



1. Call to Order
2. Approval of the November 5, 2019 Senate Minutes (Action)
3. Report of the Chair
4. Special Order: Presidential Briefing
5. PCC Proposal to Establish a Post-Baccalaureate Certificate in Supporting Children with Intensive Behavior Needs in a Public School Setting (Senate Document #19-20-29) (Action)
6. PCC Proposal to Establish a Master of Arts in International Relations (Senate Document #19-20-30) (Action)
7. 2019-2020 Nominations Committee Slate (Senate Document #19-20-31) (Action)
8. Review of the Interim University of Maryland Sexual Misconduct Policy (Senate Document #19-20-03) (Action)
9. Review of the Interim Sexual Misconduct Student Procedures (Senate Document #19-20-04) (Action)
10. Review of the Interim Sexual Misconduct Faculty Procedures (Senate Document #19-20-05) (Action)
11. Review of the Interim Sexual Misconduct Staff Procedures (Senate Document #19-20-06) (Action)
12. New Business
13. Adjournment



## **CALL TO ORDER**

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Senate Chair Lanford called the meeting to order at 3:25 p.m.

## **APPROVAL OF THE OCTOBER 2, 2019 SENATE MINUTES (ACTION)**

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The minutes were approved as distributed.

## **REPORT OF THE CHAIR**

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- Lanford, Dugan, and Montfort attended the annual Big10 Academic Alliance Governance Leaders Conference October 17-19, 2019 at the University of Michigan. Some of the topics discussed at the conference included Admissions and Enrollment Trends in Higher Education, #MeToo in Higher Education: Managing Allegations Against Professors, Entering the Online Education Space: Opportunities and Challenges, Faculty Life: Facilitating Collegiality, Community, and Wellness. Best practices on a variety of issues in higher education were also shared
- The Staff Affairs Committee is currently accepting nominations for this year's [Board of Regents' Staff Awards](#). These annual awards are the highest System-wide recognition of the exceptional work done by staff members across the USM. Exempt and non-exempt staff who have been with the University for at least 5 years are eligible to be nominated in one of five categories. There are coaches available to help nominators gather the necessary materials, and any member of the university community, including students, can nominate an eligible staff member. Nomination packets are due to the Staff Affairs Committee by Friday, November 15.
- Because this is President Loh's final year, the Senate leadership and President Loh agreed that it would be more fitting for him to do a Farewell Address at the May Senate meeting instead of his normal State of the Campus address.

## **SPECIAL ORDER: BOB DOOLING, CHAIR, RESEARCH COUNCIL ENDORSEMENT POLICY SUBCOMMITTEE -- [DEVELOPMENT OF THE ENDORSEMENT POLICY](#)**

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Bob Dooling, Chair of the Research Council Endorsement Policy Subcommittee presented the draft Endorsement Policy and provided background and context on the impetus and development of the draft policy. He noted that the policy merely codifies and centralizes various existing guidelines and solicited feedback from Senators.

Senators did not raise any concerns or ask any questions. Chair Lanford noted that the final Endorsement Policy will be brought to the Senate for a vote at the February Senate meeting.

## **SPECIAL ORDER: CARLO COLELLA, VICE PRESIDENT FOR ADMINISTRATION & FINANCE -- [CLIMATE ACTION AND SUSTAINABILITY](#)**

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Carlo Colella, Vice President for Administration & Finance provided an overview of the University's commitment to climate action and its goals including: achieving carbon neutrality, excellence in Smart Growth, minimizing waste, sustainable water use, educating students on sustainability, and advancing sustainability locally and globally.

- Climate Action Plan has reached 50% reduction in GHG emissions by 2020 and plans to be Carbon Neutral by 2050
- Reduce UMD's carbon footprint by eliminating activities that produce CO<sub>2</sub> and mitigating the impact through off-site actions
- 100% renewable purchased electricity (solar panels); net-zero greenhouse gas emissions from new buildings (Iribe); offsetting 100% of air travel emissions; offsetting 100% of undergraduate student commuting emissions;
- Remaining sources of GHG emissions: Central Energy Plant, commuters, fleet vehicles, boilers, generators, etc. - NextGen energy system utility modernization

Senators made suggestions related to providing a specific lane for bikes and scooters; encouraging Pepsi to provide alternatives to plastic bottles in vending machines; engaging members of the campus community with disabilities or from underrepresented groups in the discussions on transportation; behavioral changes to reduce food waste; collaborating with platinum-rated schools; reconsidering the mandatory sustainability fee for undergraduate students; and moving the carbon neutrality deadline up to 2025 or 2030.

## **TECHNICAL REVISIONS TO THE UNIVERSITY OF MARYLAND POLICY AND PROCEDURES ON HAZING (V-1.00[K]) (SENATE DOCUMENT [#19-20-20](#)) (INFORMATION)**

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Chair Lanford explained that all three items were technical revisions that were a result of the changes to the Code of Student Conduct approved by the Senate last year. She stated that the Senate Office has instituted a new process for technical amendments to policy to be documented and tracked so the Senate is made aware of those changes and so there is an official record. Lanford noted that the revisions have already been approved by the President because they are associated with a prior Senate vote and do not require any further Senate action.

## **TECHNICAL REVISIONS TO THE UNIVERSITY OF MARYLAND POLICY ON EXCUSED ABSENCE (V-1.00[G]) (SENATE DOCUMENT [#19-20-21](#)) (INFORMATION)**

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Lanford presented the Technical Revisions as an informational item.

## **TECHNICAL REVISIONS TO THE POLICY ON PROMOTING RESPONSIBLE ACTION IN MEDICAL EMERGENCIES (V-1.00[J]) (SENATE DOCUMENT [#19-20-22](#)) (INFORMATION)**

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Lanford presented the Technical Revisions as an informational item.

## **TECHNICAL REVISIONS TO THE UNIVERSITY OF MARYLAND, COLLEGE PARK POLICY ON APPOINTMENT, PROMOTION, AND PERMANENT STATUS OF LIBRARY FACULTY (II-1.00[B]) (SENATE DOCUMENT [#19-20-23](#)) (INFORMATION)**

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Chair Lanford stated that this item is a technical amendment to the Policy on Appointment, Promotion, and Permanent Status of Library Faculty was necessary to clarify that the process requires 6 letters to be “requested” instead of requiring 6 letters to be received. This principle aligns with the University’s Appointment, Promotion, & Tenure Policy. There may be instances where a case needs to move forward with five letters instead of six; such situations are rare and are handled on a case by case basis in both the permanent status and APT processes. The technical amendment reflects the flexibility needed to address those situations. This amendment has also been approved by the President because it is merely a clarification so it does not require any further Senate action.

## **PCC PROPOSAL TO ESTABLISH A BACHELOR OF ARTS IN REAL ESTATE AND THE BUILT ENVIRONMENT (SENATE DOCUMENT [#19-20-14](#)) (ACTION)**

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Betsy Beise, member of the Programs, Curricula, and Courses (PCC) Committee presented the proposal and provided background information.

Senators did not discuss the proposal but voted to approve the proposal with **91 in favor, 5 opposed, and 3 abstentions.**

## **PCC PROPOSAL TO RENAME THE POST BACCALAUREATE CERTIFICATE IN “SURVEY STATISTICS” TO “FUNDAMENTALS OF SURVEY STATISTICS” (SENATE DOCUMENT [#19-20-18](#)) (ACTION)**

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Betsy Beise, member of the PCC Committee presented the proposal and provided background information.

Senators did not discuss the recommendations but voted to approve the proposal with **93 in favor, 5 opposed, and 1 abstention.**

## **PCC PROPOSAL TO RENAME THE BACHELOR OF ARTS IN “FILM STUDIES” TO “CINEMA AND MEDIA STUDIES” (SENATE DOCUMENT [#19-20-19](#)) (ACTION)**

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Betsy Beise, member of the PCC Committee presented the proposal and provided background information.

Senators did not discuss the recommendations but voted to approve the proposal with **93 in favor, 2 opposed, and 0 abstentions.**

## **NEW BUSINESS**

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There was no New Business

## **ADJOURNMENT**

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The meeting was adjourned at 4:25 p.m.



## PCC Proposal to Establish a Post-Baccalaureate Certificate in Supporting Children with Intensive Behavior Needs in a Public School Setting (PCC 19009)

**PRESENTED BY** Janna Bianchini, Chair, Senate Programs, Curricula, and Courses Committee

**REVIEW DATES** SEC – November 20, 2019 | SENATE – December 4, 2019

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** NA

**NECESSARY APPROVALS** Senate, President, University System of Maryland Chancellor, and Maryland Higher Education Commission

### ISSUE

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The Department of Counseling, Higher Education, and Special Education (CHSE), within the College of Education (EDUC), proposes to establish a Post-Baccalaureate Certificate in Supporting Children with Intensive Behavior Needs in a Public School Setting. The purpose of this certificate is to offer professional development to Maryland public school educators who work with students with disabilities identified as having intensive behavior needs. Intensive behavior needs are defined as behaviors that significantly disrupt the learning of the student and/or his/her peers; these behaviors are typically considered a danger to the student, his/her peers, and/or his/her teacher. The target group of educators will include special educators, general educators, and related service providers who directly work with the identified population of students and who are seeking specialized training and leadership skill development. The program is designed to strengthen practicing educators' understanding and application of topics such as the neuroscience of learning, principles of behavior change, school leadership, educational law, and team management, so they may become school leaders in supporting students with intensive behaviors.

The certificate will be offered in collaboration with the Kennedy Krieger Center for Innovation and Leadership in Special Education (CILSE) in Baltimore. Select courses will be co-taught by Kennedy Krieger faculty, and field placements will be held on CILSE's Baltimore campus. CILSE currently offers a one-year, full-time fellowship to select Baltimore City teachers, which is designed to strengthen their ability to support students with intensive behavior needs. While successful in improving the capacity of educators to support the targeted population of students, the program has been offered at a limited scale, has required participants to take a leave of absence from teaching, and does not lead to a degree or certificate. In response to these needs, the proposed Post-Baccalaureate Certificate would expand the training to multiple school district cohorts. Online and hybrid course offerings will allow teachers to maintain their current teaching positions while obtaining the necessary skills and expertise to work with the targeted population of children.

The program is 15 credits, consisting of four courses and field placement. Coursework includes Special Education Policy (3 Credits), Principles of Behavior Management (3 Credits), Neurodevelopment and Disability for Educators (4 Credits), and Leading Instructional Improvements (3 Credits), along with two one-credit field placement courses. The first field placement course,

EDSP402, is taken in the beginning of the program and serves as an orientation to CILSE. The other field placement course, EDUC 689, will also be taken at CILSE, but in the final semester. The field placement courses will allow students to interact with the target population of children.

The program will be offered to cohorts of 10-20 students from partnering Maryland school systems. The program will be self-supported from tuition revenue. The Kennedy Krieger Institute will also share in both the tuition revenue and in the financial and administrative support of the program.

This proposal was approved by the Graduate School Programs, Curricula, and Courses Committee on October 25, 2019, and the Senate Programs, Curricula, and Courses Committee on November 1, 2019.

## **RECOMMENDATION(S)**

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The Senate Committee on Programs, Curricula, and Courses recommends that the Senate approve this new certificate program.

## **COMMITTEE WORK**

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The committee considered this proposal at its meeting on November 1, 2019. Gulnoza Yakubova, from the Department of Counseling, Higher Education, and Special Education, presented the proposal and responded to questions from the committee. The PCC Committee discussed with the proposer ways in which the Department might expand its efforts to recruit a diverse student body, and recommended that the Department include in its recruitment efforts outreach to professional organizations representing minority educators. This advice was enthusiastically accepted. After discussion, the proposal was approved by the committee.

## **ALTERNATIVES**

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The Senate could decline to approve this new certificate program.

## **RISKS**

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If the Senate declines to approve this certificate program, the University will lose an opportunity to serve a state need for more teachers who are prepared to support this population of children in their local public schools.

## **FINANCIAL IMPLICATIONS**

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Because this program is self-supported, there are no significant financial implications for this proposal.

University of Maryland PCC  
Program/Curriculum/Unit Proposal

PCC Log No: 19009

Program: EDSP

Department/Unit: CHSE

College/School: EDUC

Proposal Contact Person (with email): Gulnoza Yakubova, gulnoza@umd.edu

Type of Action (check one):

- Curriculum change (includes modifying minors, concentrations/specializations and creating informal specializations)
- Curriculum change is for an LEP Program
- Rename a program or formal Area of Concentration
- Establish/Discontinue a formal Area of Concentration
- Other:
- Establish a new academic degree/certificate program
- Create an online version of an existing program
- Establish a new minor
- Suspend/Discontinue a degree/certificate program
- Establish a new Master or Certificate of Professional Studies program
- New Professional Studies program will be administered by Office of Extended Studies

*Italics indicate that the proposal must be presented to the full University Senate for consideration.*

Approval Signatures - Please print name, sign, and date. For proposals requiring multiple unit approvals, please use additional cover sheet(s).

1. Department Committee Chair Cixin Wang, Cixin Wang 5/10/2019
2. Department Chair William Ming Lin, WML 5/10/19
3. College/School PCC Chair John F. O'Flaherty, JFO 5/16/19
4. Dean Jeffrey K. Pini, JKP 5/20/19
5. Dean of the Graduate School (if required) \_\_\_\_\_
6. Chair, Senate PCC Jane Banchini, JB 11-1-19
7. University Senate Chair (if required) \_\_\_\_\_
8. Senior Vice President and Provost \_\_\_\_\_

Instructions:

When approved by the dean of the college or school, please send the proposal and signed form to the Office of the Associate Provost for Academic Planning and Programs, 1119 Main Administration Building, Campus-5031, **and** email the proposal document as an MSWord attachment to [pcc-submissions@umd.edu](mailto:pcc-submissions@umd.edu).

Summary of Proposed Action (use additional sheet if necessary):

The Department of Counseling, Higher Education, and Special Education (CHSE) in collaboration with the Kennedy Krieger Center for Innovation and Leadership in Special Education, Baltimore, MD is proposing a joint Post-Baccalaureate Certificate (PBC) in Supporting Children with Intensive Behavior Needs in a Public School Setting. The purpose of this certificate is to offer professional development to Maryland public school educators who work with students with disabilities identified as having intensive behavior needs. The course sequence will consist of four courses and a field placement (15 credits) and will be offered to cohorts of 10 - 15 students from partnering Maryland school systems. In order to accommodate practicing teachers' schedules, courses will be offered online during the fall and spring semesters, and face-to-face during the summer terms. Upon completion, participants will receive a Post-Baccalaureate Certificate in Supporting Children with Intensive Behavior Needs in a Public School Setting from the University of Maryland. Completers will also have the option of applying a portion of these credits to the Master of Education (M.Ed.) in Special Education program or Administration I Certification program within the College of Education.

Unit Code(s) (to be entered by the Office of Academic Planning and Programs):

*In order to complete this form, you will need to copy this template to your own document, then complete, print, and submit this proposal with the PCC Cover Sheet*

**Program:** Special Education

**Date of Proposal:** May 6, 2019

**Start Term for New Program:** Summer Session I, 2020

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A new degree program proposal will need to be approved not just by campus but also by the University System of Maryland (USM) Board of Regents and the Maryland Higher Education Commission (MHEC). New certificate programs need to be approved by the USM Chancellor and MHEC. The following prompts are based on academic policies for programs and reflect campus requirements and MHEC requirements. The prompts also include questions frequently asked by review committees. See [http://mhec.maryland.gov/institutions\\_training/Pages/acadaff/AcadProgInstitApprovals/NewAcademicProgramProposals.aspx](http://mhec.maryland.gov/institutions_training/Pages/acadaff/AcadProgInstitApprovals/NewAcademicProgramProposals.aspx) for more information about MHEC requirements. Please feel free to add additional information at the end of this document or in a separate appendix.

### **Mission and Purpose**

**1. Describe the program and explain how it fits the institutional mission statement and planning priorities. The University Mission Statement and Strategic Plan can be found on this site: <https://www.umd.edu/history-and-mission>.**

The Department of Counseling, Higher Education, and Special Education (CHSE) in collaboration with the Kennedy Krieger Center for Innovation and Leadership in Special Education, Baltimore, MD is proposing a joint Post-Baccalaureate Certificate (PBC) in Supporting Children with Intensive Behavior Needs in a Public School Setting. The purpose of this certificate is to offer professional development to Maryland public school educators who work with students with disabilities identified as having intensive behavior needs. Intensive behavior needs are defined as behaviors that significantly disrupt the learning of the student and/or his/her peers; these behaviors are typically considered a danger to the student, his/her peers, and/or his/her teacher. The target group of educators will include special educators, general educators, and related service providers who directly work with the identified population of students and who are seeking specialized training and leadership skill development. The program is designed to strengthen practicing educators' understanding and application of topics such as the neuroscience of learning, principles of behavior change, school leadership, educational law, and team management, so they may become school leaders in supporting students with intensive behaviors.

The course sequence will consist of four courses and a field placement (15 credits) and will be offered to cohorts of 10 - 20 students from partnering Maryland school systems. In order to accommodate practicing teachers' schedules, courses will be offered in hybrid formats.

Upon completion, participants will receive a Post-Baccalaureate Certificate in *Supporting Children with Intensive Behavior Needs in a Public School Setting* from the University of Maryland. Completers will also have the option of applying a portion of these credits to the Master of Education (M.Ed.) in Special Education program or Administration I Certification program within the College of Education.

### **Program Characteristics**

**2. Provide the catalog description of the proposed program. As part of the description, please indicate any areas of concentration or specializations that will be offered.**

The Department of Counseling, Higher Education, and Special Education, in collaboration with the Kennedy Krieger Center for Innovation and Leadership in Special Education, is pleased to offer a joint Post-Baccalaureate Certificate in Supporting Students with Intensive Behavior Needs in a Public School Setting. The program is designed to strengthen practicing educators' ability to work with students who have intensive behavior needs as a result of an identified disability. Candidates enrolled in the program engage in a series of courses and field experiences designed to strengthen their understanding and application of topics such as the neuroscience of learning, principles of behavior change, school leadership, educational law, and team management so they may help build the capacity within their school system to support the learning of students who have intensive behavior needs.



