



Campus Life Committee

SMCM Faculty/Staff Liaisons

Thursday, September 12, 2024 at 2:00 PM EDT to Thursday, September 12, 2024 at 3:00 PM EDT

Zoom

Meeting Details: <https://smcm.zoom.us/j/85250224861>, 1-301-715-8592

Meeting ID: 852 5022 4861

Passcode: 358068

Agenda

I. Campus Life Committee

II. Discussion Items

A. Freedom of Expression Policy

III. Action Items

IV. Adjourn



**BOARD OF TRUSTEES
CAMPUS LIFE COMMITTEE**

**OPEN SESSION
REPORT SUMMARY**

Date of Meeting: September 12, 2024

Date of Next Meeting: TBD

Committee Chair: Nick Abrams '99

Committee Members: Board Chair John Bell '95, Hudson Christensen '25, Peg Duchesne '77, Katharine Fritz '04, Talib Horne '93, President Tuajuanda Jordan, Jesse Price '92

Staff Members: Jerri Howland

Dashboard Metrics

None

Executive Summary

Information Items:

Vice President for Student Affairs

Vice President Howland will provide updates on traditional residence halls lobby refurbishments, how are keeping our students engaged and Public Safety. Dr. Howland will report on the updates to the Title IX Policy and discuss the new Freedom of Expression policy.

Discussion Items:

Freedom of Expression Policy

Action Item: II.A. Endorsement of the 2024 Performance Accountability Report

The Performance Accountability Report (PAR) is a report required by the State of Maryland that assesses the College's progress on a variety of goals and objectives, including academics, enrollment, retention and graduation rates, financial aid, and student outcomes. The report provides data on specific metrics, as well as narrative describing strengths and challenges. Maryland law requires institutions to submit their PAR to the Maryland Higher Education Commission for review and final submission to the Governor and General Assembly.

Action Item: II.B. Approval of the Title IX Policy

The 2024 Title IX Final Rule policy has been updated in compliance with federal and state laws. The College is committed to providing an educational, living and working environment free from Sexual Harassment. Under the new rule sexual harassment extends to other forms of sex-based harassment (quid pro quo harassment, hostile environment harassment, sexual assault, dating violence, domestic violence, and stalking.) Also, Sexual assault offenses now include non-

consensual sexual penetration, fondling, incest and statutory rape. The College prohibits and will not tolerate Sex Discrimination in any form.



**BOARD OF TRUSTEES
CAMPUS LIFE COMMITTEE
SEPTEMBER 12, 2024**

**OPEN SESSION
AGENDA**

I. DISCUSSION ITEMS

A. Vice President for Student Affairs Report

II. ACTION ITEMS

A. Endorsement of the 2024 Performance Accountability Report

B. Approval of the Updated Title IX Policy

III. INFORMATION ITEMS

A. 2024 Performance Accountability Report

B. Title IX Policy

C. Freedom of Expression Policy

D. Approved minutes from May 10, 2024



**BOARD OF TRUSTEES
STUDENT AFFAIRS
September 12, 2024**

VICE PRESIDENT'S REPORT

Student Affairs had a productive summer working on wellness and safety by updating our Title IX policies and procedures by August 1 to reflect the changes due to the release of the U.S. Department of Education's 2024 Title IX Final Rule on April 19, completing the Office of Public Safety' transition to a hybrid security/police model with the hiring of Special Police Officers, and facilitating the move of Counseling and Psychological Services (CAPS) to Margaret Brent Hall from the Wellness Center. We were also working on organizing new initiatives that we hope will keep students engaged such as, campus conversations supporting freedom of expression, a new campus shuttle, and collaborations with the Student Government Association (SGA). Also, we continue to work to improve our traditional residence hall lobbies. We are just shy of two weeks into the semester and the campus is already filled with excitement and activity. Students are outside hanging out between classes and, due to the warm weather, relaxing at the Waterfront by the end of the day. We are hoping for a fantastic year.

Wellness and Safety

Title IX

Below is a summary of the major changes to our policy and grievance procedures which went into effect on August 1 (see Addendum #1). Interim approval was granted by President Jordan pending final approval by the Board of Trustees. These changes required a complete overhaul of our policies to incorporate protections against all sex-based harassment and discrimination, promote accountability and fairness, and empower and support students and families. As stated by the U.S. Department of Education, every student deserves educational opportunity free from discrimination.

Scope

All incidents occurring on or after August 1, 2024, must adhere to the new regulations. The 2020 regulations apply to all incidents occurring before August 1, 2024. Two sets of policies and procedures are currently posted on the website. The date of the incident determines which policy or procedure should be used.

Sex Discrimination

The 2024 Title IX Final Rule extends beyond sexual harassment to other forms of sex discrimination. St. Mary's College of Maryland (SMCM) prohibits and will not tolerate sex discrimination in any form. Sex discrimination means exclusion from participation in or being denied the benefits of any education program or activity on the basis of sex, including sex

stereotypes, sex characteristics, sexual orientation, gender identity, and pregnancy or related conditions.

Sex-based harassment

Sex-based harassment is a form of sex discrimination that includes the following types of conduct: quid pro quo harassment, hostile environment harassment, sexual assault, dating violence, domestic violence, and stalking. Sexual assault offenses now include non-consensual sexual penetration, fondling, incest and statutory rape.

Complaints

“Formal” written complaints are not required for incidents on or after August 1, 2024. Complaint means an **oral** or **written** request to the College that objectively can be understood as a request to investigate and make a determination about alleged sex discrimination.

Pregnancy or Related Conditions

Employees who are made aware of a student’s pregnancy or related conditions must provide the student with the Title IX Coordinator’s contact information and inform the student that the coordinator can coordinate actions to prevent sex discrimination and ensure student’s equal access to SMCM’s education program or activity. SMCM is prohibited from requiring documentation from students to obtain reasonable modifications or other actions unless such documentation is necessary and reasonable.

Training

ALL employees must be trained promptly upon hiring or change of position that alters their duties. Afterwards, employees must be trained annually. Incoming first-year and transfer students must be provided with Title IX training.

Hearings

For incidents occurring on or after August 1, 2024, advisors will no longer cross-examine parties and witnesses. Parties and/or advisors will provide questions to the hearing officer, and the hearing officer will ask those questions after determining relevancy.

Hybrid Security Model: Office of Public Safety

Since May the Office of Public Safety (OPS) has welcomed several new Special Police Officers (SPOs) and Public Safety Officers (PSOs) to enhance their team (see Addendum #2). The new officers are SPO Matthew Ennis (six+ years of law enforcement experience), SPO Anthony Hursey (six years of security experience), PSO Orlando Javier (former employee who served with the office for four years), PSO Jovann Shipp and PSO Zanayah Cunningham (*currently on maternity leave*). One PSO position is open and actively being recruited.

Training

Training remains an integral part of OPS commitment to providing exceptional service and ensuring the safety and well-being of our community. Over the past six months, OPS has conducted the highest number of trainings for the unit in over a decade, reflecting their dedication to continuous improvement. OPS comprehensive training program includes:

1. **Emotional Intelligence 1 & 2:** Enhancing officers' ability to manage emotions effectively in high-stress situations.
2. **Emergency Crisis Response:** Preparing officers for immediate and effective response to campus emergencies.
3. **Managing Bias:** Addressing implicit biases to ensure fair and equitable treatment of all community members.
4. **Domestic Violence Training:** Equipping officers with the skills to handle sensitive domestic situations with care and professionalism.
5. **Introduction to Communications & Advanced Communications During Active Shooter Events:** Fostering clear and effective communication during critical incidents.
6. **Downed Officer Training:** Responding to active threats and providing aid in dangerous environments.
7. **Tactical Combat Casualty Care (TCCC):** Providing advanced medical training to save lives in high-risk situations.
8. **In-Service Training:** Focusing on enhancing tactical and procedural skills (9 hours for PSOs and an additional 5 hours for SPOs).
9. **Mental Health First Aid:** Training officers to recognize and respond to mental health crises.
10. **CPR Refreshers and QPR Training:** Ensuring our team is prepared for life-saving interventions.
11. **Crisis Communications for Higher Education:** Emphasizing effective communication strategies during crises.

