) involved.

Invasion of sexual privacy, prostituting another student and/or going beyond the boundaries of consent also constitutes Sexual Exploitation.

#### 4. Sexual Intimidation

This Policy prohibits Sexual Intimidation. For the purposes of this Policy, Sexual Intimidation means threatening to sexually assault another person, and/or stalking—such as Sex and Gender-based Stalking or Cyberstalking, and/or Indecent Exposure.

For purposes of this Policy, threatening to sexually assault someone occurs when someone threatens to inflict Sexual Assault I and/or II upon another person, in order to intimidate or frighten, which creates a hostile environment. The threats may be carried out, including but not limited to, in person, text, phone call and/or online.

For purposes of this Policy, Cyberstalking is the use of technology, including the internet, to harass someone. Examples of Cyberstalking are wide ranging and may include, but are not limited to, false accusations, monitoring, threats, identity theft, and data destruction or manipulation.

For purposes of this Policy, Indecent Exposure is exposing one's intimate parts, such as genitalia, groin, breast and/or buttocks to someone without their consent. This behavior is the deliberate showing of parts of the body and may, but does not necessarily have to, include a sexual act. Engaging in sexual activity in public, witnessed by a non-consenting person(s), is also a form of indecent exposure.

#### 5. 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. Interpersonal Violence

This Policy prohibits Interpersonal Violence. For purposes of this Policy, Interpersonal Violence includes Relationship Violence and Domestic Violence.

##### 1. 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.

## 2. Domestic Violence

This Policy prohibits Domestic Violence. For purposes of this Policy, Domestic Violence is defined as physical violence such as Sexual Assault I and/or II, 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.

## D. Other Related Misconduct

### 1. Retaliation

This Policy prohibits Retaliation. For 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. Violations of a University issued No Contact Order can constitute Retaliation under this Policy.

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.

### 2. Complicity

This Policy prohibits 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.

### 3. Violation of an Interim Protective Measure

This Policy prohibits Violations of Interim Measures. For purposes of this Policy, Violation of an Interim Measure is defined as a UMBC community member knowingly violating any condition of an order issued by a University official. Violations of a University issued No Contact Order can constitute a Violation of an Interim Measure under this Policy.

## VIII. Preservation of Evidence

Instances of Sexual Misconduct and/or Interpersonal Violence may constitute both a violation of this Policy and criminal activity. As a result, the University encourages everyone to seek **Immediate**

**Assistance** from the University Police or a local law enforcement agency. Seeking assistance promptly may be important to ensure physical safety, to obtain medical care, or for 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 or Interpersonal Violence for purposes of this Policy, have occurred. In other words, conduct may constitute Sexual Misconduct or Interpersonal Violence 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.

## IX. 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. Responsible Employees Reporting Obligations

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 employees in the Office of Accessibility and Resources
- All University Police employees;
- 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 Adjunct and Part-time);
- All UMBC Graduate Assistants;



- All UMBC Academic Advisors;
- All UMBC Athletic Coaches (including Volunteer Coaches) and Advisors;
- All UMBC Resident Assistants in residential housing; and
- All UMBC First Responders (excluding First Responders who are Confidential Resources).

#### B. Responsible Employees Failure to Report

Some Responsible Employees may feel uncomfortable making reports to the University regarding disclosures of Sexual Misconduct and/or Interpersonal Violence. Nevertheless, it is imperative that all Responsible Employees abide by their reporting obligations. Thus, any Responsible Employee who is found to have knowingly failed to make a report to the Title IX Coordinator, regarding a known instance of Sexual Misconduct and/or Interpersonal Violence, is in violation of this Policy and may be subject to disciplinary action.

#### C. 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.

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

2. 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 UMBC 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.

3. Professional Licensed Healthcare Providers: Professional, licensed healthcare providers who provide medical care to members of the UMBC community, and other health providers 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.

It is imperative to note that a Confidential Resource Employee may also function in a different capacity, such as a Non-Confidential Employee. For instance, a Professional Licensed Mental Health Provider may also administer a course at UMBC, functioning as a faculty member. In such instance, the employee's responsibility is dictated by their functioning job title at the time the report is received. In other words, a Professional Licensed Mental Health Provider will be considered as a Confidential Resource so long as they are functioning as a Professional Licensed Mental Health Provider, when receiving the report. If the professional is administering a class on campus when the

report is received, they will be considered a Non-Confidential Employee while they function as a faculty member.

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.

