



Interim University of Maryland Procedures on Sexual Harassment and Other Sexual Misconduct (Senate Document #20-21-08)

Faculty Affairs Committee | Chair: William Reed

Staff Affairs Committee | Chair: Judi Gorski

Student Conduct Committee | Chair: Andrea Dragan

On May 6, 2020, the Department of Education (DOE) issued new Title IX regulations, which direct how educational institutions must address incidents of sexual assault and harassment involving both students and employees. The University System of Maryland (USM) revised its Policy on Sexual Harassment (VI-1.60) on July 22, 2020 and asked all USM institutions to align their policies accordingly. On August 14, 2020, President Pines approved an interim University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct (VI-1.60[A]), pending Senate review.

The Senate Executive Committee (SEC) and Senate Chair Dugan request that the Faculty Affairs, Staff Affairs, and Student Conduct Committees jointly review the procedures component of the interim University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct (VI-1.60[A]).

The Faculty Affairs, Staff Affairs, and Student Conduct Committees should jointly:

1. Review the USM Policy on Sexual Harassment ([VI-1.60](#)).
2. Review the interim University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct ([VI-1.60\[A\]](#)).
3. Review information on the U.S. Department of Education's Final Rule under Title IX of the Education Amendments of 1972.
4. Review procedures related to sexual misconduct at Big 10 and other peer institutions.
5. Consult with a representative of the Office of Civil Rights & Sexual Misconduct (OCRSM).
6. Consult with a representative of the Office of Faculty Affairs.
7. Consult with a representative of the Office of Student Conduct.
8. Consult with a representative of the Office of Staff Relations.
9. Consult with a representative of CARE to Stop Violence on their perspectives on the interim University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct.

10. Consult with the Sexual Assault Prevention Committee (SAPC) on its perspectives on the interim University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct.
11. Consult with the chair of the Student Government Association's (SGA) Sexual Misconduct Prevention Committee and the Title IX Advisory Board (TIXAB) on students' perspectives on the interim University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct.
12. Consult with a representative of the Office of General Counsel on the legal implications of the new Title IX regulations.
13. Consider whether the interim procedures fulfill the minimum requirements related to federal regulations and state law, and also go beyond the minimum requirements, where appropriate, in order to align with the University's principles and values.
14. Consider whether modifications to the procedures are needed to provide clarity and consistency to ensure that the procedures are clearly articulated to the campus community.
15. Consider how the procedures should address situations where members of the campus community serve in multiple constituency roles at once, or where a party's role has changed since the incident in question occurred.
16. Consider whether the procedures adequately reflect the rights of all parties in cases that cross constituencies.
17. Consider the change in the model of the adjudication process from the Standing Review Committee to a Hearing Officer.
18. Consider whether the appeals process in the procedures meets the needs of the individual constituencies and appropriately addresses situations that involve multiple constituencies.
19. Consider the variation in the structure of the appellate process between the faculty and staff process having an Appellate Hearing Officer and the student process involving the Senate's Student Conduct Committee.
20. Consider whether additional grounds for appeal are needed, including whether evidence that could have been uncovered by the investigator but was not uncovered during the investigation should be a grounds for appeal.
21. Consult with the Office of General Counsel on any proposed revisions to the interim procedures.
22. If appropriate, recommend whether the interim procedures should be revised.

We ask that you submit a report to the Senate Office no later than **March 30, 2021**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.