Future trainings are being planned to support officers' professional development in De-escalation Training Level 1 & 2 (SPOs), De-escalation Skills for Individuals with Autism, and Conflict Resolution.

Community Engagement

OPS supports the philosophy of the Peelian principle of policing, "the police are the community, and the community are the police," which guides their community engagement efforts. OPS have significantly increased interaction with the Seahawk community through various initiatives: Self-Defense (RAD) Training, kickball games with students, supporting and attending student-led projects and programs, and hosting Coffee with the Chief. Up next is a flag football event where officers are facing off against students. All of these events promote camaraderie and trust with the campus community.

Memorandums of Understanding (MOUs)

With the new hybrid model, MOUs with Historic St. Mary's City, St. Mary's County Sheriffs Office and Trinity Church need to be updated to reflect the addition of armed officers patrolling as well as to outline rules for engagement by officers. The MOU with Historic St. Mary's City has been drafted and is currently under review. We are awaiting feedback on the updated MOU with the Sheriff's Office. There is no update on the MOU with Trinity Church as they are awaiting a new rector.

Office Directives

OPS is working with the Office of the Attorney General (OAG) to ensure the office directives (protocols) are comprehensive, clear, and aligned with best practices for the inclusion of armed officers. This effort is critical to maintaining a high standard of accountability and transparency within OPS.

Counseling and Psychological Services (CAPS)

CAPS moved from Ethel Chance Hall (Wellness Center) to Margaret Brent Hall (next to the Campus Center) the week of August 19. Margaret Brent Hall provides more space to afford a waiting area for student appointments, a peer-to-peer counseling room and space for the addition of two graduate counseling interns to see clients. In addition, CAPS now offers a variety of services to the campus community, including, but not limited to, individual and group counseling, workshops, daily walk-in hours, consultation and now expanded hours on Thursday evening for in-person counseling and Saturday morning virtual sessions by appointment only. Protocall is also still available which is a 24/7 toll free helpline for SMCM students.

Student Engagement

Campus Conversations

Campus conversations provide a mechanism for our community to come together to discuss critical issues/topics that affect each of us to promote greater understanding and awareness through dialogue, education and reflection. It is important for every member of the community to feel free to express and discuss their views without discrimination or reprisal. To ensure that our community listens respectfully to others with open minds and disagree in positive ways we are working on a draft Freedom of Expression Policy that is currently being reviewed by campus constituencies. I am working with the Center for Democracy on a 3-part series campus conversation this fall entitled "Election 2024".

Campus Shuttle

We are piloting a campus shuttle service this fall. The shuttle will run a couple days during the week on a loop from campus to Route 235 shops (Kohls, Walmart, Target), Wildwood Shopping Center and back to campus. On Fridays the shuttle will be extended to Leonardtown so that our students can take advantage of the restaurants and activities. Also, twice a month the shuttle will transport students' home for the weekend with two drop-offs and pickups in Baltimore and DC. Once Facilities hires a driver with a CDL license we will be on the move.

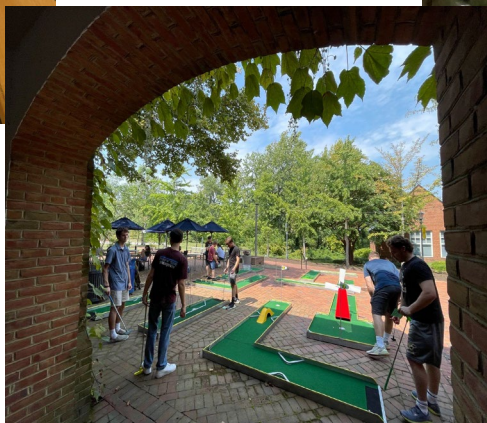
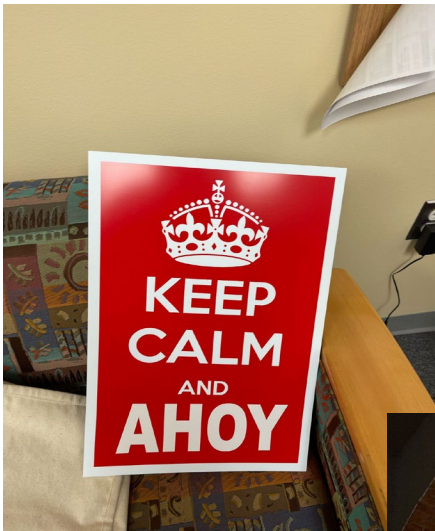
SGA

The Executive Board of SGA and I begin planning for the academic year mid-August. SGA is committed to working with Student Affairs to foster student engagement: brainstorming on how to use and promote the new motorcoach via a "Name the Bus Contest", outreach to students on how to get involved, and identifying ways to make the student experience better by funding new shower heads in the residence hall bathrooms and continuing to fund flu shots.

Residence Halls Refresh

Three of the traditional residence hall lobbies are receiving a makeover with flooring, unique furniture, and a new color scheme to welcome our new incoming students. Dorchester Hall is almost complete with new flooring, new painting and furniture (see Addendum #3). We are still awaiting new window treatments. This hall traditionally only housed male students but went co-ed last fall. Prince George Hall has new flooring on first and second floor lobbies. New paint and furniture is due to be completed over winter break. Queen Ann Hall's furniture is in good condition, but we are awaiting new painting and flooring over winter break. Caroline Hall is awaiting flooring, painting, furniture (see Addendum #3) and window treatments. We are also hoping for this work to be completed during winter break.

Student Affairs began the semester with Ahoy! which became the unofficial greeting of Orientation. A team of 37 orientation leaders welcomed over 400 students, helped them navigate the campus, and form new connections to their fellow first year students. During the days of orientation, students learned about campus resources and in the evening we provided lots of fun activities for the students, including the reimagined Twilight Ceremony where students decorated rocks and tossed them (and themselves) into the river. They also played games in the ARC and watched a scary movie on the Glendening Lawn. During Welcome Week, the full student body was welcomed by the SGA's Programs Board with a fun array of activities including Sign Shop, Zen Give-a-Ways which included Zen gardens, hanging plants, and inspiration boards, Mini Golf on the Campus Center Patio, and a campus favorite Daniel Martin, magician. The voyage has begun.



Addendum #1

St. Mary's College of Maryland Policy on Sex Discrimination

I. Purpose

This policy (the Policy) and the accompanying procedures (the Procedures) are established as the formal implementation of St. Mary's College of Maryland (the College) Policy on Sex Discrimination. As stated in the St. Mary's Way, St. Mary's College of Maryland (hereafter referred to as either "the College" or "SMCM") is an aspirational place "where people foster relationships based upon mutual respect, honesty, integrity, and trust." As such, the College is committed to providing an educational, living and working environment free from Sex Discrimination, including Sex-Based Harassment, Sexual Exploitation, Sexual Coercion, and Sexual Intimidation. The College prohibits and will not tolerate Sex Discrimination in any form. Sex Discrimination is 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, and may also constitute criminal activity.

The College endeavors to foster a climate free from Sex Discrimination and Retaliation. The College accomplishes this through training, education, prevention programs, through procedures that promote prompt reporting, prohibit retaliation, and provide for timely, fair, and impartial investigation and resolution of Sex Discrimination and Retaliation cases in a manner that eliminates the conduct, prevents its recurrence, and addresses its effects. All College community members are subject to this policy, regardless of sex, sexual orientation, gender identity, or gender expression. This includes all students, faculty, and staff of the College, as well as third Parties and contractors. Nothing in this policy is intended to supersede or conflict with any federal compliance obligation.

