

ST MARY'S
COLLEGE of MARYLAND

The National Public Honors College

2024

**ANNUAL SECURITY
AND FIRE SAFETY
REPORT**



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INTRODUCTION

This document is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) and the Higher Education Opportunity Act (HEOA). These two acts along with periodic updates and reauthorizations mandate that institutions of higher education provide specific information. The information in this report includes policies, crime statistics for the previous 3 years, fire statistics for the previous 3 years, safety tips, emergency phone numbers and an overview of some of the programs offered by St. Mary's College of Maryland (the College). The annual statistics are prepared by collecting crime data from the College's Office of Public Safety, the Office of Student Affairs, and other Campus Security Authorities. In addition to information provided by on-campus reporters, the Office of Public Safety also requests crime statistics for specified geographic locations from local law enforcement agencies. After the crime statistics are compiled, they are included in this Annual Security and Fire Report and submitted to the Department of Education. This report includes crime statistics from January 1, 2021 to December 31, 2023.

THE OFFICE OF PUBLIC SAFETY



St. Mary's College of Maryland's Office of Public Safety provides campus safety and security for the College.

Full time Special Police Officers, full and part-time Public Safety Officers, along with full and part-time trained dispatchers, provide a variety of services to the College community on a 24-hour basis. The department may employ and train students to perform dispatch services to supplement agency operations.

It is the mission of the Office of Public Safety to create a safer and more harmonious community through a holistic approach that prioritizes community policing, cultural competence, emotional intelligence, and procedural justice. We are committed to building strong and meaningful relationships with the community we serve, working

collaboratively with students, faculty, staff, and other stakeholders to identify and address public safety concerns effectively. Our community policing initiative aims to foster trust, open communication, and mutual respect, empowering everyone to play an active role in enhancing public safety.

The Office of Public Safety consists of both Sworn Special Police Officers and Non-Sworn Public Safety Officers. Sworn Special Police Officers are sworn Law Enforcement Officers under the Maryland Special Police Commission Act. Special Police Officers have the authority to detain and arrest on the property of St. Mary's College of Maryland. Public Safety Officers do not have the authority to arrest but do have the authority to detain.

The Office of Public Safety works in collaboration with local law enforcement agencies when it receives reports of criminal activity.

The Office of Public Safety derives its enforcement authority from Maryland Law, the Maryland Education article, and the Board of Trustees. All Campus Police Officers enforce the Policies of St. Mary's College of Maryland as well as Local, State and Federal Law.

The official patrol jurisdiction of the Office of Public Safety is:

- St. Mary's College of Maryland Property
- Historic St. Mary's City Property
- Trinity Church

Property Public roads:

- Maryland Route 5 also known as Point Lookout Road (from 17340 Point Lookout Road to Bauer Road)
- Maryland Route 584 also known as Trinity Church Road and Old State House Road
- Mattapan Road (from Maryland Route 5 to 48010 Mattapan Road)
- Rosecroft Road (from Maryland Route 5 to Lucas Cove Road)
- Lucas Cove Road (from Rosecroft Road to Dutchmans Drive)

Special Police Officers are uniformed in navy blue battle dress uniform (BDU) pants and a navy blue patrol duty uniform (PDU) shirt with badge and nameplate attached. Special Police Officers are armed with department issued firearms. Public Safety Officers are uniformed in navy blue battle dress uniform (BDU) pants and a French blue

uniform shirt with badge and nameplate attached. Public Safety Officers do not carry firearms. Both Special Police and Public Safety officers are trained in the use of and carry the following defensive tools on their person: expandable batons, defensive chemical spray, and handcuffs.

Special Police Officers must complete all training requirements set forth by the Maryland Police and Correctional Training Commission as well as training required by Public Safety Policy. Both Special Police and Public Safety Officers participate in and must successfully complete an initial field training program for up to 6 weeks. Additional internal training as a department as well as training with other law enforcement agencies regionally is conducted on an ongoing basis.

WORKING RELATIONSHIPS WITH LOCAL LAW ENFORCEMENT

St. Mary's College of Maryland's Office of Public Safety maintains a close working relationship with local law enforcement agencies including the St. Mary's County Sheriff's Department, Maryland State Police Leonardtown Barracks, Maryland Department of Natural Resources Police, the Maryland State Fire Marshal, and the United States Coast Guard. The agencies listed above have law enforcement jurisdiction on the St. Mary's College of Maryland campus and/or public property adjacent to the campus. The Office of Public Safety cooperates fully with federal, state and local law enforcement agencies in cases involving both on-campus and off-campus jurisdiction. This includes assisting with investigations, training, and sharing of information and resources.

The Office of Public Safety and the St. Mary's County Sheriff's Department have a Memorandum of Understanding which formalizes the relationship for investigating alleged criminal activity, sharing patrol, providing additional resources, training, and other law enforcement related activities. St. Mary's College of Maryland may hire St. Mary's County Sheriff's Deputies to provide addition security for events.

REPORTING CRIMES AND EMERGENCIES

Anyone who is involved in an emergency situation, or who is the victim of a crime or witnesses any criminal activity should notify the Office of Public Safety as soon as possible by dialing (240) 895-4911 or x4911 from any on campus phone, the Campus Shield mobile app, or using one of the emergency blue light phone call boxes.

Upon receiving a report of a crime or emergency, the dispatcher will log information such as, but not limited to the name and contact information of the person making a report, type of crime or emergency, and location into a computer aided dispatch system. The dispatcher will then dispatch an Officer to the location. The Officer will make contact with the person making a report and gather the facts of the incident. Once the facts are documented, an investigation will begin, if appropriate. The Office of Public Safety will notify local law enforcement to assist if the need arises, at the discretion of the Director of Public Safety, or if the victim of a crime requests assistance in contacting local law enforcement. If appropriate, the Office of Public Safety will complete a written incident report. Reports involving alleged violations of college policies or Maryland law committed by students will be referred to the Office of Student Conduct for review.

Off-campus crimes may be reported to the St. Mary's County Sheriff's Office by calling (301) 475-8008 or the Maryland State Police Leonardtown Barracks at (301) 475-8955. In emergency situations, law enforcement agencies or fire and medical services can be reached by dialing 911.

Additionally, crimes involving sexual misconduct including sexual violence, sexual assault, relationship violence, sexual exploitation, or stalking may be reported directly to The Office of Title IX Compliance and Training by phone at (240) 895-4195 or x4195 from any campus phone, in person at the Glendenning Annex, or by email at titleix@smcm.edu

The Office of Title IX Compliance and Training is responsible for overseeing the College's response to all reports of sexual misconduct including sexual harassment, sexual violence, sexual assault, sexual exploitation, stalking, and relationship violence in the St. Mary's College of Maryland community. The Title IX Coordinator along with the Deputy Coordinators are trained in College policies

and procedures as well as relevant state and federal laws and are available to advise any individual, including complainants, respondents, or third parties about the College's policy, options, and resources. The Office of Title IX Compliance and Training is also responsible for training, prevention, and education efforts and periodic reviews of climate and culture. The Title IX Coordinator and Deputy Coordinators are assisted by members of the Title IX Team.

ADDITIONAL RESOURCES

St. Mary's College of Maryland strongly encourages all victims or witnesses to report all crimes to the Office of Public Safety in an accurate or prompt manner when the victim elects to or is unable to make such report. Public Safety can be contacted at (240) 895-4911 or x4911 from an on-campus phone.

The College also provides additional resources for victims to report crimes. Reports to the Office of Public Safety, the Office of Title IX Compliance and Training, Office of Student Conduct, Dean of Students, or any other Campus Security Authority will be evaluated for a Timely Warning and included in the annual reported crime statistics.

Office of Student Conduct

Glendenning Hall 150
(240) 895-4207
studentconduct@smcm.edu

The Office of Student Conduct coordinates all on-campus hearings for violations of the Student Code of Conduct except for violations of the Policy against Sexual Harassment which are handled through the Office of Title IX Compliance and Training. Students can report incidents directly to the Student Conduct Officer if they desire to pursue a student conduct hearing. The Student Conduct Officer can also connect students to on- and off-campus resources.

Vice President for Student Affairs

Calvert Hall Office 222
(240) 895-4208

The Office of the Vice President for Student Affairs oversees, Public Safety, Counseling Services, Health Services, Center for Career and Professional Development, and the Dean of Students. The VP for Student Affairs can provide

options and resources for students as well as assist with a variety of accommodations.

Dean of Students

Calvert 220
(240) 895-4208

The Dean of Students reports directly to the Vice President for Student Affairs and oversees Residence Life, Student Activities, Orientation and the Office of Student Conduct. The Dean of Students can provide options and resources for students as well as assist with a variety of accommodations.

DAILY CRIME AND FIRE LOG

The St. Mary's College of Maryland Office of Public Safety maintains a log of all crimes and fires reported to the college. A log containing the previous 60 days of crimes and fires reported is available to view at the Public Safety Office or online at <http://www.smcm.edu/publicsafety/daily-crime-and-fire-log/>.

Daily Crime and Fire logs beyond 60 days are archived and available to view upon request. Questions about the log or requests to view the archive can be made by contacting Assistant Director Christopher Coons at ccoons@smcm.edu or 240-895-4911.

CAMPUS SECURITY AUTHORITIES

Some individuals may prefer to report crimes to college employees or offices other than Public Safety. The Clery Act recognizes certain college officials and offices as being a "Campus Security Authority" (CSA).

The Clery Act defines a CSA as being an "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings." An official is defined as "any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. CSAs include but are not limited to the following individuals:

- A member of campus police or campus safety/security responsible for campus security.
- An individual who has responsibility for campus security but does not constitute a

police or security department (for example, monitoring the entrance to a building).

- An individual or organization specified in the institution's security policy as an individual or organization to which students and employees should report criminal offenses.
- Officials with significant responsibility for student and campus activities.

These positions at SMCM are listed as CSAs:

- Public Safety Staff
- Dean of Students and Staff
- Student Conduct
- Title IX Staff
- Residence Life Staff
- Athletics Staff (Athletic Director, Coaches, Assistant Coaches, Trainers)
- Advisors to Student Clubs or Organizations
- Human Resources Staff
- Advocates in the Wellness Center
- Orientation Leaders
- Other Staff or Faculty as Determined by College

These positions at SMCM are not listed as CSAs:

- Physical Plant Staff
- Food Service Staff
- Faculty who do not advise a student club or organization
- Clerical Staff in most cases

St. Mary's College of Maryland requires that any CSA who receives a report of a crime must immediately report the incident to the Office of Public Safety.

CSAs receive Clery Act training annually.

VOLUNTARY CONFIDENTIAL REPORTING OPTIONS

The St. Mary's College of Maryland Policy on Sexual Misconduct provides for Voluntary Confidential Reporting options for the purposes of Title IX compliance. However, under the Clery Act, federal law requires some individuals be identified as Campus Security Authorities or CSAs. The decision to identify these individuals as CSAs is made by the Department of Education guidelines or by St. Mary's College of Maryland. CSAs are required to report to the Office of Public Safety certain information on crimes reported to them.

Personally identifying information on persons involved in a crime can be withheld from the CSA report at the request of the victim. CSAs are required to provide the following information to the Office of Public Safety about all crimes and incidents that were reported to them:

- What crime occurred
- Where the crime occurred
- When the crime occurred
- When the crime was reported to the CSA

This information must be provided to the Office of Public Safety by CSAs in a timely manner so that it can be reviewed for a possible Timely Warning Notice and so that the reports can be included in the annual crime statistics.

Individuals identified by the College as voluntary confidential reporting options may also be required to provide data on reported crimes of sexual misconduct to the Title IX Coordinator.

PROFESSIONAL AND PASTORAL COUNSELORS

When acting within the scope of their employment, professional and pastoral counselors are not considered to be Campus Security Authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics.

Accordingly, professional and pastoral counselors are confidential resources and may not disclose information shared with them, unless there is an immediate danger to self or others or a suspicion of child abuse. If appropriate, professional counselors may inform persons being counseled of the procedures to report crimes on a voluntary (not confidential) basis for inclusion into the annual crime statistics and may assist the person in reporting. Professional and Pastoral counselors are not required to provide information for timely warning determination.

A "professional counselor" is a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification. This definition applies even to professional counselors who are not employees of the institution but are under contract to provide counseling at the institution.

A “Pastoral counselor” is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

St. Mary’s College of Maryland does not currently have any recognized “pastoral counselors.”

CONFIDENTIAL REPORTING OPTIONS

The following are available voluntary confidential reporting options:

Counseling and Psychological Services (CAPS):
Margaret Brent Hall
(240) 895-2159 or counseling@smcm.edu

Counseling and Psychological Services (CAPS) offers professionally trained clinicians to offer advocacy, support, therapy, and guidance. Counselors are available to provide advocacy to students and connect them to other resources on and off campus. Any names and information shared with a counselor will not be shared with any other campus office/personnel except when there is an immediate danger to self or others or a suspicion of child abuse.

TIMELY WARNING POLICY

St. Mary’s College of Maryland may issue a Timely Warning Notice to the College community whenever a report of a Clery reportable crime or other serious crime is reported to the Office of Public Safety or a Campus Security Authority if the report presents a serious or ongoing threat to the College community. The decision to issue a Timely Warning Notice will be made on a case-by-case basis. The Director of Public Safety or his/her designee is responsible for the decision to issue or not issue a Timely Warning. The Director of Public Safety or his/her designee is responsible for writing the content of the Timely Warning Notice. The Director of Public Safety or his/her designee is responsible for the distribution of the Timely Warning Notice.