#### D. Quasi-Confidential Resources

Licensed Athletic Trainers, Non-Licensed Counselors, Non-Licensed Healthcare Providers (not covered above in section A), Members on the University's Title IX Resources Team, and/or Staff/Advocates who work or volunteer at the Counseling Center, University Health Services, 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). Otherwise, Quasi-Confidential Resources will report incidents of Prohibited Conduct under this Policy, but are not required to share any identifying information to the University's Title IX Coordinator.

#### E. 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. 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. D of this Policy.

#### X. Where to Make a Report of 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 to the **Title IX Coordinator/Human Relations Office**, 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.

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 members involved, the University's response to an anonymous report may be limited.

#### XI. Reporting Party Requests for Confidentiality or No University Action

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.

#### XII. 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 by the University 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.

#### XIII. 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.

#### XIV. 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.

#### XV. 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.

#### XVI. 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 and/or conditions 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. Further, the University reserves the right to delay or refuse the conferring of an academic degree—undergraduate or graduate—during the pendency of an investigation.

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

#### XVII. Conditions

In certain circumstances, even when there are no disciplinary actions or sanctions imposed, the University reserves the right to impose certain conditions, similar to the Interim Protective Measures, upon any party who is subject to this Policy. These conditions are designed to prevent any Prohibited Conduct under the Policy, cultivate a safe academic and employment environment, and maintain public order on campus, while supporting the University’s mission and federal obligations. These conditions are not to be construed as disciplinary or as sanctions.

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

UMBC has formalized agreements with (1) Baltimore County Police Department (“BCPD”), and (2) TurnAround, Inc. The agreement with BCPD complies with Title IX and clearly states when the University will refer a matter to BCPD. The agreement with TurnAround, Inc., formalizes a commitment to provide trauma-informed services to reporting parties of sexual assault and to improve the University’s overall response to sexual assault.

#### XVIII. University Sexual Assault Climate Survey

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

#### XIX. 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, Interpersonal Violence, 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 Interpersonal Violence, 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 Interpersonal Violence, 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.

#### XX. Title IX Coordinator

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 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, monitors outcomes, identifies and addresses any patterns, and assesses effects on the campus climate, so the University can address issues that impact the wider campus community.

#### XXI. Educational and Prevention Programs and Training

The University's Division of Student Affairs, Women's Center, Counseling Center, University Health Services, Office of Human Relations, Human Resources, and other campus partners offer educational programs to promote the awareness and prevention of incidents of Prohibited Conduct. The educational programs include, but are not limited to, overviews of what constitutes Prohibited Conduct; the University's Sexual Misconduct policies and procedures; discussion of the impact of alcohol and drug use; understanding consent; and safe and positive options for bystander intervention.

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 Resources Team, Board of Review members, 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.

#### XXII. 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 under this Policy in order to track patterns and systematic behaviors.

### XXIII. Related Policies and Regulations

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

- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)<sup>1</sup>

### XXIV. 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:

#### 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)

#### 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)

- Individuals 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.

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<sup>1</sup> The Family Educational Rights and Privacy Act ("FERPA") affords students privacy rights with respect to their education records. Under FERPA, UMBC cannot disclose its students' educational records to anyone other than the student—not even to the student's parents—without the student's written authorization. For more information, please visit <http://ogc.umbc.edu/ferpa-rights-notification/> or <http://www2.ed.gov/policy/gen/guid/fpc/ferpa/index.html>.





## APPENDIX I

### Definitions of Related Concepts Used in this Policy

#### **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.

#### **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, female or intersex.

##### **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, bisexuality, or other marginalized sexualities.

## APPENDIX II

### **Additional Off-Campus Support and Resources**

Howard County General Hospital  
5755 Cedar Lane  
Columbia, MD 21044  
(410-740-7778) Emergency Room and SAFE Program

TurnAround, Inc. (Baltimore City and Towson, MD)  
443-279-0379 (24-hr hotline)  
[www.turnaroundinc.org](http://www.turnaroundinc.org)

Hopeworks (Columbia, MD)  
410-997-0304 or 1-800-752-0191 (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: <https://ohl.rainn.org/online/>

National Domestic Violence Hotline  
1-800-799-7233 (24-hr hotline)  
Online chat hotline: <http://www.thehotline.org>

Family & Children's Services (Catonsville, MD)  
410-281-1334

### **Website Resources (Local and National)**

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 [www.stalkingvictims.com](http://www.stalkingvictims.com)

Cyber Civil Rights Initiative [www.cybercivilrights.org](http://www.cybercivilrights.org)

The contact information will be periodically updated, however, up-to-date and additional information about on and off campus support and resources can be found at <http://humanrelations.umbc.edu/>.