II. Applicability and Scope

This Policy prohibits Sex Discrimination, Other Sexual Misconduct and Retaliation under federal and state discrimination laws, including Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act (Title VII). This Policy applies to all members of the campus community, including Students, faculty, and staff. It also applies to contractors and other third Parties who are engaged in any College Education Program or Activity, or who are otherwise interacting with the College, including, but not limited to volunteers, vendors, and visitors. All College members are prohibited from engaging in or assisting or abetting another's engagement in Sex Discrimination or Retaliation.

This Policy addresses the obligations of the College 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. This Policy is only applicable to alleged incidents of Sex Discrimination that occur on or after August 1, 2024. For alleged incidents of Sex Discrimination occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Title IX Coordinator or at <http://www.smcm.edu/title-ix/>

This Policy applies to Prohibited Conduct committed by or against students, faculty, staff and third Parties when:

1. Conduct occurs on College premises, in any College facility, or on property owned or controlled by the College, including but not limited to, a building owned or controlled by a student organization that is officially recognized by the College, and conduct that is subject to the College's disciplinary authority;
2. Conduct occurs in the context of a College Education Program or Activity (as defined herein), including, but not limited to, College-sponsored academic, athletic, extracurricular, study abroad, research, online, or internship programs or activities;
or
3. Conduct occurs outside the context of a College Education Program or Activity or outside the United States, but has continuing adverse effects on or creates a hostile environment for students, employees or third Parties while on premises or other property owned or controlled by the College or in any College Education Program or Activity;

The College has no authority to investigate reported incidents involving members of the campus community that occurred prior to the individual being enrolled at or employed by the College when the incident did not occur on campus or otherwise in connection with a College Education Program or Activity. The College may, however, be able to assist individuals with Supportive Measures.

III. Definitions

For purposes of this Policy and the accompanying Procedures, the following definitions apply:

- A. Advisor** means a person chosen by a Party to provide advice and consultation to that Party, in accordance with this Policy and Procedures. An Advisor may be an attorney or another individual. An Advisor cannot be a witness or provide evidence in a case.
- B. Appellate Officer** means an individual designated to review and decide appeals of Written Determinations and dismissals of Complaints. Appellate Officers shall have had no previous involvement with the substance of the Complaint.
- C. 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.¹
- D. Complaint** means an oral or written request to the College that objectively can be understood as a request to investigate and make a determination about alleged Sex Discrimination.

¹ 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.

- E. Confidential Employees** are (1) employees whose communications are privileged² 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.
- F. Consent** means a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Only a person who has the ability and capacity to exercise free will and make a rational, reasonable judgment can give Consent. Consent may be expressed either by words and/or actions, as long as those words and/or actions create a mutually understandable agreement to engage in specific sexual activity. It is the responsibility of the person who wants to engage in sexual activity to ensure that the person has Consent from the other Party, and that the other Party is capable of providing Consent.
- Lack of protest or resistance is not Consent. Nor may silence, in and of itself, be interpreted as Consent. For that reason, relying solely on non-verbal communication can lead to misunderstanding.
 - Previous relationships, including past sexual relationships, do not imply Consent to future sexual acts.
 - Consent to one form of sexual activity cannot automatically imply Consent to other forms of sexual activity.
 - Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether there is Consent or whether prior Consent has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved
 - Consent cannot be obtained by use of physical force or Sexual Coercion.
 - An individual who is Incapacitated is unable to give Consent.
- G. 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.
- H. 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

² 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.

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.

- I. Education Program or Activity** of the College includes all operations of the College in the United States, including, but not limited to, all conduct³ over which the College exercises disciplinary authority and all conduct that occurs in any building owned or controlled by a student organization that is officially recognized by the College. The College 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 College's Education Program or Activity or outside the United States.
- J. 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.
- K. Incapacitated** means an individual's decision-making ability is impaired such that the individual is incapable of understanding the "who, what, where, why, or how" of their sexual interaction/encounter. A person may be Incapacitated if they are asleep, unconscious, coming in and out of consciousness, being physical restrained by another person or device (e.g., handcuffs, rope, tape), or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a temporary or permanent mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the primary causes of Incapacitation. Being "drunk" or "high", by most individuals' understanding, is not the same as being Incapacitated. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs results in a person being unable to:
1. make decisions about the potential consequences of sexual contact;
 2. evaluate one's own conduct;
 3. communicate to another person, Consent to sexual contact; or
 4. communicate an unwillingness to another person, to engage in sexual contact.

³ Such conduct may occur in-person or through the use of technology such as e-mail, texts, social media applications, etc.

L. Investigator means a trained College faculty or staff member or third-Party contractor designated to conduct an impartial, fair, and unbiased investigation into an alleged violation of this Policy.

M. No Contact Order means an official directive that serves as notice to an individual that the individual must not have verbal, electronic, written, or third-Party communications with another individual.

N. Other Sexual Misconduct means the following conduct:

1. **Sex-Based Harassment prohibited by Md. Code Ann., State Gov't § 20-601**⁴ 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
 - a. Submission to the conduct is made either explicitly or implicitly a term or condition of the employment of an individual;
 - b. Submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or
 - c. Based on the totality of the circumstances, the conduct creates a working environment that a reasonable person would perceive to be abusive or hostile.
2. **Sexual Coercion:** The use of unreasonable pressure in an effort to compel another individual to initiate or continue sexual activity against the individual's will. A person's words or conduct are sufficient to constitute Sexual Coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Sexual Coercion includes but is not limited to intimidation, manipulation, express or implied threats of emotional or physical harm, and/or blackmail. Examples of Sexual Coercion include but are not limited to causing the deliberate Incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other Party does not engage in sexual contact; or threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal sensitive information if the other Party does not engage in the sexual contact.
3. **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.

⁴ 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.

4. **Sexual Intimidation:** Threatening behavior that is verbal and/or physical of a sexual nature directed at another person, such as threatening to sexually assault another person or engaging in indecent exposure.
 5. **Attempted Sexual Assault:** An attempt to commit Sexual Assault.
- O. 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 .
- P. Party** means either Complainant or Respondent or collectively “Parties.”
- Q. 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.
- R. Preponderance of the Evidence** means that it is more likely than not that a Policy violation has occurred.
- S. Prohibited Conduct** means conduct listed in Section IV of this Policy.
- T. Relevant** means related to the allegations of Sex Discrimination under investigation as part of these Procedures. Questions are Relevant when they seek evidence which may aid an Investigator in determining whether the alleged Sex Discrimination occurred. Evidence is Relevant when it may aid an Investigator in determining whether the alleged Sex Discrimination occurred.
- U. Remedies** means actions designed to restore or preserve the Complainant’s equal access to the College’s Education Program or Activity. Remedies are similar to Supportive Measures but may be punitive and burden the Respondent.
- V. Respondent** means an individual alleged to be the perpetrator of conduct that could constitute Sex Discrimination.
- W. 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 College policies that do not involve Sex Discrimination but arise out of the same facts or circumstances as a Complaint, for the purpose of interfering with any right or privilege secured by Title IX.

X. Sanctions mean disciplinary and other consequences imposed on a Respondent who is found to have violated this Policy.

Y. 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.⁵

Z. 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 College to provide an aid, benefit, or service under the College'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 College'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:
 - i. The degree to which the conduct affected the Complainant's ability to access the College's Education Program or Activity;

⁵ See Md. Code Ann., Crim. Law §§ 3-301 through 3-307.

- ii. The type, frequency, and duration of the conduct;
- iii. The Parties' ages, roles within the College's Education Program or Activity, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the conduct;
- iv. The location of the conduct and the context in which the conduct occurred; and
- v. Other Sex-Based Harassment in the College's Education Program or Activity.