The Timely Warning Notice will:

- Be sent out to the entire campus community in a timely manner

- Withhold the names of the victims as confidential
- Aid in prevention of similar occurrences

The Timely Warning Notice will be disseminated to the campus community using some or all of the following methods:

- Official College Email (Primary Method)
- Informational posters in buildings
- Public Safety Web Site
www.smcm.edu/publicsafety

Reports made to Professional and Pastoral Counselors may not result in a Timely Warning Notice being issued.

EMERGENCY RESPONSE, EVACUATION PROCEDURES AND IMMEDIATE NOTIFICATION

SEAHAWK ALERTS

St. Mary’s College of Maryland will utilize the SEAHAWK ALERT emergency notification system to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees occurring on the campus unless the notification will, based on professional judgment, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The college may evacuate one or more campus buildings or the entire campus in certain situations.

The Office of Public Safety will confirm that there is a significant emergency or dangerous situation on or near the campus. The Director of Public Safety may confer with the Vice President for Student Affairs to determine the segment or segments of the campus community to receive a notification. The Director of Public Safety may confer with the Vice President for Student Affairs and the Assistant Vice President of Integrated Marketing and Strategic Communications to determine the content of the notification. The campus community or affected portion thereof will be notified of situational updates via text, email, social media, or public address system as deemed appropriate.

If a confirmed significant emergency or dangerous situation involving, an immediate threat to the health or safety of students or employees occurs on campus, the college will, without delay, and taking

into account the safety of the community, determine the content of the notification and initiate the SEAHAWK ALERT emergency notification system., unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Director of Public Safety or his/her designee will determine the most effective method to notify the campus community.

SEAHAWK ALERT emergency notifications will be disseminated using one or more of the following methods:

- Text Messaging
- Official College Email
- College Web Site
- Social Media
- Siren and Public Address System

The college will test the emergency notification systems at least on an annual basis. Tests are regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities that may be announced or unannounced. The college will publicize the description of the exercise including the date, time, and whether it was announced or unannounced.

In the event an emergency notification is sent to the campus community, a timely warning may not be issued.

To sign up to receive SEAHAWK ALERT text messaging download the “campusshield” mobile app and complete the registration. To receive text messages without the app visit:
<https://www.smcm.edu/publicsafety/seahawk-alerts/>

EVACUATIONS, LOCKDOWNS, AND TAKING SHELTER

GENERAL INFORMATION

The SMCM Office of Public Safety is responsible for all law enforcement and campus security activities, including controlling the flow of traffic. The Director of Public Safety works with the campus Emergency

Response Team (ERT) to determine if an evacuation, lockdown or shelter in place is necessary and the scope of the situation. Evacuations, lockdowns or shelter in place orders may include all or portions of buildings, specific areas of the campus or the entire campus depending upon the nature of the emergency. In the event of a campus wide evacuation, the College will be supported by the St. Mary’s County Emergency Services and Technology Office and the St. Mary’s County Sheriff’s Office to ensure safe egress.

The Office of Public Safety will establish and ensure staffing of traffic control points that are considered necessary. They will also maintain access control and security for the affected areas.

In the event of a campus wide evacuation, lockdown or shelter in place the ERT in cooperation with the President of the College will determine when the emergency is over and the campus is open. This information will be disseminated using all appropriate and available methods of communication.

EVACUATIONS

“Evacuate” is the term used when it is necessary to vacate a specific building(s) and/or area of the campus. Occupants in the affected area will be required to leave the building and/or area as quickly and calmly as possible.

Reasons for an Evacuation:

The reasons the College may require an evacuation include but are not limited to:

- Fires and/or fire alarms
- Severe weather events
- Hazardous material spills

NOTIFICATION

The campus community will be notified to evacuate via all appropriate and available methods of communication including:

- SEAHAWK ALERTS
- Fire Alarms
- Public Address Systems
- Campus email

Required Action:

Evacuation may be required due to hazardous materials spills/releases that do not involve a campus facility such as a transportation accident. An assessment by on-scene personnel will determine the appropriate area and populations to be considered for evacuation. Follow the instructions of responding emergency personnel.

Residence hall and academic building evacuation processes are listed in the Emergency Resource Guide on the Public Safety website and in the Campus Shield mobile app Safety Resources.

<https://www.smcm.edu/publicsafety/emergencies/evacuations/>

When the all clear signal is given the emergency is resolved. Classes, if in session and affected, will resume at the nearest class time period.

If someone is in need of assistance and you are able, please help in any way you can.

LOCKDOWN / SHELTER IN PLACE

The College has the ability to secure buildings in the event of an emergency. The buildings will be secured remotely via the CS Gold system and/or manually. Residence halls are secure 24/7. In the event of a Lock-down/Shelter in Place order do not leave the building you are in until an all clear announcement is given by College authorities or local law enforcement.

Additional information can be found at:
<https://www.smcm.edu/publicsafety/emergencies/evacuations/>

TAKE SHELTER

“Take shelter” will be the term used when it is necessary to allow access to buildings on campus in the case of an emergency requiring persons to shelter from adverse external conditions. Buildings will be sources of refuge and should be allowed open access.

LOCAL LAW ENFORCEMENT MONITORING OF NON-CAMPUS STUDENT ORGANIZATIONS

St. Mary's College of Maryland does not have any officially recognized non-campus student organizations or officially recognized non-campus student organizations housing facilities. St. Mary's College of Maryland does not own or operate non-campus housing facilities.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

RESIDENTIAL FACILITIES

All traditional residence halls and Waring Commons are equipped with card-access control. The card-accessed buildings are locked 24 hours a day, seven days a week, allowing access only to the current building occupants. Public Safety Officers make periodic security patrols within the halls on a 24-hour basis. The building access systems are inspected and tested on a regular basis, and malfunctions are given priority for repair. Residents living in the Lewis Quad suites are issued keys that operate the outside entry doors and their assigned bedroom doors. Residents living in the Townhouses are issued keys which operate the outside entry doors.

Residents are strongly urged to keep the doors locked to prevent theft, unwanted false fire alarms, and other problematic behavior.

Residents are expected to comply with all residence and guest policies, to use available security locks, and to not prop locked doors open, or to allow entrance to uninvited people. Each residential staff office is open from 8 pm until midnight from Sunday to Thursday and 9 pm until 2 a.m. on Fridays and Saturdays and managed by trained and experienced student staff members. Information about security at individual halls is available through the Office of Residence Life.

All St. Mary's College students and employees are issued photo ID cards and are required to carry them while on campus.

NON-RESIDENTIAL FACILITIES

Non-Residential facilities are open to students, employees and the public during their business hours (which vary by building). All Non-Residential facilities are checked and locked outside of business hours.

Students with a need to access a locked building or remain in a building after hours must do so by notifying a Faculty or Staff member. The faculty or staff member must complete the Office of Public Safety access form:

<https://forms.gle/B1Nq3CTirzK5nS6A6>.

Officers securing the building will ask any student without permission to leave the building. All Faculty and Staff are strongly encouraged to secure their offices and labs when not in use.

MAINTENANCE OF CAMPUS FACILITIES

St. Mary's College of Maryland Office of Planning and Facilities is responsible for the development and operation of campus buildings and grounds. They keep the buildings, classrooms and grounds clean and comfortable and manage the physical development of the campus. The Office of Public Safety staff regularly patrols the campus and reports any repair needs (malfunctioning lights or other unsafe conditions) to the Physical Plant. All members of the campus community are encouraged to directly report to the Physical Plant problems with facilities or grounds. Employees should use the College's EPAC system to report non-emergency maintenance issues. For Maintenance emergencies the Physical Plant can be reached at 240-895-4287 and is open Monday through Friday 8am - 5pm. After hours maintenance emergencies can be reported to the Office of Public Safety at 240-895-4911.

Lost keys should be reported to the Office of Public Safety at 240-895-4911.

MISSING STUDENT POLICY

Anyone who suspects that a St. Mary's College of Maryland student who resides in on-campus housing is missing must immediately contact the Office of Public Safety at (240) 895-4911. If a student is reported missing to someone other than the Office of Public Safety, the person receiving the report must immediately refer the report to the Office of Public Safety.

The Office of Public Safety will begin an investigation in order to determine whether the student is missing. Once the Office of Public Safety investigates and determines that the student is missing, the Office of Public Safety will notify the St. Mary's County Sheriff's Department and the student's emergency contact within 24 hours after the student is determined to be missing. Contacts to local law enforcement agencies will be made whether or not the missing student has designated a contact person.

The Office of Residence Life will request that all new students residing in a college-owned residence provide, on a voluntary basis, emergency contact information and a person to contact if the student is reported missing.

Returning students living in on-campus housing will also be given the opportunity each year to provide emergency contact information and a person to contact if the student is reported missing. A student may identify the same individual for both purposes or may choose different individuals as their emergency contact and person to contact if the student is reported missing. The College may contact both the emergency contact and the person to contact if the student is reported missing.

Contact information provided by the student will be registered confidentially and will be accessible only to authorized College officials, such as the Vice President for Student Affairs, Dean of Students, and the Director of Public Safety.

Students' designated contacts may be released to local law enforcement officers in furtherance of a missing person investigation. The Dean of Students will notify the designated contact(s) within 24 hours after the student is determined to be missing. If a student is under the age of 18 and not emancipated, the Dean of Students must notify a custodial parent or guardian within 24 hours of the determination that the student is missing in addition to notifying any additional contact person.

designated by the student. Additionally, the Office of Public Safety will notify local law enforcement agencies within 24 hours of the determination that the student is missing, unless a local law enforcement agency is the entity that determines that the student is missing.

SAFETY EDUCATION AND SAFETY PROGRAMS

Safety Education and Safety programs are designed to inform students and employees about campus safety and security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

NEW STUDENT MEETINGS

During new student orientation Public Safety staff meet with incoming students and present information on safety and crime prevention as well as additional information on college policies.

SAFETY ESCORT PROGRAM

Public Safety will escort any student from one campus location to another if they contact the Office of Public Safety at 240-895-4911 or x4911 and report feeling unsafe between the hours of dusk and dawn. These escorts may be given in a Public Safety vehicle or on foot by a uniformed Public Safety Officer.

PROPERTY REGISTRATION PROGRAM

Any member of the College community who has items of value on campus, including but not limited to laptops, bicycles, etc. can bring the item to the Office of Public Safety and have the item(s) registered. The Office of Public Safety will engrave the owner's driver's license number onto the item and keep a record of the item(s). The property registration program will not help prevent theft of an item but will assist Public Safety or local law enforcement in identifying the owner if it is recovered.

RAPE AGGRESSION DEFENSE (RAD) TRAINING PROGRAM

The Office of Public Safety established a Rape Aggression Defense or RAD training program for the campus community. Information on upcoming

classes will be shared through Inside SMCM. If you have questions about the program, you can call 240-895-4911 and speak to Sgt. Gerald Sellers.

In addition to community education and programs, the Office of Public Safety seeks proactive solutions to crime and safety threats.

Public Safety staff work closely with Residence Life Staff who receive training regarding confrontation, assertiveness, College rules and regulations, and the Code of Student Conduct.

Programs for students are offered periodically regarding such issues as personal safety, rape and sexual assault, and protection of personal property. Students are informed not only of the policies and procedures regarding these issues, but also various resources for help, including Counseling Services, Health Services, Public Safety, Title IX, and community services. Other Crime Prevention and Safety Programs held occasionally around campus include Alcohol and Drug awareness, Fire Safety, Internet Safety, and Travel Safety.

ALCOHOL POLICY

Maryland law states that: (1) It is unlawful for any minor (a person under age 21) to possess or consume alcoholic beverages; (2) It is unlawful for any minor to misrepresent or lie about his/her age in order to obtain alcoholic beverages; (3) It is unlawful for any person to obtain alcoholic beverages on behalf of a minor; (4) It is unlawful for any person to consume alcoholic beverages in an open outside area unless authorized to do so by proper officials; (5) A person may not be intoxicated and endanger the safety of another person or property or be intoxicated and cause a public disturbance.

It is the responsibility of all faculty, staff, and students at St. Mary's College to uphold the conditions of this state law. The unlawful use, possession, or distribution of alcohol on College property or as any part of College activities is prohibited and will result in disciplinary action, up to and including expulsion. Please refer to the College's medical amnesty and good samaritan policy where certain violations may be granted amnesty. The College also promotes an active, healthy, social life on campus and accommodates groups that request College facilities for events where alcohol is appropriate.

The Office of Public Safety and the dean of students' staff is responsible for interpreting and enforcing the following campus alcohol policy:

No individual (absent an authorized exception under section VI herein), regardless of age, may consume alcoholic beverages in public areas on the campus, such as the lounges, hallways of the residence halls, patios of townhouses, athletic fields, and other facilities and grounds.

No individual, regardless of age, may be intoxicated and cause a disturbance and/or endanger the safety of him/herself, another person, and/or property.

The sponsors of student events (dances, concerts, etc.) are responsible for keeping the event alcohol-free.

Individuals or groups sponsoring formal or informal events off-campus are responsible for upholding the Maryland alcohol law.

