



# The Universities

AT SHADY GROVE

**The Universities at Shady Grove:  
Protocol Prohibiting Sexual Misconduct &  
For Addressing USG Related Sexual Misconduct Matters**

Approved:           *Anne Khademian*                Date:           June 26, 2024          

**Dr. Anne Khademian**  
Associate Vice Chancellor for Academic Affairs, USM  
Executive Director, The Universities at Shady Grove

## Table of Contents

<b>I. Preamble</b>	<b>2</b>
<b>II. Institutional Constituents</b>	<b>2</b>
A. USG	2
B. Partner Institutions	3
C. Home Institutions	3
<b>III. Governing Policies &amp; Procedures</b>	<b>4</b>
<b>IV. Important Roles</b>	<b>5</b>
A. Responsible Employee	5
B. Complainant & Respondent	6
C. Title IX Coordinator	6
D. The USG Title IX Liaison	6
<b>V. Reporting Sexual Misconduct</b>	<b>7</b>
A. Requests for Confidentiality	7
B. Confidential Reporting	8
C. Criminal Reporting	10
<b>VI. Responses to Sexual Misconduct</b>	<b>10</b>
A. Interim Measures	10
B. Investigation and Adjudication	11
<b>VII. Training, Education &amp; Recordkeeping</b>	<b>11</b>
<b>Appendix A: USG Title IX Liaison &amp; Partner Institution Title IX Coordinators</b>	<b>12</b>
<b>Appendix B: USG and Local Sexual Misconduct Resources</b>	<b>14</b>
<b>Appendix C: Steps to Take Following a Sexual Assault</b>	<b>16</b>
<b>Appendix D: University System of Maryland Policy on Sex Discrimination</b>	<b>17</b>
<b>Record of Changes</b>	<b>45</b>

## **The Universities at Shady Grove: Protocol Prohibiting Sexual Misconduct & For Addressing USG Related Sexual Misconduct Matters**

### **I. Preamble**

The Universities at Shady Grove (USG) and its Partner Institutions are committed to creating and maintaining an environment where all persons participating in USG, Partner Institution, or any other programs and activities at USG may learn and work together in an atmosphere free from Sexual Misconduct. Sexual Misconduct is a form of sex discrimination that is prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act of 1964, as well as by the University System of Maryland (USM) and Partner Institution policies. Sexual Misconduct may also constitute criminal activity.

USG and its Partner Institutions prohibit Sexual Misconduct and promote prompt reporting, timely, fair, and impartial investigation and resolution of Sexual Misconduct cases, as well as prohibit retaliation in connection with Sexual Misconduct matters. This Protocol is designed to assist USG Community members to know the process by which USG related Sexual Misconduct matters will be handled by Partner Institutions working with USG. USG Community Members include, but are not limited to, all Partner Institution students, faculty, and staff participating in USG related programs and activities, Partner institution applicants for admission or employment for USG assigned positions, and USG visitors and third-party contractors/vendors.

### **II. Institutional Constituents**

#### **A. USG**

USG is a uniquely collaborative regional higher education center in the state of Maryland. Developed in response to the growing demand for higher education in Montgomery County, this upper-division center represents a partnership of nine USM institutions (collectively referred to herein as “Partner Institutions”). These nine institutions host students, faculty and staff at the USG campus.

[shadygrove.umd.edu/titleix](http://shadygrove.umd.edu/titleix)

Through this partnership, students have the opportunity to complete the final two years of a bachelor's degree, and/or pursue a graduate level degree from one of USM's degree-granting institutions, without ever leaving Montgomery County. As of 2024, USG, which opened in Fall 2000, offers more than 80 undergraduate and graduate programs, including weekday, evening and weekend course offerings. Through such offerings, USM institutions have significantly expanded the educational opportunities available to students in Montgomery County and the state of Maryland.

## **B. Partner Institutions**

The nine Partner Institutions at USG are:

- Bowie State University (BSU),
- Salisbury University (SU),
- Towson University (TU),
- University of Baltimore (UB),
- University of Maryland Baltimore (UMB),
- University of Maryland Baltimore County (UMBC),
- University of Maryland College Park (UMCP),
- University of Maryland Eastern Shore (UMES), and
- University of Maryland Global Campus (UMGC)

## **C. Home Institutions**

For purposes of this Protocol, the Partner Institution from which USG hosts a particular student, staff, or faculty member is considered the "Home Institution" for that individual. The Home Institution of staff and faculty on USG Payroll is UMCP, as these individuals are employed through UMCP. The Home Institution of a student taking classes at USG would be the Partner Institution where the student is registered. The Home Institution of a faculty member teaching at USG would be the Partner Institution through which they are employed and/or appointed.

### III. Governing Policies & Procedures

USG and its Partner Institutions operate in accordance with the University System of Maryland (USM) Board of Regents Policy VI-1.60 - Policy on Sex Discrimination (USM Policy on Sex Discrimination). Under the USM Policy, Sex Discrimination means exclusion from participation in or being denied the benefits of any Education Program or Activity of an Institution on the basis of sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, and Pregnancy or Related Conditions. Sex-Based Harassment is a form of Sex Discrimination, and Sex-Based Harassment means conduct on the basis of sex that satisfies one or more of the following:

- Quid pro quo harassment - An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- Hostile Environment Harassment - Unwelcome sex-based conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Education Program or Activity; or
- Sexual Assault, Dating Violence, Domestic Violence, or Stalking, all of which are more fully defined in the USM Policy on Sexual Misconduct.<sup>1</sup>

Pursuant to the USM Policy on Sex Discrimination, each Partner Institution has its own policies and procedures geared to eliminate Sexual Misconduct, prevent its recurrence, and address its effects. Partner Institution policies addressing Sexual Misconduct (as informed by the USM Policy on Sex Discrimination) will govern how USG related Sexual Misconduct matters are handled by any applicable Partner Institution.

Generally, all students, faculty and staff at USG are students, faculty, or staff of one the nine USG Partner Institutions. Students, faculty and staff at USG are governed by their Home Institution Sexual Misconduct policy and procedures. As such, their Home Institution is their primary contact

---

<sup>1</sup> The USM Policy on Sexual Misconduct is attached in full as Appendix D and is also located at the following website link: <http://www.usmd.edu/regents/bylaws/SectionVI/>.

for information and resources.

This Protocol has been established to provide additional USG specific information and should be used in conjunction with Home Institution policies, procedures, and resources. Each Partner Institution policy identifies a Title IX Coordinator responsible for coordinating the Partner Institution's efforts to comply with and carry out its responsibilities under Title IX and the USM Policy on Sex Discrimination. A full list of Partner Institution Title IX Coordinators and website links to all Partner Institution Sexual Misconduct policies and procedures, along with Partner Institution Title IX Coordinator contact information, is attached hereto as Appendix A.

#### **IV. Important Roles**

##### **A. Responsible Employee**

A Partner Institution Responsible Employee is any faculty or staff member who is designated by a Partner Institution policy as an individual required to report allegations of Sexual Misconduct to the Partner Institution. Responsible Employees include at a minimum all Partner Institution Title IX Coordinators, Title IX Team Members, administrators, non-confidential employees in their supervisory roles, faculty, athletic coaches, institution law enforcement, and all other non-confidential first responders. See Partner Institution Sexual Misconduct Policies in Appendix A for Partner Institution specific designations regarding Responsible Employees. Responsible Employees must follow their Home Institution policies with regard to their duties as Responsible Employees. **If there is any confusion as to whether you are a Partner Institution Responsible Employee, please contact your Home Institution Title IX Coordinator.**

Reporting to any Partner Institution Responsible Employee is not confidential reporting. Information reported to a Partner Institution Responsible Employee will be shared as needed to inform those responsible for handling USG and/or Partner Institution response to reports of Sexual Misconduct.

## **B. Complainant & Respondent**

In Sexual Misconduct cases, the party reporting and/or having experienced the Sexual Misconduct is typically referred to as the “Complainant.” The party accused of Sexual Misconduct is typically referred to as the “Respondent.” The policies and procedures of the Home Institution of the Respondent would generally control the investigation and adjudication process of a complaint of Sexual Misconduct.

## **C. Title IX Coordinator**

The lead individual assigned by each Partner Institution to coordinate the Partner Institution response to Sexual Misconduct. A full list of and website links to all Partner Institution Sexual Misconduct policies and procedures, along with Partner Institution Title IX Coordinator contact information, is attached hereto as Appendix A.

## **D. The USG Title IX Liaison**

Due to the unique multi-institution nature of USG, and due to the fact that many Partner Institutions are not physically in close proximity to the campus at USG, USG has developed an additional resource for individuals involved in Sexual Misconduct matters that occur in connection with USG related programs and activities – the USG Title IX Liaison.