### 3. What are the educational objectives of the program?

The PBC will have three educational objectives. First, the course sequence and field placement experiences are designed so educators will understand the theoretical, legal, and policy underpinnings that underlie programs and practices for students with intensive behavior needs. Second, it will help strengthen educators' understanding of the intersection of research, clinical, and educational practices pertaining to children with intensive behavior needs. Finally, it will provide educators with the knowledge and skills to help build the capacity of their school systems to support the learning of students who have intensive behavior needs.

### 4. Describe any selective admissions policy or special criteria for students interested in this program.

The PBC will be limited to experienced special education teachers, general education teachers, and related service providers (e.g., physical therapists, school counselors) who have tenure and/or 3 or more years of Maryland public school teaching experience working directly with students with intensive behavior needs. In addition to University of Maryland Graduate School requirements, candidates applying to the program must receive a letter of support from their school district and will be required to submit a personal statement highlighting their interest in pursuing this training. Candidates will be subject to an interview with program coordinators.

**5. Indicate the course requirements with course numbers, titles and credits. If applicable, indicate if any course will also count for a general education requirement. In an appendix, provide the course catalog information (credits, description, prerequisites, etc.) for all of the courses. Note that suffixed "selected" or "special" topics courses should be avoided. If suffixed-selected or special topics courses are offered regularly in the new program, you should make the courses permanent. Also, please review the basic requirements of degree programs or certificate programs to ensure that they meet the minimum policy requirements.**

**Please note: new courses or modifications to courses need to be submitted through the Testudo Curriculum Management system and will need to follow the normal VPAC course proposal review process. You may submit individual course changes to VPAC concurrently with the PCC proposal; however, the course changes may be held depending on the outcome of the PCC proposal.**

#### **EDSP 402: Field Placement Course**

EDSP 402 is a field placement course. This course is taken in conjunction with courses in the first semester of the joint PBC program. For the field experience, students will be at Kennedy Krieger's clinical instructional setting using face-to-face or hybrid formats. These formats are necessary so students will be able to interact with the target population of children and apply skills learned.

**EDSP 675: Special Education Policy (3 credits).** The course will review the statutory and regulatory foundations of U.S. policies pertaining to the education and treatment of individuals with disabilities. Key judicial interpretations of those policies will also be reviewed. The course will provide comprehensive overviews of: The Every Student Succeeds Act (ESSA); The Elementary and Secondary Education Act (ESEA); The Individuals with Disabilities Education Improvement Act (IDEA), The No Child Left Behind Act (NCLB), The Americans with Disabilities Act (ADA), and The Vocational Rehabilitation Act section 504. In addition, students will gain an awareness of other legislation pertaining to the education of students with disabilities, including significant court cases as well as significant decrees. Also reviewed in detail are the major Supreme Court cases that impact the education and development of individuals with disabilities

#### **EDSP 613: Principles of Behavior Management (3 credits)**

This course provides students with examples of how behavior is supported in classroom and school contexts. The focus in the main portion of the course are the principles that underlie learned behavior and how they apply in various settings to support or teach new behaviors. This course is designed specifically for teachers and other professionals working with individuals with disabilities who require some form of behavior support planning. We focus on applying specific strategies for the purposes of positively and proactively managing individual and group behaviors that encourage and support academic, behavioral, and social learning for all students.

**EDSP 610: Neurodevelopment and Disability for Educators (4 credits; 3 credits online lecture; 1 credit face-to-face lab)**

EDSP 610 is designed for educators of students with Disabilities interested in understanding cognition and learning from a neurodevelopmental perspective. This course is restricted to students in the joint Post-Baccalaureate Certificate program between University of Maryland Special Education Program and Kennedy Krieger Institute. Students will be introduced to the basics of neuroanatomy as well as typical and atypical brain development as it relates to children from birth to age 21. This course will focus on understanding the neurodevelopmental skills impacted by developmental disabilities and investigate means for supporting and developing these important skills.

**EDUC 645: Leading Instructional Improvements (3 credits)**

This course will provide students with knowledge of strategies and models that foster collaboration among school staff to drive improvement of instructional practice and/or engage in broader school-wide change. Students will gain understanding of effective teacher development and evaluation practices, and will consider the effectiveness of various models of contemporary instructional improvement supports such as PLCs, coaching, learning walks, demonstration classrooms, etc. Students will also identify and develop measures to gauge student progress and change parameters.

**EDUC 689: Field Placement Course (1 credit)**

EDUC 689 is a field placement course. This course is taken in conjunction with courses in the final semester of the joint PBC program. For the field experience, students will be at Kennedy Krieger's clinical instructional setting using a face-to-face format. These formats are necessary so students will be able to interact with the target population of children and apply skills learned.

**6. Summarize the factors that were considered in developing the proposed curriculum (such as recommendations of advisory or other groups, articulated workforce needs, standards set by disciplinary associations or specialized-accrediting groups, etc.).**

The Kennedy Krieger Center for Innovation and Leadership in Special Education (CILSE) currently offers a one-year, full-time fellowship to select Baltimore City teachers, which is designed to strengthen their ability to support students with intensive behavior needs. While successful in improving the capacity of educators to support the targeted population of students, the program has been offered at a limited scale, has required participants to take a leave of absence from teaching, and does not lead to a degree or certificate.

In response to these needs, CILSE and CHSE are partnering to offer a joint 15 credit PBC that would expand the training to multiple school district cohorts. Online and hybrid course offerings will allow teachers to maintain their current teaching positions while obtaining the necessary skills and expertise to work with the targeted population of children. As a result, the program will reach a greater number of educators without removing them from their current teaching posts. Further, the resulting post-baccalaureate certificate may provide some teachers with an increase in salary and/or the opportunity to continue into other graduate programs in the College of Education such as the Administration I Certification program or the Master of Education (M.Ed.) in Special Education program.

**7. Sample plan. Provide a term by term sample plan that shows how a hypothetical student would progress through the program to completion. It should be clear the length of time it will take for a typical student to graduate. For undergraduate programs, this should be the four-year plan.**

The PBC will be run as a four-semester cohort program. Each cohort will be comprised of 10 - 20 educators; no more than two cohorts will be offered at a time. Cohorts of participants will progress through the program courses sequentially following standard summer term and academic semester calendars. The program will begin during Summer Session II and end during Summer Session I the following academic year. The course sequence will be as follows:

Semester	Course(s)	Course Delivery
<b>Semester I:</b> Summer Term Session II	EDSP 402: Field Placement Severe Disabilities I (1 credit)	Face-to-Face
	EDSP 675: Special Education Policy (3 credits)	Online

<b>Semester II:</b> Fall Semester	EDSP 613: Principles of Behavior Management (3 credits)	Online
<b>Semester III:</b> Spring Semester	EDSP 610: Neurodevelopment and Disability for Educators (4 credits: 3 credits online lecture; 1 credit face-to-face lab)	Hybrid
<b>Semester IV:</b> Summer Term Session I	EDUC 645: Leading Instructional Improvements (3 credits)	Hybrid
	EDUC 689: Practicum in Educational Administration and Supervision (1 credit)	Face-to-Face

**8. Indicate whether the program will be offered either online or off-campus. Please note that MHEC requires a separate proposal for off-campus delivery. If the program will be offered exclusively online or will have both a face-to-face and online version of the program, please complete this additional form and add as an appendix: <https://docs.google.com/document/d/1o1pUBt4mAWINPCiONzZ48UH68zGPYj31TPgEOfW3q1E/>**

In order to meet the needs of our targeted population of educators, community schools, and school district partners, courses will be delivered using a combination of face-to-face, hybrid and online formats. Online courses (EDSP 675, EDSP 613, and the lecture portion of EDSP 601) will embed asynchronous and synchronous instruction following a traditional semester or term calendar. This will allow cohorts of educators to continue in their current teaching positions while they are enrolled in the program. Field placements (EDSP 402 and EDUC 689) and labs (EDSP 610) will be held off-campus at Kennedy Krieger's clinical instructional setting using face-to-face or hybrid formats. These formats are necessary so participants will be able to interact with the target population of children and apply skills learned. Please see **Appendix A** for additional information about the online and hybrid components.

**9. If the program will be offered in a non-semester format, identify the term structure that will be used for the program:**

- **Approved Campus 12-Week Term (see Academic Calendars)**
- **\*Non-Standard Term**

**\*If you are using a non-standard term structure, indicate whether relevant offices, such as the Registrar's Office and International Scholar & Student Services, have been notified and support the program. Non-standard terms need to fit within the university's scheduling system calendar, and non-standard terms need to work with international student visa requirements.**

**Term structure:**

The program will be offered in a standard term format. Cohorts of students will progress through the program courses sequentially following standard summer term and academic semester calendars. The program will begin during Summer Session II and end during Summer Session I of the following academic year.

**10. For Master's degree programs, describe the thesis requirement and/or the non-thesis requirement.**

N/A

**11. List the intended student learning outcomes. In an appendix, provide the plan for assessing these outcomes.**

Students will demonstrate the ability to:

1. Consider the cognitive neuroscience of learning to develop meaningful and effective interventions for students with intensive behavior needs.
2. Conduct Functional Behavior Assessments to develop effective Behavior Intervention Plans based on the principles of applied behavior analysis.
3. Understand how relevant case law, legislation, and policy impact decision-making about the interventions and services provided to students with disabilities in a public school setting.

Please see **Appendix B** for information about assessing each of these learning outcomes.

**12. Identify specific actions and strategies that will be utilized to recruit and retain a diverse student body.**

The College of Education at University of Maryland is committed to recruiting and retaining a diverse student body. The program will target specific Maryland counties that have been identified as having educators and students who would benefit from the training. Educators who teach in Title I schools and schools with diverse student populations will also be targeted during recruitment efforts.

**Relationship to Other Units or Institutions**

**13. If a required or recommended course is offered by another department, discuss how the additional students will not unduly burden that department's faculty and resources. Discuss any other potential impacts on another department, such as academic content that may significantly overlap with existing programs. Use space below for any comments. Otherwise, add supporting correspondence as an appendix.**

Courses will be offered by the Special Education program in Counseling, Higher Education, and Special Education (EDSP 610, EDSP 675, and EDSP 613) and by the College of Education Admin I Certification program (EDUC 645 and EDUC 689). A favorable faculty vote was obtained from the special education program faculty and CHSE program faculty supporting this program; they are attached in **Appendix C**.

**14. Accreditation and Licensure. Will the program need to be accredited? If so, indicate the accrediting agency. Also, indicate if students will expect to be licensed or certified in order to engage in or be successful in the program's target occupation.**

No, the program will not need to be accredited.

**15. Describe any cooperative arrangements with other institutions or organizations that will be important for the success of this program.**

The PBC is offered in collaboration with the Kennedy Krieger Center for Innovation and Leadership in Special Education (CILSE). CILSE has been offering the program at a limited scale for several years. CILSE and CHSE are collaborating to offer the program to a wider population of teachers and expansion of courses and practica. Select courses will be co-taught by Kennedy Krieger faculty, and early field placements will be held on CILSE's Baltimore campus. An MOU is being established between the two institutions.

**Faculty and Organization**

**16. Faculty and organization. Who will provide academic direction and oversight for the program?**

**As an appendix, please indicate the faculty involved in the program. Include their titles, credentials, and courses they may teach for the program.**

CILSE has committed to hiring and funding a program coordinator to oversee and support the field placements and courses associated with CILSE's Baltimore, MD campus. This coordinator will work in collaboration with Special Education Program faculty in the Department of Counseling, Higher Education, and Special Education, who will oversee course and instructor scheduling. Additionally, CHSE has identified a program point person. This point person will be responsible for coordinating on-campus resources and assisting with the scheduling and instruction of courses. CILSE faculty and CHSE faculty will jointly teach courses in the certificate program. Please see **Appendix D** for a complete list of affiliated faculty.

### **Resource Needs and Sources**

**17. Each new program is required to have a library assessment prepared by the University Libraries in order to determine any new library resources that may be required. Please contact your departmental/programmatic library liaison or Daniel Mack at [dmack@umd.edu](mailto:dmack@umd.edu), Associate Dean of Collections, to request a library assessment that will be added as an appendix.**

Gulnoza Yakubova has submitted a request for an assessment, which will be supplied when it is received.

**18. Discuss the adequacy of physical facilities, infrastructure and instructional equipment.**

All course content will be delivered online using the University of Maryland's current ELMS/Canvas system; physical facilities are not needed. Field placements (EDSP 402 and EDUC 689) and course labs (EDSP 610) will be conducted at Kennedy Krieger's Baltimore facility.

**19. Discuss the instructional resources (faculty, staff, and teaching assistants) that will be needed to cover new courses or needed additional sections of existing courses to be taught. Indicate the source of resources for covering these costs.**

CILSE has committed to hiring and funding a program coordinator to oversee and support the field placements and courses associated with the CILSE's Baltimore campus. This coordinator will work in collaboration with Special Education program faculty in CHSE to identify instructors from CHSE and CILSE to teach the PBC courses. CHSE instructors will be comprised of a combination of full-time tenure-track, and professional-track faculty. CILSE faculty will be submitted for as graduate faculty by the College of Education. Courses will be taught individually by CILSE or CHSE faculty, or co-taught by both CILSE and CHSE faculty. Tuition revenue will be sufficient to cover instructional costs.

**20. Discuss the administrative and advising resources that will be needed for the program. Indicate the source of resources for covering these costs.**

CILSE has committed to hiring and funding a program coordinator to oversee and support the field placements and courses associated with Kennedy Krieger's Baltimore campus. This coordinator will work in collaboration with the Special Education program point person and other faculty in CHSE, who will assist with instruction and course scheduling.

**21. Use the Maryland Higher Education Commission (MHEC) commission financial tables to describe the program's financial plan for the next five years:**  
<https://docs.google.com/spreadsheets/d/1V6iSZG05edMitWP6CAOXjCoGO58Gf6VXxPaacKfrhZA/edit#gid=0>.  
**Add these tables as attachments. Use the space below for any additional comments on program funding.**

The MOU between KKI and CHSE indicates that the revenue will be split with one-third of the income going to UMD and two-thirds to KKI. Each respective institution will subtract their expense from that revenue. The program will admit between 10 and 20 students per cohort, which result in a net income of \$11,967 to \$37,552 per academic year for UMD. Please see Appendix E (E.1 and E.2) for additional details.

### **Implications for the State (Additional Information Required by MHEC and the Board of Regents)**

If the proposed program is for a Post-Baccalaureate Certificate that is derived entirely from existing courses within an existing Master's degree program, then you **only** need to respond to prompts 22 (on market demand) and 25 (curriculum of current master's degree program).

**22. Explain how there is a compelling regional or statewide need for the program. Argument for need may be based on the need for the advancement of knowledge and/or societal needs, including the need for "expanding educational opportunities and choices for minority and educationally disadvantaged students at institutions of higher education." Also, explain how need is consistent with the Maryland State Plan for Postsecondary Education.**

Children with intense behavior needs are often sent to regional schools or private special education schools because their home schools do not have the capacity to support their needs. This creates a financial burden on the local school systems and results in this population of children being segregated from their peers. Local school systems have expressed a need to have teachers who are prepared to support this population of children so they may be educated in an inclusive environment with their peers in their home schools or districts.

**23. Present data and analysis projecting market demand and the availability of openings in a job market to be served by the new program. Possible sources of information include industry or disciplinary studies on job market, the USBLS Occupational Outlook Handbook, or Maryland state Occupational and Industry Projections over the next five years. Also, provide information on the existing supply of graduates in similar programs in the state (use MHEC's Office of Research and Policy Analysis webpage for Annual Reports on Enrollment by Program) and discuss how future demand for graduates will exceed the existing supply. As part of this analysis, indicate the anticipated number of students your program will graduate per year at steady state.**

The PBC will meet the professional needs of Maryland public schools, which face a critical shortage of special education teachers. While the PBC will not be certifying new teachers, it will be providing existing teachers with the necessary skills needed to support a population of students who have challenging and intense behavior needs. Further, by targeting veteran educators, the PBC will be supporting a population of professionals who in a recent report identified as having a higher rate of attrition from the profession than early career teachers (Janulis, 2017). Additionally, the PBC offers participants the opportunity to earn 15 credits toward the 30 credits that all practicing teachers in Maryland are required to obtain within their first 10 years of teaching. As a result, the PBC is not only strengthening the teaching skills of a population of educators who are more likely to leave the profession than others, it is also ensuring that these teachers meet long-term licensure requirements set by the State of Maryland.

**24. Identify similar programs in the state. Discuss any differences between the proposed program and existing programs. Explain how your program will not result in an unreasonable duplication of an existing program (you can base this argument on program differences or market demand for graduates). The MHEC website can be used to find academic programs operating in the state:**

[http://mhec.maryland.gov/institutions\\_training/pages/HEPrograms.aspx](http://mhec.maryland.gov/institutions_training/pages/HEPrograms.aspx).

This program is not similar to any other PBCs offered in the State of Maryland. While other PBCs may focus on severe disabilities

(e.g., Johns Hopkins University, Education of Children with Severe Disabilities), none offers the specific focus on supporting educators to become school leaders in teaching students with intensive behavior support needs.

**25. Discuss the possible impact on Historically Black Institutions (HBIs) in the state. Will the program affect any existing programs at Maryland HBIs? Will the program impact the uniqueness or identity of a Maryland HBI?**

This program is not expected to impact any HBIs in the State of Maryland.

**26. For new Post-Baccalaureate Certificates derived from existing master's programs only, include the complete curriculum of the existing master's program.**

n/a

## **Appendix A: Online/Hybrid Course Offerings**

### **Attach to Proposal to Modify Program**

According to the Maryland Higher Education Commission, a new offering of “more than 50 percent” of an existing program in an online format requires MHEC approval. The following prompts are based on academic policies for online programs as well as questions frequently asked by review committees. Please feel free to add additional information at the end of this document or in a separate appendix.