Resident students of legal drinking age may possess and consume alcoholic beverages in the privacy of their rooms or townhouses. All alcohol must be kept within the possession of a student of legal drinking age ("of-age"). Students who are 21 years of age or older may not offer or provide alcohol to those who are underage, including roommates. It is assumed that alcohol possessed by of-age students is for their personal use and for limited distribution to others who are of age to consume alcohol. Students who are of age and who choose to drink alcohol are strongly encouraged to drink responsibly and in moderation. Kegs and other similar multi-liter containers are prohibited.

No alcoholic beverages will be allowed at any event on campus unless: (1) The event is sponsored by the College for seniors, alumni, faculty-staff receptions, or any outside group; and (2) The event is held in a controlled space, such as the Alumni Lodge. Requests to sponsor such events must be made through the Events Office and must be approved by the dean of students. College budget accounts (including SGA funds) are by definition State dollars and may not be used to purchase alcohol or provide adult beverage service in any circumstance.

Acting as a social host: A social host is any individual who provides a location for and/or facilitates opportunities for others to violate the College Alcohol Policy or other gathering-related

policies. More specifically, a social host is an individual who provides or shares alcohol with an underage guest in his/her residence or who hosts one or more guests in his/her residence who violate the College Alcohol Policy or other gathering-related policies (e.g., quiet hours, fire code, damage, failure to comply). Additional consequences are in place for those who make the choice to host events in their residence where a violation of College policy takes place. Hosts who provide a location for others to engage in policy violations assume a greater level of responsibility for these incidents. If a student is found responsible for acting as a social host as described above, the minimum fine for the violation begins at \$100 for a first offense and increases up to \$250 for subsequent violations (see Minimum Expected Sanctions for more information). Fines will be assessed per social host and will not be divided among the room/apartment/townhouse residents. Legal sanctions under state law: It is illegal in the state of Maryland for any person under 21 to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them. It is also illegal in most situations to furnish alcohol to a person under 21, or to obtain alcohol on behalf of a person under 21. The penalty is a fine of up to \$500 for a first offense, and up to \$1000 for repeat offenses.

Students who are concerned about their use of alcohol or other drugs may speak with a counselor in Counseling Services for an assessment. Counseling Services are confidential, and the staff therapist will recommend options for risk reduction, treatment and recovery.

Excessive alcohol use can increase the likelihood of both short-term and long-term health risks. Binge drinking increases the risk of injury, violence, alcohol poisoning, and risky sexual behavior. Long-term excessive alcohol use can lead to chronic health problems such as high blood pressure, heart disease, stroke, liver disease, and digestive problems. Students can find more information about the health risks of alcohol use at <http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>.

MEDICAL AMNESTY AND GOOD SAMARITAN POLICY

The purpose of this policy is to increase the likelihood that medical attention is provided to students who need it due to alcohol intoxication or

use of drugs by removing impediments to seeking such assistance. This policy is intended for use in isolated situations; therefore, it does not excuse or protect those who flagrantly or repeatedly violate College policy.

Good Samaritan Policy: The spirit of the Good Samaritan is that we all have an ethical responsibility to help people in need. St. Mary's College expects that students will take an active role in protecting the safety and well-being of their peers and the College community. In order to promote this, when a student assists an individual who is intoxicated or under the influence of drugs in procuring medical assistance, that student may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. The student may be required to attend an educational conference with the Dean of Students or designee to discuss the incident and his/her role in it and may be required to complete follow-up if deemed necessary.

Medical Amnesty Policy: When a student is intoxicated or under the influence of drugs and seeks medical assistance, s/he may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. Upon receiving a report that a student needs medical assistance, College staff will respond through the Office of Public Safety to obtain EMS services, and responding officials will use standard procedures for documenting information and collecting identification of all persons involved. Conduct charges will be deferred, and will be dismissed upon successful completion of an approved alcohol and/or drug intervention program, leaving the student with no disciplinary record. Failure to successfully complete an approved alcohol and/or intervention program will result in the processing of alcohol use or possession charges and, if proven, may result in more severe sanctions.

Representatives of a student organization who summon medical emergency assistance will be relieved from alcohol use or possession charges under this protocol for their personal actions. Organization charges and consideration of conduct sanctions, if necessary, may be mitigated by the actions taken by representatives.

Criteria for granting amnesty may include but is not limited to: the severity of the incident, the student's disposition regarding the incident, whether the student has been granted amnesty in the past, and the student's previous conduct record. Amnesty will

not be granted for incidents which occur off-campus and will not extend to other conduct violations associated with the incident, including but not limited to distribution of drugs, hazing, vandalism, or sexual assault. Amnesty can only extend to College conduct processes and does not protect students from criminal or civil penalties.

Following receipt of an incident report by the Dean of Students office, the student will attend an educational conference with the Dean of Students or designee, which will serve to review the incident, the role of alcohol or drugs, and College policies. The following are examples of educational interventions that may be required for individuals who receive amnesty under this policy:

The student may be required to obtain an alcohol or drug assessment from Counseling Services or from an off-campus certified addictions counselor (e .g. Walden Sierra). If required to obtain an assessment, the student will provide a copy of the assessment report to the Dean of Students or designee. If the assessment indicates that further treatment is warranted, the program of treatment must be completed. The cost of the assessment (if any) and treatment is the responsibility of the student.

The student may be required to attend the Peer2Peer Alcohol Education Class taught by the Peer Health Educators.

Parental Notification Policy: The College notifies the parents/guardians of students whose consumption of alcohol or drugs results in the student being sent to the hospital.

STUDENT-ATHLETE ALCOHOL POLICY

The student athletes who represent SMCM are a unique segment of the student population. Each student athlete (S/A) serves as an ambassador for the College, the Athletic Department, and his/her specific sport team(s).

With the role of representing SMCM both on and off campus and in and out of season, our S/A will be held to the following standards:

S/A under the age of 21 must obey state of Maryland laws concerning the consumption, possession and distribution of alcohol.

S/A 21 & over must obey the state of Maryland laws regarding the consumption, possession and distribution of alcohol and the use of a motor vehicle.

S/A who are of legal drinking age are prohibited from consuming alcohol within 48 hours prior to their intercollegiate varsity athletic contest.

Alcohol consumption is prohibited on any athletic team trip or official team function.

This policy is in addition to those set forth in the student handbook (To the Point) and by the head coaches of our varsity athletic teams. Head coaches may apply more restrictive policies if he/she chooses, so make sure you understand what your team policies are.

The Director of Athletics and/or head coach can be informed of violations by S/A through the following offices and agencies:

- Local, state, and/or federal law enforcement agencies
- The SMCM Office of Public Safety
- Student Conduct Board
- Office of Residence Life
- S/A self-report

Violation of the Student-Athlete Alcohol Policy will result in the following department course of action(s):

- 1st Offense – Warning. Meeting with sport supervisor, head coach, and player to discuss ramifications of 2nd offense.
- 2nd Offense – 1 Game suspension to be served during the next scheduled regular season game/match/meet. Meeting with AD, head coach, sport supervisor and player to discuss ramifications of 3rd offense. Referral to counseling center
- 3rd Offense – Suspension for rest of year or next season of competition.

Any such penalties will be in addition to those imposed by the Student Conduct Board. Alcohol offenses accumulate on an annual basis. However, multiple offenses over academic years may be considered when setting penalties. Repeat violators could be subject to more severe penalties at the discretion of the Director of Athletics.

If the S/A self-reports the violation before the athletics department receives notification from the Student Conduct Board, that may be taken into account when determining the penalty and is

strongly encouraged. Any suspension will be served as soon as the S/A notifies the head coach or the athletics department receives notification.

ILLEGAL DRUG POLICY

Students are expected to conform to the Federal and Maryland state laws regarding the possession of drugs and paraphernalia and the Student Code of Conduct which outlines expected standards for behavior, rights and responsibilities, student conduct policies, procedures for conduct violations, and sanctions. Included therein, and as required under Federal law (the Controlled Substances Act), marijuana possession and use on campus (even if otherwise authorized by a medical marijuana license or recreational marijuana use under Maryland law) is prohibited on campus or at any place or activity affiliated with the College.

Please refer to the College's Medical Amnesty and Good Samaritan policy where certain violations may be granted amnesty.

The College must comply with Federal law, which prohibits the possession, use and distribution of illicit and illegal drugs, including medical and recreational marijuana, products containing THC and paraphernalia.

Specific to illicit drugs, including marijuana and THC products, the following misconduct is subject to disciplinary actions, up to and including expulsion and referral for prosecution, as provided for in this Code:

- Use, possession, or distribution of narcotics or other controlled dangerous substances, and related paraphernalia on College premises, except as expressly permitted by law and College regulations.

At the time of acceptance to the College, all new students are required to sign and return a statement acknowledging receipt of the College's policies and regulations concerning substance abuse.

Any student convicted of violating a criminal drug statute must notify the director of financial aid if that student is receiving any form of federal financial aid (for example, Pell Grants or Federally funded loans). Conviction on any drug-related charge may result in forfeiture of federal financial aid, during the

time of incarceration. Students who violate the standards of conduct shall be subject to written or verbal warning, restitution, restriction, forced relocation, work sanctions, counseling, disciplinary probation, disciplinary suspension, and/or dismissal from the College as stated in the Student Code of Rights and Responsibilities which is distributed annually to all students. The College will take disciplinary action based on reasonable available information unless the student voluntarily seeks assistance. Such action will be independent of any civil or criminal process precipitated by the same incident.

Legal sanctions under Maryland state law for possession of a controlled dangerous substance include:

	Age	Penalty	Incarceration	Fine
Up to 1.5 oz	21 and Over	No penalty	None	\$0
Up to 1.5 oz	Under 21	Civil	None	\$100
1.5 oz to 2.5 oz	Any	Civil	None	\$250
Adult Sharing (Up to 1.5 oz)*	21 and Over	No Penalty	None	\$0
Public Consumption (first offense)	Any	Civil	None	\$250
2.5 oz to 50 lbs.				
Over 50 lbs.	Any	Felony	5 Years	\$100,000

Penalties may be increased for subsequent violations.

For a complete list of controlled dangerous substances and their corresponding schedule, see Md. Criminal Law Code Ann. §§5-401- 406.

Penalties for any controlled dangerous substance other than marijuana may include: Imprisonment not exceeding 4 years, or a fine not exceeding \$25,000, or both

In addition to a fine, drug education program, assessment for substance abuse disorder, and referral for substance abuse treatment may be ordered by the court if offender is under 21 years of age.

A summary of federal trafficking (distribution) penalties for substances covered by the Controlled Substances Act can be found on the Drug Enforcement Administration website at <https://www.dea.gov/druginfo/ftp3.shtml>.

Students who are concerned about their use of alcohol or other drugs may speak with a counselor

at the Wellness Center for an assessment. Counseling and Psychological Services at the Wellness Center are confidential and the staff therapist will recommend options for risk reduction, treatment and recovery. Students can find information on the health risks of illicit drugs at <http://www.drugabuse.gov/publications/finder/t/160/DrugFacts>.

In accordance with the Heroin and Opioid Education and Community Action Act of 2017, all incoming students will be required to participate in heroin and opioid addiction and awareness training.

In addition, the College will obtain and store a supply of overdose reversing medication to be used in an emergency situation. Public Safety and Wellness Center personnel, as well as designated administrators, will be trained to recognize the symptoms of an opioid overdose, in procedures for administration of overdose reversing medications, and in the proper follow-up emergency procedures related to an opioid overdose. Per state law, except for any willful or grossly negligent act, campus police, or other designated personnel who have been trained in use of overdose medications and who respond in good faith to the overdose emergency of a student, may not be personally liable for any act or omission in the course of responding to the emergency.

The College will develop and implement a method for notifying parents/guardians of students of this policy at the beginning of each academic year.

STUDENT-ATHLETE DRUG POLICY

Drug use & distribution of drugs are illegal activities and as such are considered high risk behaviors for any member of society & the SMCM campus. In addition, drug use runs counter to the goals of our athletic programs as we strive to put competitive championship teams together comprised of healthy, well-conditioned, & committed college student athletes.

The student athletes who represent SMCM are a unique segment of the student population. Each student athlete (S/A) serves as an ambassador for the College, the Athletic Department, and his/her specific sport team(s).

With the role of representing SMCM both on and off campus and in and out of season, our S/A will be held to the following standards:

All S/A must obey state of Maryland and federal laws concerning possession, distribution and use of illicit & illegal drugs.

The S/A may be subject to criminal prosecution.

The S/A will be required to be assessed by a member of the Counseling Center. The director of the Counseling Center will determine the appropriate course of treatment.

These policies are in addition to those set forth in the student handbook (To the Point) and by the head coaches of our varsity athletic teams. Head coaches may apply more restrictive policies if he/she chooses, so make sure you understand what your team policies are.

The Director of Athletics and/or head coach can be informed of violations by S/A through the following offices and agencies:

- Local, state, and/or federal law enforcement agencies
- The SMCM Office of Public Safety
- Student Conduct Board
- Office of Residence Life
- S/A self-report

Violation of the Student-Athlete Drug Policy will result in the following department course of action(s):

Marijuana:

- 1st Offense – Warning. Meeting with sport supervisor, head coach and player to discuss specifics of the incident and ramifications of 2nd offense. Referral to counseling center.
- 2nd Offense – Minimum 2 game suspension to be served during the next scheduled regular season games/matches/meets. Meeting with AD, head coach, sport supervisor and player to discuss specifics of the incident & ramifications of 3rd offense. Referral to counseling center
- 3rd Offense - Suspension for rest of year or next season of competition.