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

AA. Sex Discrimination means exclusion from participation in or being denied the benefits of any Education Program or Activity 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.

BB. 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.

CC. Student means a person who has gained admission to the College.

DD. 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 College's Education Program or Activity, including measures that are designed to protect the safety of the Parties or the College's educational environment; or
2. Provide support during the College'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.

EE. Written Determination means a written report which summarizes the allegations, the policies and procedures applicable to the allegations, all evidence reviewed, and interviews conducted, and provides the Investigator's determination as to whether the alleged Prohibited conduct occurred and any sanctions or remedies. The Written Determination memorializes the outcome of the case and is subject to appeal.

IV. Prohibited Conduct

This Policy prohibits Sex Discrimination, Other Sexual Misconduct, and Retaliation as defined in this Policy. Prohibited Conduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Prohibited Conduct can occur between people of the same or different sex, sexual orientation, or gender identity.

V. Title IX Administration

A. Title IX Coordinator

The Title IX Coordinator is responsible for monitoring the Education Program or Activity for barriers to reporting information about conduct that reasonably may constitute Sex Discrimination and take steps reasonably calculated to address such barriers. The Title IX Coordinator leads, coordinates, and oversees the College's efforts regarding compliance, training, prevention programming, and educational programs. The Title IX Coordinator is available to meet with any student, employee, or third Party to answer any questions about this Policy. The Title IX Coordinator may delegate appropriate responsibilities under this Policy to other members of the Title IX Team or any other qualified representative under the Title IX Coordinator's supervision. The use of the term "Title IX Coordinator" in this Policy and Procedures will include any person to whom the Title IX Coordinator has delegated any responsibilities under this Policy or the accompanying Procedures.

Individuals can contact the Title IX Coordinator to seek resources under this Policy at:

Title IX Coordinator: (240) 895-4105, titleix@smcm.edu, Office of Title IX

Compliance and Training, Glendening Annex Suite 190, 47645 College Drive, St. Mary's City, MD 20686. While the Title IX Coordinator has oversight over all complaints, the Deputy Title IX Coordinator serves as a valuable additional resource within the employee context to address complaints against staff, faculty, and third parties. The Deputy Title IX Coordinator can be contacted at:

Deputy Title IX Coordinator: Assistant Vice President of Human Resources, (240) 895-4309, Glendening Hall 170

B. Confidential Employees

The College has designated Counseling and Health professional staff as Confidential Employees. Contact information for Confidential Employees can be found at <https://www.smcm.edu/title-ix-office/>

Wellness Center: (240) 895-4289, wellnesscenter@smcm.edu, Ethel Chance Hall, 47665 Margaret Brent Way, St. Mary's City, Maryland 20686

C. Training

1. All Students and Employees – Preventative Education

The College will develop and implement preventative education, for all employees and students, to help identify and reduce the occurrence of Sex Discrimination. The training will contain information regarding what constitutes Sex-Based Harassment, definitions of Consent and Prohibited Conduct, the College'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 new employees. The College will also develop ongoing prevention and awareness campaigns for all students and employees addressing the same information. Educational initiatives for employees shall comply with Md. Code Ann., State Pers. & Pens. § 2-203.1.

2. **Employee Training**

The College will develop and implement training for all employees regarding the College's obligation to address Sex Discrimination. 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 will not rely on sex stereotypes. The training will include: the scope of conduct that may constitute Sex Discrimination, the definition of Prohibited Conduct, and all applicable notification requirements (set forth in Section VI.B of this Policy) and responsibilities that apply to each employee's specific designation.

VI. Reporting Information to College Employees

All College 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:

A. 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.

B. Prohibited Conduct – When an employee becomes aware of information about conduct that reasonably may constitute Prohibited Conduct, they are required to take the following action based on their designation:

1. **Confidential Employees** must inform any person who communicates information about conduct that may reasonably constitute Prohibited Conduct that they are Confidential Employees, circumstances in which they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute Prohibited Conduct, 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 procedures.
2. **Employees with Authority** must notify the Title IX Coordinator when they obtain information about conduct that may reasonably constitute Prohibited Conduct.
3. **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 Prohibited Conduct 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 Prohibited Conduct.

Any person may also directly report Prohibited Conduct at any time by contacting the Title IX Coordinator or any member of the Title IX team at any time regardless of whether the reporting person is the Complainant.

VII. Parental, Family and Marital Status

The College 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.

VIII. Pregnancy and Related Conditions

A. Nondiscrimination. The College shall not discriminate on the basis of current, past, or potential Pregnancy or Related Conditions. The College will not require any Student to provide certification that they are physically able to participate in a class, program, or activity, unless:

1. The certified level of physical ability or health is necessary for the class, program, or activity;
2. The College requires such certifications of all students participating in the class, program, or activity; and
3. The information obtained through the certification is not used as a basis for prohibited discrimination.

B. Reasonable Modifications. The College will provide reasonable modifications to policies, practices, or procedures for students experiencing Pregnancy or Related Conditions.

1. **Requesting Reasonable Modifications.** Students experiencing Pregnancy or Related Conditions are entitled to reasonable modifications to prevent Sex Discrimination and ensure equal access to the College's Education Program or Activity. Any student seeking reasonable modifications should contact the Title IX Coordinator to discuss appropriate and available reasonable modifications based on their individual needs. Students are encouraged to request reasonable modifications as promptly as possible. Not all reasonable modifications are appropriate for all contexts. Students may request reasonable modifications for Pregnancy or Related Conditions by contacting the Title IX Coordinator (see Section V.A. of this Policy.). The Title IX Coordinator may request documentation from the Student's medical provider which is necessary and Relevant to determining what reasonable modifications are appropriate for the Student's

needs. The Title IX Coordinator will initiate the interactive process, in consultation with the Student, Faculty members, and any other necessary Parties to determine reasonable modifications based on the Student's individualized needs. **Consideration of reasonable modifications.** Reasonable modifications may include but are not limited to: An accommodation that would fundamentally alter the nature of the University's Education Program or Activity is not reasonable and will not be granted under this Policy. Depending on the unique needs of the Student, reasonable modifications may include but are not limited to:

-
- Breaks to attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
 - Intermittent absences to attend medical appointments
 - Access to remote learning options
 - Changes in schedule or course sequence
 - Time extensions for coursework and rescheduling of tests and examinations
 - Allowing a student to sit or stand, or carry or keep water nearby
 - Counseling
 - Changes in physical space or supplies (for example, access to a larger desk)
 - A larger uniform or other required clothing or equipment

Students experiencing disabilities related to Pregnancy or Related Conditions may also be entitled to request reasonable accommodations under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act. Students may request additional accommodations and the Title IX Coordinator may consult with the Office of Accessibility to determine what additional resources and options are available.

2. **Leaves of Absence.** Students experiencing Pregnancy or Related Conditions may 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 College's policy, whichever is greater. Upon return from a leave of absence, the student will be reinstated to the same academic status and (to the extent possible) extracurricular status that the student held when the leave began.

C. Employee Accommodations Modifications The College will provide reasonable modifications for qualified employees with known limitations related to Pregnancy or Related Conditions.

1. **Requesting Reasonable Modifications.** Employees may request modifications for Pregnancy or Related Conditions by contacting the Title IX Coordinator (see Section V.A. of this Policy). The Title IX Coordinator may request documentation from the Employee's medical provider which is necessary and Relevant to determining what modifications are appropriate for the Employee's needs. The Title IX Coordinator will initiate the interactive process, in consultation with the

Employee, Supervisor, and any other necessary Parties to determine reasonable modifications based on the Employee's individualized needs.