**Discuss the role of faculty in the development, oversight, and teaching of this online program. Note that MHEC 13B.02.03.11(F) requires that “at least 50 percent of the total semester credit hours within the proposed program shall be taught by full-time faculty.” Indicate any other unit or vendor that will be used to administer or deliver the program.**

**Development.** The PBC was developed in collaboration with Kennedy Kreiger Institute (KKI) faculty, whose outreach and scholarship focuses on supporting children with intensive behavior needs. Full time tenure-track and professional track special education faculty from the Department of Counseling, Higher Education, and Special Education (CHSE) contributed to the development of all the PBC courses, as well as the scope and sequence of the program as a whole.

**Teaching.** All courses will be individually taught by CHSE faculty or co-taught by CHSE and KKI faculty with the exception of the EDSP 610, which will be exclusively taught by KKI.

**Oversight.** Three CHSE faculty and three KKI faculty will serve on an advisory board overseeing the program’s implementation. One of these CHSE faculty members (e.g., Gulnoza Yakubova), will serve as the program point person on campus; this faculty member will be responsible for assisting with the organization of course instructors, scheduling, and so on.

**Discuss the resources available for training and supporting faculty in regard to course development and instructional technology.**

In addition to the advisory board mentioned above, University of Maryland campus resources will be available to all course instructors (KKI and CHSE) to assist in the development and instruction of online and hybrid courses. All courses will be delivered using the ELMS/Canvas platform. The College of Education has a dedicated staff member who is responsible for providing Canvas support and training. This person will be available to train and support all course instructors (KKI and CHSE) and will assist with providing a uniform online presence across all courses.

**Discuss how courses will be taught using online technologies. Will courses be synchronous, asynchronous, or a combination of both? What technologies will be used to present material and evaluate the quality and authenticity of student work? How will these technologies be assessed?**

Courses will be taught using the Canvas platform. Course content will be organized in asynchronous modules, and will include synchronous (e.g., live) online activities and instruction. Asynchronous content will be completed in preparation for synchronous events. Hybrid courses will meet at the KKI campus so students will be able to engage with the targeted population of children.

Assessments for online courses will be in the form of online self-grading quizzes, projects, and papers. Course instructors will use pre-determined scoring criteria to grade projects and papers. In order to ensure the authenticity of student work, quizzes will be taken using Canvas’s respondus lockdown feature, which prevents students from accessing other websites, applications, or documents when taking a quiz. Papers and projects will be pre-screened by TurnItIn software designed to monitor student work for plagiarism. Finally students will be made aware of the University’s academic dishonesty policies and practices at the start of the program and each course.

**Discuss how the online program will be comparable to the existing program in terms of academic rigor. What are the learning outcomes for the online offering? Do they differ from the existing on-site program? How will the program be evaluated?**

The academic rigor and learning outcomes for the program and its courses are identical to those identified for the face-to-face offerings of these courses. The learning outcomes can be found in the PCC proposal. The advisory board will evaluate the program



annually by analyzing course evaluations, program exit survey data, and student work. The advisory board will specifically be looking at the reasonableness of course workload given the educator's current employment, course scope and sequence, and usefulness of course content and activities.

**Describe the admissions criteria and procedures for the online program.**

The admissions criteria and procedures for the online program do not differ than that for the program as a whole. Please see the PCC application for more details.

**Discuss how students will have reasonable and adequate access to the range of student support services (library materials, teacher interaction, advising, counseling, accessibility, disability support, and financial aid) needed to support their learning activities.**

Students will be made aware of and have access to the same range of campus resources as students who are enrolled in face-to-face programs. All course content, including library materials, will be accessible online through the Canvas platform. Students will be advised each semester by the program point person who will assist with course enrollment and access to University resources such as financial aid and disability support services (ADS). All online and face-to-face content will be Section 508 accessible to learners and additional accommodations will be made for students with identified disabilities per ADS procedures.

**Discuss how the program will provide students with clear, complete, and timely information on the curriculum, technological competence and equipment needed for the program, admissions criteria, financial aid resources, complaint procedures, and cost and payment policies.**

All pre-enrollment information (e.g., admissions criteria, financial aid resources) will be made available online as part of CHSE and the College of Education's website. The advisory board will work in collaboration with the College of Education's Office of Outreach to spread this information to the targeted population of educators.

Once enrolled in the program, students will engage in a Program Orientation. The orientation will take place at KKI as part of the first field placement course. It will include all necessary information about how to access online course content, the types of technology needed to engage in the program, and procedures and policies related to formal complaints, academic dishonesty, and so on.

**Intellectual Property Policy. Units developing online programs should be familiar with the university's intellectual property policy. See <https://www.president.umd.edu/iv-320a>. Please indicate that the unit will comply with the university's intellectual property policy.**

The unit will comply.

**Discuss the instructional and administrative resources (faculty, staff, and teaching assistants) that will be needed to cover the cost of the program. Indicate the source of resources for covering these costs. These formatted tables can be used to indicate the resources and expenditures for the program:**

<https://docs.google.com/spreadsheets/d/1V6iSZG05edMitWP6CAOXiCoGO58Gf6VXxPaacKfrhZ4/edit#gid=0>.

The MOU between KKI and CHSE indicates that the revenue will be split with one-third of the income going to UMD and two-thirds to KKI. Each respective institution will subtract their expense from that revenue. The program will admit between 10 and 20 students per cohort, which result in a net income of \$11,967 to \$37,552 per academic year for UMD. Please see **Appendix E (E.1 and E.2)** for additional details.

**Describe the market demand for the program. Evidence may be research from industry or the discipline, and should also consider state and federal employment projections. Indicate the job opportunities available to those who would graduate from this program.**

The purpose of this certificate is to offer professional development to Maryland public school educators who work with students with disabilities identified as having intensive behavior needs. Intensive behavior needs are defined as behaviors that significantly disrupt the learning of the student and/or his/her peers; these behaviors are typically considered a danger to the student, his/her peers, and/or his/her teacher and often result in students being educated outside their home school district. The program is designed to strengthen practicing educators' understanding and application of topics such as the neuroscience of learning, principles of behavior change, school leadership, educational law, and team management, so they may become school leaders in supporting this population of students. Online and hybrid course offerings will allow teachers to maintain their current teaching positions while obtaining the necessary skills and expertise to work with the targeted population of children. As a result, the program will reach a greater number of educators without removing them from their current teaching posts. Further, the resulting post-baccalaureate certificate may provide some teachers with an increase in salary and/or the opportunity to continue into other graduate programs in the College of Education such as the Administration I Certification program or the Master of Education (M.Ed.) in Special Education program.

## **Appendix B: Program Learning Outcomes Assessment**

- 1. Consider the cognitive neuroscience of learning to develop meaningful and effective interventions for students with intensive behavior needs.**

EDSP 610: Neurodevelopment and Disability for Educators and its accompanying lab experiences at KKI are designed to introduce students to the cognitive neuroscience associated with learning and behaviors. Course assessments will be designed to measure students' understanding of these concepts and lab assignments will ask students to apply this knowledge in a clinical setting.

Assignments associated with EDUC 645 and 689 (Leading Instructional Improvements and corresponding field placement) focus on helping students apply program knowledge to a training setting. These courses will assess students on their ability to develop and implement trainings that apply the content knowledge from EDSP 610 and other courses in developing trainings for fellow educators.

- 2. Conduct Functional Behavior Assessments to develop effective Behavior Intervention Plans based on the principles of applied behavior analysis.**

EDSP 613: Principles of Behavior Management will introduce students to the underlying principles of behaviorism. Course assessments will ask students to develop and, if possible, implement Functional Behavior Assessments (FBA) and Behavior Intervention Plans (BIP) in their classroom. Students will be asked to reflect upon children who they observed in previous field placements (EDSP 402) when engaging in course content when completing course assignments.

Assignments associated with EDUC 645 and 689 (Leading Instructional Improvements and corresponding field placement) focus on helping students apply program knowledge to a training setting. These courses will assess students on their ability to develop and implement trainings that apply the content knowledge from EDSP 613 in order to assist other educators in their building develop and implement BIPs and FBAs.

- 3. Understand how relevant case law, legislation, and policy impact decision-making about the interventions and services provided to students with disabilities in a public school setting.**

EDSP 675: Special Education Policy focuses on the case law, legislation, and policy associated with educating students with intensive behavior needs in a public schools setting. Course assessments will evaluate students' knowledge of these policies, while a corresponding field placement (EDSP 402) will expose students to collaboratively working with a Maryland attorney who focuses on this area of law.

Assignments associated with EDUC 645 and 689 (Leading Instructional Improvements and corresponding field placement) focus on helping students apply program knowledge to a training setting. These courses will assess students on their ability to select appropriate interventions for a school setting and train fellow educators in relevant special education policy and law.

## Appendix C: Program and Department Votes

As you are aware, Maggie and I have been working with Kennedy Krieger to develop a joint PBC. Gulnoza Yakubova has agreed to take over this initiative and move it through the PCC process. The Dean is eager to see us start the PCC process this year, so I will be working with Gulnoza to get it through the College before I leave. The first step is to obtain a positive EDSP and CHSE vote. Will has agreed to call a vote at the faculty meeting this Friday so I am seeking to complete the EDSP vote by the close of business (5pm) Wednesday.

I have attached a brief overview of the PBC/PCC proposal summarizing the most important details. I have also included the draft PCC proposal, which has been vetted by our EDSP PCC reps (thanks, Francey and Gulnoza!). Please review the new PBC and vote on this motion by the close of business (5 pm) on Wednesday May 8, 2019 by replying to Stefanie.

Yes

No

**Ylesia Stefanie C James**

to me ▾

Thu, May 9, 10:23 AM (4 days ago) ☆ ↶ ⋮

Hi Sarah,

The DS Minor have 17 Yeses and the Kennedy Krieger vote have 15 Yeses. So you have a quorum for both votes.

Thanks,  
Stefanie

...

## **Appendix D: Program Faculty**

The following special education faculty will serve on the advisory board and may teach and/or consult on the following courses:

### **Kelli Cummings**

Assistant Professor, Special Education  
EDSP 613, EDSP 402

### **Gulnoza Yakubova**

Assistant Professor, Special Education  
EDSP 675, EDUC 645, EDUC 689

Appendix -- Resources and Expenditures

**TABLE 1: RESOURCES**

<b>Resources Categories</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
1. Reallocated Funds	\$0	\$0	\$0	\$0	\$0
2. Tuition/Fee Revenue (c+g below)	\$219,300	\$225,879	\$232,655	\$239,635	\$246,824
a. #FT Students	20	20	20	20	20
b. Annual Tuition/Fee Rate	\$10,965	\$11,294	\$11,633	\$11,982	\$12,341
c. Annual FT Revenue (a x b)	\$219,300	\$225,879	\$232,655	\$239,635	\$246,824
d. # PT Students					
e. Credit Hour Rate	\$731	\$753	\$776	\$799	\$823
f. Annual Credit Hours	15	15	15	15	15
g. Total Part Time Revenue (d x e x f)	\$0	\$0	\$0	\$0	\$0
3. Grants, Contracts, & Other External Sources	\$0	\$0	\$0	\$0	\$0
4. Other Sources	\$0	\$0	\$0	\$0	\$0
<b>TOTAL (Add 1 - 4)</b>	<b>\$219,300</b>	<b>\$225,879</b>	<b>\$232,655</b>	<b>\$239,635</b>	<b>\$246,824</b>

**TABLE 2: EXPENDITURES**

<b>Expenditure Categories</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
1. Faculty (b+c below)	\$21,843	\$22,499	\$23,174	\$23,869	\$24,585
a. #FTE	0.2	0.2	0.2	0.2	0.2
b. Total Salary	\$16,894	\$17,400	\$17,922	\$18,460	\$19,014
c. Total Benefits	\$4,950	\$5,098	\$5,251	\$5,409	\$5,571
2. Admin. Staff (b+c below)	\$6,770	\$6,973	\$7,182	\$7,398	\$7,620
a. #FTE	0.1	0.1	0.1	0.1	0.1
b. Total Salary	\$5,000	\$5,150	\$5,305	\$5,464	\$5,628
c. Total Benefits	\$1,770	\$1,823	\$1,878	\$1,934	\$1,992
3. Total Support Staff (b+c below)	\$0	\$0	\$0	\$0	\$0
a. #FTE	0.1	1.0	1.0	2.0	2.0
b. Total Salary	\$0	\$0	\$0	\$0	\$0
c. Total Benefits	\$0	\$0	\$0	\$0	\$0
4. Graduate Assistants (b+c)	\$0	\$0	\$0	\$0	\$0
a. #FTE	0.0	0.0	0.0	0.0	0.0
b. Stipend	\$0	\$0	\$0	\$0	\$0
c. Tuition Remission	\$0	\$0	\$0	\$0	\$0
d. Benefits	\$0	\$0	\$0	\$0	\$0
5. Equipment	\$0	\$0	\$0	\$0	\$0
5. Library	\$0	\$0	\$0	\$0	\$0
6. New or Renovated Space	\$0	\$0	\$0	\$0	\$0
7. Other Expenses: Operational Expenses	\$0	\$0	\$0	\$0	\$0
8. Kennedy Krieger Share of revenues	\$146,200	\$150,586	\$155,104	\$159,757	\$164,549
@ 2/3 of gross tuition					
<b>TOTAL (Add 1 - 8)</b>	<b>\$174,813</b>	<b>\$180,058</b>	<b>\$185,460</b>	<b>\$191,023</b>	<b>\$196,754</b>



## **PCC Proposal to Establish a Master of Arts in International Relations (PCC 19019)**

**PRESENTED BY** Janna Bianchini, Chair, Senate Programs, Curricula, and Courses Committee

**REVIEW DATES** SEC – November 20, 2019 | SENATE – December 4, 2019

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** NA

**NECESSARY APPROVALS** Senate, President, University System of Maryland Board of Regents, and Maryland Higher Education Commission

### **ISSUE**

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The Department of Government and Politics (GVPT), within the College of Behavioral and Social Sciences (BSOS), proposes to establish a Master of Arts in International Relations. This program is designed to provide advanced coursework and applied quantitative methods training for students seeking careers as researchers in academia or research analysts in the public and private sectors. The curriculum includes coursework in international political economy, international security, international law, and statistical methods of data analysis for international relations research. The curriculum was developed with the goal of distinguishing it from other international relations programs by focusing on developing basic and applied research skills through coursework emphasizing quantitative methods and datasets along with rigorous academic theory and empirical research.

The proposed program consists of 10 three-credit courses (30 credits total) divided into two phases: (1) three foundational graduate courses (9 credits) taken at the beginning of the program, and (2) seven core graduate courses (21 credits) taken to complete the program. The three foundational courses--introductory courses in war and armed conflict, world economy, and international law and institutions--are new courses. The remaining seven courses are already offered by the department.

GVPT faculty experience working with policy makers from USAID, DOD, and State Department over the past 10 years has found repeated evidence that (a) government officials and analysts often lack strong quantitative research skills and the ability to understand quantitative research, and (b) these officials recognize that there is a need for stronger evidence-based quantitative analyses to inform policy choices. As a result of this new master's program, students will be able to articulate, identify and apply central theoretical approaches to international relations. Students will interpret and explain quantitative empirical findings related to international relations and discern the strengths and weaknesses of existing quantitative studies. Students will also demonstrate knowledge of different statistical models used to test international relations theories, and be able to identify, interpret, and evaluate datasets used to study international relations. Students will also be able to demonstrate knowledge of the fundamental principles, theories, and concepts involved with quantitative research designs used to study international relations research questions.



The program will be self-supported through tuition revenue. The program enrollment is projected to be 60-75 students at steady state. Should the master's program be approved, the department will offer a combined bachelor's/master's program with the undergraduate program in Government and Politics. A survey of GVPT students showed strong interest in the master's program. The department is also exploring an arrangement with Jilin University in China to recruit their undergraduates into the UMD International Relations master's program.

This proposal was approved by the Graduate School Programs, Curricula, and Courses Committee on October 25, 2019, and the Senate Programs, Curricula, and Courses Committee on November 1, 2019.

## **RECOMMENDATION(S)**

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The Senate Committee on Programs, Curricula, and Courses recommends that the Senate approve this new degree program.

## **COMMITTEE WORK**

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The committee considered this proposal at its meeting on November 1, 2019. Paul Huth, Professor of Government and Politics, and Wayne McIntosh, Associate Dean of the College of Behavioral and Social Sciences, presented the proposal and responded to questions from the committee. The proposal was approved by the committee.

## **ALTERNATIVES**

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The Senate could decline to approve this new degree program.

## **RISKS**

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If the Senate declines to approve this degree program, the University will lose an opportunity to offer a self-supported master's program that will provide much-needed quantitative analysis skills and knowledge for international relations professionals and academics.

## **FINANCIAL IMPLICATIONS**

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The advising, administrative, and instructional infrastructure, along with most of the coursework for this program, already exist. Tuition revenue will be used to cover all program expenses and recoup an initial investment to start the program. Consequently, the program has no significant adverse financial implications.