Hard Drugs (Heroin, Cocaine, Crack, etc.)

- 1st Offense – Minimum 3 game suspension to be served during the next scheduled regular season games/matches/meets. Meeting with AD, head coach, sport supervisor and player to discuss specifics of the incident & ramifications of 2nd offense. Referral to counseling center.
- 2nd Offense - Suspension for rest of year or next season of competition.

Any such penalties will be in addition to those imposed by the Student Conduct Board. Drug offenses accumulate on an annual basis. However, multiple offenses over academic years may be considered when setting penalties. Repeat violators will be subject to more severe penalties at the discretion of the Director of Athletics.

Any suspension will be served as soon as the S/A notifies the head coach or the athletics department receives notification.

DRUG FREE SCHOOLS AND COMMUNITIES ACT OF 1989

For information on the St. Mary's College of Maryland Drug and Alcohol Education Policy and the Biennial Review required under the Drug Free Schools and Communities act of 1989 please visit: <http://www.smcm.edu/publicsafety/dfsc/>

HIGHER EDUCATION OPPORTUNITY ACT (HEOA) VICTIM NOTIFICATION

Upon written request from the alleged victim of a crime of violence or non-forcible sex offense, St. Mary's College of Maryland will disclose the results of any disciplinary proceeding conducted by the College against the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

SEX OFFENDER REGISTRY

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

To access more information on the Maryland Sex Offender Registry website, please visit the Maryland's Comprehensive Registered Sex Offender Website at:
<https://dpscs.maryland.gov/onlineservs/socem/default.shtml>

SEX DISCRIMINATION

The St. Mary's College of Maryland Policy on Sex Discrimination prohibits the crimes of:

- Domestic Violence
- Dating Violence
- Sexual Assault
- Stalking

DEFINITIONS UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

Dating Violence:

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

Domestic Violence:

Domestic violence can be defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or

psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone

Sexual Assault:

Sexual assault can be defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

DEFINITIONS UNDER MARYLAND LAW

Domestic Violence:

Maryland defines domestic violence as any of the following abusive acts committed by or against a family or household member: physical assault,

sexual assault, threatened or attempted violence, stalking, false imprisonment, and revenge porn.

Family and household members include:

- current and former spouses
- current cohabitants
- persons involved in a sexual relationship in the past year
- persons who share a child in common, and
- persons related by blood, marriage, or adoption (including stepparents and stepchildren who lived together for at least 90 days of the past year).

Protective orders. A victim of domestic violence can ask a judge for a protective order. A protective order can direct the abusing party to stop the abuse, stay away from the victim, refrain from contacting the victim, surrender any firearms, and move out of a shared residence. Violating a protective order is a crime.

Dating Violence:

In Maryland, dating violence is defined as abuse or the threat of abuse against a current or former intimate partner, family member, or household member. It can include:

- Physical abuse
Hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, and more
- Sexual abuse
Coercing or attempting to coerce any sexual contact or behavior without consent
- Psychological abuse
Causing fear by intimidation, threatening physical harm, destruction of pets and property, and forcing isolation
- Emotional and verbal abuse
Yelling, name-calling, bullying, isolating you from your family and friends, saying you deserve the abuse or are to blame for it

Dating violence can occur in-person or through online/electronic means.

Stalking:

Stalking in Maryland is legally defined as “a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear of suffering serious bodily injury, assault, rape or sexual offense, false imprisonment, or death, or that a third person likely will suffer any of the acts listed.

Sexual Assault:

Rape

- First Degree – engaging in sexual intercourse with another without his or her consent by force, using weapons, strangling or inflicting serious physical injury, threatening with death, serious injury, or kidnapping, or committed with another’s help or during a burglary.
- Second Degree – engaging in vaginal intercourse with another 1) without his or her consent by force or threat, 2) with a mentally or physically incapacitated person (includes drunk, high, or unconscious) when the defendant knows of his or her condition, or the victim is under 14 years old and the defendant is at least 4 years older than the victim.

Sexual Offense

First Degree – engaging in a sexual act (oral or anal sex, or any object or part of one’s body penetrates the genitals or anus for sexual gratification, but not vaginal intercourse – that’s above in rape) by force, threat, or without consent while displaying a weapon, suffocating or physically injuring the victim, or threatening the victim with death, disfigurement, or serious physical injury, or committed with another’s help or during a burglary.

Second Degree – engaging in a sexual act with another by 1) force or without his or her consent, 2) with a mentally or physically incapacitated person (includes drunk, high, or unconscious) when the defendant should know of his or her condition, or 3) the victim is under 14 and the defendant is at least 4 years older than the victim.

Third Degree – includes any of the following: engaging in sexual contact (intentionally touching the victim’s or defendant’s genital, anal, or other private parts for sexual gratification or abuse of either person) in any of the following situations:

- Without consent while using a weapon, strangling or seriously injuring the victim, threatening the victim with death, serious injury, or kidnapping, or committed with another’s help OR
- The victim is mentally or physically incapacitated (drunk or unconscious for example) and the defendant knows of his or her condition OR
- The victim is under 14 years old and the defendant is at least 4 years older OR

- Engaging in a sexual act (i.e. oral or anal sex) or vaginal sex with a 14 or 15 year old victim by a 21 year old or older defendant, AKA statutory rape.

Fourth Degree – any of the following:

- Engaging in sexual contact without the other’s consent OR
- Engaging in a sexual act or vaginal sex with a 14 or 15 year old when the defendant is at least 4 years older OR
- Engaging in a sexual act, sexual contact, or vaginal sex with a child under 18 who at the time of the sexual activity was a student enrolled in a school where the person was in a position of authority (i.e. a principal, coach, teacher, or counselor who’s at least 21 years old, employed by the school, and was in a supervisory position over the student).

CONSENT

Consent is not specifically defined under Maryland Law.

However, Maryland law provides that a person commits a sex crime if that person engages in “vaginal intercourse” or “sexual act” with another:

- (1) by force, or the threat of force, without the consent of the other;
- (2) if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual;
- (3) if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim; or
- (4) if the victim is 14 or 15 years old, and the person performing the act is at least 21 years old. MD Code, Criminal Law, § 3-303; § 3-304; § 3-307.

Evidence of physical resistance by the victim is not required. MD Code, Criminal Law, § 3-319.1

“Mentally incapacitated individual” means an individual who, because of the influence of a drug, narcotic, or intoxicating substance, or because of an act committed on the individual without the

individual’s consent or awareness, is rendered substantially incapable of:

- (1) appraising the nature of the individual’s conduct; or
- (2) resisting vaginal intercourse, a sexual act, or sexual contact. MD Code, Criminal Law, § 3-301.

“Physically helpless individual” means an individual who:

1. (1) is unconscious; or
2. (2)
 - (i) does not consent to vaginal intercourse, a sexual act, or sexual contact; and
 - (ii) is physically unable to resist, or communicate unwillingness to submit to, vaginal intercourse, a sexual act, or sexual contact. MD Code, Criminal Law, § 3-301.

“Substantially cognitively impaired individual” means an individual who suffers from an intellectual disability or a mental disorder, either of which temporarily or permanently renders the individual substantially incapable of:

- (1) appraising the nature of the individual’s conduct;
- (2) resisting vaginal intercourse, a sexual act, or sexual contact; or
- (3) communicating unwillingness to submit to vaginal intercourse, a sexual act, or sexual contact. MD Code, Criminal Law, § 3-301.

Maryland law also provides that a person may not engage in sexual contact with another:

- (1) if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual; or
- (2) if the victim is under the age of 14 years, and the person performing the sexual contact is at least 4 years older than the victim; or
- (3) if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old. MD Code, Criminal Law, § 3-307.

St. Mary's College of Maryland Definition of Consent

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.

PURPOSE FOR WHICH THE DEFINITION OF CONSENT IS USED

This St. Mary's College of Maryland definition of consent is used in conjunction with the definitions of sexual harassment that are prohibited under the College's policy to help determine if the policy was violated.

BYSTANDER INTERVENTION

We apply the "Bringing in the Bystander" model of bystander intervention ("Bringing in the Bystander" is a registered trademark of the University of New Hampshire). This evidence-based approach is designed to help participants understand the concept of bystander intervention, identify a continuum of inappropriate behavior, develop empathy for those who have experienced sexual violence, and develop skills to intervene as a bystander. As stated in the St. Mary's Way, St. Mary's College of Maryland is a 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 all forms of harassment and discrimination for all members of the community.

The College considers you a partner in this fight to end sexual violence and we encourage you to be an active bystander in order to make a profound, personal impact on the community we are building together. Below, you will find more information on how to be an active bystander.

How to Be an Active Bystander:

- Notice the event,
- Interpret the event as a problem,
- Assume personal responsibility,
- Know how to help,
- Implement → Step Up!

If you are interested in receiving or hosting this training, please contact
Email: titleix@smcm.edu
Phone: (240) 895-4195

AWARENESS PROGRAMS AND TRAINING

St. Mary's College of Maryland provides awareness programming and training to prevent dating violence, domestic violence, sexual assault, and stalking. The programs are provided to all new students and employees as well as ongoing training for current students and employees. The programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. The programs consider environmental risk and protective factors and occur on the individual, relationship, institutional, community, and societal levels.

Primary prevention programs: Provided for all new students and employees upon enrollment or employment at the college. These programs provide all new students and employees with information on the College policy on sexual misconduct policy.

Ongoing prevention programs: Programming, initiatives, and strategies are provided for all current students and employees; they are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing, dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution. Programs and training provide the campus community with the following information:

- A statement that St. Mary's College of Maryland prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking.
- The VAWA definition of dating violence, domestic violence, sexual assault and stalking.
- The State of Maryland definition of "domestic violence," "sexual assault," and "stalking."
- Maryland law does not have a definition of "Dating Violence."
- The St. Mary's College of Maryland definition of consent and the purposes for which that definition is used. Maryland law does not have a definition of consent.
- A description of safe and positive options for bystander intervention.
- Information on risk reduction.
- Information on how to report sexual misconduct.
- Information on the procedures the college will follow when a report is received including information of possible disciplinary action the college may take.

PROGRAMS OFFERED

Below are examples of programs occasionally offered on campus:

Bringing in the Bystander– This interactive program allows participants to develop and practice bystander intervention prevention skills in-person or virtually. BITB approaches all

community members as potential bystanders or witnesses to risky situations and teaches prosocial (positive, appropriate, and safe) ways to prevent or intervene. Bringing in the Bystander is one of the few programs of its kind that has been scientifically evaluated and demonstrated to be an effective prevention program, satisfying many grant requirements. These sessions are offered to the SMCM community on an as needed basis.

Red Flag Campaign– "The Red Flag Campaign uses a bystander intervention strategy to address and prevent sexual assault, dating violence, and stalking on college campuses. The campaign encourages friends and other campus community members to say something when they see warning signs ("red flags") for sexual assault, dating violence, or stalking in a friend's relationship.

The Campaign is a project of the Virginia Sexual and Domestic Violence Action Alliance, and was created by college students, college personnel, and community victim advocates."

One Love– One Love empowers young people with the tools and resources they need to see the signs of healthy and unhealthy relationships and bring life-saving prevention education to their communities. This programming is offered to students in a small group setting on a rolling basis throughout other awareness months.

Campus Safety Month– Each year SMCM along with other colleges and universities across the nation recognize Campus Safety Awareness Month. The goal is bring attention to the issue of safety on campus and provide opportunities to encourage public conversation about violence prevention at our nation's colleges and universities. It also offers an opportunity to address the background of campus safety areas and to share information about an institution's campus safety programs. SMCM recognizes campus safety awareness in September and January of each semester.

Domestic Violence Awareness Month– Domestic Violence Awareness Month (DVAM) was launched nationwide in October 1987 as a way to connect and unite individuals and organizations working on domestic violence issues while raising awareness for those issues. SMCM recognizes DVAM through partnerships with our local community

agencies. These partnerships include hosting awareness and recognition events throughout the month specific to domestic violence.

Stalking Awareness Month– Stalking is its own crime with its own risks, safety planning needs, and legal responses. Each year professionals around the country answer the call to action to recognize and mitigate stalking across the country. Nearly 13.5 million people experience stalking in some form. SMCM recognizes these numbers are staggering and help to bring awareness to the SMCM campus community through various events and activities throughout the month.

Teen Dating Violence Month– Each February, young adults and their loved ones across the nation raise awareness about the issue of teen dating violence through Teen Dating Violence Awareness Month (TDVAM). This annual, month-long effort focuses on advocacy and education to stop dating abuse before it starts. SMCM recognizes the month through partnerships with our local community agencies that bring awareness and recognition events specific to healthy and unhealthy relationships.

Sexual Assault Awareness Month– Is held annually each April to bring awareness to sexual assault and the individuals impacted by it every year. Like the other awareness months, individuals who experience assault often deal with years of healing after the traumatic event. SMCM recognizes this month by providing opportunities to voice their support as well as recognize those impacted directly.

REPORTING OPTIONS

Any sexual misconduct that occurs, including the crimes of domestic violence, dating violence, sexual assault, or stalking, should be reported to:

The Office of Public Safety by calling 240-895-4911 or x4911 from any on campus phone, or in person at the Public Safety Office.

The Office of Title IX Compliance and Training by phone at (240) 895-4195 or x4195 from any campus phone, in person at the Glendenning Annex, or by email at titleix@smcm.edu.