2. **Consideration of Reasonable Modifications.** A modification which causes an undue hardship on the part of the College is not reasonable and will not be granted under this Policy. Depending on the unique needs of the Employee, reasonable modifications may include, but are not limited to:
 - Breaks to attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
 - Allowing an employee to sit or stand, or carry or keep water nearby
3. **Employee Leave.** The College shall consider Employee Leave if there is no other reasonable modification which will enable the Employee to perform their essential job functions for the duration of a known limitation based on Pregnancy or a Related Condition. If an employee has no remaining paid leave pursuant to the College's employee leave Policy on Annual, Holiday, Personal, and Sick Leave, the College will consider unpaid leave as a possible accommodation, in consideration of the unique needs and circumstances of the employee.

D. Lactation Space. The College provides a lactation space for all members of the campus community and visitors which may be used for expressing milk or breastfeeding as needed. Designated lactation spaces may be found in the Health Center, Montgomery Hall, Room 154 and Nancy R. and Norton T. Dodge Performing Arts Center, Room 113.

IX. Supportive and Interim Measures

Reports of conduct in violation of this policy may require immediate protective measures to protect the safety and well-being of the Parties and/or the College community pending the outcome of the investigative and adjudicative processes. Any Party may request that the College implement Supportive Measures at any time during the investigation and adjudicatory process, as necessary. Supportive Measures include but are not limited to:

A. For students: No Contact Orders, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, other similar measures.

B. For employees: No Contact Orders, Employee Assistance Program, temporary reassignment, other work locations, changing work shifts.

The College may also institute Interim Measures prior to the adjudication of any Complaint as necessary. Interim Measures may include the following:

C. Emergency Removal

An emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which might arise out of Prohibited Conduct. The College may remove a Respondent on an emergency basis from the College's Education Program or Activity when the College:

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.

The College will not remove a Respondent from the College based solely on an accusation. The Respondent will be offered an opportunity to meet with the Title IX Coordinator to review the reliability of the information within five (5) days from the effective date of the emergency removal. However, there is no guarantee that the Student Respondent will be permitted to return to campus.

D. Administrative Leave - Employee Respondents

The College in consultation with the Title IX Team, Public Safety, and any other necessary campus department may take interim measures for employee Respondents such as changing an employee's work responsibilities or work location or placing the Respondent on administrative leave during the resolution process. Such action may be appropriate when there is a legitimate concern that without interim measures: 1) the employee will engage in Prohibited Conduct while the investigation is ongoing, or 2) the employee would be unduly disruptive to College members or the College's Education Programs or Activities.

X. Reporting to Law Enforcement

Prohibited Conduct, particularly Sexual Assault, may be a crime. Individuals who are experiencing an emergency should call 911 immediately. The Title IX Team will assist Complainants who wish to report Prohibited Conduct to law enforcement authorities. To make a report directly to law enforcement, contact the following police department(s): St. Mary's County Sheriff's Office. For emergencies: 911. For concerning situations: (301) 475-4200 x1900. St. Mary's County Sheriff's Office may have access to the law enforcement resources upon request and as appropriate. Members of the Title IX team can assist Complainants in reporting to law enforcement, seeking medical care, and obtaining confidential or other resources.

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

SMCM Public Safety are Employees with Authority under this Policy and are required to notify the Title I. SMCM Public Safety may be contacted at: (240) 895-4911 or x4911 from any campus phone

- A. **Preservation of Evidence.** In addition to prompt reporting, the preservation of physical and other evidence may be important to prove criminal conduct or to obtain a civil or criminal order of protection. Complainants should contact law enforcement and/or medical personnel, as needed and as soon as possible following the incident to receive guidance on the preservation of evidence needed for proof of Sexual Assaults and the apprehension and prosecution of assailants. For instances of Sexual

Assault, the nearest hospitals equipped with the Maryland Department of State Police Sexual Assault Evidence Collection Kit are:

St. Mary's Hospital
(301) 475-8981
Provides Sexual Assault Forensic Exams

Calvert Memorial Hospital
(410) 535-4000
Provides Sexual Assault Forensic Exams

B. Co-Occurring Criminal Proceeding. Proceeding under these Policy and Procedures is independent of any criminal investigation or proceeding. Reporting to law enforcement does not preclude a person from proceeding with a report or Formal Complaint of Prohibited Conduct under this Policy. The College is required to conduct an investigation in a timely manner, which means, in most cases, the College will not wait until a criminal investigation or proceeding is concluded before conducting its own investigation, implementing Supportive Measures, and taking appropriate action. However, at the request of law enforcement, the Title IX Coordinator may defer its fact-gathering until the initial stages of a criminal investigation are complete. If such a request is made by law enforcement, the applicable police department will submit the request in writing and the Complainant will be notified. In addition, when possible, in cases where there is a co-occurring criminal investigation by law enforcement or the local prosecutor's office, the Title IX Team will work collaboratively and supportively with each respective agency within the parameters outlined above. The Title IX Team will communicate any necessary delays in the College's investigative process to both Parties in the event of a deferral.

C. Counseling and Mental Health Services. The College offers counseling and mental health services at:

Ethel Chance Hall
47665 Margaret Brent Way
St. Mary's City, Maryland 20686
(240) 895-4289 wellnesscenter@smcm.edu
Provides counseling and medical treatment
Monday through Friday, 8:00 a.m. – 5:00 p.m.

D. Individuals who experience a sexual assault or other sexual violence can also seek services at:

The Southern Maryland Center for Family Advocacy
<https://www.smcfanet/rape-crisis-center>
(240) 925-0084

XI. Off-Campus Confidential Resources (Counseling and Advocacy)

Maryland Coalition Against Sexual Assault (MCASA):

(410) 974-4507

The Maryland Coalition Against Sexual Assault can provide resources for survivors as well as legal services through the Sexual Assault Legal Institute (SALI). MCASA is under no obligation to notify the College when providing services to students.

www.mcasa.org

The Southern Maryland Center for Family Advocacy:

(301) 373-4141

The Southern Maryland Center for Family Advocacy can provide advocacy, resources, referral, and legal assistance to victims of relationship violence. The Center is under no obligation to notify the College when providing services to students.

www.smcfa.net

Rape, Abuse and Incest National Network (RAINN):

(800) 656-4673

A confidential, anonymous national sexual assault hotline. www.rainn.org

ProtoCall:

A toll-free crisis hotline and available 24/7 by licensed professionals. Dial 240-895-4200 or 855-826-1869 for immediate support, crisis intervention, and/or stabilization.

XII. Amnesty

The College encourages the reporting of prohibited conduct under this Policy. It is in the best interest of this community that as many Complainants as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, an individual who reports Sex-Based Harassment, either as a Complainant or a third-party witness, will not be subject to disciplinary action by the College for violation of the College's policy for one's own personal consumption of alcohol or drugs (except for a mandatory intervention for substance abuse), if the College determines that:

- the violation occurred during or near the time of the alleged Sex-Based Harassment,
- the individual made the report of Sex-Based Harassment or is participating in an investigation as a witness, in good faith, and
- the violation was not an act that was reasonably likely to place the health and safety of another individual at risk.