# 651: INTERNATIONAL RELATIONS

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## In Workflow

1. D-GVPT Curriculum Manager (kcortes@umd.edu)
2. D-GVPT PCC Chair (mpearson@umd.edu)
3. D-GVPT Chair (mpearson@umd.edu)
4. BSOS Curriculum Manager (khall@umd.edu; gdenbow@umd.edu)
5. BSOS PCC Chair (khall@umd.edu)
6. BSOS Dean (khall@umd.edu; krussell@umd.edu; wvmci@umd.edu)
7. Academic Affairs Curriculum Manager (mcolson@umd.edu)
8. Graduate School Curriculum Manager (aambrosi@umd.edu)
9. Graduate PCC Chair (aambrosi@umd.edu)
10. Dean of the Graduate School (sfetter@umd.edu; aambrosi@umd.edu)
11. Senate PCC Chair (jcw@umd.edu; mcolson@umd.edu)
12. University Senate Chair (mcolson@umd.edu)
13. President (mcolson@umd.edu)
14. Board of Regents (mcolson@umd.edu)
15. MHEC (mcolson@umd.edu)
16. Provost Office (mcolson@umd.edu)
17. Graduate Catalog Manager (aambrosi@umd.edu)

## Approval Path

1. Wed, 11 Sep 2019 14:07:45 GMT  
Karmin Cortes (kcortes): Approved for D-GVPT Curriculum Manager
2. Wed, 11 Sep 2019 17:27:12 GMT  
Margaret Pearson (mpearson): Rollback to Initiator
3. Wed, 11 Sep 2019 19:01:52 GMT  
Karmin Cortes (kcortes): Approved for D-GVPT Curriculum Manager
4. Wed, 11 Sep 2019 21:42:40 GMT  
Margaret Pearson (mpearson): Approved for D-GVPT PCC Chair
5. Wed, 11 Sep 2019 21:50:52 GMT  
Margaret Pearson (mpearson): Approved for D-GVPT Chair
6. Mon, 30 Sep 2019 16:35:03 GMT  
Giselle Denbow (gdenbow): Approved for BSOS Curriculum Manager
7. Thu, 17 Oct 2019 18:58:47 GMT  
Kristi Hall (khall): Approved for BSOS PCC Chair
8. Fri, 18 Oct 2019 14:08:14 GMT  
Wayne McIntosh (wvmci): Approved for BSOS Dean
9. Fri, 18 Oct 2019 18:30:28 GMT  
Michael Colson (mcolson): Approved for Academic Affairs Curriculum Manager
10. Tue, 05 Nov 2019 14:13:38 GMT  
Angela Ambrosi (aambrosi): Approved for Graduate School Curriculum Manager
11. Tue, 05 Nov 2019 14:17:12 GMT  
Angela Ambrosi (aambrosi): Approved for Graduate PCC Chair
12. Mon, 11 Nov 2019 14:09:55 GMT  
Steve Fetter (sfetter): Approved for Dean of the Graduate School
13. Mon, 11 Nov 2019 14:31:34 GMT  
Janna Bianchini (jcw): Approved for Senate PCC Chair

## New Program Proposal

Date Submitted: Wed, 11 Sep 2019 17:53:59 GMT

**Viewing: 651 : International Relations**

**Last edit: Fri, 25 Oct 2019 18:23:32 GMT**

Changes proposed by: Matthew Nesson (mnessan)

**Program Name**

International Relations

**Program Status**

Proposed

**Effective Term**

Fall 2020

**Catalog Year**

2020-2021

**Program Level**

Graduate Program

**Program Type**

Master's

**Delivery Method**

On Campus

**Departments****Department**

Government &amp; Politics

**Colleges****College**

Behavioral and Social Sciences

**Degree(s) Awarded****Degree Awarded**

Master of Arts

**Proposal Summary**

The Government & Politics Department in the College of Behavior & Social Sciences proposes to establish a face-to-face Master of Arts in International Relations (MAIR). The proposed MAIR program will operate using the semester-based academic calendar and will consist of 10, three-credit courses delivered face-to-face on the College Park Campus. Recruitment and admissions will begin in Fall 2020 and the first courses will be offered in Fall 2021.

This proposal is submitted simultaneously with a separate proposal to establish a structured Bachelor's/Master's program (i.e., 4+1 program) that would allow GVPT undergraduate students at University of Maryland to apply nine graduate credits taken in the senior year of their bachelor's degree to be applied to the MAIR program proposed in this PCC submission. At steady state, program enrollment is projected to be 60 - 75 students.

**Program and Catalog Information**

**Provide the catalog description of the proposed program. As part of the description, please indicate any areas of concentration or specializations that will be offered.**

The Master of Arts in International Relations (MAIR) is designed to provide advanced coursework and applied quantitative methods training for students seeking careers as researchers in academia, as well as research analysts in the public and private sectors. The MAIR curriculum of 30 credits includes coursework in international political economy, international security, international law, and statistical methods of data analysis for international relations research questions. The curriculum emphasizes theoretical and quantitative empirical research in international relations. During the final semester, students will complete a capstone research project. The coursework does not emphasize current events or historical case studies.

**Catalog Program Requirements:**

Course	Title	Credits
GVPT604	Course GVPT604 Not Found (Introduction to War and Armed Conflict)	3
GVPT605	Course GVPT605 Not Found (Introduction to Conflict and Cooperation in World Economy)	3

GVPT606	Course GVPT606 Not Found (Introduction to International Law and Institutions)	3
GVPT622	Quantitative Methods For Political Science	3
GVPT708	Seminar in International Relations Theory	3
GVPT729	Special Topics in Quantitative Political Analysis	3
GVPT761	International Political Economy	3
GVPT803	Seminar in International Political Organization	3
GVPT808	Selected Topics in Functional Problems in International Relations	3
GVPT879	Topics on International Security	3
Total Credits		30

**Sample plan. Provide a term by term sample plan that shows how a hypothetical student would progress through the program to completion. It should be clear the length of time it will take for a typical student to graduate. For undergraduate programs, this should be the four-year plan.**

**Fall Semester One (First semester of senior year for 4+1 students)**

- GVPT 604: Introduction to War and Armed Conflict in World Politics

**Spring Semester One (Second semester of senior year for 4+1 students)**

- GVPT 605: Introduction to Conflict and Cooperation in the World Economy
- GVPT 606: Introduction to International Institutions and International Law

**Fall Semester Two**

- GVPT 708: Seminar in International Relations Theory
- GVPT 761: International Political Economy
- GVPT 803: Seminar in International Political Organization
- GVPT 622: Quantitative Methods of Political Science

**Spring Semester Two**

- GVPT 729: Quantitative Analyses of International Political Economy and International Security
- GVPT 808: The Impact of International Economics and Politics on Developing Countries
- GVPT 879: The Political Economy of International Power and Security Policy

**List the intended student learning outcomes. In an attachment, provide the plan for assessing these outcomes.**

**Learning Outcomes**

1) Theory in International Relations

- Students will be able to articulate the central theoretical approaches to studying international political economy, international security, and international law and institutions as well as debates among researchers regarding the strengths and weaknesses of different theoretical approaches.
- Students will be able to identify and apply different IR theoretical approaches that can be drawn upon to study research questions and to assess how useful different theoretical approaches are to studying a given research question.

2) Quantitative Methods for International Relations

- Students will be able to interpret and explain quantitative empirical findings on international political economy, international security, and international law and institutions as well as debates among researchers regarding the strengths and weaknesses of these empirical studies.
- Students will be able to demonstrate knowledge of the strengths and weaknesses of quantitative studies of IR.

3) Statistical Modeling

- Students will be able to demonstrate knowledge of different statistical models that can be used to test theories and hypotheses on international relations and the advantages and limitations of alternative statistical models.
- Students will be able to interpret and provide examples of the datasets used to study international political economy, international security, and international law and institutions as well as debates among researchers regarding the strengths and weaknesses of these datasets.
- Students will be able to explain which IR datasets are potentially more or less useful for addressing research questions.

4) Quantitative Research Designs

- Students will be able to demonstrate knowledge of the fundamental principles, theories, and concepts involved with quantitative research designs used to study research questions in international relations.

## New Program Information

### Mission and Purpose

**Describe the program and explain how it fits the institutional mission statement and planning priorities.**

The proposed Master of Arts in International Relations (MAIR) program consists of 10, three-credit courses (30 credits total) divided into two phases: 1) three foundational graduate courses (9 credits) taken at the beginning of the program, and 2) seven core graduate courses (21 credits) taken to complete the program. UMD undergraduates and Jilin University students admitted to the International Relations 4+1 program (pending approval) will comprise the vast majority of enrollment in the MAIR program. Of the 10 courses required to receive the master's degree, eight will be focused on international relations theory, international political economy, international security, and international law and institutions. The remaining two courses will be in applied methods in the quantitative analysis of international relations. Course readings will draw heavily from peer-reviewed journals, university press books, and other sources of quantitative research.

Completion of the MAIR coursework and methods training is intended to support students with career goals centered in research and analysis, be that in a conventional academic career as a faculty member at a university, or a professional career path requiring sophisticated applied research and analysis of international relations issues. For those with academic career goals, the MAIR program should enhance their prospects of admission to top PhD programs in the social sciences outside the University of Maryland Government & Politics Department by providing advanced coursework and methods training that would strengthen their academic record and better prepare them for PhD studies. This is of particular interest to MAIR students from Jilin University as Jilin faculty have emphasized that the MAIR program will significantly strengthen student research skills and preparation for PhD studies in the US, Europe, and in China as well. The MAIR program is not a pathway to the UMD PhD program in Government & Politics. For students with professional goals to specialize as research analysts in government agencies, private firms, non-governmental organizations, and international institutions, the MAIR program would provide the advanced coursework and training to engage in quantitative analyses of policy-relevant international relations issues and to ground that analysis in relevant international relations literatures from academic research.

Neither a Master of Arts in International Relations nor a similar program are currently offered at University of Maryland College Park (UMCP), or an institution within the University System of Maryland. Furthermore, the MAIR program focus on developing research skills for quantitative analyses of international relations issues responds to a growing need and recognition for analysts who can design and conduct statistical analyses on pressing international problems, as well as Government & Politics student-expressed need for developing such skills sets in order to advance their professional goals. As such, the proposed MAIR program differs from other MA programs at universities in the greater DC area and in the Big Ten as it does not emphasize the policymaking process, policy debates, or historical case studies of US foreign policy.

The proposed MAIR program is also innovative in that it will primarily recruit students from UMD and international students from Jilin University in China. This intermingling of domestic and international students provides a unique educational experience that supports UMCP's mission to provide education that transcends borders and leads to successful careers in an increasingly globalized and interconnected world. Further, the program answers the call to "Be the solution to the world's great challenges" from the College of Behavior and Social Sciences (BSOS) and supports the University's dedication to cultivating "Fearless Ideas" that empower students to develop solutions to complex global problems. Finally, the MAIR program responds to the UMCP's mission to expand the international reach of its research and educational activities through partnerships with universities abroad and thereby strengthen the visibility of the university as a "globally engaged institution."

### Program Characteristics

**What are the educational objectives of the program?**

- 1) Theory in International Relations
  - a. Students will understand the central theoretical approaches to studying international political economy, international security, and international law and institutions as well as debates among researchers regarding the strengths and weaknesses of different theoretical approaches.
  - b. Students will learn different international relations theoretical approaches that can be drawn upon to study research questions and to assess how useful different theoretical approaches are to studying a given research question.
- 2) Quantitative Research Methods for International Relations
  - a. Students will understand quantitative empirical findings on international political economy, international security, and international law and institutions as well as debates among researchers regarding the strengths and weaknesses of these empirical studies.
  - b. Students will understand the strengths and weaknesses of existing quantitative studies in international relations and their relevance to conducting new research.
- 3) Statistical Modeling and Data Analysis
  - a. Students will learn the different statistical models that can be used to test theories and hypotheses on international relations and the advantages and limitations of alternative statistical models.
  - b. Students will learn about the datasets used to study international political economy, international security, and international law and institutions as well as debates among researchers regarding the strengths and weaknesses of these datasets.
  - c. Students will understand which international relations datasets are potentially more or less useful for addressing research questions.
  - d. Students will learn to execute statistical analyses of research questions using appropriate international relations datasets.
- 4) Quantitative Research Designs

a. Students will understand the strengths and weaknesses of various quantitative research designs to study research questions in international relations and therefore learn to develop appropriate research designs for new research questions that draw upon observational or experimental data.

**Describe any selective admissions policy or special criteria for students interested in this program.**

Admission is for the fall semester only. Applicants must meet the following admission criteria:

- Applicants must have earned a four-year baccalaureate degree from a regionally accredited U.S. institution, or an equivalent degree from a non-U.S. institution.
- Applicants must have earned a 3.0 GPA (on a 4.0 scale) in all prior undergraduate and graduate coursework.
- International applicants must fulfill all requirements relating to international academic credentials, evidence of English proficiency, financial certification, and visa documentation.
- At least three undergraduate or graduate courses in international relations, international development or economics, or modern diplomatic and military history.
- Undergraduate or graduate coursework in statistics or quantitative methods will be preferred.

In addition to the admission criteria above, applicants must submit the following:

- A statement of purpose that explains the applicant's interest in the program.
- Scores from the Graduate Record Examination (GRE)
- An official copy of a transcript for all of their post-secondary work.
  - Two letters of recommendation. Professional or academic recommendations are acceptable.

**Summarize the factors that were considered in developing the proposed curriculum (such as recommendations of advisory or other groups, articulated workforce needs, standards set by disciplinary associations or specialized-accrediting groups, etc.).**

- a) The proposed MAIR curriculum was developed with the goal of distinguishing it from similar programs in the greater Washington DC area. Coursework and syllabi from programs at George Washington University, Georgetown University, George Mason University, and Johns Hopkins University were reviewed. A similar process was used for the Masters of Public Policy program at the UMD School of Public Policy. Based on this review, GVPT determined that the best way to distinguish the proposed MAIR was by focusing on developing basic and applied research skills through coursework emphasizing quantitative methods and datasets along with rigorous academic theory and empirical research.
- b) GVPT has strengthened and developed new quantitative and analytic methods coursework for its undergraduate majors with the goal of providing stronger training in those areas so that, upon graduation, GVPT majors would have quantitative and analytical skills sets that would serve them in their professional career goals. Given these developments and new areas of strength in the GVPT undergraduate major, it was determined that a MAIR program that emphasized quantitative and analytical training would both further support GVPT goals and provide an attractive master's program for GVPT majors.
- c) Within the undergraduate GVPT major, students can pursue an international relations concentration. The international relations concentration has proven to be very popular. Nearly 400 students have declared the international relations concentration since it was established three years ago. The success of the international relations concentration indicates a pool of GVPT students that might benefit from a MAIR program.
- d) In a survey conducted in August 2019, GVPT sought information on two important issues when planning the proposed MAIR program: 1) students' overall interest in pursuing graduate studies in International Relations, and 2) students' recognition of the need for quantitative research skills in order to meet their future career goals. The survey population included close to 1,000 undergraduate student majors in the Government & Politics Department. Over 70% of surveyed students indicated that they were somewhat or highly interested in the program. Among GVPT majors who had or planned to complete a concentration in International Relations, the level of interest was over 75%. Based on these results, GVPT estimates approximately 40-50 students from UMCP in the first cohort of the 4+1 program. The survey results indicated that the students placed high value on quantitative and analytical research skills for their future career goals.
- e) Faculty experience in working with policy makers from USAID, DOD, and State Department over the past 10 years has provided repeated evidence that a) government officials and analysts often lack strong quantitative research skills and the ability to understand quantitative research, and b) these officials recognize that there is a need for stronger evidence-based quantitative analyses to inform policy choices. The proposed MAIR program is designed to address these gaps by providing students with quantitative research training that is in strong demand within federal government agencies.
- f) The Chinese partner at Jilin University expressed a need for a curriculum that examined international economic relations and policies that also provided students with a better understanding of how political and strategic factors shaped and influenced economic policies. As a result, all of the substantive international relations courses in the proposed MAIR program emphasize the influence of political and security considerations on economic policy. The program also actively sought out information about expected enrollment from Jilin Students. Partners at Jilin University indicated that each year approximately 20-30% of 1100 students graduating from Jilin University in four targeted schools pursue graduate education in the US. Based on conversations with senior leadership at Jilin University, GVPT estimates 20-25 students from Jilin University in the first MAIR cohort. Additionally, in July and August 2019 a two-week workshop on international relations was offered at UMD to a group of 20 visiting undergraduate students and faculty from Jilin University. During their visit, Jilin students and faculty expressed strong interest in the proposed MAIR program.
- g) The proposed MAIR program was designed to not compete with a Master of Science in Applied Analytics program currently under development between GVPT and JSPM. The MS in Applied Analytics under development will focus on survey design construction and analysis, as well as the various uses for "Big Data." The coursework for the MS in Applied Analytics under development also has a strong US domestic focus on quantitative methods in public opinion polling, election forecasting and campaigns, and tracking and analyzing consumer preferences from surveys and Big Data. Of 12 courses proposed for the MS in Applied Analytics, only one has an international relations orientation.

Select the academic calendar type for this program (calendar types with dates can be found on the Academic Calendar (<https://www.provost.umd.edu/calendar>) page)

Traditional Semester

**For Master's degree programs, describe the thesis requirement and/or the non-thesis requirement.**

The proposed MAIR program will have a non-thesis requirement, which will consist of a capstone paper that will require students to demonstrate the overarching learning outcomes in a research design paper that carefully lays out a plan of study to address an international relations research question. The capstone project will incorporate a theoretical framework, datasets to be used, measurement of variables, and appropriate statistical methods. The capstone paper will be completed by students in the final semester of coursework.

**Identify specific actions and strategies that will be utilized to recruit and retain a diverse student body.**

The Department of Government and Politics, the Center for International Development and Conflict Management (CIDCM), and the College of Behavioral and Social Sciences (BSOS) are committed to recruiting and retaining members of minority groups and increasing the graduation rates of diverse student populations. Further, GVPT and CIDCM are committed to supporting students and ensuring a fear-free, inclusive space where all students can thrive. This includes recognizing non-binary gender identifications, as well as the difference between assigned biological sex and gender expression and encouraging students, faculty, and staff to share and honor preferred pronouns and names. Faculty and staff for the proposed MAIR program will work closely with the BSOS Assistant Dean for Diversity, Kim Nickerson, to develop programs and strategies to advance its diversity objectives including:

- Working closely with campus minority student groups so that students from groups that are under-represented in international relations are aware of the MAIR program.
- Developing a program to match students with faculty mentors.
- Reaching out to Historically Black Colleges and Universities and other schools with significant numbers of minority undergraduates.
- Representing the program at various educational fairs, conferences, and events domestically and abroad.
- Creating email campaigns to domestic and international colleges
- Providing outreach to UMD Campus organizations and clubs
- Holding online (virtual) open houses and information sessions
- Utilizing social media and online advertising as needed
- Establishing an MOU with Jilin University in China that will allow Jilin students to enter the MAIR program with nine graduate credits and then complete the remaining 21 credits in one academic year of study at UMCP.