Upon reporting sexual misconduct to Public Safety or Title IX the victim will be informed about their

options to make a report to local law enforcement authorities, including the victim's option to:

- Report the offense to local law enforcement authorities
- Be assisted by campus authorities in notifying local law enforcement authorities if the victim so chooses; and
- Decline to notify such authorities

What should you do if you are the victim of sexual misconduct?

- Find a safe place. A friend's room, your room, or anywhere else you feel safe.
- Call 911 or Public Safety if there is an emergency. You may also request a Public Safety escort for on-campus travel.
- Seek medical attention. The first 96 hours after a sexual assault are critical.
- Preserve Evidence. Do not shower or wash your clothes as this can destroy important evidence. This evidence will be important to a law enforcement investigation and can be helpful in obtaining a protective order.
- Utilize campus resources. Counseling and Psychological Services (CAPS), Health Services, the staff therapist/ advocate, the Title IX Coordinator, and Public Safety are just some of the resources on hand. Reach out for help. A whole community is here to help you as you navigate through the next steps. The College encourages all community members to make a prompt report of any incident of sexual misconduct to local law enforcement and to the College.

VICTIM INFORMATION

When a student or employee reports to St. Mary's College of Maryland that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee's rights and options.

All victims of sex discrimination will be provided with the following information in writing:

Information on obtaining:

- No contact order issued by the college
- Protective order issued by the courts

- Resources available to assist in obtaining these orders

Options for available assistance in and how to request changes to the following situations:

- Academic
- Living
- Transportation
- Work

Information on available resources on-campus including:

- counseling,
- health,
- mental health,
- victim advocacy,
- legal assistance,
- visa & immigration assistance,
- student financial aid, and
- other services available for victims

Information on available resources within the larger community including:

- counseling,
- health,
- mental health,
- victim advocacy,
- legal assistance,
- visa & immigration assistance,
- student financial aid, and
- other services available for victims

CONFIDENTIALITY

St. Mary's College of Maryland will protect the confidentiality of all victims and all other necessary parties involved to the extent that such confidentiality would not impair the ability of the institution to provide accommodations and protective measures. Confidential information will only be shared with members of the campus community who have an institutional need to know.

Confidential information includes but may not be limited to:

- Personally identifiable information of victims or other parties involved
- Any accommodations made to the victim or other parties involved

- Any protective measures made for the victim or other parties involved

SUPPORTIVE MEASURES, REMEDIES, AND ACCOMMODATIONS

Overview

Upon receipt of a report, the College will impose reasonable and appropriate supportive measures designed to eliminate the hostile environment and protect the parties involved. The College will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed; namely, the College will offer to change academic, living, transportation, and working situations or protective measures, if such accommodation is reasonably available. Supportive measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the College.

A Complainant or Respondent may request a No-Contact Order or other protection, or the College may choose to impose supportive measures at its discretion to ensure the safety of all parties, the broader College community and/or the integrity of the process.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by a supportive measure. The College will take immediate and responsive action to enforce a previously implemented measure. Failure to abide by a supportive measure imposed by the College is a violation of this Policy, and the College may pursue disciplinary action for any failure to comply.

List of possible supportive measures

Supportive measures will be implemented at the discretion of the College. Potential remedies, which may be applied to the Complainant and/or the Respondent, include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus
- Imposition of campus No-Contact Order
- Rescheduling of exams and assignments (in conjunction with appropriate faculty)
- Providing alternative course completion options (with the agreement of the appropriate faculty)

- Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty)
- Change in work schedule or job assignment
- Change in on-campus housing
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies.
- Assistance from College support staff in completing housing relocation.
- Limit an individual or organization’s access to certain College facilities or activities pending resolution of the matter.
- Voluntary leave of absence.
- Providing an escort to ensure safe movement between classes and activities.
- Providing medical services.
- Providing academic support services, such as tutoring.
- Emergency Removal-imposed leave.
- Assistance from the College’s designated school official regarding impact of supportive measures on students who are not U.S. citizens.
- Assistance from the College’s financial aid office regarding the impact of measures on a student’s financial aid.
- Any other remedy that can be tailored to the involved individuals to achieve goals of this policy.

Emergency removal and administrative leave

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.

The College may place a non-student employee respondent on administrative leave during a grievance process.

DISCIPLINARY PROCEEDINGS

When investigating and adjudicating cases of alleged sexual misconduct including dating violence, domestic violence, sexual assault, or stalking St. Mary’s College of Maryland provides that the proceedings will:

- Include a prompt, equitable, fair, and impartial process from the initial investigation to the final result.
- Be completed within reasonably prompt timeframes designated by an institution’s policy.
- Allow for the extension of timeframes for good cause with written notice to the Complainant and the Respondent of the delay and the reason for the delay.
- Be conducted in a manner that is consistent with the institution’s policies and transparent to the complainant and the respondent.
- Includes timely notice of meetings at which the Complainant or Respondent, or both, may be present.
- Provides timely and equal access to the Complainant, the Respondent, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.
- Be conducted by officials who do not have a conflict of interest or bias for or against the Complainant or the Respondent.
- Be conducted by individual who has received training in areas of dating violence, domestic violence, sexual assault, or stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- Provide the Complainant and the Respondent with the same opportunities to

have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. (Advisor means any individual who provides the Complainant or Respondent support, guidance, or advice.)

- Not limit the choice of advisor or presence for either the Complainant or the Respondent in any meeting or college disciplinary proceeding; however, the SMCM may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- Provide simultaneous notification, in writing, to both the Complainant and the Respondent, of the result of any disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; (Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C.1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.)
- Provide simultaneous notification, in writing, to both the Complainant and the Respondent, of the procedures for the Respondent and the Complainant to appeal the result of the institutional disciplinary proceeding, if such procedures are available.
- Provide simultaneous notification, in writing, to both the Complainant and the Respondent, of any change to the result.
- Provide simultaneous notification, in writing, to both the Complainant and the Respondent, of when such results become final.

RETALIATION

The College prohibits retaliation in any way against someone because they raised allegations of sexual harassment or participated in an investigation. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a complainant,

respondent, or third party may commit or be the subject of retaliation. Retaliation will result in disciplinary action.

NON-DISCRIMINATION POLICY

St. Mary's College of Maryland is fully committed to equal employment and educational opportunities for its employees and students. The College does not discriminate or condone discrimination or harassment in the workplace or academic setting, on the basis of race, color, religion, sex, national origin, gender identity/expression, sexual orientation, ethnicity, age, marital status, physical or mental disability, protected veteran status, or any other characteristic protected by law.

For purposes of this policy, harassment is defined as: (a) unwelcome conduct based on a legally protected class, including: race, color, religion, sex, national origin, gender identity/expression, sexual orientation, ethnicity, age, marital status, physical or mental disability, protected veteran status, or any other characteristic protected by law; and (b) that is so severe or pervasive that it interferes with an individuals' work or academic performance or creates an intimidating, hostile or offensive working environment.

All workplace and academic policies, programs and activities of the College are and shall be in conformity with applicable federal and State laws on non-discrimination including, but not limited to: Title VI of the Civil Rights Act of 1964 as amended, Title IX of 1972 Education Amendments, Section 504 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. The College's equal opportunity policy applies to the College's educational policies, admission policies, scholarship and loan programs and athletic programs. The policy applies to all employment decisions, including those affecting recruitment, advertising, job application procedures, hiring, upgrading, training, promotion, transfer, compensation, job assignments, benefits, and/or other terms, conditions, or privileges of employment, provided the individual is qualified, with or without reasonable accommodations, to perform the essential functions of the job.

The College's students, employees and applicants shall not be subjected to harassment, intimidation or any type of retaliation because they have (1) filed a complaint; (2) assisted or participated in an

investigation, compliance review, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state or local law requiring equal opportunity; or (4) exercised any other legal right protected by federal, state or local law requiring equal opportunity.

For questions or concerns about these matters, college employees are encouraged to contact the Assistant Director of Human Resources/AA and EEO Officer in Glendening Hall, phone: (240) 895-4309. Students are encouraged to contact the Vice President for Student Affairs, Calvert Hall 222, phone: (240) 895-4208; and the Title IX Coordinator, Lucille Clifton House, phone: (240) 895-4105, regarding concerns about sex-based discrimination.

Prohibited sex discrimination

The College also does not discriminate on the basis of sex and Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. Sec. 1681, et seq., requires the College not discriminate in such a manner.

Prohibited sex discrimination covers sexual harassment, including sexual violence. Examples of the types of conduct prohibited include but are not limited to the following examples: non-consensual sexual intercourse, non-consensual sexual contact, non-consensual sexual exploitation, and/or examples found in the College's Sexual Misconduct Policy.

Inquiries concerning the application of Title IX may be referred to the College's Title IX Coordinator or to the Department of Education's Office for Civil Rights.

Our Title IX Coordinator's information can be found here:

Michelle Carter, Assistant Vice President of Equity and Inclusion, Title IX Coordinator • IDEAA, (240) 895-4105 Glendening Hall, 47645 College Drive, St. Mary's City, MD 20686 titleix@smcm.edu, or mmcarter@smcm.edu

Contact information for the Department of Education's Office for Civil Rights:

Philadelphia Office
The Wanamaker Building

100 Penn Square East, Suite 515
Philadelphia, PA 19107
Telephone: 215-656-8541
FAX: 215-656-8605
Email: OCR.Philadelphia@ed.gov
www.ed.gov/ocr

ST. MARY'S COLLEGE OF MARYLAND FULL 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 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

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

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.

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.*

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 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.

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

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 physically 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.

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 § 20-6014 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.

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.

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. **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 that 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

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

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;
 - 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 that summarizes the allegations, the policies and procedures applicable to the allegations, all evidence reviewed, all 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 taking 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 that 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 that 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 and 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:

4. Undertakes an individualized safety and risk analysis;
5. 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
6. 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 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. (240) 925-0084
<https://www.smcfa.net/rape-crisis-center>

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 that 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.

ST. MARY'S COLLEGE OF MARYLAND GRIEVANCE PROCESS TO RESOLVE COMPLAINTS OF SEX DISCRIMINATION

I. Applicable Policy

The Grievance Process to Resolve Complaints of Sex Discrimination (the Procedures) apply to all complaints and reports of information received under the Policy on Sex Discrimination (the Policy). These Procedures incorporate all definitions included in the Policy.

When the St. Mary's College of Maryland (the College) has information about conduct which may reasonably constitute Prohibited Conduct, it must take prompt and appropriate action, in accordance

1. actions that are not Supportive Measures against a Respondent;
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

with these Procedures, to review the information and protect the Complainant and Campus Community from continued Prohibited Conduct. This obligation applies to Prohibited Conduct covered by the Policy regardless of whether a parallel law enforcement investigation or action is pending, and regardless of whether a complaint is filed. The Title IX Coordinator is responsible for investigating and resolving allegations of Prohibited Conduct. The Title IX Coordinator is not an advocate for any Party in these Procedures.

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

General Principles

These general principles will apply to all stages of these Procedures:

Right to Advisor. A Party, at their own election, may be accompanied at any meeting or proceeding under these Procedures by an Advisor. The Party must notify the Title IX Coordinator or Title IX Team in advance. Parties may select an Advisor at any point before the conclusion of the resolution process. Throughout the process, the Title IX Coordinator will communicate and correspond directly with the Parties, not indirectly through an Advisor.

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

Providing remedies to a Complainant where a determination of responsibility for Prohibited Conduct has been made against the Respondent, and by using procedures that comply with Title IX when investigating and adjudicating allegations of Prohibited Conduct before the imposition of any sanctions or other

adjudicate Complaints under Title IX equally to both Parties.

- A. **Objective Evaluation of Evidence.** The College will objectively evaluate 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.

- B. No Conflict or Bias. The Title IX Coordinator, Investigator, or any person designated to facilitate an Informal Resolution process or appeal, will not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- C. Presumption of Non-Responsibility. Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the process.
- D. Privacy. College procedures will take reasonable steps 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 Advisors, or otherwise prepare for or participate in the process.
- E. Extensions of Time. Reasonable extensions of the time limits provided for in these Procedures will be granted by the Title IX Coordinator on a case-by-case- basis. In the event of an extension, written notice will be given to all Parties stating the basis for the delay and the extension period.

II. Notification of Information

Any person may report Prohibited Conduct (whether or not the person reporting is the person alleged to be the subject of conduct that could constitute Prohibited Conduct) to the Title IX Coordinator in person, by telephone, or by email, or by any other reasonable means by using the contact information listed in Section V of the Policy at any time.

Upon receipt of information about conduct which may reasonably constitute Prohibited Conduct from a Complainant, the Title IX Coordinator will provide written acknowledgement of receipt of the report to the Complainant, if known, and include (1) a copy of the Policy and Procedures, (2) options under the resolution process, including how to initiate a Complaint, and (3) Notice of Rights and Responsibilities. The Parties will be informed of available community and campus resources and services; Supportive Measures as specified in

Section IX of the Policies; their right to an Advisor; their right to file a report with law enforcement; and the College prohibition against Retaliation.

III. Assessment

The first step of the Initial Assessment will usually be a preliminary meeting between the complainant and the Title IX Coordinator or Deputy. If the report was made by a third party, the Title IX Coordinator or Deputy may meet with the third party to assess the nature of the allegations and the names of the persons involved in the incident.