The primary role of the Title IX Liaison is to help Partner Institution Title IX Coordinators navigate the unique structure of USG, provide information to Partner Institution Title IX Coordinators about the services available on-site at USG, and to connect Partner Institution Title IX Coordinators with each other when involved in an inter-institutional case. The Title IX Liaison may also help refer and connect parties (including complainants, respondents and responsible employees) to the appropriate Partner Institution Title IX Coordinators and/or local and on-site resources, and is generally available to assist USG Community members to connect with appropriate individuals as questions arise concerning the handling of matters covered by this Protocol.

The USG Title IX Liaison will assist with other requests, as appropriate, made by the Partner Institution Title IX Coordinator or other parties that are necessary due to the remote location of USG from the Home Institution and that cannot otherwise reasonably be

accomplished through telecommunication (telephone, email, etc.) or by a scheduled visit. USG will always take immediate action when we believe that there is a threat of imminent harm.

---

**USG Title IX Liaison**

**Michael Wahl**, Safety & Security Manager, Title IX Liaison

301-738-6021

[mwahl2@umd.edu](mailto:mwahl2@umd.edu)

Building III-2241A

9636 Gudelsky Drive, Rockville, MD 20850

---

## **V. Reporting Sexual Misconduct**

Complaints or inquiries regarding Sexual Misconduct may be made to any Partner Institution Title IX Coordinator, Title IX Team Member, or other Responsible Employee. Reports made to the USG Title IX Liaison will generally be referred to the appropriate Home Institution Title IX Coordinator. External complaints or inquiries regarding Title IX, including Sexual Misconduct, may be made to the US Department of Education, Office for Civil Rights (OCR)<sup>2</sup>

### **A. Requests for Confidentiality**

When receiving a report, Partner Institution Title IX Coordinators work closely with a reporting party to establish the appropriate parameters of confidentiality in each case, always making every effort to operate with discretion and maintain the privacy of the

---

<sup>2</sup> OCR Contact information is as follows: U.S. Department of Education, Office for Civil Rights, 400 Maryland Avenue, SW Washington, D.C. 20202-1328; (800) 421-3481; [http://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)



individuals involved. All requests for confidentiality will be carefully evaluated.

## **B. Confidential Reporting**

Unless otherwise noted, Responsible Employees at all Partner Institutions must report information regarding Sexual Misconduct. As stated above, Responsible Employees are not confidential resources.

Confidential reporting options at all Partner Institutions are listed in the Partner Institution policies and procedures linked to in Appendix A. In addition, see Appendix B for a full list of additional USG on and off-site confidential reporting options and Appendix C for steps to take following a sexual assault.

As set forth in Appendix B, USG offers the following additional confidential resource onsite: The USG Center for Counseling and Well-being. Members of the Counseling Center, when they are acting in their official capacity as mental health providers, are able to serve as confidential resources and reporting options. Members of the Counseling Center staff acting in other roles, such as teaching, should not be assumed to be a confidential resource in any non-Counseling Center role.

Individuals may seek assistance and support from a confidential resource at USG or a Partner Institution. However, please be advised that even confidential resources may not be able to maintain absolute confidentiality in certain circumstances, for example, where the alleged perpetrator(s) poses a serious and immediate threat to the victim or larger USG Community or where child abuse is implicated. Confidential resources also have to report incidents of Sexual Misconduct in a general way (nature, date, time and general location) for Clery Act statistical purposes and legal compliance. A report of an incident of Sexual Misconduct to any Partner Institution confidential resource or the USG Center for Counseling and Consultation does not constitute notice to USG or any Partner Institution of the reported Sexual Misconduct.

---

**Confidential on-site support at USG**

**USG Center for Counseling and Well-being**

Building IV-3139

301-738-6273

<https://shadygrove.umd.edu/student-affairs/counseling-well-being>

**Confidential support offsite:**

**The Montgomery County Victim Assistance and Sexual Assault Program (VASAP)**

240-777-1355 (weekdays)

240-777-4357 (24-hour crisis line)

240-777-1329 (FAX)

vasap@montgomerycountymd.gov <https://www.montgomerycountymd.gov/HHS-Program/BHCS/VASAP/VASAPIndex.html>

**Adventist HealthCare Shady Grove Medical Center**

9901 Medical Center Drive, Rockville, MD 20850

- Sexual Assault Forensics Exam – SAFE – Provider
- Anonymous “Jane Doe” SAFE exams are available
- 240-826-6225 (Forensic Medical Unit)
- 240-826-6596 (Emergency Department Main Line)
- 240-826-6000 (Hospital Operator)
- Forensic Nurses are available 24/7

<https://www.adventisthealthcare.com/services/emergency/violence-survivors/>

### C. Criminal Reporting

In addition to any Partner Institution Sexual Misconduct policy or procedure violation, some forms of discrimination on the basis of sex or gender, for example, all forms of Sexual Violence, may constitute a crime. **If you are in immediate danger and need law enforcement or to summon medical assistance relating to Sexual Misconduct, dial 911.** To otherwise criminally report Sexual Misconduct, contact local law enforcement. Partner Institution Title IX Coordinators or Team Members, or the USG Title IX Liaison, will assist any individual who wishes to report criminal conduct related to this Protocol or any Partner Institution policies to appropriate law enforcement authorities, including the Montgomery County Police Department which has law enforcement jurisdiction for the USG campus and surrounding areas. Contact information for the Montgomery County Policy is listed in Appendix B.

## VI. Responses to Sexual Misconduct

### A. Interim Measures

Partner Institution Title IX Coordinators or Title IX Team Members will coordinate Interim Measures (i.e., reasonably available steps to protect the parties while a Sexual Misconduct matter is pending).

Reasonable Interim Measures may include, for example:

- Employment accommodations, including arranging different work shifts.
- Academic accommodations, including assistance with adjusting class schedules.
- “No Contact” letters banning contact between the parties during the pendency of a Sexual Misconduct matter and beyond.
- Campus safety escort services (provided by USG Public Safety).

Other common Interim Measure options that a Partner Institution Title IX Coordinator may deem reasonable and appropriate in a particular case are listed in Partner Institution policies and procedures. A full list of and website links to all Partner Institution Sexual Misconduct

policies and procedures, along with Partner Institution Title IX Coordinator contact information, is attached hereto as Appendix A.

## **B. Investigation and Adjudication**

All investigations and resolutions will be handled by the Title IX Coordinator at the appropriate, and generally a Respondent's, Home Institution. The USG Title IX Liaison will not investigate or adjudicate any complaint of Sexual Misconduct, but may assist with related requests as described in section IV.D.

For Sexual Misconduct that occurs in connection with USG, but where Partner Institutions lack jurisdiction over a Respondent, the matter will be referred, as appropriate and as allowed by law, to a proper third party for handling.

Partner institution policies are required by the USM Policy on Sex Discrimination to designate reasonably prompt time frames for conclusion of the investigation and adjudication process—including reasonably prompt time frames for filing and resolving appeals and informal resolution processes (if any)—and a process that allows for the temporary delay of the investigation and adjudication process or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

## **VII. Training, Education & Recordkeeping**

Sexual Misconduct related training and education is provided to all faculty, staff and students at USG through their Home Institution. Home Institution training and education initiatives must be compliant with law and the USM Policy on Sex Discrimination. Employees on USG payroll receive training and participate in education initiatives through UMCP and its Office of Civil Rights and Sexual Misconduct.

Each Partner Institution is required by USM policy to maintain records of all actions taken and training provided by the Partner Institution pursuant to the USM Policy on Sex Discrimination.

### Appendix A: USG Title IX Liaison & Partner Institution Title IX Coordinators

USG Notice of Non-Discrimination: USG policy explicitly prohibits Sexual Misconduct, Retaliation, and discrimination on the basis of sex in education programs and activities. Sexual Misconduct is a form of sex discrimination prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 as amended (“Title IX”) and Title VII of the Civil Rights Act of 1964 as amended, and also may constitute criminal activity. Inquiries concerning the application of Title IX may be referred to an institution’s Title IX Coordinator or the Office for Civil Rights.