## Relationship to Other Units or Institutions

**If a required or recommended course is offered by another department, discuss how the additional students will not unduly burden that department's faculty and resources. Discuss any other potential impacts on another department, such as academic content that may significantly overlap with existing programs. Use space below for any comments. Otherwise, attach supporting correspondence.**

The proposed MAIR program was designed to not compete with a Master of Science in Applied Analytics program currently under development between GVPT and JSPM. The MS in Applied Analytics under development will focus on survey design construction and analysis, as well as the various uses for "Big Data." The coursework for the MS in Applied Analytics under development also has a strong US domestic focus on quantitative methods in public opinion polling, election forecasting and campaigns, and tracking and analyzing consumer preferences from surveys and Big Data. Of 12 courses proposed for the MS in Applied Analytics, only one has an international relations orientation.

Additionally, the proposed MAIR program was designed to not compete with the Master of Public Policy (MPP) program offered through the UMD School of Public Policy. Coursework and syllabi for the UMD Public Policy program were reviewed and it was determined that the best way to distinguish the proposed MAIR was by focusing on developing basic and applied research skills through coursework emphasizing quantitative methods and datasets along with rigorous academic theory and empirical research. The MAIR program does not emphasize the policymaking process, policy debates, or historical case studies of US foreign policy—topics that are the emphasis of the MPP.

**Accreditation and Licensure. Will the program need to be accredited? If so, indicate the accrediting agency. Also, indicate if students will expect to be licensed or certified in order to engage in or be successful in the program's target occupation.**

Programmatic accreditation is not required.

**Describe any cooperative arrangements with other institutions or organizations that will be important for the success of this program.**

The MAIR program is in the process of drafting an MOU with Jilin University in China that will outline a 4+1 program whereby Jilin students take three graduate-level courses (nine credits) during the final year of their undergraduate studies (these courses do not count toward their undergraduate degree) that will substitute three graduate courses (nine credits) in the proposed MAIR program. Once completed, the MOU with Jilin University will allow Jilin students to enter the MAIR program with nine graduate credits and then complete the remaining 21 credits in one academic year of study at UMCP.

Jilin University is a leading national university under the direct jurisdiction of China's Ministry of Education. Located in Changchun, the capital city of Jilin Province in Northeastern China, the University has eight campuses in five districts which are home to thirty-nine colleges covering eleven

academic disciplines, including philosophy, economics, law, literature, education, history, science, engineering, agriculture, medicine, and management. The University contains sixteen disciplinary areas, five national key laboratories, and eight national bases for the development of basic science. Other resources include five research bases for humanities and social sciences, seven key laboratories sponsored by the Ministry of Education and eleven by other ministries of Chinese government.

Each year, approximately 20-30% of 1100 students graduating from Jilin University in four targeted schools, the proposed Chinese partner institution, pursue graduate education in the US. Based on conversations with senior leadership at Jilin University, GVPT estimates 20-25 students from Jilin University in the first MAIR cohort. Additionally, in July and August 2019 a two-week workshop on international relations was offered at UMD to a group of 20 visiting undergraduate students and faculty from Jilin University. During their visit, Jilin students and faculty expressed strong interest in the proposed MAIR program.

## Faculty and Organization

**Who will provide academic direction and oversight for the program? In an attachment, please indicate the faculty involved in the program. Include their titles, credentials, and courses they may teach for the program.**

The Academic Program Director, Paul Huth, will be responsible for the academic oversight of the program. In addition, program oversight will be provided by the GVPT Director of Undergraduate Studies who will collaborate with the Academic Program Director in the recruitment and selection of instructors for the MAIR program. Further, the GVPT Department Chair will conduct a review of the MAIR program every three years starting in fall 2024. Finally, the MAIR Academic Program Director will form an Advisory Committee that includes three GVPT tenure-track and professional-track faculty. The Advisory Committee will meet with the Academic Program Director annually to review the MAIR program and its performance. See the attached list of potential instructors and the courses they are qualified to teach.

- The Government and Politics Department will provide academic oversight and advising for UMD undergraduate students interested in the 4+1 program within the MAIR program during their freshman through junior year.
- Once admitted to the MAIR program, the Center for International Development and Conflict Management (CIDCM) will provide academic oversight and advising for students registered for MAIR courses. The Government and Politics Department will continue to provide academic oversight and direction for students registered for courses that are not part of the MAIR program.
- The Office of International and Executive Programs (OIEP) will provide academic oversight and direction for students from Jilin University admitted to the 4+1 program.
- All students will have access to the forthcoming Career Development Center (fall 2021) that will be linked to the BSOS Advising Office.

Program Oversight Committee

Graduate School Representative

- Dr. Steve Fetter, Associate Provost and Dean of the Graduate School

Graduate Director

- Paul Huth, Professor & Director of the Center for International Development and Conflict Management (CIDCM).
- Margaret Pearson, Professor & Chair for the Government & Politics Department

Office of Extended Studies Administrative Support

- Terrie Hruzd, Director of Programs
- Matthew Nesson, Associate Director of Programs

**Indicate who will provide the administrative coordination for the program**

The Office of Extended Studies (OES) will provide program development support that includes budget development, enrollment projections, and in-house marketing research. Further, OES will provide program management that includes compliance with UMD policies and procedures, a program microsite on the OES website, and data queries upon request. OES Student and Program Services will provide support for admissions, scheduling, registration, billing and payment, graduation, and appeals. OES Finance will provide faculty contracts, payment processing, course charge processor updates, and net revenue distribution. Upon request, OES will facilitate marketing services provided through an OES-contracted vendor.

The Office of International and Executive Programs (OIEP) will provide administrative support that includes 1) marketing, 2) admissions assistance for international students, 3) travel, immigration, and orientation for international students, 4) student advising for international students, and 5) other general support. A complete list of OIEP administrative responsibilities can be found as an attachment.

## Resource Needs and Sources

**Each new program is required to have a library assessment prepared by the University Libraries in order to determine any new library resources that may be required. This assessment must be done by the University Libraries. Add as an attachment.**

The Library Assessment is included as attachment.

**Discuss the adequacy of physical facilities, infrastructure and instructional equipment.**

The MAIR program does not have any requirements regarding physical facilities, infrastructure, or instructional equipment that extend beyond those provided to all undergraduate and graduate programs offered at the College Park campus.



**Discuss the instructional resources (faculty, staff, and teaching assistants) that will be needed to cover new courses or needed additional sections of existing courses to be taught. Indicate the source of resources for covering these costs.**

At least 50% of the total semester credit hours within the proposed MAIR program will be taught by full-time faculty. A list of eligible GVPT full-time instructors and the courses they are qualified to teach in the proposed MAIR program is included as an attachment. Once the program has been approved, the Academic Program Director will begin recruiting professional track faculty. Professional track faculty will be hired on a one-year or longer contract with a 50% or greater Full-Time Employment (FTE). Recruitment will be targeted as needed at scholars who have recently completed PhDs in government & politics, political science, and international relations at UMD, Georgetown, George Washington, Johns Hopkins SIS, and George Mason.

Tuition revenue generated from the MAIR program will be used to cover all program expenses (e.g., salaries, fringe benefits, program materials, marketing, etc.). In the event that the program grows substantially larger, the Government & Politics Department, in collaboration with CIDCM, will draw upon its available pool of full-time and adjunct instructors with the credentials to teach additional sections and recruit new adjunct instructors as needed. The Government & Politics Department has agreed that the pool of potential instructors will include GVPT graduate students who have recently completed their PhDs and have the requisite expertise in international relations and/or quantitative methods.

**Discuss the administrative and advising resources that will be needed for the program. Indicate the source of resources for covering these costs.**

The MAIR Program Director, Paul Huth, will provide academic oversight. Instructors hired to teach in the proposed MAIR program will provide advising.

The Office of Extended Studies (OES) will provide program development support that includes budget development, enrollment projections, and in-house marketing research. Further, OES will provide program management that includes compliance with UMD policies and procedures, a program microsite on the OES website, and data queries upon request. OES Student and Program Services will provide support for admissions, scheduling, registration, billing and payment, graduation, and appeals. OES Finance will provide faculty contracts, payment processing, course charge processor updates, and net revenue distribution. Upon request, OES will facilitate marketing services provided through an OES-contracted vendor.

Additionally, the Office of International and Executive Programs (OIEP) will provide administrative support that includes 1) marketing, 2) admissions assistance for international students, 3) travel, immigration, and orientation for international students, 4) student advising for international students, and 5) other general support. A complete list of OIEP administrative responsibilities can be found as an attachment.

**Use the Maryland Higher Education Commission (MHEC) commission financial tables to describe the program's financial plan for the next five years. See help bubble for financial table template. Use space below for any additional comments on program funding.**

The projected five-year budget is included as an attachment.

## **Implications for the State (Additional Information Required by MHEC and the Board of Regents)**

**Explain how there is a compelling regional or statewide need for the program. Argument for need may be based on the need for the advancement of knowledge and/or societal needs, including the need for "expanding educational opportunities and choices for minority and educationally disadvantaged students at institutions of higher education." Also, explain how need is consistent with the Maryland State Plan for Postsecondary Education (<https://mhec.state.md.us/About/Documents/2017.2021%20Maryland%20State%20Plan%20for%20Higher%20Education.pdf>).**

Faculty experience in working with policy makers from USAID, DOD, and State Department over the past 10 years has provided repeated evidence that a) government officials and analysts often lack strong quantitative research skills and the ability to understand quantitative research, and b) these officials recognize that there is a need for stronger evidence-based quantitative analyses to inform policy choices. The proposed MAIR program is designed to address these gaps by providing students with quantitative research training that will be in demand within agencies of the federal government.

Completion of the MAIR coursework and methods training is intended to support students with career goals centered in research and analysis, be that in a conventional academic career as a faculty member at a university, or a professional career path requiring sophisticated applied research and analysis of international relations issues. For those with academic career goals, the MAIR program should enhance their prospects of admission to top PhD programs in the social sciences outside the University of Maryland Government & Politics Department by providing advanced coursework and methods training that would strengthen their academic record and better prepare them for PhD studies. This is of particular interest to MAIR students from Jilin University as Jilin faculty have emphasized that the MAIR program will significantly strengthen student research skills and preparation for PhD studies in the US, Europe, and in China as well. The MAIR program, however, is not a pathway to the UMD PhD program in Government & Politics. For students with professional goals to specialize as research analysts in government agencies, private firms, non-governmental organizations, and international institutions, the MAIR program would provide the advanced coursework and training to engage in quantitative analyses of policy-relevant international relations issues and to ground that analysis in relevant international relations literatures from academic research.

Neither a Master of Arts in International Relations nor a similar program are currently offered at University of Maryland College Park (UMCP), or an institution within the University System of Maryland. Furthermore, the MAIR program focus on developing research skills for quantitative analyses of international relations issues responds to a growing need and recognition for analysts who can design and conduct statistical analyses on pressing international problems, as well as Government & Politics student-expressed need for developing such skills sets in order to advance their professional goals. As such, the proposed MAIR program differs from other MA programs at universities in the greater DC area and in the Big Ten as it does not emphasize the policymaking process, policy debates, or historical case studies of US foreign policy.

**Present data and analysis projecting market demand and the availability of openings in a job market to be served by the new program. Possible sources of information include industry or disciplinary studies on job market, the USBLS Occupational Outlook Handbook (<https://www.bls.gov/ooh>), or Maryland state Occupational and Industry Projections (<http://www.dlir.state.md.us/lmi/iandoproj>) over the next five years. Also, provide information on the existing supply of graduates in similar programs in the state (use MHEC's Office of Research and Policy Analysis webpage (<http://mhec.maryland.gov/publications/Pages/research>) for Annual Reports on Enrollment by Program) and discuss how future demand for graduates will exceed the existing supply. As part of this analysis, indicate the anticipated number of students your program will graduate per year at steady state.**

At a steady state, the proposed MAIR program with its 4+1 design estimates that it will enroll and graduate approximately 60-75 students each year. A degree in International Relations, by emphasizing clarity in speech and writing, analytical skills and a detailed knowledge of world politics, prepares students for careers as research analysts in government, journalism, law, non-governmental organizations, international business, and as faculty in universities. MAIR graduates will be qualified to work in all of these fields. Additional information on employment opportunities and job growth is attached.

**Identify similar programs in the state. Discuss any differences between the proposed program and existing programs. Explain how your program will not result in an unreasonable duplication of an existing program (you can base this argument on program differences or market demand for graduates). The MHEC website can be used to find academic programs operating in the state: [http://mhec.maryland.gov/institutions\\_training/pages/HEPrograms.aspx](http://mhec.maryland.gov/institutions_training/pages/HEPrograms.aspx)**

An institutional comparison for Big Ten Universities, institutions within the University System of Maryland (USM), and Colleges and Universities in Washington D.C., Virginia, and Maryland has been included as an attachment. Please note that no other USM institutions currently offer a Master of Arts in International Relations that closely resemble the proposed MAIR program.

**Discuss the possible impact on Historically Black Institutions (HBIs) in the state. Will the program affect any existing programs at Maryland HBIs? Will the program impact the uniqueness or identity of a Maryland HBI?**

The proposed MAIR program will not have a negative effect on any existing programs at any of Maryland's Historically Black Institutions. Conversely, the proposed program provides an option for students from Maryland's Historically Black Institutions with an interest in International Relations an opportunity to continue their studies at the graduate level.

## Supporting Documents

### Attachments

- 8) MAIR Institutional Comparison.xlsx
- 1) MAIR Courses & Descriptions.docx
- 2) MAIR Learning Outcomes and Assessments.docx
- 3) Instructor Titles, Credentials, & Courses.docx
- 4) OIEP Administrative Responsibilities.docx
- 5) MAIR Library Assessment.docx
- 7) MAIR Employment & Job Growth.xlsx
- 6) MAIR PCC Budget Final Updated.xls

### Reviewer Comments

**Margaret Pearson (mpearson) (Wed, 11 Sep 2019 17:27:12 GMT):** Rollback: Please attach library approval, and send back to me. Thanks.

Key: 651

**MAIR Institutional Comparison**

Institution	Website	Delivery Method	Degree Name & Type (MPS, MA, MS, MPH, etc.)	Tuition (course or credit)		Target Population/ Goal of Program
				Resident	Non-Resident	
<b>Big Ten Institutions</b>						
<b>Indiana University</b> Bloomington	<a href="https://hls.indiana.edu/graduate/masters/international-studies.html">https://hls.indiana.edu/graduate/masters/international-studies.html</a>	F2F and online	International Studies M.A and M.S.	\$516/per credit	\$1330/per credit	The M.A. in International Studies prepares students for careers in the private as well as the public sectors, including international business and both national and global governing institutions or NGOs. It is also open to students interested in academic and research-oriented careers.
<b>University of Iowa</b>	<a href="https://clas.uiowa.edu/polisci/graduate/political-science-phd-and-ma">https://clas.uiowa.edu/polisci/graduate/political-science-phd-and-ma</a>	F2F	Masters in Political Science	Per credit: \$1029/per credit	\$3470/per credit	A rich program of graduate study that has as its foundation a group of faculty members who are committed to first-rate research and teaching.
<b>University of Michigan</b> Ann Arbor	<a href="https://i.umich.edu/iv/graduates/masters-in-international-and-regional-studies.html">https://i.umich.edu/iv/graduates/masters-in-international-and-regional-studies.html</a>	F2F	International and Regional Studies M.A.	\$1435/ per credit	\$2743/per credit	MIRS is designed to prepare students for global career opportunities, whether in academia, private, or public sectors.
<b>Michigan State University</b>	<a href="https://casid.isp.msu.edu/academics/graduate-specialization/">https://casid.isp.msu.edu/academics/graduate-specialization/</a>	F2F	Certificate - specialization in International Development	\$755/per credit	\$1484/per credit	The graduate specialization in International Development (GSID) provides an opportunity for graduate students to obtain a comprehensive and contemporary academic experience in the field of international development studies.
<b>University of Minnesota</b> Twin Cities	<a href="https://www.foreignaffairs.com/sponsored/gradschoolforum/university-minnesota">https://www.foreignaffairs.com/sponsored/gradschoolforum/university-minnesota</a>	F2F	Masters-Public Policy/Global Policy Concentration	\$1420/ per credit	\$2201/per credit	Students interested in shaping public policy, its focus on social justice and human rights, and its expertise in planning, leadership, and management.
<b>Ohio State University</b>	<a href="https://www.polisci.northwestern.edu/graduate-program-areas/#Program%20Areas%20%20Subfields">https://www.polisci.northwestern.edu/graduate-program-areas/#Program%20Areas%20%20Subfields</a>	F2F	Political Science, PhD. Concentration- International Relations			Prepares professional political scientists to work in both academic and non-academic fields. Therefore, we accept only students who intend to work toward the doctorate; we do not offer a terminal master's program.
<b>Penn State</b> University Park	<a href="https://www.sia.psu.edu/academics/graduate-certificate-program/international-affairs-certificate">https://www.sia.psu.edu/academics/graduate-certificate-program/international-affairs-certificate</a>	F2F	International Affairs (GC)	\$886/per credit		This program provides students, professionals, and others with an accessible, professional education in the rapidly evolving field of international affairs.
<b>Purdue University</b>	<a href="https://cla.purdue.edu/academic/polisci/graduate/index.html">https://cla.purdue.edu/academic/polisci/graduate/index.html</a>	F2F	Political Science M.A-Concentration- International Relations.	\$347/per credit	\$948/per credit	Students interested in study of the interactions of persons from one nation with those of another.
<b>Rutgers University</b> New Brunswick	<a href="https://sasn.rutgers.edu/academics-admissions/academic-departments/division-global-affairs/global-affairs-ms">https://sasn.rutgers.edu/academics-admissions/academic-departments/division-global-affairs/global-affairs-ms</a>	F2F	Global Affairs M.S.	\$776/per credit	\$1228/per credit	Designed for practitioners in the Global Arena including business professionals, government employees, security professionals including the military, and those who are presently employed or plan careers with international governmental and non-governmental organizations.
<b>University of Wisconsin—Madison</b>	<a href="https://www.lafollette.wisc.edu/academics/master-of-international-public-affairs">https://www.lafollette.wisc.edu/academics/master-of-international-public-affairs</a>		International Public Affairs M.S.	\$570/per credit	\$2180/per credit	The Master of International Public Affairs (MIPA) Program prepares students from the United States and around the world to work in government, in businesses engaged with the global economy, for non-governmental organizations, or with consulting firms analyzing internal - tional policies.
<b>Maryland System Institutions</b>						
<b>No Master's Programs in International Relations are currently offered at Maryland System Institutions.</b>						

Note: The Department of Political Science is a Ph.D. granting program. Nonetheless, a student enrolled as a doctoral candidate may obtain an M.A. either on the way to the doctorate or in the event the student withdraws from graduate study without completing the doctorate.