The College may initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

XIII. Rights of the Parties

The College will ensure Procedures which provide the Parties with a fair, prompt, equitable and impartial investigation and resolution of the complaint, including the following rights:

- A.** Treatment with dignity, respect, and sensitivity by College officials during all phases of the disciplinary proceedings;
- B.** A fair and impartial investigation;
- C.** Disciplinary proceedings and resolutions that are prompt and equitable and provide an opportunity for the parties to be heard;
- D.** Timely written notice of:
 - 1. The reported violation, including the date, time, and location of the alleged violation, and the range of potential sanctions associated with the alleged violation;
 - 2. The party's rights and responsibilities under the College's policies and procedures and information regarding other civil and criminal options;
 - 3. The date, time, and location of each hearing, meeting, or interview that the party is required or permitted to attend;
 - 4. A final determination made by the adjudicating official or body regarding whether a policy violation occurred and the basis for the determination;
 - 5. Any sanction imposed, as permitted by law; and
 - 6. The party's rights to appeal and a description of the appeal process;
- E.** Participation in the disciplinary proceedings, including:
 - 1. Access to the case file and evidence regarding the incident obtained by the College during the investigation or considered by the adjudicating official or body, with personally identifiable or other information redacted as required by applicable law;
 - 2. Offering testimony at a hearing;
 - 3. Submitting evidence, witness lists, and suggested specific questions to be posed to the other party involved in the disciplinary proceedings by investigators or the adjudicating official or body;
 - 4. Providing and reviewing testimony electronically or in a way in which the parties are not required to be in the physical presence of one another;
 - 5. Reviewing and providing written responses to reports and proposed findings; and
 - 6. Appealing a determination or sanction;
- F.** Assistance by an advisor or licensed attorney throughout the disciplinary proceedings:
 - 1. Attendance at hearings, meetings, and interviews with the party;

2. Private consultations with the party during hearings, meetings, and interviews, except during questioning of the party at a hearing; and
 3. Assistance with the party's exercise of any right during the disciplinary proceedings;
- G.** Notwithstanding whether a student accesses an attorney 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 advisor, at any hearing, meeting, or interview during the disciplinary proceedings;
- H.** Notice to a student party, presented in an appropriate and sensitive format, before the start of the disciplinary proceedings, of:
1. The student's right to the assistance of an attorney or an advisor;
 2. The legal service organizations and referral services available to the student; and
 3. The student's right to have a personal supporter of the student's choice at any hearing, meeting, or interview during the disciplinary proceedings;
- I.** Access to an attorney 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 College 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:
1. A student may select and retain an attorney before the conclusion of the formal Title IX proceedings;
 2. 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
 3. 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.

XIV. Recordkeeping

The College will maintain for a minimum of seven (7) years, records of the following:

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

XV. Campus Sexual Assault Climate Survey

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

XVI. Clery Act Compliance

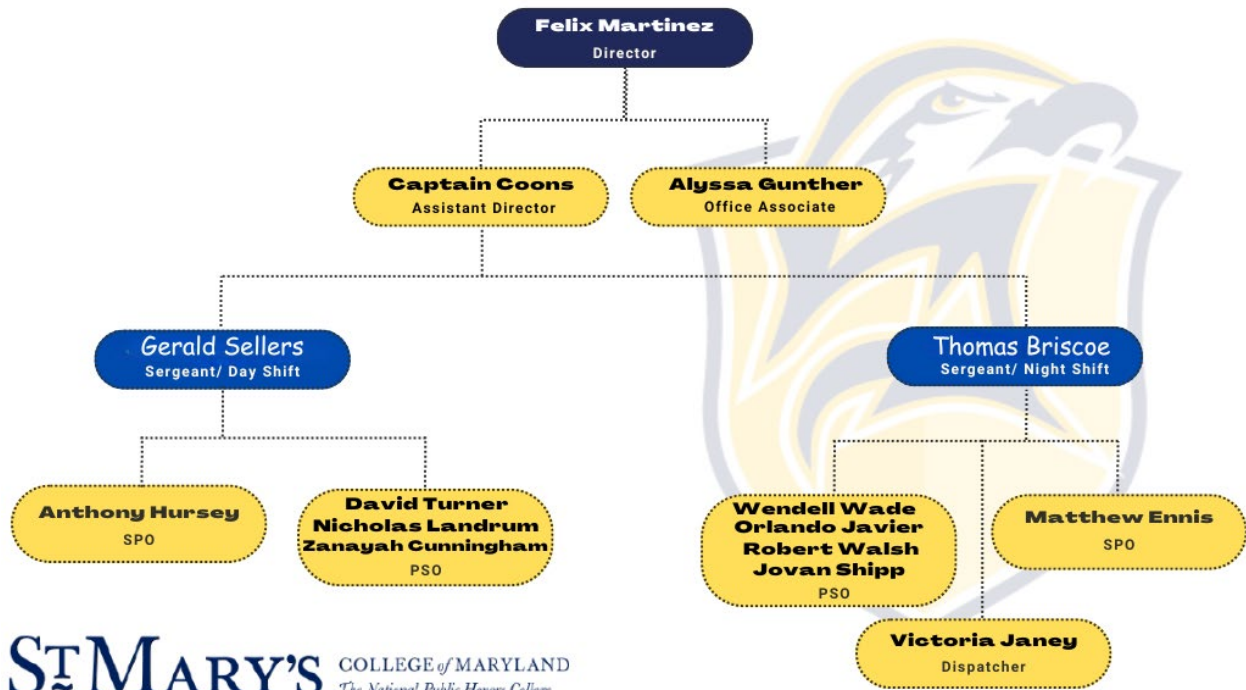
The College remains responsible for complying with the requirements of the Crime Awareness and Campus Security Act of 1990 (Clery Act) and its amendments. The College must comply with Clery Act requirements, including crime recording and reporting requirements, where compliance is not otherwise achieved by actions under this Policy.

If a report of Prohibited Conduct discloses a serious and ongoing threat to the campus community, Public Safety may issue a timely warning of the conduct in compliance with the Clery Act in the interest of the health and safety of the campus community. This notice will not contain any personally identifying information related to the Parties.

XVII. Conflicts with other Policies

To the extent that this Policy conflicts with any other College policy, procedure, handbook, faculty or employee bylaw, agreement, or process, this Policy shall prevail

OFFICE OF PUBLIC SAFETY



Addendum #3

Addendum #4

Policy Title: Freedom of Expression and Peaceful Assembly (*DRAFT*)

Policy Statement: St. Mary's College of Maryland (SMCM) strongly values free speech and is committed to freedom of expression and the right to assemble for the purpose of expressing differing opinions.

Responsible College Administrators: VPSA and VPAA

Effective Date:

Date of Last review/Update: N/A

Responsible College Office: Student Affairs

Academic freedom is grounded in a commitment to freedom of speech. A public college like ours must be absolutely committed to protecting freedom of speech, both for constitutional and academic reasons. Freedom of speech is, of course, guaranteed by the Constitution and includes, unambiguously, protection for speech that some find offensive, uncivil or even hateful. Diversity of opinion or perspective is one of the greatest strengths of our public honors college; but it also means that members of our community may sometimes hear ideas they strongly disagree with and find deeply offensive.

St. Mary's College of Maryland has a rich history as an academic institution that promotes a lifelong quest for learning. This is a place where people are engaged in an ongoing dialogue that values differences and the unique contributions of others' talents, backgrounds, customs and worldviews. As such, the College commits to the privilege of any recognized College organization, unit or group to sponsor an external speaker on campus to enrich the educational process through civil discourse, discussion and debate. Invitation and/or sponsorship of a speaker, however, does not imply the College's agreement with endorsement of or support for the ideologies presented nor does it preclude opposing perspectives from discussion.

Definitions

1. "Demonstration" - A person or assembly of persons engaged in a rally, march, sit-in, fast or other public manifestation of welcome, approval, protest or disapproval but does not include social or athletic exhibitions or events.
2. "Encampment" - A temporary or semi-permanent settlement consisting of tents, shelters, or other structures.
3. "Non-College affiliated speaker" also referred to as "External Speaker" – an invited *speaker* is a person or group invited by, or on behalf of, recognized College groups or organizations or by College academic or administrative units and their administrators, to give a speech, lecture, musical or artistic performance or other live presentation at a College facility. The guidelines *do not apply* to speakers invited by faculty or College employees who engage external speakers *for classroom presentations* in credit- or non-credit-bearing College courses.
4. "'Registered student organization" - A student organization properly registered with the Office of Student Life pursuant to rules set forth by the Student Government Association.
5. "College department/unit/office" - Any officially recognized section of the College's organizational structure.
6. "Sound amplification equipment" - Any device used to amplify sound.
7. [Student Rights](#) regarding freedom of expression are enumerated with the Student Handbook primarily under sections labeled as "Basic Rights & Responsibilities."