Institution	Title IX Contact Information
<b>USG Title IX Liaison</b>	Michael Wahl, Safety and Security Manager, Title IX Liaison (301) 738-6021 <a href="mailto:mwahl2@umd.edu">mwahl2@umd.edu</a> <a href="http://www.shadygrove.umd.edu/titleix">http://www.shadygrove.umd.edu/titleix</a>
<b>Bowie State University</b>	Jasmyn Lucas, Equity Investigator and Title IX Coordinator (301) 860-4511 <a href="mailto:titleixcoordinator@bowiestate.edu">titleixcoordinator@bowiestate.edu</a> <a href="https://bowiestate.edu/about/administration-and-governance/legal-and-government-affairs/office-of-equity-compliance/sexual-misconduct/title-ix.php">https://bowiestate.edu/about/administration-and-governance/legal-and-government-affairs/office-of-equity-compliance/sexual-misconduct/title-ix.php</a>
<b>Salisbury University</b>	Humberto Aristizabal, Title IX Coordinator/Fair Practices Officer (410) 548-3508 <a href="mailto:hxaristizabal@salisbury.edu">hxaristizabal@salisbury.edu</a> <a href="http://www.salisbury.edu/administration/institutional-equity">http://www.salisbury.edu/administration/institutional-equity</a>
<b>Towson University</b>	Anthony Davis, Title IX Coordinator and Civil Rights Investigator (410) 704-0203 <a href="mailto:titleix@towson.edu">titleix@towson.edu</a> <a href="http://www.towson.edu/inclusionequity/titleix">http://www.towson.edu/inclusionequity/titleix</a>
<b>University of Baltimore (UB)</b>	Tiwana Barnes. Title IX Coordinator and Director of DEI (410) 837-5020 <a href="mailto:tbarnes@ubalt.edu">tbarnes@ubalt.edu</a> <a href="https://www.ubalt.edu/about-ub/offices-and-services/government-relations/titleix.cfm">https://www.ubalt.edu/about-ub/offices-and-services/government-relations/titleix.cfm</a>
<b>University of Maryland, Baltimore (UMB)</b>	Stephanie Suerth, Acting Title IX Coordinator, Director (410) 706-5212 <a href="mailto:ssuerthj@umaryland.edu">ssuerthj@umaryland.edu</a> <a href="http://www.umaryland.edu/titleix">www.umaryland.edu/titleix</a>

<b>University of Maryland, Baltimore County (UMBC)</b>	Dr. Leah Reynolds, Interim ECR Director & Title IX Coordinator (410) 455-1717 <a href="mailto:lreynol1@umbc.edu">lreynol1@umbc.edu</a> <a href="https://ecr.umbc.edu/gender-discrimination-sexual-misconduct/">https://ecr.umbc.edu/gender-discrimination-sexual-misconduct/</a>
<b>University of Maryland, College Park (UMCP)</b>	Angela Nastase, JD, Director and Title IX Coordinator (301) 405-1142 <a href="mailto:titleixcoordinator@umd.edu">titleixcoordinator@umd.edu</a> <a href="https://ocrsm.umd.edu">https://ocrsm.umd.edu</a>
<b>University of Maryland, Eastern Shore (UMES)</b>	Jason A. Casares, Title IX Coordinator 410-651-6135 <a href="mailto:TitleIX@umes.edu">TitleIX@umes.edu</a> <a href="https://www.umes.edu/oie/title-ix">https://www.umes.edu/oie/title-ix</a>
<b>University of Maryland Global Campus (UMGC)</b>	Steven R. Alfred, Title IX Coordinator (800) 888-8682, ext 17930 (301) 887-7295 (Cell) <a href="mailto:titleixcoordinator@umgc.edu">titleixcoordinator@umgc.edu</a> <a href="https://www.umgc.edu/administration/policies-and-reporting/sexual-misconduct-title-ix">https://www.umgc.edu/administration/policies-and-reporting/sexual-misconduct-title-ix</a>

USM Policy: <http://www.usmd.edu/regents/bylaws/SectionVI/VI160.pdf>

### **The Office of Civil Rights, U.S. Department of Education**

The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323

- 215-656-8541 (Phone)
- 215-656-8605 (Fax)
- 800-877-8339 (TDD)
- [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)
- [http://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

[shadygrove.umd.edu/titleix](http://shadygrove.umd.edu/titleix)

## Appendix B: USG and Local Sexual Misconduct Resources

**In all cases where emergency circumstances exist, never hesitate to dial 9-1-1**

### **Onsite Resources – Non-confidential**

#### **USG Title IX Liaison**

Michael Wahl, III-2241A

(301) 738-6021

[mwahl2@umd.edu](mailto:mwahl2@umd.edu)

<http://www.shadygrove.umd.edu/titleix>

#### **USG Center for Scholarships**

Gloria Kalotra, III-1105

301-738-6089

[gkalotra@umd.edu](mailto:gkalotra@umd.edu)

<https://shadygrove.umd.edu/student-affairs/scholarships>

#### **USG Human Resources Office**

Nitshu Joshi, III-3155

301-738-6114

[njoshi14@umd.edu](mailto:njoshi14@umd.edu)

<https://shadygrove.umd.edu/faculty-and-staff/humanresourcescces>

#### **USG Safety and Security Office**

Michael Wahl, III-2241A

301-738-6021

[mwahl2@umd.edu](mailto:mwahl2@umd.edu)

<https://www.shadygrove.umd.edu/campus-resources/public-safety>

#### **USG Security Desk**

301-738-6065

#### **USG Staff Directory and Program Contacts**

<http://www.shadygrove.umd.edu/directory>

#### **USG Street Address**

9636 Gudelsky Drive, Rockville, MD 20850

### **Onsite resources – Confidential**

#### **USG Center for Counseling and Well-being**

IV-3139, 301-738-6273

Services provided at the Counseling Center are free, and client confidentiality is protected by law.

<https://shadygrove.umd.edu/student-affairs/counseling-well-being>

[shadygrove.umd.edu/titleix](http://shadygrove.umd.edu/titleix)

**Offsite Resources – Non-confidential**

**Montgomery County Police 1<sup>st</sup> District Station**

Emergency: 911

Phone: 240-773-6070

Address: 100 Edison Park Drive, Gaithersburg, MD, 20878

**Offsite Resources – Confidential**

**Adventist HealthCare Shady Grove Medical Center**

Sexual Assault Forensics Exam – SAFE – Provider

9901 Medical Center Drive, Rockville, MD 20850

240-826-6596 (Emergency Department Mainline)

240-826-6225 (Forensic Medical Unit Main Line)

240-826-6000 (Hospital Operator)

<https://www.adventisthealthcare.com/services/emergency/violence-survivors/>

**The Montgomery County Victim Assistance and Sexual Assault Program (VASAP)**

240-777-1355 (weekdays)

240-777-4357 (24-hour crisis line)

240-777-1329 (FAX)

[vasap@montgomerycountymd.gov](mailto:vasap@montgomerycountymd.gov)

<https://www.montgomerycountymd.gov/HHS-Program/BHCS/VASAP/VASAPIndex.html>



## Appendix C: Steps to Take Following a Sexual Assault

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

**Get to a safe place and seek emotional support.** Talking with a trusted friend or relative or someone who is professionally trained to deal with sexual assault, such as a mental health professional, can help you make decisions about what to do. Whether you decide to go to law enforcement or not, it is important to take care of your own emotional needs. Professional counseling may be beneficial.

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

**Seek medical attention.** It is important to seek medical attention as soon as possible. A medical examination will ensure appropriate medical treatment, including testing for pregnancy or sexually transmitted infections. You may also want to obtain a Sexual Assault Forensic Exam (SAFE). A SAFE exam allows for the collection of evidence and can ensure any physical evidence is preserved in the event of a report to law enforcement. **Anonymous “Jane Doe” SAFE exams are available.**

A SAFE exam may be obtained within 5 days after an assault at:

- **Adventist HealthCare Shady Grove Medical Center**
  - 9901 Medical Center Drive, Rockville, MD 20850
  - 240-826-6225 (Forensic Medical Unit Main Line)
  - 240-826-6596 (Emergency Department Main Line)
    - Ask for the “Charge Nurse”
    - Ask the Charge Nurse to page a “Forensic Nurse”
    - Forensic Nurses are available 24/7
  - 240-826-6000 (Hospital Operator)
  - <https://www.adventisthealthcare.com/services/emergency/violence-survivors/>

## Appendix D: University System of Maryland Policy on Sex Discrimination

---

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

---



**VI-1.60 - UNIVERSITY SYSTEM OF MARYLAND POLICY ON SEX DISCRIMINATION**  
 (Approved by the Board of Regents, June 27, 2014; Amended June 19, 2015; Amended June 21, 2019; Amended July 22, 2020, Amended July 31, 2024<sup>1</sup>).

#### **PURPOSE AND APPLICABILITY**

The University System of Maryland (USM) is committed to providing a working and learning environment free from Sex Discrimination<sup>2</sup> through training, education, prevention programs, and policies and procedures that promote prompt reporting, prohibit Retaliation, and promote timely, fair, and impartial investigation and resolution in a manner that eliminates the Sex Discrimination, prevents its recurrence, and addresses its effects.

All students, faculty, and staff of USM institutions (including USM regional centers), as well as the USM Office and third parties and contractors are subject to this Policy. This Policy applies to all conduct occurring within an institution's Education Program or Activity.

This Policy addresses the obligations of USM institutions and the USM Office (together, the Institutions) to address Sex Discrimination prohibited by Title IX of the Education Amendments of 1972 (Title IX) and Sex Discrimination prohibited by other federal laws and Maryland law. Federal regulations implementing Title IX require that institutions implement certain procedures when they obtain information about conduct that may reasonably constitute Sex Discrimination. For conduct covered by this Policy but not prohibited under Title IX, Institutions may choose to provide alternative policies and procedures for the adjudication of complaints.

#### **POLICY**

##### **I. Definitions**

For purposes of this Policy, the following definitions apply:

- A. Complainant** is an individual who is alleged to have been subjected to Sex Discrimination who is a student or employee or who was participating or attempting to participate in the Education Program or Activity at the time of the alleged Sex Discrimination, whether or not that individual initiated the Complaint.<sup>3</sup>

---

<sup>1</sup> This amendment is effective August 1, 2024.