**Colleges & Universities in the Washington DC- Baltimore MD area**

<b>American University</b>	<a href="https://www.american.edu/sis/admissions/degrees.cfm">https://www.american.edu/sis/admissions/degrees.cfm</a>	F2F and Online programs	International Affairs Policy and Analysis (M.A.), United States Foreign Policy and National Security (M.A), International Development (M.A)	\$1708/credit	Equip you with the knowledge and skills necessary to make a difference in our complex and interconnected world, whether in government, non-profits, or business.	
<b>Catholic University of America</b>	<a href="https://www.catholic.edu/academics/graduate/programs/ma-in-international-affairs/index.html">https://www.catholic.edu/academics/graduate/programs/ma-in-international-affairs/index.html</a>	F2F	International Affairs (M.A), International Affairs Studies (GC)	\$1110/credit	The International Affairs Program is designed for the working professional: maximum flexibility for the student combined with a wide range of course offerings.	
<b>George Mason</b>	<a href="#">The MA is designed for maximum flexibility for full or part-time students.</a>	F2F	Global Affairs (M.A)	\$480/per credit	\$1,346 per credit	The Global Affairs graduate program prepares globally competent professionals to enter today's fast-paced, interconnected world. The MA is designed for maximum flexibility for full or part-time students.
<b>Georgetown University</b>	<a href="https://www.georgetown.edu/academics/international-affairs">https://www.georgetown.edu/academics/international-affairs</a>	F2F	Masters- Global Human Development	\$2065/per credit	Students interested in study of the interactions of persons from one nation with those of another.	
<b>George Washington University</b>	<a href="https://elliott.gwu.edu/international-development-studies">https://elliott.gwu.edu/international-development-studies</a>	F2F	International Affairs (M.A.), International Development Studies (M.A.)	\$1800/per credit	Designed to provide students with a broad understanding of the contemporary issues in international affairs while developing in-depth knowledge of at least one specialized area at either the global or regional level.	
<b>Howard University</b>	<a href="https://ps.howard.edu/graduate-programs/international-studies">https://ps.howard.edu/graduate-programs/international-studies</a>	F2F	International Studies (GC)	Program total cost is \$20,000	Encouraging students from diverse professional and academic backgrounds to strengthen their expertise in different disciplines, as we instructed and challenged one another in addressing contemporary international affairs.	
<b>Johns Hopkins University</b>	<a href="https://www.sais-jhu.edu/content/academics#degrees">https://www.sais-jhu.edu/content/academics#degrees</a>	F2F and Abroad	International Affairs M.S., International Affairs M.S. (Europe), International Affairs M.S. (China)	Programs range from \$38K-40K/year	Innovative thinkers and problem-solvers, equipped to deal with complex challenges around the world. By connecting the theoretical study of economics, international relations, and regional studies to the work of policymakers, students gain the knowledge, skills, and network for success.	
	<a href="http://www.sais-jhu.edu/atoz/master-arts-international-affairs#overview">http://www.sais-jhu.edu/atoz/master-arts-international-affairs#overview</a>		International studies	\$1964/per credit		
	<a href="https://www.sais-jhu.edu/atoz/certificate#overview">https://www.sais-jhu.edu/atoz/certificate#overview</a>		Certificate-International studies	Per Credit: \$1,634.38		
<b>Virginia Tech</b>	<a href="https://www.spia.vt.edu/gia/">https://www.spia.vt.edu/gia/</a>	Online and F2F Programs	Public & International Affairs (M.A)	\$761/per credit	\$1534/per credit	Provides researchers and students the skills to leverage their experiences and further their knowledge of contemporary security and economic governance practices.

## MAIR Courses & Descriptions

Prefix & Number	Title	Title
GVPT 604 3 Credits	Introduction to War and Armed Conflict in World Politics	This seminar examines major theories of both international and civil wars and reviews major empirical studies that test theories of conflict. The topics include the onset of armed conflict, the duration and outcomes of wars, and the durability of peace in the aftermath of wars. The focus is on developing an understanding of central debates in the literature and primary empirical findings from quantitative and cross-national analyses.
GVPT 605 3 Credits	Introduction to Conflict and Cooperation in the World Economy	This seminar examines major theoretical approaches and empirical studies of international political economy, contemporary dynamics of globalization, the role of domestic politics in the formation of foreign economic policies of states, the dynamics of international trade and investment disputes, and role of international institutions in multi-lateral governance of the world economy. The focus is on developing an understanding of central debates in the literature and primary empirical findings from quantitative and cross-national analyses.
GVPT 606 3 Credits	Introduction to International Law and Institutions	This seminar examines major theoretical approaches and empirical studies of international law and institutions relating to international political economy and international security. Topics to be covered include the sources of international law and the development of core legal principles in the post-WWII era, the role of international economic institutions such as WTO, IMF, and World Bank in the global economy, and the influence of international institutions such as the UN Security Council, World Court, and International Criminal Court in addressing international security issues. Larger questions about the effectiveness of the WTO, Laws of War, and International Human Rights Law will be considered. The focus is on developing an understanding of central debates in the literature and primary empirical findings from quantitative and cross-national analyses.
GVPT 708 3 Credits	Seminar in International Relations Theory	This course will focus on central theoretical and analytical approaches to understanding how domestic and international factors influence and shape both the foreign policy goals pursued by national leaders and how these same factors affect the ability of such leaders to achieve their foreign policy goals. Theoretical approaches to studying international political economy, international security, and international law and institutions will be emphasized.
GVPT 761 3 Credits	International Political Economy	This course examines central theoretical and empirical studies of international trade, finance, and investment as well as topics such as MNC relations with host countries, the relationship of domestic politics to foreign economic policy, patterns of globalization, and key legal principles relating to IPE. Throughout the course emphasis will be given to the importance of political and strategic factors in shaping and influencing international economics.

## MAIR Courses & Descriptions

<p>GVPT 803 3 Credits</p>	<p>Seminar in International Political Organizations</p>	<p>This seminar examines some of the most important international economic institutions in the global economy such as the International Monetary Fund, the World Bank, the World Trade Organization, and regional development and investment banks. In addition, key security institutions such as the UN Security Council, regional security organizations, and the International Criminal Court will be examined. Key issues regarding political influences on behavior and effectiveness of international institutions are considered as well as challenges facing each organization, including possible major reforms.</p>
<p>GVPT 622 3 Credits</p>	<p>Quantitative Methods of Political Science</p>	<p>This course will focus on statistical methods of data analysis that are commonly used in the study of international relations. Regression analysis of observational data will be given primary attention as well as problems of casual inference with observational data and how to address them. The course will conclude with discussion of recent work in IR using experimental designs and data analysis.</p>
<p>GVPT 729 3 Credits</p>	<p>Quantitative Analyses of International Political Economy and International Security</p>	<p>This seminar will examine major data sets that are widely used in the study of international political economy and international security and cutting-edge quantitative analyses utilizing these data sets. Attention will be given to the strengths and weakness of these data sets and quantitative studies and their utility in addressing central topics in the study of international political economy and international security.</p>
<p>GVPT 808 3 Credits</p>	<p>The Impact of International Economics and Security on Developing Countries</p>	<p>This seminar examines the challenges of economic and political development facing many countries in Africa, the Middle East, and Asia with particular attention to how international economic and security conditions affect national economic development, democratization, and political stability. Topics including MNC operations, the challenges of developing strong export markets, globalization and development, reliance on natural resources for development, role of foreign aid in development, and the impact of civil war and international security threats on development.</p>
<p>GVPT 879 3 Credits</p>	<p>The Political Economy of International Power and Security Policy</p>	<p>This seminar will focus on the inter-relationships between economic and military power in international relations. Topics to be covered will include the relationship between international trade and investment ties and international conflict, the use of economic sanctions to pressure governments, the relationship of rising and declining economic power for international security, burden sharing in alliances, the political economy of voting behavior in the UN, the consequences of international conflict and war for the economic development and growth of countries, and the consequences of climate change for the international economy and international security.</p>

## Learning Outcomes and Assessments

### 1) Theory in International Relations

- a. Students will be able to articulate the central theoretical approaches to studying international political economy, international security, and international law and institutions as well as debates among researchers regarding the strengths and weaknesses of different theoretical approaches.
  - Assessment Methods: Weekly seminar discussion contributions, short paper assignments focused on student evaluation of assigned readings, and in-class written final exam
- b. Students will be able to identify and apply different IR theoretical approaches that can be drawn upon to study research questions and to assess how useful different theoretical approaches are to studying a given research question.
  - Assessment Methods: Weekly seminar discussion contributions, short paper assignments focused on student evaluation of assigned readings, short research design paper, and in-class written final exam

### 2) Quantitative Methods for International Relations

- a. Students will be able to interpret and explain quantitative empirical findings on international political economy, international security, and international law and institutions as well as debates among researchers regarding the strengths and weaknesses of these empirical studies.
  - Assessment Methods: Weekly seminar discussion contributions, short paper assignments focused on student evaluation of assigned readings, and in-class written final exam
- b. Students will be able to demonstrate knowledge of the strengths and weaknesses of quantitative studies of IR.
  - Assessment Methods: Weekly seminar discussion contributions, short paper assignments focused on student evaluation of assigned readings, and in-class written final exam

### 3) Statistical Modeling

- a. Students will be able to demonstrate knowledge of different statistical models that can be used to test theories and hypotheses on international relations and the advantages and limitations of alternative statistical models.
  - Assessment Methods: Weekly seminar discussion contributions, weekly completion of assigned problem-sets on statistical models, short research design paper, and in-class written final exam
- b. Students will be able to interpret and provide examples of the datasets used to study international political economy, international security, and international

law and institutions as well as debates among researchers regarding the strengths and weaknesses of these datasets.

- Assessment Methods: Weekly seminar discussion contributions, short paper assignments focused on student evaluation of assigned readings, and in-class written final exam
- c. Students will be able to explain which IR datasets are potentially more or less useful for addressing research questions.
- Assessment Methods: Weekly seminar discussion contributions, short paper assignments focused on student evaluation of assigned readings, and in-class written final exam

#### 4) Quantitative Research Designs

- a. Students will be able to demonstrate knowledge of the fundamental principles, theories, and concepts involved with quantitative research designs used to study research questions in international relations.
- Assessment Methods: Weekly seminar discussion contributions, weekly completion of assigned problem-sets on statistical models, short research design paper, and in-class written final exam

#### 5) Capstone Project

- a. A faculty committee that oversees the MAIR program will develop a rubric that will be used to annually assess students' overall mastery of the four learning outcomes listed above based on a capstone research paper completed by students in one of the final three courses taken (GVPT 729, 808, 879). The capstone paper will require students to demonstrate each of the four learning outcomes described above in a research design paper that lays out carefully a plan of study to address an IR research question, including theoretical framework, datasets to be used, measurement of variables, and appropriate statistical methods.
- The rubric will contain categories related to specific learning outcomes and students will be assessed as "Advanced," "Proficient," "Developing" or "Novice" in each category. The individual categories will be aggregated to produce an overall score. We will know we have been successful if 80% of the students fall in the "Advanced" or "Proficient" categories on the learning outcomes assessed. The results of this annual assessment will be used by the advisory faculty committee to the MAIR Academic Program Director to recommend changes and improvement in the general curriculum as well as the content of specific courses.



## **Instructor Pool: Titles, Credentials, & Courses**

Todd Allee: PhD, Associate Professor of GVPT: international political economy, international law and institutions.

- MAIR Teaching Options: GVPT 605, 606, 708, 761, 729, 803

Virginia Haufler: PhD, Associate Professor of GVPT: international political economy, international law and institutions.

- MAIR Teaching Options: GVPT 605, 606, 761

Sarah Croco: PhD, Associate Professor of GVPT: international conflict and security, quantitative methods and analysis.

- MAIR Teaching Options: GVPT 604, 622, 708, 729, 761

Stacy Kosko: PhD, Associate Research Professor, GVPT/CIDCM: political economy of development, international law and institutions.

- MAIR Teaching Options: GVPT 605, 606, 808

David Backer: PhD, Research Professor, GVPT/CIDCM: political economy of development, quantitative methods and analysis.

- MAIR Teaching Options: GVPT 729, 808

Kelly Wong: PhD, Assistant Research Scientist, GVPT/CIDCM: political economy of development.

- MAIR Teaching Options: GVPT 808

Jacob Aronson: PhD, Assistant Research Scientist, GVPT/CIDCM: international conflict and security, quantitative methods and analysis.

- MAIR Teaching Options: GVPT 604, 622, 729, 879

Deniz Cil: PhD, Post-Doctoral Associate GVPT/CIDCM: international conflict and security, international law and institutions, quantitative methods and analysis.

- MAIR Teaching Options: GVPT 604, 606, 708, 729, 803, 879

Eric Dunford, PhD, Assistant Teaching Professor, Georgetown University: quantitative methods and analysis.

- MAIR Teaching Options: GVPT 622, 729

Trey Billing: PhD summer 2020 GVPT: political economy of development, international political economy, quantitative methods and analysis.

- MAIR Teaching Options: GVPT 605, 622, 729, 808

Andrew Lugg: PhD summer 2020 GVPT: international political economy, international law and institutions.

- MAIR Teaching Options: GVPT 605, 761, 803

Analia Gomez Vidal: PhD summer 2020 GVPT: political economy of development, quantitative methods and analysis.

- MAIR Teaching Options: GVPT 729, 808

## OIEP Administrative Responsibilities

Office of International and Executive Programs (OIEP) Proposal to CIDCM  
(Updated: 29 March 2019)

### Partner:

Center for International Development and Conflict Management (CIDCM), Professional Masters program in International Relations. OIEP services could include all those listed below, and potentially others suggested by CIDCM (this package in its present form is based on existing OIEP-managed joint and cooperative degree programs).

### Promotion:

- Creating/maintaining/updating webpage (in English) on a UMD website;
- Liaison with Chinese universities, academic institutions, and relevant government agencies to promote program and recruit applicants;
- Circulating advertisements via social media (in Chinese social media, messages will be in Chinese and English);
- Providing English-Chinese and Chinese-English translations of key documents and messages.

### Application and Admittance:

- Coordinating with UMD's office of International Students and Scholar Services (ISSS) to ensure applicants submit visa applications and supporting materials;
- Receiving and filing applications and supporting materials;
- Entering applicant information into the UMD Graduate School online system;
- Scanning applications and supporting materials and delivering them to the UMD Graduate School;
- Following their entrance into the program, generating and retrieving each student's UID number, SID number, and UMD e-mail account;
- After UMD admission and U.S. visa has been obtained, submitting materials to UMD's ISSS;
- Ensuring students submit immunization records as required by UMD for registration;
- Ensuring students have obtained proper medical insurance.

### Student Travel, Immigration, Training and Orientation:

- Ensuring students pay UMD tuition;
- While students are in their home country, collecting required documents from each student, such as: proof of financial support (bank account records); passport; DS-1029/I-20 forms; information from U.S. visa; health insurance information;
- Before students arrive in the U.S., helping them identify and rent housing;
- Meeting arriving students at airport and helping them settle into their accommodations;
- Assisting students to open bank accounts and obtain local cellphone service;
- Providing students with a tour of the UMD campus;
- Training students to use the Testudo website (how to obtain transcripts online, etc.).

DATE: September 10, 2019

TO: Matthew Nesson, Ed.D.  
Associate Director, Programs  
Office of Extended Studies

FROM: On behalf of the University of Maryland Libraries:

Judy Markowitz, Librarian for Government & Politics, Public Policy, Women's Studies,  
LGBT Studies

Maggie Saponaro, Director of Collection Development Strategies

Daniel Mack, Associate Dean, Collection Strategies & Services

RE: Library Collection Assessment for Master of Arts in International Relations

We are providing this assessment in response to a proposal by the Department of Government and Politics (GVPT) to create the Master of Arts in International Relations. GVPT asked that we at the University of Maryland Libraries assess our collection resources to determine how well the Libraries support the curriculum of this proposed program.

### **Journals**

The University of Maryland Libraries currently subscribe to many scholarly journals—almost all in online format--that publish articles in the area of International Relations, International Relations Theory, International Political Economy, International Security, International Law & Institutions and Quantitative analysis.

The Libraries subscribe to 22 of the top 25 ranked journals listed in the International Relations category and all of the top 25 in the Social Sciences, Mathematical Methods category in the Social Sciences Edition/Science Edition of *Journal Citation Reports*.\*

### **Top 25 journals for International Relations**

- International Organization
- International Security
- Foreign Affairs
- Common Market Law Review (to 2004 only and only in print, use ILL)
- International Affairs
- Global Environmental Politics
- World Politics
- New Political Economy (we do not own, use ILL)

- Marine Policy
- Review of International Political Economy (to 2017 only, use ILL)
- European Journal of International Relations
- Journal of Common Market Studies
- Journal of Peace Research
- Journal of Conflict Resolution
- Chinese Journal of International Politics (one year embargo, use ILL)
- Security Dialogue
- British Journal of Politics and International Relations
- International Studies Journal
- International Studies Review (one year embargo, use ILL)
- International Political Sociology

#### **Top 10 journals for Social Sciences, Mathematical Methods**

- Structural Equation Modeling: A Multidisciplinary Journal
- Econometrica: Journal of the Econometric Society
- Review of Economics and Statistics
- EPJ Data Science
- Sociological Methods & Research
- Journal of Mathematical Psychology
- Psychometrika
- Journal of Business & Economic Statistics
- Risk Analysis
- Mathematical Finance

In addition, we also subscribe to the top tier titles in the categories of Mathematics and Statistics & Probability.