I. Demonstrations

Demonstrators entering campus buildings to conduct orderly and peaceful demonstrations may not enter or occupy rooms or offices; obstruct entry, exit or restrict the free movement of persons; block hallways, doorways, stairs or doors of college facilities; materially interrupt or

interfere with College business functions or remain in buildings after the close of regular hours of operation.

Types of Demonstrations

Peaceful, Non-Obstructive Demonstrations

Generally, demonstrations of this kind should not be interrupted. Demonstrators should not be obstructed or provoked, and efforts should be made to conduct College business as normally as possible.

Non-Violent, Disruptive Demonstrations

If a demonstration blocks access to College facilities or interferes with the operations of the College, the Office of Public Safety will respond to the area and request that the demonstrators move or desist.

If the demonstrators persist in the disruptive activity, they will be advised that failure to discontinue the specified action within a determined length of time may result in disciplinary action or possible intervention by the St. Mary's County Sheriff's Office. Except in extreme emergencies, the President will be consulted before such actions are taken.

Violent, Disruptive Demonstrations

If a violent demonstration in which injury to persons or property occurs or appears imminent, report it immediately to the Office of Public Safety at x4911 and take the following actions:

- Alert all persons in the situation.
- Lock all doors and windows.
- Close blinds to prevent flying glass.
- If necessary, your department/office may decide to cease work operations until the disturbance is quieted or dispersed.
- If it later becomes necessary to evacuate your building, follow directions from the Office of Public Safety and/or the sheriff's.

A student demonstration will not be disrupted unless one or more of the following conditions exist because of the demonstration:

- Interference with normal operations of the College
- Prevention of access to office, building, or other College facilities
- Threat of physical harm to persons or damage to College facilities

II. **Encampment**

Encampments on the grounds of St. Mary's College of Maryland are permitted only by students, staff and faculty seeking to establish encampments on the grounds of St. Mary's College of Maryland in designated areas and require prior approval from the SMCM administration. All encampments must adhere to the guidelines and procedures outlined in this policy to ensure the safety, security and environmental sustainability of the campus.

1. Application Process

- All encampments must be approved in advance. An application must be submitted to the Office of Public Safety via email to Publicsafety@smcm.edu, at least 7 days prior to the proposed encampment date.
- The application must include:
 - Purpose of the encampment
 - Dates and duration of the encampment
 - Estimated number of participants
 - Location preference within the designated permitted areas
 - Responsible party's contact information
 - Plans for waste disposal, water supply and safety measures

2. Approval Process

- The Office of Public Safety will review the application and consult with relevant campus departments (e.g., Student Affairs, Environmental Services) before granting approval.
- Approval will be based on factors such as the impact on campus operations, safety and security considerations and environmental impact.
- The responsible party will be notified of the decision within 10 business days of application submission.

3. Permitted Areas

- Encampments are only allowed in designated areas as specified by the college administration. These areas will be chosen based on minimal disruption to campus activities and environmental sensitivity.
- Maps of permitted areas will be provided upon approval of the encampment application.

4. Safety and Security

- The responsible party must ensure the encampment is secure and that all participants adhere to SMCM policies and local laws.
- A safety plan must be submitted, including emergency contact information and procedures for dealing with medical and/or security incidents.
- Open flames and cooking are prohibited unless specifically authorized by the Office of Public Safety.

5. Environmental Considerations

- Encampments must minimize environmental impact. Participants are responsible for maintaining cleanliness and disposing of waste properly.
- No permanent alterations to the landscape are allowed.
- The use of eco-friendly materials and practices is encouraged.

6. Duration and Disbandment

- Encampments are generally limited to a duration of no more than 3 days unless otherwise approved.
- The responsible party must ensure the area is completely cleared and restored to its original condition by the end of the approved encampment period.

III. Designated Public Forum

The College has designated the following area as a public forum for third party free speech

The Campus Center Patio
 47600 Mill Field Dr
 St. Mary's City, MD 20686

Freedom of speech and expression are at the core of academia. The open exchange of ideas intrinsically involves the free expression of viewpoints other than those of the external speaker. The College welcomes dissenting ideas within all public forums of learning. However, the expression of dissenting ideas must not prevent or interfere with the right of others to consume the ideas of the invited speaker or those offering dissenting views. The College, therefore, reserves the right to constrain the time and place of those espousing dissenting ideas, as necessary, to facilitate an open exchange.

1. No electronic amplification of sound is permitted in the academic areas, which includes the Campus Center Patio, due to the proximity of academic buildings in which classes are held. The risk of interfering with classroom instruction is too great to allow for the use of electronic amplification methods. Therefore, the use of electronically amplified sound is not permitted outside academic areas on class days from the time classes begin in the morning through the time that classes end in the evening.
2. In implementing this policy, the College weighs competing obligations and responsibilities:
 1. to meet its legal obligations as a public entity to provide a designated public forum for free speech by third parties;
 2. to meet audit and control responsibilities in managing Maryland state property under college jurisdiction;
 3. to provide for the orderly and safe operation of the campus;
 4. to responsibly manage and allocate College resources in pursuit of its educational mission.
3. The College has determined specific time periods, Blackout Periods when the use of its campus or facilities, including outdoor spaces, are reserved exclusively for college-related activities. During these periods, no third party shall be permitted to reserve or use the designated public forum for free speech purposes:
 1. during our student orientation days and opening weekends for the summer, fall and spring semesters;
 2. during reading and examination periods as set forth in the then-current academic calendar;

3. during graduation-related activities and events including winter and spring commencement days;
4. during major campus-wide celebrations and events such as Hawktoberfest and Convocation.
4. The College reserves the right to terminate any use of the designated public forum in the event either the speaker or member(s) of an audience engage in conduct that violates the orderly operations of the Campus for the safety of the entire Campus Community.
5. To function safely and securely, the College reserves the right to deny, cancel or postpone a reservation, or immediately terminate any ongoing activity that represents a violation of the time, place and manner provisions this policy may outline.

VI. Invited External Speakers and Events

To adequately plan outreach, logistics and other details to maximize a healthy exchange of views in a safe and supportive environment, the College requires advance notice of external speakers. To that end, the following guidelines are designed to (1) enable adequate institutional preparation for events that involve external speakers and (2) ensure the College anticipates and plans for any risks involved, including responsibilities under the law, public safety, and alignment with College policies.

1. Non-College affiliated speakers must be sponsored by a College department or by a registered student organization.
2. Prior to officially inviting an external speaker to campus, the sponsoring College organization, unit, or group must submit its intent through the online [External Speaker Intent Form](#) at least 45 days before the desired date of the event. The form must be submitted to either the Office of the Vice President for Academic Affairs (required for invitations for faculty and staff) or to the Office of the Vice President for Student Affairs (for invitations made by students). The Office of Vice President for Academic Affairs and/or the Office of the Vice President for Student Affairs reserves the right to request additional information to thoroughly assess potential risk to the campus, community safety, and alignment with the College's mission and core values. In all instances, those sponsoring a speaker(s) are responsible for making the necessary provisions to maintain the peaceful demeanor of the assembly, including the arrangements for marshals or other self-governing services in cooperation with the assigned College security personnel.
3. The External Speaker Intent Form will then be forwarded by the Office of the Vice President for Academic Affairs or the Office of the Vice President for Student Affairs to the Office of the Vice President for Institutional Advancement for review to ensure timely scheduling of facilities and adequate institutional preparation for the event.
4. These events may be ticketed events and first priority for these tickets will go SMCM students, followed by SMCM faculty and staff.
5. The College will neither permit nor condone unlawful action. Civil disobedience as a means to produce change is always a matter of individual conscience and consequence.
6. Signs attached to rigid supports or framework are prohibited inside campus buildings.
7. During the course of the event in which he or she participates, no speaker shall:
 - a. Act in violation of the law

- b. Incite hatred or violence
- c. Discriminate against or harass any person or group on the grounds of their sex, gender identity, race, nationality or state of origin, ethnicity, disability, religion and belief, sexual orientation, socioeconomic status, or age.