<sup>2</sup> Capitalized terms are defined in this Policy.

<sup>3</sup> A parent, guardian, or other authorized legal representative with the legal right to act on behalf of the Complainant may also file a Complaint on behalf of a Complainant.

---

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

---

- B. Complaint** means an oral or written request to the Institution that objectively can be understood as a request to investigate and make a determination about alleged Sex Discrimination.
- C. Confidential Employees** are (1) employees whose communications are privileged<sup>4</sup> or confidential under Federal or State law; (2) employees whose communications are specifically designated as confidential for the purpose of providing services related to potential Sex Discrimination; or (3) employees who are conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee’s confidential status is only with respect to information received while conducting the study.<sup>5</sup>
- D. Education Program or Activity** of an Institution includes all operations of the Institution in the United States, including, but not limited to, all conduct<sup>6</sup> over which an Institution exercises disciplinary authority and all conduct that occurs in any building owned or controlled by a student organization that is officially recognized by an Institution. An Institution must address a sex-based hostile environment under its Education Program or Activity even when some conduct alleged to be contributing to the hostile environment occurred outside the Institution’s Education Program or Activity or outside the United States.
- E. Employees with Authority** are employees, other than Confidential Employees, who have authority to institute corrective measures or who are responsible for administrative leadership, teaching, or advising.
- F. Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

---

<sup>4</sup> The employee’s confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.

<sup>5</sup> Each Institution’s Notice of Nondiscrimination (as defined in Section IID) and policy shall conspicuously publish the names of all Confidential Employees, except employees whose confidential status is only with respect to their conducting an institutional review board-approved human-subjects research study designed to gather information about Sex Discrimination.

<sup>6</sup> Such conduct may occur in-person or through the use of technology such as e-mail, texts, social media applications, etc.

---

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

---

- G. Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth Complainant protected from those acts by domestic or family violence laws of Maryland.
- H. Parental Status** means the current, potential, or past status of an individual who is, with respect to any person under the age of 18 or over the age of 18 but incapable of self-care because of a disability: (1) a biological, step, adoptive, or foster parent; (2) a legal custodian or guardian; (3) in loco parentis; or (4) actively seeking legal custody, guardianship, visitation, or adoption.
- I. Pregnancy or Related Conditions** means the current, past, or potential presence of any of the following conditions:
1. Pregnancy, childbirth, termination of pregnancy, or lactation
  2. Recovery from pregnancy, childbirth, termination of pregnancy, or lactation
  3. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation.
- J. Relevant** means related to the allegations of sex discrimination under investigation as part of the grievance procedures. Questions are Relevant when they seek evidence which may aid a decisionmaker in determining whether the alleged sex discrimination occurred. Evidence is Relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- K. Remedies** are measures provided, as appropriate, to a Complainant or any other person the Institution identifies as having had their equal access to the Institution's Education Program or Activity limited or denied by Sex Discrimination. These measures are provided to restore or preserve that person's access to the Institution's Education Program or Activity after the Institution determines that Sex Discrimination occurred.
- L. Respondent** means an individual alleged to be the perpetrator of conduct that could constitute Sex Discrimination.
- M. Retaliation** means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has reported information, made a Complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Sex Discrimination. Retaliation includes bringing charges against an individual for violations of other institutional policies that do not involve Sex Discrimination but arise out of the same facts or circumstances as a

---

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

---

Complaint, for the purpose of interfering with any right or privilege secured by Title IX.

**N. Sexual Assault** means an offense classified as a sex offense in the uniform crime reporting system of the Federal Bureau of Investigation. Sex offenses are sexual acts directed against another person and include:

1. **Non-Consensual Sexual Penetration**— Penetration, no matter how slight, of the genital or anal opening of the body of another person with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
2. **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
3. **Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent.<sup>7</sup>

**O. Sex-Based Harassment** means Sex Discrimination prohibited by Title IX that satisfies one or more of the following:

1. **Quid pro quo harassment**— An employee, agent, or other person authorized by the Institution to provide an aid, benefit, or service under the Institution's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
2. **Hostile Environment Harassment**— Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Institution's Education Program or Activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - a. The degree to which the conduct affected the Complainant's ability to access the Institution's Education Program or Activity;
  - b. The type, frequency, and duration of the conduct;

---

<sup>7</sup> See Md. Code Ann., Crim. Law §§ 3-301 through 3-307.



---

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

---

- c. The parties' ages, roles within the Institution's Education Program or Activity, previous interactions, and other factors about each party that may be Relevant to evaluating the effects of the conduct;
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other sex-based harassment in the Institution's Education Program or Activity.

**3. Sexual Assault, Dating Violence, Domestic Violence, or Stalking.**

- P. Sex-Based Harassment prohibited by Md. Code Ann., State Gov't § 20-601<sup>8</sup>** means unwelcome and offensive conduct, which need not be severe or pervasive, when the conduct is based on sex, sexual orientation, or gender identity or consists of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature; and
- 1. Submission to the conduct is made either explicitly or implicitly a term or condition of the employment of an individual;
  - 2. Submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or
  - 3. Based on the totality of the circumstances, the conduct creates a working environment that a reasonable person would perceive to be abusive or hostile.
- Q. Sex Discrimination** means exclusion from participation in or being denied the benefits of any Education Program or Activity of an Institution on the basis of sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, and Pregnancy or Related Conditions. Sex-Based Harassment is a form of Sex Discrimination.
- R. Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.
- S. Student** means a person who has gained admission to an Institution.
- T. Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:
- 1. Restore or preserve that party's access to the Institution's Education Program or Activity, including measures that are designed to protect the safety of the parties or the Institution's educational environment; or

---

<sup>8</sup> This definition applies only to sex-based harassment of employees that does not constitute Sex-Based Harassment prohibited by Title IX. See Md. Code Ann., State Gov't §§ 20-601 through 20-611.

---

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

---

2. Provide support during the Institution's grievance procedures.

Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact applied to one or more parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, training and education programs related to Sex-Based Harassment, and other similar measures.

## **II. Institutional Administration of Title IX Policies and Procedures**

### **A. Oversight of Title IX Compliance**

#### **1. Title IX Coordinator**

Each Institution must designate and authorize at least one employee to coordinate its efforts to comply with Title IX and this Policy, and that employee must be referred to as the "Title IX Coordinator."

#### **2. Title IX Team**

Depending on the size and specific needs of the Institution, it may want to identify a Title IX Team, which may include the Title IX Coordinator, Deputy Title IX Coordinators, Title IX investigators, representatives from campus safety, Student Affairs, the Provost's Office, and Human Resources, and any other employees or third-party contractors, as necessary to fulfill the Institution's obligations under this Policy.

The Title IX Coordinator shall be responsible for coordinating, delegating, and supervising the activities of the Title IX Team.

### **B. Training**

All employees shall be trained upon hire, upon change of position that alters their duties under Title IX or this Policy, and annually thereafter. Training materials must not rely on sex stereotypes.

#### **1. All Employees**

Each Institution must develop and implement training for all employees regarding the Institution's obligation to address Sex Discrimination. The training must include, at a minimum, the scope of conduct that may constitute Sex Discrimination, the definition of Sex-Based Harassment, and all applicable notification and information requirements that apply to each employee's specific designation (all employees, Confidential Employees, and Employees with Authority).

---

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

---

Training for employees shall also comply with Md. Code Ann., State Pers. & Pens. § 2-203.1.

**2. Investigators, decision-makers, and individuals who are responsible for implementing grievance procedures or have the authority to modify or terminate Supportive Measures.**

Investigators, decision-makers, and individuals who are responsible for implementing grievance procedures or have the authority to modify or terminate Supportive Measures must receive training on the topics required for all employees (above), as well as training on the following (to the extent of their responsibilities):

- a. The Institution's responsibilities, including the scope of the Institution's Education Program or Activity and the Institution's obligations to address Sex Discrimination (*see* 34 C.F.R. § 106.44);
- b. The Institution's grievance procedures (including how to conduct an investigation);
- c. How to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias;
- d. The meaning and application of the term "Relevant" in relation to questions and evidence, and the types of evidence that are impermissible (Impermissible Evidence, defined in Section III.P) regardless of relevance; and
- e. Issues related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking and conducting an investigation and hearing process that protects the safety of individuals and promotes accountability.

**3. Facilitators of an informal resolution process**

In addition to receiving the training required for all employees (above), facilitators of informal resolution processes must be trained on the rules and practices associated with the Institution's informal resolution processes, and on how to serve impartially, including by avoiding conflicts of interest and bias.

**4. Title IX Coordinator and designees**

In addition to all of the training requirements for all of the categories above, the Title IX Coordinator and any designees must be trained on their specific responsibilities, the specific actions required to prevent discrimination and ensure equal access (*see* 34 C.F.R. §§ 106.40(b)(3), 106.44(f) and (g)), the Institution's recordkeeping system and recordkeeping requirements, and any other training necessary to coordinate compliance with Title IX.