The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report and to provide the complainant with information about resources, procedural options and supportive measures. At the preliminary meeting, the Title IX Coordinator or Deputy will:

- Assess the nature and circumstances of the allegations;
- Address immediate physical safety and emotional well-being needs of the complainant;
- Notify the complainant of the right to contact law enforcement;
- Offer assistance and transportation to the complainant to see medical treatment;
- Inform the complainant of the importance of preservation of evidence;
- Provide the complainant with information about on- and off-campus resources;
- Provide the complainant with information about Supportive Measures (defined below);
- Explain procedural options, including Informal Resolution, if applicable, and Formal Resolution;
- Inform the complainant of their right to have an advisor, advocate, and/or support person present during any meeting throughout the process;
- Assess for pattern evidence or other similar conduct by the respondent; and
- Explain the College's Policy prohibiting retaliation.

During the Initial Assessment, the Title IX Coordinator or Deputy will determine the risk of potential harm to the broader campus community and take steps necessary to address any identified risks. If the report involves allegations of a crime, the Title IX Coordinator or Deputy will report the alleged crime to the Director of Public Safety for

inclusion in the College's daily crime log and will assess whether the reported conduct requires issuance of a timely warning under the Clery Act or must be included in the College's annual Clery Report.

The Initial Assessment will proceed to the point where a reasonable assessment of the safety of the complainant and of the campus community can be made. At the conclusion of the Initial Assessment, the Title IX Coordinator or Deputy will determine whether the report falls within the scope of the definition of Prohibited Conduct. If so, the Title IX Coordinator or Deputy will ascertain whether the complainant wishes to initiate a Complaint.

IV. Initiation of Complaint

Upon notification of information about conduct that reasonably may constitute Prohibited Conduct, the Title IX Coordinator will:

- A. Initiate these procedures in response to a Complaint; or
- B. In the absence of a Complaint or the withdrawal of any of the allegations in a Complaint, determine whether to initiate a Complaint in consideration of, at a minimum, the following factors:

Whether the Complainant has requested not to proceed with the Complaint;

- 1. The Complainant's reasonable safety concerns regarding initiating a Complaint;
- 2. The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
- 3. The severity of the alleged Prohibited Conduct, including whether the Prohibited Conduct, if established, would require the removal of the Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent recurrence;
- 4. The age and relationship of the Parties, including whether the Respondent is an employee;
- 5. The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or if Prohibited

Conduct alleged to have impacted multiple individuals;

- 6. The availability of evidence to assist an Investigator in determining whether Prohibited Conduct occurred; and
- 7. Whether the College could end the alleged Prohibited Conduct and prevent its recurrence without initiating grievance procedures.

C. 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 College from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

D. If the Title IX Coordinator initiates a Complaint, the Title IX Coordinator will 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.

E. The Title IX Coordinator need not initiate a Complaint or consider the factors outlined above if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute Prohibited Conduct.

VI. Dismissal of Complaints

- A. The College may dismiss a Complaint for any of the following reasons:
 - 1. The College is unable to identify the Respondent after taking reasonable steps to do so;
 - 2. The Respondent is not participating in the Education Program or Activity or is not employed by the College;
 - 3. The Complainant voluntarily withdraws, in writing, any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint on behalf of the College, and the College determines that without the Complainant's withdrawn allegations any conduct

that remains would not constitute Prohibited Conduct, if proven.

4. The College determines that the conduct alleged, if proven, would not constitute Sex Discrimination and/or Other Sexual Misconduct, after taking reasonable steps to clarify the allegations with the Complainant.

- B. Upon dismissal, the College will promptly notify the Complainant of the basis of the dismissal and the opportunity to appeal.
- C. Upon dismissal, if the dismissal occurs after the Respondent has been notified of the allegations, the College will promptly notify the Respondent of the basis of the dismissal and the opportunity to appeal.
- D. If a dismissal is appealed, the College will:
 1. Notify the Parties, including providing notice of the allegations to the Respondent if not previously notified.
 2. Implement appeal procedures equally for the Parties;
 3. Ensure that the Appellate Officer has received training and did not participate in the investigation or dismissal;
 4. Provide the Parties a reasonable and equal opportunity to make a statement in support of or challenging the outcome; and
 5. Notify the Parties of the result of the appeal and the basis for the result.
- E. Upon dismissal, the Title IX Coordinator will offer Supportive Measures to Complainant or Respondent, as appropriate.
- F. Upon dismissal, the Title IX Coordinator will take appropriate and prompt steps to ensure that the Prohibited Conduct does not continue or recur.

V. Consolidation of Complaints

At the discretion of the Title IX Coordinator, Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other

Party, may be consolidated where the allegations arise out of the same facts or circumstances.

VI. Informal Resolution Process

At any time after the initiation of a Complaint but prior to reaching a determination regarding responsibility, the Parties may elect to participate in the informal resolution process. The informal resolution process is not available for Complaints involving allegations of Sexual Assault or Sexual Coercion.

Informal may include mediation, negotiated interventions and remedies, and/or other restorative justice practices. The informal resolution process can include mediation or negotiations with all Parties virtually or in-person or asynchronously through virtual means. The Title IX Coordinator will discuss the possible methods of informal resolution with the Parties and determine by mutual agreement which may be relevant to the circumstances of the individual case.

- A. Election and Voluntary Consent. The parties can elect to participate in the informal resolution process by notifying the Title IX Coordinator, in writing, of their preference to proceed with informal resolution. Upon notification in writing, the Title IX Coordinator will reach out to the other Party to obtain their consent to proceed with information resolution. The College may not require either party to participate in the informal resolution process nor may it 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 Prohibited Conduct.
- B. Notice. Upon written consent of both parties to proceed with the Information Resolution Process, the Title IX Coordinator will provide the parties with written notice of:
 - a. 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

- b. Resolution process and initiate grievance procedures; 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; and
 - c. 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;
 - d. what information will be maintained by the Title IX Office and how the office could disclose such information for use in grievance procedures, if initiated or resumed.
- C. Informal Resolution Facilitator. The College will not use the same facilitator for Informal Resolution to investigate or decide a matter under the grievance procedures. Any designated facilitator must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- D. Sanctions and Remedies. The informal resolution process will not result in any Sanctions set forth under this Policy and Procedures, unless the Parties agree to accept Sanctions and/or appropriate Remedies. If agreed to by the Parties and determined appropriate by the Title IX Coordinator and Facilitator, Sanctions and Remedies may include, but are not limited to:
- a. Increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur;
 - b. Having an informal discussion with the Respondent;
 - c. Facilitating a confidential conversation between the Parties;
 - d. Requesting a written apology from the Respondent;
 - e. Targeted or broad-based educational programming or training for relevant Parties, individuals, or groups;

- f. Academic or workplace modifications for either Party;
 - g. Compliance with a No Contact Order or Denial of Access;
 - h. Separation from the College.
- E. Completion of Informal Resolution Process. When the Parties have consented to implement Sanctions and Remedies, or otherwise agree that the informal resolution process is complete, the facilitator will issue a written informal resolution agreement which states the responsibilities of all Parties after the process.
- F. No Agreement. In cases where an agreement is not reached and the Title IX Coordinator determines that further action is necessary, or if either Party fails to comply with the terms of the informal resolution agreement, the Title IX Coordinator may reopen the matter and reinstate the informal resolution process (if there is consent from both parties) or refer the matter to the investigation and hearing procedures in Section IX of these Procedures.
- G. Appeals. Informal resolution agreements are not subject to appeal.

IX. Investigation

- A. Standard of Evidence. The standard of evidence for a determination of responsibility is "by preponderance of the evidence" for all Complaints under this Policy.
- B. Notice of Investigation. Upon initiation of a Complaint, the College will provide written notice to known Parties of the following:
- 1. The investigation and adjudication process;
 - 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 allegedly Prohibited Conduct and the dates

- and locations of the alleged incidents, if known;
3. A statement that Retaliation is prohibited;
 4. 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. A statement that the Respondent is presumed not responsible until a determination is made;
 5. A statement that the Parties will have an opportunity to present Relevant and not otherwise Impermissible Evidence to a trained, impartial Investigator;
 6. A statement that an Advisor is permitted, and that the Advisor is not required, but may be, an attorney.
 7. A statement that the Respondent is presumed not responsible until a determination is made;
 8. Any College policy that prohibits knowingly making false statements or submitting false information during grievance procedures.

In the event the College decides to investigate additional allegations of Prohibited Conduct by the Respondent against the Complainant, the College must provide additional written notice to all Parties who are known.

To the extent the College has reasonable concerns for the safety of any person as a result of the College providing such notice, the College 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.

C. Impermissible Evidence. the College may not elicit, consider, require, rely upon, allow, disclose, or otherwise use any of the following as evidence (Impermissible Evidence), regardless of whether they are Relevant:

- A. 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;

- B. 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 College obtains that party's or witness's voluntary, written consent to do so.
- C. A Student's history of mental health counseling, treatment, or diagnosis, unless the Student consents.
- D. 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.
- E. 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.
- D. Role of the Investigator. The Title IX Coordinator will designate an Investigator(s) to conduct a prompt, thorough, fair, and impartial investigation and draft an investigation report, to be considered by the Parties and Hearing Officers at the hearing.
- E. Investigation Procedure. Upon initiating an investigation, the Investigator will undertake the following steps:

1. The Parties may submit evidence (both inculpatory and exculpatory) and the names of witnesses Relevant to the allegations of Prohibited Conduct to the Investigator. The Parties shall submit the evidence via email, or in any other practical form in consideration of the type of evidence.
2. The Investigator will affirmatively investigate the allegations of Prohibited Conduct and seek additional evidence and witnesses not provided by the Parties.
3. The Investigator will interview all Parties and Relevant Witnesses.
4. The Investigator will review and consider all Relevant and not otherwise Impermissible Evidence and provide the Parties with an investigation report, which summarizes all evidence including interviews of all Parties and witnesses no later than seven (7) days prior to the live hearing.
5. The Investigator will provide all Parties with all Relevant and not otherwise Impermissible Evidence gathered during the investigation (including Relevant and not otherwise Impermissible Evidence submitted by the Parties) no later than seven (7) days prior to the live hearing.

X. Live Hearing

All Complaints under these Procedures will proceed to a live hearing after the investigation unless all Parties consent to the informal resolution process set forth in Section VIII of these Procedures.

1. Live Hearing and Hearing Officers. A Hearing Officer will conduct the Hearing. The Hearing Officer must not have a bias for or against Complainants or Respondents generally or the individual Complainant or Respondent in particular. The Parties may raise challenges that a Hearing Officer is biased or has a conflict of interest. The Parties must raise challenges with the Title IX Coordinator within two (2) business days of receiving the hearing notice. The Title IX Coordinator will only remove and replace a

Hearing Officer in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.

2. Hearing Format. The live hearing may occur in person or via video technology. All hearing formats must allow Parties to simultaneously see and hear a Party or witness while that person is speaking. Alternative arrangements may also be made at the Title IX Coordinator's discretion. The Parties may make a request to the Title IX Coordinator that the Hearing occur in person or via video technology, but they must do so at least three (3) business days prior to the Hearing. The Title IX Coordinator retains discretion to determine whether the Hearing will occur in person or via video technology.
3. Hearing Recordings. All Hearings will be recorded. Parties may request a copy of the recording from the Title IX Coordinator following the live hearing. No unauthorized recording or disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted. The College records Hearings (but not deliberations) for purposes of review in the event of an appeal. The Hearing Officer, the Parties, Advisors, Appellate Hearing Officer, and other appropriate College officials will be permitted to review the recording upon request to the Title IX Coordinator.
 - a. Hearings are generally recorded by audio and may include video. If the hearing occurs virtually, an auto-generated transcript may be provided upon request of any Party. There will be no "official" transcript of the proceedings by a licensed court reporter. If any Party has a disability-related need for a certain method of recording, that Party should contact the Title IX Coordinator prior to the hearing in order to request these services in advance, pursuant to Section X.5. of these Procedures.
4. Hearing Participants. Persons who may be present for a Hearing include the Hearing Officer, Investigator(s), the Parties and their Advisors and Support Persons, anyone providing authorized accommodations,

interpretation, and/or assistive services, and anyone else deemed necessary by the Hearing Officer. Witnesses may be present only during their testimony. If any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Title IX Coordinator may reschedule the hearing. Parties and Advisors may choose to bring phones, laptops, or tablets to the hearing, and all devices must be used consistent with this Policy.

Advisors and Support Persons. The Parties may have the assistance of one (1) Advisor and one (1) Support Person of their choosing at the Hearing. A party may choose an attorney as their Advisor. No Advisors, including attorney-Advisors, will be paid for, prearranged or otherwise provided by the College. An Advisor or a Support Person may not be called as a witness at a Hearing to testify to what their advisee has told them during their role as an Advisor or Support Person. During the pre-hearing meeting and live hearing, Parties may only be accompanied by their Advisor and Support Person. No other persons (e.g., additional Support Persons, Advisors, friends, family) may accompany, attend, or listen in on the Hearing unless explicitly authorized by the Title IX Coordinator, with each party being provided the same opportunity.