V. Use of College Facilities for Free Speech by Third Parties

1. The College reserves the right to determine the time, place and manner of assembly or presentation in order to protect against probable disruption to the continuity and quality of the educational process both in and out of class. The College also reserves the right to protect the community when there is a reasonable and articulable risk to the safety of individuals and property.
2. The College recognizes an obligation to provide a free speech area of the campus for use by third parties (not part of or sponsored by the College or a registered student organization). This policy applies to third parties and does not apply to the College's students, speakers officially sponsored by registered student groups, faculty or staff. The rights of students, faculty and staff regarding free speech are included in the Employee and Student Handbook.
3. As a public entity partially funded by Maryland State tax dollars, the College will provide a designated public forum to third parties for the exercise of all protected speech, barring reasonable time, place and manner restrictions. Any use that may create a reasonable time or space issue must go through the reservation system. Reservations for the designated forum will be addressed on a first-come, first-served basis. Spontaneous gatherings are exempt from reserving the space but are still regulated by guidelines.
4. Third parties planning to use the space designated a public forum for third party free speech must complete a **Designated Public Forum Application** and file the application with the Office of Student Life three (3) business days before the date when the applicant wants to use the designated public forum space. Completed applications should be sent or hand delivered to:

Office of Student Life
Campus Center
St. Mary's College of Maryland
47600 Mill Field Dr
St. Mary's City, MD 20686

Applications must be received 7 business days in advance of event. Applications received after 3 pm shall be considered as having been received on the morning of the next business day. The applicant assumes responsibility for proper and timely completion and delivery of an application to the Office of Student Life. The College shall review the application and respond to the applicant no later than the close of business on the third business day prior to the date the applicant wants to use the designated public forum.

1. If the application is completed fully and signed by the applicant, and the date and time are available for use, the College shall inform the applicant of its approval to use the designated forum on the date and time so requested.

2. If the application is not complete and/or it is not signed, the College shall return the application to the applicant for completion. The three (3) business days' time period will begin running again once the completed and signed application is received by the Office of Student Life.
3. If space is already reserved to its capacity for the date and time requested, or if the date and time requested is during a "blackout period" as defined above, the College shall inform the applicant of the same and offer the applicant the next available date and time for the use of the space
4. The College shall not:
 1. inquire as to the nature or content of the free speech;
 2. charge the applicant an application fee to reserve the designated public forum;
 3. charge the applicant/third party for the use of the space;
 4. impose insurance requirements on the applicant/third party; or
 5. charge the applicant for any additional costs to the College that the College may incur due to the use of the space by the applicant/third party, such as security.
5. The applicant/third party shall:
 1. Be responsible for any costs for parking on the campus;
 2. Be responsible for picking up from the designated public forum any brochures, pamphlets, leaflets or other handouts or goods that the third-party speaker brings to the campus to disseminate during his/her speech, and properly disposing of the same in public recycling or trash receptacles or taking them with him/her; or pay for reasonable costs to the College for clean-up, and;
 3. Not use a megaphone or electronic equipment for the amplification of sound.
6. As noted, SMCM has a responsibility to both honor Freedom of Expression, and also protect against those that may restrict such expression in a limited public forum.

Disruption of an event or speaker through actions such as interfering with ingress or egress from College facilities, heckling or shouting down a speaker, damaging property, etc. is not allowed. In the event of such activities, the violator will be asked to leave the event. If they do not leave, they will be escorted from the event.



**BOARD OF TRUSTEES
CAMPUS LIFE COMMITTEE**

**OPEN SESSION
MINUTES**

Date of Meeting: May 10, 2024

Status of Minutes: July 8, 2024

Campus Life Committee Members Present: Carlos Alcazar, John Bell '95, Hudson Christensen '25, Board Chair Susan Lawrence Dyer, Peg Duchesne '77, Katherine Fritz '04, President Tuajuanda Jordan, Faculty Liaison Kristina Howansky.

Campus Life Committee Members Not Present: Committee Chair Nicolas Abrams '99, Jesse Price '92

Staff Members: Jerri Howland and Dereck Rovaris

Others Present: Betsy Barreto, Paula Collins, Carolyn Curry, Judith Fillius '79, Katie Gantz, Kristen Greenaway, David Hautanen, Mary Broadwater, Cindy Greb, Todd Eberly, Merideth Weir, Caleb Shankle, Kathy Grimes, Amir Mohammadi

Executive Summary

Committee Chair Nicolas Abrams could not attend and asked Trustee John Bell to run the meeting. Trustee Bell called the meeting to order at 10:02 a.m.

Discussion Items

Student Trustee Report

Student Trustee Hudson Christensen reported that students feel a disconnect between them and campus events. Students are reporting that they are unaware of events even though they receive emails about them. Hudson acknowledged that the tools are in place for informing students; they just need to use them.

Hudson reported a significant uptick in student interaction. Students are coming out of their dorm rooms and mingling with each other. The SGA has been instrumental in this change by providing students with new activities and funds to bring major entertainment to the campus. Hudson's full report can be found in the material on OnBoard.

Vice President's Reports

Vice President Howland and Vice President Rovaris' reports can be found in the materials on OnBoard.

Action Items

Action Item II.A.: Approval of the 2024 Cultural Diversity Report

The Campus Life Committee recommends that the Board of Trustees of St. Mary's College of Maryland approve the College's 2024 Cultural Diversity Report for submission to the Maryland Higher Education Commission.

Trustee Bell made a motion to forward the recommendation for approval to the Board of Trustees. Trustee Duchesne seconded the motion, which carried unanimously.

Trustee Bell asked for a motion to adjourn this meeting of the Campus Life Committee. Trustee Duchesne made the motion, which was seconded by Trustee Alcazar. The motion passed unanimously.

The open meeting adjourned at 10:05 a.m.

**ST. MARY'S COLLEGE OF MARYLAND
BOARD OF TRUSTEES
CAMPUS LIFE COMMITTEE**

ACTION ITEM II.A.

**ENDORSEMENT OF THE 2024 PERFORMANCE
ACCOUNTABILITY REPORT**

RECOMMENDATION

The Campus Life Committee recommends that the Board of Trustees approve the 2024 Performance Accountability Report for submission to the Maryland Higher Education Commission.

RATIONALE

The Performance Accountability Report (PAR) is a report required by the State of Maryland that assesses the College's progress on a variety of goals and objectives, including academics, enrollment, retention and graduation rates, financial aid, and student outcomes. The report provides data on specific metrics, as well as narrative describing strengths and challenges. Maryland law requires institutions to submit their PAR to the Maryland Higher Education Commission for review, and final submission to the Governor and General Assembly.

**ST. MARY'S COLLEGE OF MARYLAND
BOARD OF TRUSTEES
CAMPUS LIFE COMMITTEE**

ACTION ITEM II.B.

APPROVAL OF THE UPDATED TITLE IX POLICY

RECOMMENDATION

The Campus Life Committee recommends that the Board of Trustees approve the interim Title IX Policy.

RATIONALE

The 2024 Title IX Final Rule policy has been updated in compliance with federal and state laws. The College is committed to providing an educational, living and working environment free from Sexual Harassment. Under the new rule sexual harassment extends to other forms of sex-based harassment (quid pro quo harassment, hostile environment harassment, sexual assault, dating violence, domestic violence, and stalking.) Also, Sexual assault offenses now include non-consensual sexual penetration, fondling, incest and statutory rape. The College prohibits and will not tolerate Sex Discrimination in any form.