---

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

---

**5. Preventive Education<sup>9</sup>**

Each Institution must develop and implement preventive education for all employees and students, to help identify and reduce the occurrence of Sex Discrimination. At a minimum, these educational initiatives must contain information regarding what constitutes Sex-Based Harassment, definitions of consent and prohibited conduct, the Institution's procedures, bystander intervention, risk reduction, and the consequences of engaging in Sex-Based Harassment. These educational initiatives shall be for all incoming students and employees. Each Institution also must develop ongoing prevention and awareness campaigns for all students and employees addressing, at a minimum, the same information.

Educational initiatives for employees shall also comply with Md. Code Ann., State Pers. & Pens. § 2-203.1.

**C. Policies.** Each Institution shall adopt and publish a policy<sup>10</sup> that:

1. Includes a statement prohibiting Sex Discrimination in its Education Program or Activity;
2. Prohibits any policy, practice, or procedure, or any employment action, concerning the current, potential, or past Parental Status, family status, or marital status of a student, employee, or applicant (for admission or employment), that treats persons differently on the basis of sex.
3. Includes a statement prohibiting Retaliation;
4. Adopts the definitions in this Policy for Sex Discrimination and defines Relevant terms not defined in this Policy, such as consent;
5. Informs victims of a Sexual Assault of the right to file criminal charges with the appropriate law enforcement officials;
6. Provides for the prompt assistance of Institution authorities, at the request of the victim, in notifying the appropriate law enforcement officials and the Title IX Coordinator of an incident of Sexual Assault;
7. Designates the nearest hospitals equipped with the Maryland Department of State Police Sexual Assault Evidence Collection Kit;

---

<sup>9</sup> See 34 C.F.R. § 668.46.

<sup>10</sup> These policy provisions are required by Title IX, except where another law is cited.

---

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

---

8. Informs victims of the importance of preserving evidence as may be necessary to prove criminal conduct or obtain orders of protection;
9. Provides for full and prompt cooperation from Institution personnel in obtaining appropriate medical attention, including transporting a victim to the nearest designated hospital;
10. Offers counseling to a victim of Sexual Assault from mental health services provided by the Institution, other victim service entities, or the nearest State designated rape crisis program;
11. Provides for, after a Sexual Assault has been reported, and upon the request of the alleged victim, the transfer of the alleged victim to alternative classes or housing, if such alternatives are available and feasible;
12. Identifies the Institution's amnesty policy for parties or witnesses who violate drug use, alcohol, or other student conduct policies. At a minimum, Institutions must have an amnesty policy that prohibits student conduct action (except for a mandatory intervention for substance abuse) for a violation of alcohol or drug use policies by a student who reports Sex-Based Harassment to the Institution or law enforcement or participates in a Sex-Based Harassment matter as a witness, if the Institution determines that:
  - a. The violation occurred during or near the time of the alleged Sex-Based Harassment;
  - b. The student made the report of Sex-Based Harassment, or is participating in an investigation as a witness, in good faith; and
  - c. The violation was not an act that was reasonably likely to place the health or safety of another individual at risk.
13. Provides for reasonable modifications of the Institution's policies, practices, or procedures for students experiencing Pregnancy or Related Conditions.
  - a. Each reasonable modification shall be based on the student's individualized needs, in consultation with the student.
  - b. A modification that would fundamentally alter the nature of the Institution's Education Program or Activity is not reasonable.
  - c. The Institution must allow the student to voluntarily access any separate and comparable portion of the Education Program or Activity.
  - d. The Institution must allow the student to take a voluntary leave of absence for a period of time determined by the student's medical provider, or the period of time permitted by the Institution's policy, whichever is greater. Upon return from a leave of absence, the student must be reinstated to the same academic status and (to the extent

---

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

---

- possible) extracurricular status that the student held when the leave began.
- e. The Institution may not require documentation for reasonable modifications unless it is necessary for the institution to determine what reasonable modifications are needed or whether to take additional actions.
14. Provides for reasonable accommodations for employees with known limitations related to Pregnancy or Related Conditions.<sup>11</sup>
- a. Each reasonable accommodation shall be based on the employee's individualized needs, in consultation with the employee, and in consideration of any medical documentation.
  - b. The Institution may request from the employee only the minimum documentation necessary to establish that the employee is experiencing Pregnancy or Related Conditions, and what adjustments are needed.
  - c. Reasonable accommodations may include temporary relief from essential functions of the employee's job, and in the case of an employee with insufficient accrued leave or no paid leave, voluntary leave of absence without pay.
  - d. At the conclusion of any accommodation, the employee shall be reinstated to the same status as before the accommodation without decrease in compensation or loss of promotional opportunities or any other right or privilege of employment.
15. Provides for treating Pregnancy or Related Conditions in the same manner and under the same policies as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extension of leave, payment of disability income, accrual of seniority and any other benefit or service, reinstatement, and any other fringe benefit offered to employees by virtue of employment.
16. Provides for treating Pregnancy or Related Conditions in the same manner and under the same policies as any other temporary medical conditions with respect to medical or hospital benefits, services, or any other policies the Institution

---

<sup>11</sup> The Pregnant Workers Fairness Act requires accommodations for employees experiencing Pregnancy or Related Conditions. See 42 U.S.C. 2000gg(3); 29 C.F.R. § 1636. Allegations regarding failure to provide accommodations to employees with known limitations related to Pregnancy or Related Conditions are not covered by Title IX. Institutions may, but are not required to, address such allegations under procedures required for allegations of conduct prohibited by Title IX.

---

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

---

operates or participates in with respect to students in the Institution's Education Program or Activity.

17. Provides for a lactation space for all students, employees, and visitors, which may not be a bathroom, that is clean, shielded from view, free of intrusion from others, and may be used for expressing milk or breastfeeding as needed.
18. Prohibits requiring a student who is Pregnant or with a Related Condition to provide certification that the student is physically able to participate in a class, program, or activity, unless:
  - a. The certified level of physical ability or health is necessary for the class, program, or activity;
  - b. The recipient requires such certifications of all students participating in the class, program, or activity; and
  - c. The information obtained through the certification is not used as a basis for prohibited discrimination.
19. In circumstances where different treatment or separation on the basis of sex is permitted, prohibits different treatment or separation on the basis of sex in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, except as permitted by 20 U.S.C. §§ 1681 and 1686 and their corresponding regulations.<sup>12</sup>
20. Provides information on how individuals participating in the Institution's Education Program or Activity can contact the Institution's Confidential Employees (excluding those whose confidential status is only with respect to information received while conducting a research study).

**D. Notice of Nondiscrimination.** Each Institution must publish a Notice of Nondiscrimination in the following manner:

**1. Content**

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

- a. A statement that the Institution does not discriminate on the basis of sex in its Education Program or Activity, the Institution is required by Title IX not to discriminate in such a manner, and the requirement not to discriminate extends to admission and employment;

---

<sup>12</sup> For purposes of this provision, adopting a policy or engaging in a practice that prevents an individual from participating in an Education Program or Activity consistent with their gender identity subjects them to more than de minimis harm.

---

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

---

- b. A statement that inquiries concerning the application of Title IX may be referred to the Institution's Title IX Coordinator or to the Office for Civil Rights of the U.S. Department of Education, or both; and
- c. The name or title, office address, email address, and telephone number of the employee or employees designated as the Title IX Coordinator(s).
- d. How to locate the Institution's Title IX Policy and grievance procedures.
- e. How to report information about conduct that may constitute Sex Discrimination.
- f. How to make a Complaint about Sex Discrimination.

## **2. Dissemination of Notice**

The notice must be widely distributed to all students, employees, applicants for admission and employment, and other relevant persons (including all unions or professional organizations holding collective bargaining or professional agreements with the Institution). The notice must be prominently displayed on the Institution's website and in publications of general distribution that provide information to students and employees about the Institution's services and policies, including each handbook, catalog, announcement, bulletin, and application that it makes available to persons entitled to a notification. If necessary because of limitations in the format or size of any publication, Institutions may substitute a shortened statement that the Institution prohibits discrimination on the basis of sex and that individuals may report concerns or questions to the Title IX Coordinator and provide the location of the full notice on the Institution's website. Institutions may not distribute or publish any statement that they treat applicants, students, or employees differently on the basis of sex, except as permitted by Title IX.

## **III. Institutional Response to Information About Sex Discrimination**

An Institution with knowledge of conduct that may reasonably constitute Sex Discrimination or Retaliation in its Education Program or Activity must respond promptly and effectively. Each Institution shall adopt and publish grievance procedures. If an Institution adopts grievance procedures that apply to some, but not all, Complaints, the procedures must articulate consistent principles for how the Institution will determine which procedures apply. All procedures to address Sex Discrimination or Retaliation prohibited by Title IX must include the following provisions:<sup>13</sup>

---

<sup>13</sup> Institutions may, but are not required to, use the same grievance procedures to address Sex Discrimination or Retaliation against employees not prohibited by Title IX but prohibited by Maryland law or other federal laws.