5. **Disability Accommodations and Other Assistance.** Parties should contact the Title IX Coordinator at least three (3) business days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the Hearing.
6. **Evidence.** The Hearing Officer will be provided electronic copies of the investigation report and all relevant but not Impermissible Evidence, including the names of all Parties, witnesses and Advisors and Support Persons, in advance of the Hearing. The Parties will be provided with electronic copies of all the materials provided to the Hearing Officers as part of the hearing notice, unless those materials have already been provided.
7. **Hearing Notice.** The Title IX Coordinator will send the Parties a Notice of Hearing with sufficient time for the Parties to prepare for the hearing, generally at least five (5) business days prior to the hearing. Once

mailed, emailed, and/or received in-person, notice will be presumptively delivered. The hearing notice will include:

- a. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
 - b. The time, date, and location of the Hearing.
 - c. A description of any technology that will be used to facilitate the Hearing.
 - d. Instructions on how to submit questions to be asked of any party or witness in advance of the hearing.
 - e. Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the identity of the Hearing Officer, details related to questioning, the role of Advisors and Support Persons, impact/mitigation statements, and how to request disability accommodations or other assistance.
8. **Joint Hearings.** In Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.
- However, the Title IX Coordinator may permit the investigation and/or Hearings pertinent to each Respondent or Complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Complaint with respect to each alleged Policy violation.
9. **Witness Participation.** Witnesses are encouraged to participate in and make themselves reasonably available for the hearing. Witnesses are not permitted to be accompanied by an Advisor or Support Person. At the discretion of the Hearing Chair, a witness may join by phone if no other reasonable alternative is available.

Any witness scheduled to participate in the hearing must be first interviewed by the Investigator(s), unless:

- a. All Parties and the Hearing Officer assent to the new witness's participation in the Hearing without remanding the Complaint back to the Investigator; and
- b. The Hearing Officer deems the evidence presented by the new witness to be relevant, not impermissible, and not information already established in the record; and
- c. The witness's late involvement was not the result of bad faith by the witness, the Parties, or others.

The Title IX Coordinator will notify all witnesses of their requested participation in the hearing at least five (5) business days prior to the hearing. Witnesses will be present for the hearing only during their testimony. The hearing may proceed in the absence of any Witness if the Witness fails to attend the hearing or if the Witness's testimony is determined by the Investigator to constitute Impermissible Evidence.

The Title IX Coordinator will work with the Hearing Officer and Parties to finalize a witness list for the Hearing, and the Title IX Coordinator will notify any witnesses of the Hearing's logistics.

10. Hearing Procedures. Hearings will be generally conducted in the following order unless the Hearing Officer determines good cause exists to alter the order of the proceedings.

- a. Introductions and Procedure. The Hearing Officer will explain the hearing procedures and introduce the participants. The Hearing Officer will answer any procedural questions prior to and as they arise throughout the Hearing.
- b. Opening Statements. The Complainant may give the first opening statement, if any, followed by the Respondent's.
- c. Testimony and Questioning. All questions during the Hearing will be asked by the Hearing Officer. Parties may submit questions to be posed by the Hearing Officer via in advance of the

hearing pursuant to the instructions in the Hearing Notice and during the Hearing.

No questions which constitute Impermissible Evidence under these Procedures will be posed. The Hearing Officer will limit or disallow questions they deem inappropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to Impermissible Evidence, or are abusive or harassing in nature. The Hearing Officer may consult with the Title IX Coordinator on any questions of admissibility. The Hearing Officer will explain any decision to exclude a question and Parties and Advisors will be allowed the opportunity to rephrase any excluded question.

The Hearing Officer then poses the questions deemed Relevant and not otherwise Impermissible to the party and/or witness. Parties may submit follow-up questions to the Hearing Officer after the initial testimony of any Party or witness.

- d. Closing Statements. Both parties are permitted to give closing statements at the conclusion of all questioning, beginning with the Complainant and ending with the Respondent.
- e. Deliberation. The Hearing Officer will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the Preponderance of the Evidence standard of proof. Deliberations are not recorded.

XI. Written Determination.

At the conclusion of the deliberations after a live hearing, the Hearing Officer will issue a Written Determination to all Parties. The Written Determination will include:

1. A description of the allegations;
2. Information about the policies and procedures used to evaluate the allegations;

3. The Investigator's evaluation of Relevant and not otherwise Impermissible Evidence and determination of whether the alleged Prohibited Conduct occurred;
4. If the Hearing Officer finds that the alleged Prohibited Conduct occurred, any disciplinary sanctions that will be imposed and any remedies that will be provided; and
5. The procedures for appeal.

XII. Sanctions

Sanctions for violation of this Policy are imposed based on the circumstances and nature of the violation and Complaint. Sanctions may be imposed at the adjudication of an investigation or appeals process. Sanctions for violation of the Policy may include but are not limited to:

- A. Students. Possible disciplinary sanctions for students that may be imposed under this Policy include, but are not limited to, warning, restriction, work sanctions, educational sanctions, mandated assessments, disciplinary probation, housing contract revocation, disciplinary suspension, and expulsion.
- B. Employees. Possible disciplinary sanctions and remedies for employees, volunteers, and contractors may include, but are not limited to, a letter of reprimand, instructions to draft and send a letter of apology, termination of a contract, demotion, termination of employment, or expulsion from College programs.

XIII. Appeal

- A. Bases for Appeal. The following are permitted bases for appeal:
 1. Procedural irregularity that would change the outcome;
 2. New evidence that would change the outcome that was not reasonably available when the determination was made; and
 3. The Title IX Coordinator or Investigator 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.

- B. Notice of Appeal. Either Party may initiate this appeal process. Parties will have five (5) business days from receipt of any dismissal or Written Determination to submit a written appeal statement challenging the decision on the bases above (in Section XIII.A. of these Procedures). The other Party will be notified if one Party seeks an appeal, and the written statement for appeal will be provided to the other Party. The other Party will be given five (5) business days from receipt of the other Party's written statement to submit a written appeal statement in support of the dismissal or Final Written Determination.
- C. Review of Appeals. There will be no hearing. Appeals will be reviewed by an Appellate Officer designated by the Title IX Coordinator. The Appellate Officer shall be free from conflict of interest or bias and shall not be the same person who reached the determination regarding the dismissal or the written determination, the Investigator, or the Title IX Coordinator. The Appellate Officer will have had no previous involvement with the case that the Appellate Officer is assigned to review. The appeal deliberation is closed to the Parties. The Appellate Officer will review only the written statements submitted by all Parties.
- D. Sanctions during Appeal. Sanctions will be stayed pending the outcome of any appeal process. If a respondent is subject to an emergency removal or administrative leave prior to the conclusion of the Investigation and is suspended, expelled, or terminated as a result of the Investigation, the emergency removal or administrative leave will continue pending the outcome of any appeal.
- E. Written Decision. The Appellate Officer will issue a written decision including its rationale for the decision within thirty (30) calendar days from the submission

of the last written appeal statement, which may be reasonably extended for good cause. One written decision will be issued for a matter, even if both Parties filed appeals. The written decision by the Appellate Officer is final and is not subject to further appeal. In the written decision, the Appellate Officer may: (1) affirm the dismissal or Written Determination; (2) overturn the dismissal or Written Determination; or (3) remand the case to the original Investigator to remedy procedural errors or consider new evidence.

- F. Final Decision. After the adjudication process is concluded or when the time for filing an appeal has expired and neither Party has submitted an appeal, the Title IX Coordinator shall notify the Parties simultaneously of the final outcome of the adjudication process. The Written Determination for a violation of the Policy becomes final either on the date that the College provides the Parties with the written decision of the result of the appeal if an appeal is filed, or if an appeal is not filed, on the date after which an appeal would no longer be considered timely, subject to any remanded proceedings.

XIV. Timeline

The Title IX Coordinator or Deputy will keep the Parties informed of the status of the College's resolution of the report throughout the process. The Investigators will strive to complete the formal investigation process within 120 days of the Notice of Allegation and Investigation. The College will strive to complete informal resolution agreements within 60 days of the Notice of Allegation. The College will strive to schedule and conduct the hearing within a reasonably prompt time frame after the completion of the investigation.

XV. Conflicts with the Policy and Procedures

With the exception of the College Bylaws, to the extent that the Policy or these Procedures conflict with any other College policy, procedure, handbook, faculty or employee bylaw, agreement, or process, the Policy and these Procedures shall prevail.

If a Complainant alleges Prohibited Conduct along with alleged violations of other College policies and procedures, including but not limited to the Student Code of Conduct, Employee Handbook, Faculty Bylaws or Faculty Handbook, all allegations will be investigated and adjudicated in accordance with the Policy and these Procedures. The Title IX Coordinator or Deputy may pair an investigator without Title IX training with an investigator with Title IX training to investigate allegations that do not fall within the scope of the Policy.

SAFETY TIPS

The College provides the following safety tips for its community:

IF A PERSON SEES SOMETHING OR SOMEONE SUSPICIOUS, THE PERSON SHOULD SAY SOMETHING IMMEDIATELY

ON CAMPUS

- Don't walk alone; always walk in a group or with a friend. If a person does not have someone with whom to walk, contact the Office of Public Safety (240-895-4911) for an escort. Escorts are provided from dusk until dawn.
- Choose well-lighted paths and avoid shortcuts. If an area light is out, please report it to the Physical Plant (240-895-4287) or Public Safety (240-895-4911).
- Be Aware! If a person believes he/she is being followed, the person should occasionally look behind him/her and if possible, immediately use the 911 Shield mobile app, head for the nearest emergency blue light phone, lighted building, or group of people. See the Emergency Phone map.

IN THE RESIDENCE HALLS

- Never loan or give a room key or access card to anyone.
- Don't block open residence hall doors! It is dangerous to everyone in the building.
- Don't leave rooms open or unlocked or go to sleep with a door unlocked.
- Don't leave windows unlocked when no one is present in the room.

- Establish consistent safety practices with roommates and suitemates by discussing these safety tips.
- Report lost keys or access card immediately. Public Safety has a lost and found and can be contacted at (240) 895-4911.
- Contact an RA or Residence Life Coordinator immediately if there is a belief that safety is being compromised in the residence.

BIKES

- Use bike racks on campus.
- Bikes locked to trees or light poles may be impounded by the Office of Public Safety.
- Record the serial number and a physical description (make, model, and color) of the bike. Keep the sales receipt.
- Register bikes with the Office of Public Safety at (240) 895-4911.
- Always lock bikes with a high-quality lock. U- Locks are recommended nationally.
- Lights, bags and cycling computers are easy to steal, so consider removing them when not in use.
- Ride smart and safely. Use signals, be aware of car doors and remember to announce oneself to pedestrians on campus.

PROTECT CARS

- Always Lock!
- Windows should always be rolled up completely.
- Don't leave valuable items in view. Put bags and boxes in the trunk.
- Don't ever leave a cell phone out!
- If a Parking Decal is stolen, report the theft to Public Safety at (240) 895-4911.

PROPERTY SAFETY

- Utilize the Office of Public Safety property registration program to register and record valuable property. Public Safety will mark property by engraving it with the owner's driver's license number and recording the serial number so it can be identified. If marked property is stolen, and recovered

the description and identifying number can be used to return the property to the owner.

- When in the library, campus center, or academic buildings, do not leave any property unattended, even for a minute.
- In the locker room, always lock individual lockers. It is an easy way to prevent wallet theft.

SEAHAWK SAFE MOBILE APP

The Office of Public Safety has launched the Seahawk Safe Mobile app powered by Campus Shield. The app has numerous features including:

- Emergency Text Alerts
- Weather Alerts
- School Closure Alerts
- One Touch emergency calling to Public Safety
- Submit a tip (with photos and videos)
- Friend Watch
- Notifications from Public Safety
- Interactive Campus Map
- Campus safety and security policy and resource information

To sign up follow these simple steps (you only have to do this once)

Step one: Download "campusshield" from Google Play or the Apple App Store

Step two: Enter your college email address

Step three: Select whether you are faculty/staff or a student

Step four: Fill out registration

For help with Campus Shield, please contact the Office of Public Safety at x4911.

BLUE LIGHT EMERGENCY PHONES

Blue light emergency phones provide an immediate, direct connection to the dispatcher at the Office of Public Safety. Members of the College community can use these devices to call for emergency assistance, report crimes in progress, and advise Public Safety of suspicious or potentially hazardous situations or persons. Blue light phones are checked by Public Safety on a regular basis.

These phones can be found at the following locations on campus. See map at <http://www.smcm.edu/publicsafety/campus-safety/blue-light-phones/>

- Front of Waring Commons
- Front of Lewis Quad
- Townhouse Greens
- Front of Parking Lot R
- Rear of Parking Lot R
- Parking Lot S
- Front of Parking Lot T
- Middle of Parking Lot T
- Rear of Parking Lot T
- Front of Parking Lot Z
- Middle of Parking Lot Z
- Front of Schaefer Hall by Greenhouse
- Pathway between Queen Anne and Wellness Center
- Pathway by St. Johns Pond
- Queen Anne Hall near Rt 5
- River Center
- St. Mary's Hall
- Middle of Parking Lot K
- Rear of Parking Lot K

DEFINITIONS AND CLASSIFICATION OF CRIMES

In accordance with the Clery Act, the following is the list of the definitions and classifications of crimes that are used by the College for purposes of this report:

Criminal Homicide-Manslaughter by

Negligence: The killing of another person through gross negligence.

Manslaughter by Negligence: The willful (non-negligent) killing of one human being by another.

Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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 his/her age or because of his/her temporary or permanent mental incapacity.

Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by law.

Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent. Consent means actually agreeing to the act of intercourse, rather than merely submitting as a result of force or threat or force.

Robbery: The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person on another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary: The unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

Liquor Law Violations: Violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the above.