\*Note: *Journal Citation Reports* is a tool for evaluating scholarly journals. It computes these evaluations from the relative number of citations compiled in the *Science Citation Index* and *Social Sciences Citation Index* database tools.

#### **Databases**

The Libraries' *Database Finder* (<http://www.lib.umd.edu/dbfinder>) resource offers online access to databases that provide indexing and access to scholarly journal articles and other information sources such as congressional publications and statistics. Databases that provide access to materials relevant to the fields in the proposed program include but are not limited to:

**International Relations:**

Academic Search Ultimate  
America. History and Life with Full-Text  
Asia-Studies  
Bibliography of Asian Studies  
Business Source Complete  
Congressional Publications  
Cross-National Time Series-Data Archive  
Digital National Security Archive  
EconLit  
Historical Abstracts with Full-Text  
International Political Science Abstracts  
JSTOR  
Middle Eastern and Central Asian Studies  
Military and Government Collections  
National Social Sciences Database  
Oxford Handbooks Online: Political Science  
PAIS  
Project Muse  
Proquest Legislative Insight  
Roper iPOLL  
SocINDEX  
Worldwide Political Science Abstracts

**Data/Mathematics/Statistics:**

ArXiv, E-Print Archive (Open Access)  
Collection of Biostatistics Research Archive (COBRA)  
Handbook of Statistics  
Lecture Notes in Mathematics  
MathSciNet: Mathematical Reviews on the Web  
Resources for Economists – Data  
ScienceDirect  
SIAM eBooks  
SimplyAnalytics  
Social Explorer  
SpringerLink  
Statistical Abstract of the United States  
Web of Science Core Collection (includes Social Sciences Citation Index)

In many and likely in most cases, these databases provide full text copies of the relevant documents. For the journal articles and book chapters we own that are available only in print format, the Libraries will scan and send a digital copy via email. For those documents we do not own, the Libraries will acquire them using Interlibrary Loan.

## **Monographs**

A search of the University of Maryland Libraries' WorldCat UMD catalog was conducted, using a variety of relevant keyword and subject terms. The search shows our current collection of scholarly monographs in print and e-format related to International Relations, International Relations Theory, International Political Economy, International Security, International Law & Institutions and Data, Mathematics and Statistics is sufficient to support the new proposed program.

Broad keyword/s and subjects include:

international relations  
international relations theory  
international relations decision making  
international relations research  
international relations methodology  
international law  
international political economy  
international economic relations  
international security  
international law  
political science international relations general  
diplomatic relations  
research design  
social sciences research methodology  
social sciences statistical methods  
statistical models

The Libraries will continue to acquire monographs in the subject areas that support the proposed program. Titles not already part of the collection can usually be added upon request.

## **Interlibrary Loan Services**

Interlibrary Loan Services will obtain books we do not own or are checked out. In addition, Interlibrary Loan will provide digital copies of journal articles and book chapters whether we own in print or do not own. (<https://www.lib.umd.edu/access/ill>)

## **Additional Materials and Resources**

In addition to journals, monographs and databases available through the University Libraries, students in the proposed program will have access to media, datasets, software, and technology.

GIS Datasets are available through the GIS Data Repository (<http://www.lib.umd.edu/gis/dataset>). Statistical consulting, media lab, workshops and additional research support is available through the Research Commons (<http://www.lib.umd.edu/rc>). Technology support and services are available through the Terrapin Learning Commons (<http://www.lib.umd.edu/tlc>).

The UM Libraries' have a professional staff of Librarians providing an important resource for help in locating information. In addition, subject specialists are available to provide instruction sessions for

specific courses within the proposed program.

Government and Politics:

Judy Markowitz ([judym@umd.edu](mailto:judym@umd.edu))

Mathematics:

Nevenka Zdravkovska ([nevenka@umd.edu](mailto:nevenka@umd.edu))

Research Data Services (Data Archiving, Data Management Plans, Managing Data, Open Data)  
[lib-research-data@umd.edu](mailto:lib-research-data@umd.edu)

### **Other Research Collections**

The Libraries are a member of the Inter-university Consortium for Political and Social Research (ICPSR) enabling access to the data deposited there. Because of the University's unique physical location near Washington D.C., Baltimore and Annapolis, University of Maryland students and faculty have access to some of the finest libraries, archives and research centers in the country vitally important for researchers. These include the Library of Congress, the National Archives and the Washington Research Library Consortium.

### **Data Sets**

When possible, the Libraries acquire data sets to support research. Access to specific data sets is often limited because of cost or limitations placed by publishers.

### **Conclusion**

The Libraries' current monograph, journals and databases are adequate to support teaching and learning for the Master of Arts in International Relations (MAIR). Subject Specialists and other Librarians as well as Interlibrary Loan, Research Commons and Research Data Services are available to support the program.

**MAIR Employment & Job Growth**

Occupation	# of Jobs in the Field	Where Professionals are Employed	Professional Salary Information	Projected Job Growth
<b>Information from U.S. Bureau of Labor Statistics' Occupational Outlook Handbook</b>				
Operations Research Analyst	109,700	Finance and Insurance-30% Professional, scientific, and technical services- 23% Management of companies and enterprises- 9% Manufacturing- 6% Federal Government- 5%	\$83,390/year \$40.09/hour	26% (much faster than average)
Political Scientist	6,200	Federal Government, excluding postal service- 53% Professional, scientific, and technical services-26% Educational services; state, local, and private- 8% Religious, grantmaking, civic, professional, and similar organizations- 5% Self-employed workers- 1%	\$117,570/year \$56.52/hour	5% (as fast as average)
Data Analyst	329,500	Management, scientific, and technical consulting services- 12% Finance and Insurance- 10% Wholesale trade-8% Management of companies and enterprises- 8% Publishing industries (except internet)- 4%	\$85,660/year \$41.18/hour	20% (much faster than average)
<b>Information from State of Maryland's Occupational and Industry Projections</b>				
Operations Research Analyst	4,300	Finance and Insurance-30% Professional, scientific, and technical services- 23% Management of companies and enterprises- 9% Manufacturing- 6% Federal Government- 5%	\$99,870/year \$48.02/hour	5.8%
Political Scientist	90- MD 3,220- WDC	Federal Government, excluding postal service- 53% Professional, scientific, and technical services-26% Educational services; state, local, and private- 8% Religious, grantmaking, civic, professional, and similar organizations- 5% Self-employed workers- 1%	\$123,150/year \$59.21/hour	0%
Data Analyst	5,640	Management, scientific, and technical consulting services- 12% Finance and Insurance- 10% Wholesale trade-8% Management of companies and enterprises- 8% Publishing industries (except internet)- 4%	\$92,800/year \$44.61/hour	7.9%



<b>MAIR PCC Budget</b>					
<b>Master of Arts in International Relations</b>					
<b>Estimated Program Revenue &amp; Support</b>	Year 1	Year 2	Year 3	Year 4	Year 5
<b>I. Total Tuition Revenue</b>	<b>\$45,000</b>	<b>\$1,104,000</b>	<b>\$1,323,000</b>	<b>\$1,437,000</b>	<b>\$1,551,000</b>
A. Total number of students (by enrollment year)	5	56	67	73	79
1. Revenue-Generating Enrollment 1st Year	5	6	7	8	9
2. Revenue-Generating Enrollment 2nd Year (1st year enrollment plus students in the 4+1 program)		50	60	65	70
B. Total Credits (by enrollment year)	30	30	30	30	30
1. Credits 1st Year	9	9	9	9	9
2. Credits 2nd Year	21	21	21	21	21
C. SPHL In-State Grad Tuition Per Credit Rate; Assumes 5% increase	1,000	1,000	1,000	1,000	1,000
<b>II. Other Support</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
A. Dean Support					
B. Department Support					
C. Other Program Support (e.g., grant/vendor)					
<b>Total Estimated Program Revenue &amp; Support</b>	<b>\$45,000</b>	<b>\$1,104,000</b>	<b>\$1,323,000</b>	<b>\$1,437,000</b>	<b>\$1,551,000</b>
<b>Estimated Program Expenses</b>	Year 1	Year 2	Year 3	Year 4	Year 5
<b>II. Total Instructional and Administrative Costs</b>	<b>\$104,400</b>	<b>\$374,700</b>	<b>\$448,014</b>	<b>\$455,294</b>	<b>\$462,720</b>
<b>A. Total Instructional Costs</b>	<b>\$77,400</b>	<b>\$263,160</b>	<b>\$268,423</b>	<b>\$273,792</b>	<b>\$279,267</b>
1. Instructor Salary Totals	<b>\$60,000</b>	<b>\$204,000</b>	<b>\$208,080</b>	<b>\$212,242</b>	<b>\$216,486</b>
a. Budgeted Instructor Cost Per Course	20,000	20,400	20,808	21,224	21,649
b. Total courses per year	3	10	10	10	10
Number of of courses in year 1	3	3	3	3	3
Number of courses in year 2		7	7	7	7
2. Benefits: Total (29%)	17,400	59,160	60,343	61,550	62,781
<b>B. Total Administrative Costs</b>	<b>\$27,000</b>	<b>\$111,540</b>	<b>\$179,591</b>	<b>\$181,503</b>	<b>\$183,453</b>
1. Administrative Salaries (assumes 2% increase)	20,000	20,400	70,808	72,224	73,669
a. Part-Time Program Coordinator	20,000	20,400	20,808	21,224	21,649
b. Full-Time Program Coordinator (added year three)			50,000	51,000	52,020
2. Administrative Benefits: Total (35%)	7,000	7,140	24,783	25,278	25,784
3. Office of International and Executive Programs (e.g., international student advising, marketing, and recruitment)		84,000	84,000	84,000	84,000
<b>III. Materials &amp; Supplies (cost per course per students)</b>	<b>\$700</b>	<b>\$7,840</b>	<b>\$9,380</b>	<b>\$10,220</b>	<b>\$11,060</b>
A. Cost per course (estimated)	\$20	\$20	\$20	\$20	\$20
B. Total number of courses	7	7	7	7	7
C. Total number of students	5	56	67	73	79
<b>IV. Marketing</b>	<b>\$5,000</b>	<b>\$5,000</b>	<b>\$5,000</b>	<b>\$5,000</b>	<b>\$5,000</b>
A. Marketing	5,000	5,000	5,000	5,000	5,000
<b>V. Equipment</b>	<b>\$3,000</b>	<b>\$4,000</b>	<b>\$3,000</b>	<b>\$3,000</b>	<b>\$3,000</b>

<b>II. Total Instructional and Administrative Costs</b>	<b>\$104,400</b>	<b>\$374,700</b>	<b>\$448,014</b>	<b>\$455,294</b>	<b>\$462,720</b>
A. Computer-related (e.g., laptop, tablet)	2,000	3,000	2,000	2,000	2,000
B. Other Devices (e.g., printer, scanner, etc)	1,000	1,000	1,000	1,000	1,000
<b>Total Estimated Program Expenses</b>	<b>\$113,100</b>	<b>\$391,540</b>	<b>\$465,394</b>	<b>\$473,514</b>	<b>\$481,780</b>
<b>Total Estimated Program Revenue &amp; Support</b>	<b>\$45,000</b>	<b>\$1,104,000</b>	<b>\$1,323,000</b>	<b>\$1,437,000</b>	<b>\$1,551,000</b>
<b>Total Estimated Program Expenses</b>	<b>\$113,100</b>	<b>\$391,540</b>	<b>\$465,394</b>	<b>\$473,514</b>	<b>\$481,780</b>
<b>Net Revenue</b>	<b>-\$68,100</b>	<b>\$712,460</b>	<b>\$857,606</b>	<b>\$963,486</b>	<b>\$1,069,220</b>
<b>MAIR Program Completion Assumptions</b>		<b>Cumulative 5 Yr</b>			
To complete the 30-credit; 10 course program:		TTL Revenue/Support	\$5,460,000		
Students take or transfer 3 courses (9 credits) 1st Year		TTL Expenses	\$1,925,328		
Students take 7 courses (21 credits) 2nd Year		TTL Net	\$3,534,672		

**Nominations Committee Slate 2019-2020****PRESENTED BY** Laura Dugan, Chair**REVIEW DATES** SEC – November 20, 2019 | SENATE – December 4, 2019**VOTING METHOD** In a single vote**RELEVANT  
POLICY/DOCUMENT** N/A**NECESSARY  
APPROVALS** Senate**ISSUE**

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The University Senate Bylaws state, “By no later than the scheduled December meeting of the Senate, the Committee on Committees shall present to the Senate eight (8) nominees from among outgoing Senate members to serve on the Nominations Committee. The nominees shall include four (4) faculty members, one (1) exempt staff member, one (1) non-exempt staff member, one (1) graduate student, and one (1) undergraduate student. Further nominations shall not be accepted from the floor of the Senate. The Senate, as a body, shall approve the slate of nominees to serve on the Nominations Committee.”

**RECOMMENDATION**

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The Committee on Committees recommends that the Senate approve the slate as presented.

**COMMITTEE WORK**

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The Committee on Committees met on October 29, 2019, to discuss a process for soliciting nominations for the Senate Nominations Committee. The Senate Office had previously contacted all Outgoing Senators regarding the opportunity to serve on the Nominations Committee and received a few volunteers. The Committee on Committees discussed the volunteers at the meeting and additional recruitment tasks were assigned. As required by the Bylaws, the committee assembled a total of eight nominees from among the Outgoing Senators to present to the Senate.

**ALTERNATIVES**

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The Senate can decide not to approve the slate.

**RISKS**

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There are no risks to the University.

**FINANCIAL IMPLICATIONS**

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There are no financial implications.

## 2019-2020 Senate Nominations Committee Slate

<u>Name/Constituency</u>	<u>Department/Unit</u>	<u>College</u>	<u>Term</u>
<b>Non-Voting Ex-Officio</b>			
Laura Dugan	Criminology & Criminal Justice	BSOS	2020
<b>Faculty</b>			
Beth Brittan-Powell	Office of the Vice President for Research	VPR	2020
Bill Dorland	Institute for Research in Electronics and Applied Physics (IREAP)	CMNS	2020
Kira Gor	School of Languages, Literatures, and Cultures	ARHU	2020
Piotr Swistak	Government & Politics	BSOS	2020
<b>Exempt Staff</b>			
Ron Padron	College of Information Studies	INFO	2020
<b>Non-Exempt Staff</b>			
Audrey Stewart	Facilities Management	VPAF	2020
<b>Graduate Student</b>			
Ellis McKennie	School of Public Policy	PLCY	2020
<b>Undergraduate Student</b>			
Nadia Owusu	Government & Politics	BSOS	2020



## Review of the Interim University of Maryland Sexual Misconduct Policy

**PRESENTED BY** Rachel Gammons, Chair

**REVIEW DATES** SEC – November 20, 2019 | SENATE – December 4, 2019

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** [VI-1.60\(A\) – University of Maryland Sexual Misconduct Policy & Procedures](#)

**NECESSARY APPROVALS** Senate, President

### ISSUE

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As a result of changes in state law, the University System of Maryland (USM) revised its Policy on Sexual Misconduct ([VI-1.60](#)) in June 2019. The University of Maryland Sexual Misconduct Policy & Procedures (VI-1.60[A]) were revised to align with the changes to USM Policy and were approved on an interim basis on June 24, 2019, pending University Senate review. The Policy covers all members of the University community; the Procedures provide specific detail on the process for reviewing complaints against faculty, staff, and students, and are applied depending on the constituency of the individual against whom a complaint is made.

In August 2019, the Senate Executive Committee (SEC) charged four Senate committees with consideration of the interim University of Maryland Sexual Misconduct Policy & Procedures. The Equity, Diversity, & Inclusion (EDI) Committee was given responsibility for reviewing the Policy itself to ensure alignment with the revised USM policy and state law ([Senate Document #19-20-03](#)). The Student Conduct, Faculty, and Staff Affairs Committees was charged with reviewing the interim Sexual Misconduct Complaint Procedures for their constituencies to ensure they accurately reflect the changes in state law and USM policy.

### RECOMMENDATIONS

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The Equity, Diversity, & Inclusion Committee recommends that the University of Maryland Policy on Sexual Misconduct be revised as indicated in the policy document immediately following this report.

The EDI Committee recommends that it be charged with conducting a comprehensive review of the University of Maryland Policy on Sexual Misconduct to ensure that it aligns with best practices.

### COMMITTEE WORK

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The EDI Committee reviewed background materials identified in its charge and consulted with representatives from the Office of Civil Rights & Sexual Misconduct (OCRSM) and the Office of General Counsel (OGC). The committee also met with the Chair of the Student Conduct Committee and the Director of the Office of Student Conduct to better understand the impact that the interim Sexual Misconduct Policy has on students through the process detailed within the Student Procedures. The EDI Committee worked in close consultation with the Student Conduct, Staff

Affairs, and Faculty Affairs Committees; the committees worked collaboratively to ensure that any revisions to the Policy were aligned with the corresponding information in the Procedures.

Through its review, the committee determined that Sections XI and XII of the policy should be restructured and reorganized in order to convey both the rights of student, faculty, and staff Complainants and Respondents, as well as the right for students to have access to counsel paid for by the Maryland Higher Education Commission (MHEC) through a list of attorneys willing and able to represent students in Title IX cases. The committee aligned these sections with standard University policy structure, removed legalistic language, and added clarifying language. The committee also reviewed the Definitions section of the policy to align it with terms used in Section XI. The committee also confirmed with OCRSM that the “mediation or other informal mechanisms” specified in the interim policy was congruent with the “Alternative Resolution” process that was detailed in the procedures.