---

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

---

- A. Monitoring.** The Title IX Coordinator must:
1. Monitor the Education Program or Activity for barriers to reporting information about conduct that reasonably may constitute Sex Discrimination; and
  2. Take steps reasonably calculated to address such barriers.
- B. Notification Requirements.** All Institution employees must notify the Title IX Coordinator or provide Students or other persons with the contact information of the Title IX Coordinator under the following circumstances:
1. **Pregnancy or Related Conditions** – If a Student, or a person who has the legal right to act on behalf of the Student, informs any employee of the Student's Pregnancy or Related Conditions, the employee must provide that person with the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to ensure equal access and prevention of discrimination. Employees need not provide the Title IX Coordinator's contact information if the employee reasonably believes that the Title IX Coordinator has been notified.
  2. **Sex Discrimination** – When an employee becomes aware of information about conduct that reasonably may constitute Sex Discrimination or Retaliation, they are required to take the following action based on their designation:
    - a. **Confidential Employees** must inform any person who communicates information about conduct that may reasonably constitute Sex Discrimination that they are Confidential Employees, circumstances in which they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination, how to contact the Title IX Coordinator and how to initiate a Complaint, and that the Title IX Coordinator may be able to offer and coordinate Supportive Measures as well as initiate an informal resolution process or investigation under the grievance procedures.
    - b. **Employees with Authority** must notify the Title IX Coordinator when they obtain information about conduct that may reasonably constitute Sex Discrimination.
    - c. **All Employees** who are not Confidential Employees or Employees with Authority shall either (1) notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex Discrimination or (2) provide the contact information of the Title IX Coordinator and information about how to make a Complaint to any person who provides the employee with information about conduct that may reasonably constitute Sex Discrimination.



---

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

---

- C. Response to Notification.** Upon receiving from an employee notification of conduct that may reasonably constitute Sex Discrimination or Retaliation, the Title IX Coordinator must:
1. Treat the Complainant and Respondent equitably;
  2. Offer to coordinate Supportive Measures, as appropriate;
  3. Notify the Complainant (or if the Complainant is unknown, the person who reported the information) of the Institution's grievance procedures.
- D. Emergency Removal.** An Institution may remove a Respondent from the Institution's Education Program or Activity on an emergency basis, provided that the Institution:
1. Undertakes an individualized safety and risk analysis;
  2. Determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Sex Discrimination justifies removal; and
  3. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.
- E. Initiation of Complaint.** Upon notification by a Complainant or an employee<sup>14</sup> of information about conduct that reasonably may constitute Sex Discrimination or Retaliation, the Title IX Coordinator must:
1. Initiate grievance procedures in response to a Complaint; or
  2. In the absence of a Complaint or the withdrawal of any of the allegations in a Complaint, determine whether to initiate a Complaint of Sex Discrimination or Retaliation in consideration of, at a minimum, the following factors:
    - a. Whether the Complainant has requested not to proceed with the Complaint;
    - b. The Complainant's reasonable safety concerns regarding initiating a Complaint;
    - c. The risk that additional acts of Sex Discrimination or Retaliation would occur if a Complaint is not initiated;
    - d. The severity of the alleged Sex Discrimination or Retaliation, including whether the discrimination, if established, would require the removal of the Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent recurrence;
    - e. The age and relationship of the parties, including whether the Respondent is an employee;
    - f. The scope of the alleged Sex Discrimination or Retaliation, including information suggesting a pattern, ongoing Sex Discrimination or

---

<sup>14</sup> A Complaint of Sex Discrimination other than Sex-Based Harassment may also be initiated by (1) any student or employee; and (2) any person other than a student or employee who was participating in or attempting to participate in the Institution's Education Program or Activity at the time of the alleged Sex Discrimination.

---

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

---

- Retaliation, or Sex Discrimination or Retaliation alleged to have impacted multiple individuals;
- g. The availability of evidence to assist a decision-maker in determining whether sex discrimination occurred; and
  - h. Whether the Institution could end the alleged Sex Discrimination or Retaliation and prevent its recurrence without initiating grievance procedures.
3. If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct, as alleged, prevents the Institution from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint. If the Title IX Coordinator initiates a Complaint, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures.
  4. The Title IX Coordinator need not initiate a Complaint or consider the factors in paragraph 2 if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute Sex Discrimination or Retaliation.

**F. Supportive Measures.** The Institution must offer and coordinate Supportive Measures. The Institution's policy must describe the range of Supportive Measures available to Complainants and Respondents. The Institution must provide the parties with a timely opportunity to seek, from an appropriate and impartial decision-maker, modification, or reversal of the decision to provide, deny, modify, or terminate Supportive Measures applicable to them. The impartial decision-maker must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision, if the impartial decision-maker determines that the initial decision to provide, deny, modify, or terminate the Supportive Measures was inconsistent with the definition of Supportive Measures. The Institution must also provide a party with the opportunity to seek additional modification or termination of a Supportive Measure applicable to them if circumstances change materially. The Institution must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of Supportive Measures provided to another party, unless necessary to provide the Supportive Measure, restore or preserve the party's access to the Education Program or Activity, or when an exception applies.

**G. How to Report Sex Discrimination or Retaliation.**

1. Any person may report Sex Discrimination or Retaliation (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sex Discrimination or Retaliation) in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator, or by



---

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

---

any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

2. Such a report may be made at any time (including during nonbusiness hours) by using the telephone number or email address or by mail to the office address listed for the Title IX Coordinator.

**II. Equitable Treatment.** Complainants and Respondents will be treated equitably by:

1. Providing remedies to a Complainant where a determination of responsibility for Sex Discrimination or Retaliation has been made against the Respondent, and by using procedures that comply with Title IX when investigating and adjudicating allegations of Sex Discrimination or Retaliation before the imposition of any sanctions or other actions that are not Supportive Measures against a Respondent (remedies must be designed to restore or preserve equal access to the Institution's Education Program or Activity);
2. Providing an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
3. Applying any provisions, rules, or practices used to investigate and adjudicate complaints under Title IX equally to both parties.

**I. Objective Evaluation of Evidence.** Institutions' procedures must require an objective evaluation of all Relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

**J. No Conflict or Bias.** Institutions' procedures must require that any individual designated as a Title IX Coordinator, investigator, or decision-maker; any decision-making body for a hearing or appeal; or any person designated to facilitate an informal resolution process, not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

**K. Presumption of Non-Responsibility.** Institutions' procedures must include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the process.

**L. Reasonably Prompt Time Frames.** Institutions' procedures must include reasonably prompt time frames for conclusion of the investigation and adjudication process—including reasonably prompt time frames for filing and resolving appeals and informal resolution processes (if any)—and a process that allows for the temporary delay of the investigation and adjudication process or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

---

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

---

- M. Privacy.** Institutions' procedures must require that reasonable steps be taken to protect the privacy of the parties and witnesses during the process, provided that steps do not restrict the ability of the parties to obtain and present evidence, consult with others, or otherwise prepare for or participate in the process.
- N. Sanctions and Remedies.** Institutions' procedures must describe the range of, or list, the possible sanctions that may be imposed on a Respondent and the possible remedies that may be provided to a Complainant that the Institution may implement following any determination of responsibility.
- O. Standard of Evidence.** Institutions' procedures must specify "by a preponderance of the evidence" as the standard of evidence for all Complaints of Sex Discrimination.
- P. Impermissible Evidence.** An Institution may not elicit, consider, require, rely upon, allow, disclose, or otherwise use any of the following as evidence (Impermissible Evidence), regardless of whether it is Relevant:
1. Information protected under a legally recognized privilege or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
  2. Records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment of a party or witness, unless the Institution obtains that party's or witness's voluntary, written consent to do so.
  3. A Student's history of mental health counseling, treatment, or diagnosis, unless the Student consents.
  4. Evidence relating to a Complainant's sexual interests or prior sexual conduct, except the following is permitted:
    - a. Evidence about the Complainant's prior sexual conduct that is offered to prove that someone other than the Respondent committed the alleged conduct; or
    - b. Evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between Complainant and Respondent does not by itself demonstrate or imply that the Complainant's consent occurred in the events alleged.
  5. Evidence relating to a Respondent's prior sexual history with an individual other than a party to the proceedings, except to prove prior sexual misconduct; support a claim that the Respondent has an ulterior motive; or impeach the Respondent's credibility after the Respondent has put their own prior sexual conduct at issue.
- Q. Notice.** Upon initiation of a Complaint, the Institution must provide written notice to known parties of the following:

---

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

---

1. The investigation and adjudication process, including any informal process available;
2. The allegations, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. "Sufficient details" include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sex Discrimination, and the dates and locations of the alleged incidents, if known;
3. That retaliation is prohibited;
4. That the parties are entitled to an equal opportunity to access the Relevant and not otherwise Impermissible Evidence or an accurate description of evidence..