Drug Law Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. Substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadone) and dangerous non-narcotic drugs (barbiturates, benzedrine).

Weapon Law Violation: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., silencers; furnishing deadly weapons.

Domestic Violence: A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic or family

violence laws of the jurisdiction in which the crime of violence occurred.

- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Note: Maryland has no Dating Violence law.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others. or
- Suffer substantial emotional distress.

Hate Crimes: Includes the above crimes with the additional crimes of vandalism, theft, simple assault, or intimidation where there is evidence victims were intentionally selected because of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.

STATISTICS FOR CRIMES REPORTED TO ST. MARY'S COLLEGE OF MARYLAND

OFFENSE	YEAR	ON CAMPUS	NON CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*	UNFOUNDED CRIMES
MURDER / NON NEGLIGENT MANSLAUGHTER	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
RAPE	2023	5	0	0	5	5	0
	2022	9	0	0	9	7	0
	2021	10	0	0	10	9	0
FORCIBLE FONDLING	2023	7	0	0	7	4	0
	2022	4	0	0	4	4	0
	2021	5	0	0	5	1	0
INCEST	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
STATUTORY RAPE	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
ROBBERY	2023	0	0	0	0	0	0
	2022	1	0	0	1	1	0
	2021	0	0	0	0	0	0
AGGRAVATED ASSAULT	2023	0	0	0	0	0	0
	2022	3	0	0	3	2	0
	2021	1	0	0	1	1	0
BURGLARY	2023	3	0	0	3	3	0
	2022	5	0	0	5	2	0
	2021	3	0	0	3	2	0
MOTOR VEHICLE THEFT	2023	1	0	0	1	0	0
	2022	1	0	0	1	0	0
	2021	3	0	0	3	0	0
ARSON	2023	0	0	0	0	0	0
	2022	1	0	0	1	1	0
	2021	0	0	0	0	0	0

VAWA OFFENSES	YEAR	ON CAMPUS	NON CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*	UNFOUNDED CRIMES
DOMESTIC VIOLENCE	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
DATING VIOLENCE	2023	2	0	0	2	2	0
	2022	4	0	0	4	4	0
	2021	3	0	0	3	3	0
STALKING	2023	15	0	0	15	11	0
	2022	6	0	0	6	2	0
	2021	18	0	0	18	7	0
ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION	YEAR	ON CAMPUS	NON CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*	UNFOUNDED CRIMES
LIQUOR LAW ARRESTS	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
DRUG LAW ARRESTS	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
WEAPON LAW ARRESTS	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
LIQUOR LAW REFERRALS	2023	31	0	0	31	15	0
	2022	24	0	0	24	8	0
	2021	75	0	0	75	58	0
DRUG LAW REFERRALS	2023	0**	0	0	0**	0**	0
	2022	2**	0	0	2**	1**	0
	2021	7**	0	0	7**	7**	0
WEAPON LAW REFERRALS	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	1	0	0	1	0	0

*Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. such crimes are counted in both categories.**Note: As of 07/01/2023 referrals for possession of less than 2.5 ounces of marijuana will not be counted as drug law violations.

HATE CRIME REPORTING

2023

- No hate crimes were reported to St. Mary's College in 2023

2022:

- No hate crimes were reported to St. Mary's College in 2022

2021:

- There was 1 report of vandalism in the on-campus geography with the bias of gender identity
- There was 1 report of vandalism in the on-campus residential facility geography with the bias of gender identity
- There was 1 report of intimidation in the on-campus residential facility geography with the bias of sexual orientation

REPORTING ENTITIES

As required by the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, St. Mary's College of Maryland's Office of Public Safety completed the annual report, which includes reported crime stats obtained from the following entities:

- St. Mary's College of Maryland Office of Public Safety,
- Office of Student Conduct,
- Office of Title IX Compliance,
- Campus Security Authorities,
- Human Resources,
- St. Mary's County Sheriff's Office,
- Leonardtown State Police Barracks,
- Department of Natural Resources Police,
- United States Coast Guard,
- Maryland Fire Marshall's Office

ST MARY'S
COLLEGE *of* MARYLAND

The National Public Honors College

2024

**FIRE SAFETY
REPORT**



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ST. MARY'S COLLEGE OF MARYLAND FIRE SAFETY POLICIES

St. Mary's adheres to fire codes as noted in the NFPA Inspection Manual (seventh edition). As such, personal property cannot be left in corridors as "All paths of travel from any part of the building must allow the occupants to travel safely without obstructions to the exits. Corridors and passageways must be at least 44 inches wide and completely clear of obstructions." (NFPA, p. 351).

POLICY ON PORTABLE APPLIANCES

Residents are not permitted to install outdoor antennas or other devices on the exterior of any residence hall, suite, apartment, or townhouse or in adjacent trees or shrubbery. Under no circumstances may the electrical wiring in a room be altered. Installation or alteration of electrical equipment is prohibited.

The following are appliances which may be operated in student rooms:

- clock
- computer and printer
- curling iron
- electric blanket (with heat control)
- fan
- hair dryer
- hot pot (must have closed heating element)
- iron
- lamp (except halogen*)

- refrigerator (less than 5 cubic feet capacity, Max 33" tall, only one per room)
- shaver
- stereo equipment
- television
- Streaming/Gaming Devices
- Small Microwave (one per room)

* Halogen lamps have been responsible for a number of housing fires across the country. Halogen bulbs burn three times as hot as incandescent bulbs. They are not permitted at SMCM.

Students are permitted to have one microwave oven per suite, apartment, townhouse unit., or dorm room.

Electrical appliances not included on this list are not allowed and may be confiscated and stored at the student's expense. No appliances may have an exposed heating element. All appliances must be UL-approved.

POLICY ON SMOKING

St. Mary's College of Maryland establishes the following policy regarding the smoking and use of tobacco products. The Governor's Executive Order (01.01.1992.20) establishes guidelines upon which the St. Mary's policy is based.

Policy

Buildings

- Smoking or carrying any lighted tobacco product is prohibited in all state buildings and facilities.

State Vehicles

- Smoking is prohibited in all state vehicles.

Residence Halls, Suites, Apartments, and Townhouses

- Smoking is prohibited in all areas of all residential facilities.

Enforcement

Responsibility

All employees and students share in the responsibility for adhering to and enforcing this policy and have the responsibility for bringing it to the attention of visitors.

Conflict resolution

The Office of Human Resources is responsible for resolving conflicts and investigating claims of employees. The Director of Student Conduct is responsible for resolving conflicts and investigating claims of students.

Disciplinary procedures

For an employee found in noncompliance, the following shall result:

- For the first offense: be directed to Human Resources for counseling on the provisions of the Executive Order (verbal warning).
- For the second offense: be given a written reprimand.
- For a third offense: receive a suspension.
- For a fourth or subsequent offense: may result in termination of employment.

For a student found in noncompliance, an incident report may be forwarded to the Director of Student Conduct for adjudication.

POLICY ON CANDLES AND OPEN FLAMES

Candles and incense are not permitted due to the danger of open flame and unattended heat sources.

FIRE SAFETY PLAN

EVACUATION OF RESIDENTIAL FACILITIES

Students should gather in the designated location as follows:

Caroline Hall: Students should move to the area in front of Glendening Hall. In the event of bad

weather or extended evacuation, students will be permitted to enter Montgomery Hall.

Dorchester Hall: Students should move to the green area/hill next to Montgomery Hall Dance Studio. In the event of bad weather or extended evacuation, students will be permitted to enter Montgomery Hall.

Prince George Hall: Students should move to the rear area of Dorchester Hall. In the event of bad weather or extended evacuation, students will be permitted to enter Montgomery Hall.

Lewis Quadrangle: Students should move toward the grass areas around DPC. In the event of bad weather or an extended evacuation, students will be permitted to enter DPC.

Queen Anne Hall: Students should move toward the wooded area behind the dumpster located in the front of the building (parking lot). In the event of bad weather or an extended evacuation, students will be permitted to enter Montgomery Hall.

Townhouses - Harrington, Boone, Homer Dodge, Maggie Dodge, Morsell, and Trueschler: Students should exit toward the Townhouse Green and then proceed to the patio area of DPC. In the event of bad weather or an extended evacuation, students will be permitted to enter DPC.

Townhouses - South Crescent and North Crescent: Students should move toward the grass areas around DPC. In the event of bad weather or an extended evacuation, students will be permitted to enter DPC.

Waring Commons: Students should move toward Lewis Quad. In the event of bad weather or an extended evacuation, students will be permitted to enter the LQ rec. room and DPC.

When evacuating a Residence Hall Students should not block the roadway and should be alert for approaching Emergency Vehicles.

IN CASE OF AN ACTUAL FIRE IN ANY RESIDENTIAL, ACADEMIC, OR ADMINISTRATIVE BUILDING

Pull the nearest fire alarm.

Evacuate the building immediately and move specified evacuation spaces to locations indicated by College officials.

Call 911 or 9-911 from a campus phone (County Control Center) and report the location of the fire. Call 240-895-4911 (Public Safety) and report the location of the fire.

Assist disabled individuals, if possible and safe to do so.

Wait to return to the building until the alarm has been silenced and Public Safety or other emergency personnel at the scene have given an official "all clear."

FIRE SAFETY EDUCATION

New Residence Life staff receives at least two hours of fire safety training each semester. They receive information on fire safety procedures, fire prevention, Health and Safety Inspections, and staff learns how to use a fire extinguisher. In addition, all staff are trained on their building evacuation plan.

Resident students are trained before classes begin on evacuation procedures, fire safety, Health and Safety inspections.

Prior to each break (Thanksgiving, winter, spring), Residence Life staff provide their residents with Health and Safety Inspection information.

PLANS FOR FUTURE IMPROVEMENTS OF RESIDENTIAL FIRE SAFETY EQUIPMENT

There are plans to upgrade the fire safety system within Dorchester Hall.

RESIDENTIAL FACILITIES FIRE SAFETY EQUIPMENT

RESIDENTIAL BUILDING	ADDRESS	SMOKE DETECTORS	BEDROOM SMOKE DETECTORS	COMMON AREA SMOKE DETECTORS	FIRE ALARM REPORTS TO	SPRINKLER SYSTEM	TYPE	NUMBER OF FIRE DRILLS CONDUCTED IN 2023
Caroline Hall	19075 Hill Commons Drive	Yes	110 V Non-System	110 V System	Public Safety	Yes	Wet	1
Dorchester Hall	19085 Hill Commons Drive	Yes	110 V Non-System	110 V System	Public Safety	No	N/A	1
Queen Anne Hall	19125 Yaocomaco Drive	Yes	110 V Non-System	110 V System	Public Safety	No	N/A	1
Prince Georges Hall	19065 Hill Commons Drive	Yes	110 V Non-System	110 V System	Public Safety	Yes	Wet	1
Lewis Quad (All Buildings)	47800 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet & Dry	1
Waring Commons (All Buildings)	47830 College Drive	Yes	110 V Non-System	110 V System	Public Safety	Yes	Wet	0
North Crescent Townhouses	47775 College Drive	Yes	N/A	110 V System	Public Safety	Yes	Wet	0
South Crescent Townhouses	47725 College Drive	Yes	N/A	110 V System	Public Safety	Yes	Wet	0
Townhouse A (Harrington)	47680 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet	0
Townhouse B (Boone)	47690 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet	0
Townhouse C (Homer Dodge)	47700 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet	0
Townhouse D (Maggie Dodge)	47740 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet	0
Townhouse E (Morsell)	47750 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet	0
Townhouse F (Trueschler)	47760 College Drive	Yes	110 V System	110 V System	Public Safety	Yes	Wet	0

RESIDENTIAL FIRE SAFETY STATISTICS

BUILDING	ADDRESS	YEAR	TOTAL # OF FIRES	DATE OF FIRE	TIME OF FIRE	CAUSE OF FIRE	# OF INJURIES REQUIRING MEDICAL TREATMENT	# OF DEATHS	VALUE OF PROPERTY DAMAGE
Caroline Hall	19075 Hill Commons Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Dorchester Hall	19085 Hill Commons Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Queen Anne Hall	19125 Yaocomaco Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Prince Georges Hall	19065 Hill Commons Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Lewis Quad Building A	47800 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Lewis Quad Building B	47800 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Lewis Quad Building C	47800 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Lewis Quad Building D	47800 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Waring Commons Building A	47830 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Waring Commons Building B	47830 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Waring Commons Building C	47830 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Waring Commons Building D	47830 College Drive	2023	0	0	0	0	0	0	0
		2022	1	03-23-23	2210	ARSON	0	0	\$1000
		2021	0	0	0	0	0	0	0
Waring Commons Building E	47830 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Waring Commons Building F	47830 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Waring Commons Building G	47830 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Waring Commons Building H	47830 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Waring Commons Building I	47830 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Waring Commons Building J	47830 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
North Crescent Townhouses	47775 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0

South Crescent Townhouses	47725 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Townhouse A (Harrington)	47680 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Townhouse B (Boone)	47690 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Townhouse C (Homer Dodge)	47700 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Townhouse D (Maggie Dodge)	47740 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	1	09-22-21	0937	ELECTRICAL	0	0	\$200
Townhouse E (Morsell)	47750 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0
Townhouse F (Trueschler)	47760 College Drive	2023	0	0	0	0	0	0	0
		2022	0	0	0	0	0	0	0
		2021	0	0	0	0	0	0	0