**R. Dismissal of Complaints.**

1. An Institution may dismiss a Complaint for any of the following reasons:
  - a. The Institution is unable to identify the Respondent after taking reasonable steps to do so;
  - b. The Respondent is not participating in the Education Program or Activity or is not employed by the Institution;
  - c. The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint on behalf of the Institution, and the Institution determines that without the Complainant's withdrawn allegations any conduct that remains would not constitute Sex Discrimination, if proven;
  - d. The Institution determines that the conduct alleged, if proven, would not constitute Sex Discrimination, after taking reasonable steps to clarify the allegations with the Complainant.
2. Upon dismissal, an Institution must promptly notify the Complainant of the basis of the dismissal and the opportunity to appeal.
3. Upon dismissal, if the dismissal occurs after the Respondent has been notified of the allegations, an Institution must promptly notify the Respondent of the basis of the dismissal and the opportunity to appeal.
4. The following are permitted bases for appeal:
  - a. Procedural irregularity that would change the outcome;
  - b. New evidence that would change the outcome that was not reasonably available when the determination was made;
  - c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias that would change the outcome.
  - d. The Institution may offer additional bases for appeal as long as they are available equally to all parties.

---

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

---

5. If a dismissal is appealed, the Institution must:
  - a. Notify the parties, including providing notice of the allegations to the Respondent if not previously notified;
  - b. Implement appeal procedures equally for the parties;
  - c. Ensure that the appeal decision-maker has received training and did not participate in the investigation or dismissal;
  - d. Provide the parties a reasonable and equal opportunity to make a statement in support of or challenging the outcome; and
  - e. Notify the parties of the result of the appeal and the basis for the result.
6. Upon dismissal, the Title IX Coordinator must offer Supportive Measures to the Complainant or Respondent, as appropriate.
7. Upon dismissal, the Title IX Coordinator must take appropriate and prompt steps to ensure that Sex Discrimination does not continue or recur.

**S. Consolidation of Complaints.** An Institution may consolidate Complaints of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sex Discrimination arise out of the same facts or circumstances.

**T. Investigation of Complaint.** When investigating a Complaint and throughout the investigation and adjudication process, the Institution must:

1. Ensure that the burden is on the Institution—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination or Retaliation occurred;
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Review all evidence gathered through the investigation and determine what evidence is Relevant and what is Impermissible Evidence regardless of relevance; and
4. Provide each party with an equal opportunity to access the evidence that is Relevant to the allegations of Sex Discrimination and not otherwise impermissible, in the following manner:
  - a. The Institution must provide an equal opportunity to access either the Relevant and not Impermissible Evidence or a description of this evidence. If the Institution provides a description, it must further provide the parties with an equal opportunity to access the Relevant and not otherwise Impermissible Evidence upon request of any party;
  - b. The Institution must provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence;
  - c. The Institution must take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedure. Disclosure of evidence or

---

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

---

information for purposes of administrative or litigation proceedings related to the Complaint is authorized.

- U. Questioning of Parties and Witnesses.** An institution must provide a process that enables the decision-maker to question parties and witnesses and adequately assess a party's or witness's credibility to the extent credibility is in dispute and Relevant to evaluating one or more allegations of Sex Discrimination.
- V. Determination Regarding Responsibility.** Following an investigation, the Institution must:
1. Use the preponderance of the evidence standard of proof to determine whether Sex Discrimination or Retaliation occurred.
  2. Notify the parties in writing of the determination of whether Sex Discrimination occurred, including the rationale for the determination, and the procedures and permissible bases for the Complainant and Respondent to appeal.
  3. If there is a determination that Sex Discrimination or Retaliation has occurred, as appropriate, require the Title IX Coordinator to coordinate the implementation of remedies, coordinate the imposition of any disciplinary sanctions, including notification to the Complainant of any disciplinary sanctions imposed upon the Respondent, and take other prompt and appropriate steps to ensure that the Sex Discrimination or Retaliation does not continue or recur.
  4. An Institution may not impose discipline on a Respondent for Sex Discrimination or Retaliation unless there is a determination at the conclusion of the Institution's grievance procedures that the Respondent engaged in Sex Discrimination or Retaliation.
  5. An Institution may not discipline a party, witness, or others participating in the process for making a false statement or engaging in consensual sexual conduct based solely on the Institution's determination whether or not Sex Discrimination occurred.
- W. Appeals.** An Institution must offer the parties an appeal process that, at a minimum, is the same as is offered in comparable proceedings at the Institution such as for other complaints of discrimination.
- X. Additional Requirements for Student Complaints of Sex-Based Harassment.<sup>15</sup>** For Complaints alleging Sex-Based Harassment involving Student Complainants or Respondents, Institutions must provide for the following procedures in addition to the above:
1. **Student Employees.** When a Complainant or Respondent in a matter alleging Sex-Based Harassment is both a student and an employee, the Institution should

---

<sup>15</sup> See 34 C.F.R. § 106.46.

---

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

---

make a fact-specific determination as to whether the requirements of this section apply in the individual circumstances. The Institution should specifically consider, at a minimum, whether the parties' primary relationship is employment or education and whether the alleged conduct occurred while the student-employee was performing employment-related work.

2. **Additional Written Notice.** Upon initiation of an investigation for student Complaints of Sex-Based Harassment, the Institution must provide written notice to all parties whose identity is known with sufficient time for all parties to prepare for any initial interview. The notice must contain:
  - a. All notices required in Sections III.A-W of this Policy;
  - b. A statement that the Respondent is presumed not responsible until a determination is made;
  - c. A statement that the parties will have an opportunity to present Relevant and not otherwise Impermissible Evidence to a trained, impartial decision-maker;
  - d. A statement that an advisor is permitted and that the advisor may be, but is not required to be, an attorney;
  - e. A statement that the parties are entitled to equal opportunity to access Relevant and not otherwise Impermissible Evidence or an accurate summary of that evidence;
  - f. If applicable, any Institution policy that prohibits knowingly making false statements or submitting false information during grievance procedures.
  - g. In the event the Institution decides to investigate additional allegations of Sex-Based Harassment by the Respondent against the Complainant, the Institution must provide additional written notice to all parties who are known.
  - h. To the extent the Institution has reasonable concerns for the safety of any person as a result of the Institution providing such notice, the Institution may reasonably delay providing written notice in order to address safety concerns appropriately. Reasonable concerns must be based on an individualized safety and risk analysis and not mere speculation or stereotypes.
3. **Dismissal of Complaint.** The Institution must provide all procedures set forth in Section III.R of this Policy for dismissing a Complaint. For Student Complaints regarding Sex-Based Harassment, the Institution must obtain the Complainant's voluntary withdrawal in writing.
4. **Written Notice of Meetings and Proceedings.** The Institution must provide written notice of the date, time, location, participants, and purpose of all meetings



---

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

---

or proceedings to any party whose participation is invited or expected, with sufficient time to prepare to participate.

5. **Advisors.** The Institution must provide the parties with the same opportunity to be accompanied to any meeting or proceeding by an advisor of their choice. The advisor may be, but is not required to be, an attorney. The Institution may not limit the party's choice or presence of any advisor except that the Institution may establish restrictions regarding the extent to which an advisor may participate, as long as the restrictions apply equally to all parties.
6. **Other Parties and Witnesses.** The Institution may, but is not required to, institute a policy to allow expert witnesses or other persons present at meetings or proceedings as long as the policy applies equally to all parties.
7. **Extensions of Time.** The Institution must allow for reasonable extensions of time on a case-by-case basis with written notice to the parties that describes the basis for the delay.
8. **Evidence.** The Institution must provide any party and any party's advisor with an equal opportunity to access Relevant and not otherwise Impermissible Evidence. If the Institution's policy provides for a live hearing, the parties must be permitted to review evidence in advance of the live hearing.
9. **Questioning of Parties and Witnesses.** The Institution must provide a process that enables the decision-maker to question parties and witnesses regarding evidence and to assess credibility to the extent credibility is Relevant, under the following conditions:
  - a. If the Institution does not conduct a live hearing, it must allow the investigator to ask questions regarding Relevant and not otherwise Impermissible Evidence, including questions of credibility, during meetings with parties and witnesses.
    - i. The Institution must allow each party to propose questions that the party wants to be asked of any party or witness and have those questions asked by the investigator; and
    - ii. The Institution must provide each party with an audio or video recording or transcript with enough time for the party to propose follow-up questions.
  - b. If the Institution conducts a live hearing, the Institution must allow the decision-maker to ask questions regarding Relevant and not otherwise Impermissible Evidence, including questions of credibility and:
    - i. Allow each party to propose questions that the party wants to be asked of any party or witness and have those questions asked by the decision-maker; or

---

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

---

- ii. Allow each party's advisor to ask any party or witness such questions. Questioning may never be conducted by a party personally. If the questioned party does not have an advisor, the Institution must provide the party with an advisor, without charge, for purposes of questioning by the other party's advisor. A Confidential Employee may not serve as an appointed advisor. An appointed advisor may be, but is not required to be, an attorney.
  - c. The decision-maker must determine whether a proposed question is Relevant and would not elicit Impermissible Evidence prior to the question being posed and must explain the decision to exclude any question that is not Relevant or would elicit Impermissible Evidence.
  - d. Any question that is Relevant and would not elicit Impermissible Evidence must be asked except questions that are unclear or harassing in nature. Parties must be given the opportunity to clarify questions.
  - e. A decision-maker may choose to place less or no weight on statements by a party or witness who refuses to respond to questions deemed Relevant that would not elicit Impermissible Evidence. The decision-maker must not draw an inference about whether Sex-Based Harassment occurred based on a party's or witness's refusal to respond to such questions.
- 10. **Live Hearing.** An Institution's Sex-Based Harassment procedures need not provide for a live hearing. If the Institution chooses to conduct a live hearing, it may conduct the hearing with the parties physically in the same location or virtually (as long as the decision-maker and parties can simultaneously see the party or witness speaking). If a live hearing is conducted, an audio or video recording or transcript of the hearing must be made available to the parties for inspection and review.
- 11. **Written Determination.** An Institution must provide to all parties simultaneously a written determination as to whether Sex-Based Harassment occurred. The written determination must include:
  - a. A description of the allegations;
  - b. Information about the policies and procedures that the Institution used to evaluate the allegations;
  - c. The decision-maker's evaluation of Relevant and not otherwise Impermissible Evidence and determination whether Sex-Based Harassment occurred;
  - d. If the decision-maker finds that Sex-Based Harassment occurred, any disciplinary sanctions that will be imposed and any remedies that will be provided; and
  - e. The procedures for appeal.



---

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

---

12. **Appeals.** The Institution must offer the parties an appeal from a determination as to whether Sex-Based Harassment occurred, and/or any dismissal of the Complaint. A written determination becomes final on the date that the Institution provides the parties with the written determination of the result of any appeal, or if no party appeals, the date on which an appeal would no longer be considered timely. The following are permitted bases for appeal:
    - a. Procedural irregularity that would change the outcome;
    - b. New evidence that would change the outcome that was not reasonably available when the determination was made;
    - c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
    - d. The Institution may offer additional bases for appeal as long as they are available equally to all parties.
- Y. Informal Resolution Process.** At any time prior to reaching a determination regarding responsibility, the Institution may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the Institution:
1. Obtains the parties' voluntary, written consent to proceed with the informal resolution process. An Institution may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Complaints of Sex Discrimination.
  2. May not require the parties to participate in an informal resolution process.
  3. Provides the parties a written notice disclosing:
    - a. the allegations;
    - b. the requirements of the informal resolution process including that at any time prior to the parties' agreement to a resolution, any party may withdraw from the informal resolution process and initiate grievance procedures;
    - c. that the parties' agreement to a resolution at the conclusion of the informal resolution process precludes the parties from initiating or resuming grievance procedures arising from the same allegations;
    - d. the potential terms that may be requested or offered in an informal resolution agreement, including a notice that the agreement is binding only on the parties; and
    - e. what information will be maintained by the Institution and how the Institution could disclose such information for use in grievance procedures, if initiated or resumed.

---

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

---

4. Does not offer or facilitate an informal resolution process to resolve allegations of Sexual Assault or sexual coercion.
5. Does not use the same facilitator for informal resolution to investigate or decide a matter under the grievance procedures.
6. Requires that any person designated to facilitate an informal resolution process not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

**Z. Description of Student Rights.**<sup>16</sup> Each Institution's grievance procedures shall include a description of the rights of Student Complainants and Respondents, including:

1. Treatment with dignity, respect, and sensitivity by Institution officials during all phases of the disciplinary proceedings;
2. A fair and impartial investigation;
3. Disciplinary proceedings and resolutions that are prompt and equitable and provide an opportunity for the parties to be heard;
4. Timely written notice of:
  - a. The reported violation, including the date, time, and location of the alleged violation, and the range of potential sanctions associated with the alleged violation;
  - b. The party's rights and responsibilities under the Institution's policies and procedures and information regarding other civil and criminal options;
  - c. The date, time, and location of each hearing, meeting, or interview that the party is required or permitted to attend;
  - d. A final determination made by the adjudicating official or body regarding whether a policy violation occurred and the basis for the determination;
  - e. Any sanction imposed, as permitted by law; and
  - f. The party's rights to appeal and a description of the appeal process;
5. Participation in the disciplinary proceedings, including:
  - a. Access to the case file and evidence regarding the incident obtained by the Institution during the investigation or considered by the adjudicating official or body, with personally identifiable or other information redacted as required by applicable law;

---

<sup>16</sup> See Md. Code Ann., Educ. § 11-601.

---

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

---

- b. Offering testimony at a hearing, or, if the institution's process does not include a hearing, to the adjudicating official;
  - c. Submitting evidence, witness lists, and suggested specific questions to be posed to the other party involved in the disciplinary proceedings by investigators or the adjudicating official or body;
  - d. Providing and reviewing testimony electronically or in a way in which the parties are not required to be in the physical presence of one another;
  - e. Reviewing and providing written responses to reports and proposed findings; and
  - f. Appealing a determination or sanction;
6. Assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate throughout the disciplinary proceedings, including by the attorney or advocate's:
  - a. Attendance at hearings, meetings, and interviews with the party;
  - b. Private consultations with the party during hearings, meetings, and interviews, except during questioning of the party at a hearing; and
  - c. Assistance with the party's exercise of any right during the disciplinary proceedings;
7. Notwithstanding whether a student accesses counsel paid for by the Maryland Higher Education Commission (MHEC), the presence of no more than two people, including a personal supporter of the party's choice, an attorney, or an advocate, at any hearing, meeting, or interview during the disciplinary proceedings;
8. Notice to a student party, presented in an appropriate and sensitive format, before the start of the disciplinary proceedings, of:
  - a. The student's right to the assistance of an attorney or an advocate;
  - b. The legal service organizations and referral services available to the student; and
  - c. The student's right to have a personal supporter of the student's choice at any hearing, meeting, or interview during the disciplinary proceedings;
9. Access to counsel paid for by MHEC for a current or former student who makes a Complaint or responds to a Complaint on which a Title IX investigation is initiated, and who was enrolled as a student at the Institution at the time of the incident that is the basis of the Complaint, unless the student knowingly and voluntarily chooses not to have counsel, in accordance with COMAR 13B.09.01:
  - a. A student may select and retain an attorney before the conclusion of the formal Title IX proceedings;

---

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

---

- b. A student may obtain from MHEC, through MHEC's website, a list of licensed attorneys who have indicated that they will represent such students in Title IX proceedings on a pro bono basis or for reduced legal fees; and
- c. A student's attorney may seek reimbursement of certain legal costs and fees from MHEC's Legal Representation Fund for Title IX proceedings, subject to the availability of funding.

#### **IV. Institutional Compliance**

##### **A. Other Federal and State Nondiscrimination Laws**

Nothing in this Policy affects Institutions' obligations to address, or employees' rights to report, discrimination and retaliation under other federal and State nondiscrimination laws.

##### **B. Clery Act Compliance**

In handling Sex-Based Harassment reports, each Institution remains responsible for complying with the requirements of the Crime Awareness and Campus Security Act of 1990 (Clery Act) and its amendments. Institutions must comply with Clery Act requirements, including crime recording and reporting requirements, where compliance is not otherwise achieved by actions under this Policy.

##### **C. Agreements with Local Law Enforcement and Rape Crisis Programs<sup>17</sup>**

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

##### **D. Campus Sexual Assault Climate Survey**

At least every two (2) years, each Institution shall: (1) develop an appropriate Sexual Assault campus climate survey using nationally recognized best practices for research and climate surveys; and (2) administer the Sexual Assault campus climate survey to students in accordance with the procedures set by MHEC. Each Institution shall submit to MHEC a report in accordance with the requirements set forth in Md. Code Ann., Educ. § 11-601(g).

---

<sup>17</sup> See Md. Code Ann., Educ. § 11-601.

---

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

---

**E. Recordkeeping for Sex Discrimination Complaints and Notifications**

Each Institution must maintain for seven years records of:

1. Each Complaint of Sex Discrimination, records documenting the informal resolution process or grievance procedure, and the resulting outcome.
2. For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute Sex Discrimination, records documenting any action taken.
3. All materials used for Title IX training of students or employees.

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

**Record of Changes**

<b>Change Number</b>	<b>Date</b>	<b>Changed by</b>	<b>Description of Change</b>
1	09/21/16	J. Nardi	Contact information on page 9 updated.
2	01/27/17	J. Nardi	Contact information on pages 9-10 updated.
3	02/02/17	J. Nardi	Contact information on pages 9-10 updated.
4	04/17/17	J. Nardi	Contact information on pages 6, 10-11 updated.
5	04/23/24	M. Wahl	Formatting revisions and general updates throughout the document, updated contact information, updated USM policy.
6	08/07/24	M. Wahl	Updated policy title and definitions on page 4, updated USM policy.