The committee also identified some additional concerns with the Policy that fell outside the scope of its review, which led to its administrative recommendation. After due consideration, the Equity, Diversity, & Inclusion Committee voted to approve the revised policy and administrative recommendations at its meeting on November 6, 2019. Revisions to the Policy affecting staff within the bargaining unit must be shared with the union for review following approval by the Senate before being submitted to the President for review and approval.

## **ALTERNATIVES**

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The Senate could choose not to approve the recommendation and revisions to the University of Maryland Sexual Misconduct Policy, leaving the interim Policy in effect. However, the Policy would not adequately describe the rights and responsibilities of participants in misconduct proceedings.

## **RISKS**

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There are no known risks to the University.

## **FINANCIAL IMPLICATIONS**

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There are no known financial implications.



## **Review of the Interim University of Maryland, Sexual Misconduct Policy**

### **2019-2020 Committee Members**

<b>Rachel Gammons</b> (Chair)	<b>Manouchehr Mokhtari</b> (Faculty)
<b>Jay Brite</b> (Faculty)	<b>Daniel Ostick</b> (Ex-Officio VP Student Affairs Rep)
<b>Mel Coles</b> (Graduate Student)	<b>Nadia Owusu</b> (Undergraduate Student)
<b>Nicole Cousin-Gossett</b> (Faculty)	<b>Ron Padron</b> (Exempt Staff)
<b>Jennifer Dixon Cravens</b> (Faculty)	<b>Terry Park</b> (Faculty)
<b>Georgina Dodge</b> (Ex-Officio Chief Diversity Officer)	<b>Laura Rosenthal</b> (Ex-Officio Provost's Rep)
<b>Brandon Dula</b> (Exempt Staff)	<b>Joanna Wiley</b> (Non-Exempt Staff)
<b>Mary Forsythe</b> (Exempt Staff)	<b>Dana Wimbish</b> (Non-Exempt Staff)
<b>Grace Karmiol</b> (Ex-Officio OCRSM Rep)	
<b>Anna Kraemer</b> (Graduate Student)	
<b>Anne Martens</b> (Ex-Officio VP Administration & Finance Rep)	

### **Date of Submission**

**November 2019**

## **BACKGROUND**

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As a result of changes in state law, the University System of Maryland (USM) revised its Policy on Sexual Misconduct ([VI-1.60](#)) in June 2019. The University of Maryland Sexual Misconduct Policy & Procedures (VI-1.60[A]) were revised to align with the changes to USM policy and were approved on an interim basis on June 24, 2019, pending University Senate review. The policy covers all members of the University community; the procedures provide specific detail on the process for reviewing complaints against faculty, staff, and students, and are applied depending on the constituency of the individual against whom a complaint is made.

In August 2019, the Senate Executive Committee (SEC) charged four Senate committees with consideration of the interim University of Maryland Sexual Misconduct Policy & Procedures. The SEC charged the Equity, Diversity, & Inclusion (EDI) Committee with reviewing the interim policy to ensure alignment with the USM Policy and state law; consulting with a range of stakeholders; and recommending changes to University interim Policy, as appropriate (Appendix 2). The SEC separately charged the Student Conduct Committee, the Faculty Affairs Committee, and the Staff Affairs with reviewing the Procedures.

## **UNIVERSITY OF MARYLAND SEXUAL MISCONDUCT POLICY & PROCEDURES**

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The University's Sexual Misconduct Policy & Procedures outline the University's approach to addressing all forms of sexual misconduct involving University faculty, staff, and students, in alignment with federal and state discrimination laws. The Policy defines specific conduct that is prohibited, provides information on resources for victims of sexual misconduct, and outlines broad principles that govern the process for handling reports of sexual misconduct. The Procedures detail the specific processes faculty, staff, and students will go through during a Sexual Misconduct investigation and explain the process from the receipt of a complaint through investigation and adjudication. The Procedures outline possible sanctions or disciplinary action that may come as a result of a Finding of responsibility, as well as provide a process for appealing a finding and/or sanctions, depending on the case.

In 2018, the Maryland General Assembly passed [Senate Bill 607](#) (Higher Education - Sexual Assault Policy – Disciplinary Proceedings Provisions). The law affected disciplinary proceedings for sexual misconduct cases at state higher education institutions and required that institutional policies include an enumeration of specific student rights. It also established a framework for current or former students to access counsel paid for by the Maryland Higher Education Commission (MHEC) through a list of attorneys willing and able to represent students in Title IX cases. In spring 2019, the Maryland General Assembly passed [Senate Bill 396](#) (Higher Education – Legal Representation Fund for Title IX Proceedings). The legislation provided funding to MHEC to establish and administer the representation program to provide support in covering reasonable costs and attorney’s fees for current or former students involved in Title IX proceedings.

MHEC is in the process of implementing the attorney program developed by the recent changes in state law. MHEC has developed a website with information on the attorney program as a resource for current and former students. As it moves forward with implementing the program, MHEC will update the website with additional information and will publish a list of attorneys who have agreed that they are willing and able to represent students at low cost or on a pro bono basis. While current and former students will be able to use this list to help them retain an attorney, attorneys on the list will not be obligated to take any individual case.

On June 24, 2019, the University of Maryland Sexual Misconduct Policy was revised to incorporate provisions required by the new state laws from 2018 and 2019, and to align with the recent related changes to the USM Policy. The interim Policy incorporated two additional Sections: XI, Student Rights, and XII, Student Rights to an Attorney. These sections outline rights afforded to student parties throughout the process, including the right to an Advisor who may be an attorney. The sections also describe the new MHEC program through which current and former students may access counsel paid for by MHEC. The interim Procedures incorporated a statement indicating that parties who are students retain the rights outlined in the Policy throughout the process detailed in the Student, Faculty, and/or Staff Procedures.

## **COMMITTEE WORK**

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In fall 2019, the EDI Committee reviewed a range of materials, including the interim University of Maryland Sexual Misconduct Policy & Procedures, the USM Policy on Sexual Misconduct, Senate Bill 396 – Higher Education – Legal Representation Fund for Title IX Proceedings, and Senate Bill 607 – Higher Education – Sexual Assault Policy – Disciplinary Proceedings Provisions. The committee consulted with representatives from the Office of Civil Rights & Sexual Misconduct (OCRSM) and the Office of General Counsel (OGC). The committee also met with the Chair of the Student Conduct Committee and the Director of the Office of Student Conduct to better understand the impact that the interim Sexual Misconduct Policy has on students through the process detailed within the Student Procedures. Throughout its review, the EDI Committee worked in close consultation with the Student Conduct, Staff Affairs, and Faculty Affairs Committees, which were tasked with reviewing the corresponding procedures for their constituencies. The committees worked collaboratively to ensure that any revisions to the Policy were aligned with the corresponding information in the Procedures.

At its meeting on September 25, the committee reviewed Section XI, Student Rights. The committee agreed that the section title was misleading, as many of the listed rights apply to faculty and staff as well. The committee determined there would be value in addressing rights common to all by changing the name of the section to “Rights of Complainants and Respondents,” and moving student-specific rights, such as those related to the MHEC attorney program, to Section XII. The committee changed the title of Section XII to “Legal Representation Fund for Title IX Proceedings (Students Only)” to similarly more accurately convey the focus of that section. The committee also added language



clarifying that students are not guaranteed legal representation from MHEC, nor are they required to retain an attorney.

Throughout its review, the committee restructured and reorganized sections XI and XII to align each with standard University policy structure, removed legalistic language, and added clarifying language. The committee reviewed the Definitions section of the Policy, in order to align defined terms with the information provided in Section XI. The committee felt it necessary to add definitions of “Support Person” and “Advisor,” as both terms are used in Section XI. The committee eliminated the redundant definition “Coercion” after learning it was added by the University rather than USM during a previous revision and expanded the definition of “Sexual Coercion” to include illustrative examples. The committee discussed the similarities between the definitions of “Sexual Coercion” and “Sexual Exploitation,” and determined that each would be used in different circumstances, so each merited its own definition in the Prohibited Conduct section of the Policy. The committee also confirmed with OCRSM that the “mediation or other informal mechanisms” specified in the interim policy was congruent with the “Alternative Resolution” process that was detailed in the procedures.

The committee also identified concerns with Section XII, discussed the use of website links, and the definition of “Responsible University Employee” within the policy. Given that the scope of the charge was narrowly focused on ensuring the Sexual Misconduct Policy reflect recent changes in state law and USM policy, the committee decided to make an administrative recommendation that the Sexual Misconduct Policy be reviewed at a future date. The committee deliberated whether or not to recommend OCRSM preliminarily provide revisions for the committee to consider beforehand but ultimately decided that EDI should be responsible for its review. The committee was also informed that a possible change in federal guidance to Title IX proceedings may precede their recommended comprehensive review, in which case, the committee would be charged to review an interim policy that incorporates the new federal guidance.

After due consideration, the Equity, Diversity, & Inclusion Committee voted to approve the proposed University of Maryland Sexual Misconduct Policy and an administrative recommendation at its meeting on November 6, 2019, contingent on their review by the OGC.

## **RECOMMENDATIONS**

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The Equity, Diversity, & Inclusion Committee recommends that the University of Maryland Policy on Sexual Misconduct be revised as indicated in the policy document immediately following this report.

The EDI Committee recommends that it be charged with conducting a comprehensive review of the University of Maryland Policy on Sexual Misconduct to ensure that it aligns with best practices.

## **APPENDICES**

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Appendix 1 — Past Senate Action on University of Maryland Sexual Misconduct Policy & Procedures

Appendix 2 — Charge from the Senate Executive Committee



Proposed Revisions from the EDI Committee  
New Text in Blue/Bold (**example**), Removed Text in Red/Strikeout (~~example~~),  
Moved Text in Green/Bold (**example/example**)

## **VI-1.60(A) UNIVERSITY OF MARYLAND SEXUAL MISCONDUCT POLICY & PROCEDURES**

(Approved on an interim basis October 13, 2014; Amended May 4, 2015; Amended October 1, 2015; Amended March 21, 2016; Amended May 13, 2016; Amended and approved on an interim basis by the President June 24, 2019)

- I. Policy Statement
- II. Applicability
- III. Definitions
- IV. Prohibited Conduct
- V. Sanctions
- VI. Confidential Resources
- VII. Reporting Sexual Misconduct
- VIII. Interim Protective Measures
- IX. Retaliation
- X. Complaint Procedures
- XI. **Student Rights of Complainants and Respondents**
- XII. ~~Student Rights to an Attorney~~ **Legal Representation Fund for Title IX Proceedings (Students Only)**
- XIII. Steps to Take Following a Sexual Assault
- XIV. Campus Safety
- XV. Consensual Relationships and Professional Conduct
- XVI. External Government Agencies That Address Complaints of Sexual Misconduct

### **I. POLICY STATEMENT**

Sexual Misconduct is a form of sex discrimination prohibited by federal and state discrimination laws, including Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act. In addition, some forms of Sexual Misconduct violate the criminal laws of the State of Maryland. Sexual Misconduct is also a form of sex discrimination in violation of the University of Maryland Non-Discrimination Policy and Procedures:

<http://www.president.umd.edu/administration/policies/section-vi-general-administration/vi-100b>.

However, this Policy supersedes the “Non-Discrimination Policy and Procedures” with respect to matters of Sexual Misconduct. The University will respond to complaints of Sexual Misconduct

in accordance with the provisions of the Sexual Misconduct Policy and accompanying investigation and adjudication procedures.

The Office of Civil Rights & Sexual Misconduct (OCRSM) shall receive notice of all reports of Sexual Misconduct received by any individual deemed a “Responsible University Employee” under this policy. No employee (other than law enforcement) is authorized to investigate or resolve reports of Sexual Misconduct without the involvement of the Title IX Officer.

The Title IX Officer is responsible for coordinating the University’s efforts to comply with and carry out its responsibilities under Title IX:

**Grace C. Karmioli, Director  
Title IX Officer**

Office of Civil Rights & Sexual Misconduct (OCRSM)

University of Maryland

3101 Susquehanna Hall

4200 Lehigh Road

College Park, MD 20742-5025

E-mail: [gkarmioli@umd.edu](mailto:gkarmioli@umd.edu) | [titleixcoordinator@umd.edu](mailto:titleixcoordinator@umd.edu)

Phone: 301-405-1142

Fax: 301-405-2837

Website: [www.ocrsm.umd.edu](http://www.ocrsm.umd.edu)

The OCRSM is responsible for overseeing the University’s training and educational programs related to Sexual Misconduct. To learn more about various resources, on-going training initiatives, and education programs for students, faculty, and staff, please consult the office’s website for more current and up-to-date information.

All persons involved in responding to, investigating, or adjudicating Sexual Misconduct reports, or who are involved in the Sexual Misconduct complaint investigation and resolution processes, will participate in annual training in receiving, investigating, and handling complaints of Sexual Misconduct under the University’s policy and procedures.

The University of Maryland is committed to a working and learning environment free from Sexual Misconduct. Sexual Misconduct is a broad term used to describe a range of behavior, including Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Sexual Violence, Relationship Violence, Sexual Coercion, Sexual Exploitation, Sexual Intimidation, and Stalking. Sexual Misconduct will not be tolerated. It corrupts the integrity of the educational process and work environment, and violates the core mission and values of the University.

Creating an environment free from Sexual Misconduct is the responsibility of all members of the University community. The University is committed to fostering a campus climate free from Sexual Misconduct through training, education and prevention programs, and through policies and procedures that promote prompt reporting, prohibit retaliation, and promote timely, fair and impartial investigation and resolution of Sexual Misconduct cases. In responding to complaints

of Sexual Misconduct, the University will take appropriate steps to eliminate the Sexual Misconduct, prevent its recurrence, and address its effects.

## II. APPLICABILITY

The University has jurisdiction over all Title IX complaints made in connection with University programs and activities, and this policy applies to all members of the University community, including students, faculty, and staff. It also applies to contractors and other third parties within the University's jurisdiction. This policy applies to Sexual Misconduct:

- on University premises, in any University facility, or on University property;
- at any University sponsored, recognized, or approved program, visit, or activity, regardless of location;
- that impedes equal access to any University education program or activity or that adversely impacts the education or employment of a member of the University community regardless of where the conduct occurred; or
- that otherwise threatens the health and/or safety of a member of the University community.

## III. DEFINITIONS

~~“Coercion” includes conduct, intimidation, and express or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in sexual contact. Examples of Coercion include 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.~~

**“Advisor” means a person chosen by the Complainant or Respondent to provide advice and consultation to a party. An Advisor is a non-participant who may be an attorney or another individual. An Advisor cannot be a witness or provide evidence in a case. An Advisor shall not be an active participant or speak on behalf of the parties.**

**“Complainant”** refers to the individual who files a Sexual Misconduct complaint, alleging a violation of this Policy.

**“Confidential”** refers to communications between two parties where one party, based on their professional status, has the ability to ensure the communications between the two parties are legally protected as private.

**“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 they have 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**, ~~threats, intimidating behavior, or coercion. Coercion is pressuring another person into sexual activity.~~

It is a violation of this Policy to engage in sexual activity with someone you know, or should know, is Incapacitated. Incapacitated, for purposes of this Policy, means that the person's decision-making ability is impaired such that they lack the capacity to understand the "who, what, where, why, or how" of their sexual interaction. Incapacitation may result from: sleep or unconsciousness, temporary or permanent mental or physical disability, involuntary physical restraint, or the influence of alcohol, drugs, medication, or other substances used to facilitate Sexual Misconduct.

**"Incapacitated"** An individual who is Incapacitated is unable to give Consent to sexual contact. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the prime causes of Incapacitation. Where alcohol or drug use is involved, Incapacitation is a state beyond intoxication, impairment in judgment, or "drunkenness." 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 has rendered the individual physically helpless or substantially incapable of:

- making decisions about the potential consequences of sexual contact;
- appraising the nature of one's own conduct;
- communicating Consent to sexual contact; or
- communicating unwillingness to engage in sexual contact.

**"Interim Protective Measures"** means reasonably available steps the University may take to protect the parties pending a University investigation and adjudication of Sexual Misconduct.

**“Respondent”** means the individual accused of engaging in Prohibited Conduct under this Policy.

**“Responsible University Employee”** includes all University administrators, supervisors in non-confidential roles, faculty members, campus police, coaches, athletic trainers, resident assistants, and non-confidential first responders.

**“Support Person”** means a person chosen by the Complainant or Respondent to provide emotional, logistical, or other kinds of assistance. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the party in a way that does not disrupt or cause any delay. A Support Person shall not be an active participant or a witness, and the parties must speak for themselves.

**“Title IX Officer”** refers to the individual designated by the President of the University to: 1) oversee the University’s response to Sexual Misconduct reports and complaints and identify and address any patterns or systemic problems revealed by such reports and complaints; 2) conduct Sexual Misconduct investigations; 3) oversee, review content, and, in collaboration with other University offices, conduct training for students, faculty, and staff on Sexual Misconduct issues; 4) ensure that appropriate policies and procedures are in place for responding to complaints of Sexual Misconduct against faculty, staff, and students; and 5) work with local law enforcement to ensure coordinated responses to Sexual Misconduct cases.

#### **IV. PROHIBITED CONDUCT**

**“Dating Violence”** encompasses a broad range of behaviors, including Sexual Assault, physical abuse, and other forms of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant, considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

**“Domestic Violence”** encompasses a broad range of behaviors, including Sexual Assault, physical abuse and other forms 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.

**“Relationship Violence”** encompasses a broad range of behaviors, including Sexual Assault, physical abuse and other acts, threats, or a pattern of abusive behavior of a physical or sexual nature by one partner intended to control, intimidate, manipulate, humiliate, frighten, coerce, or injure the other. These acts may be directed toward a spouse, an ex-spouse (also referred to as “Domestic Violence”), or by a current or former intimate partner (also referred to as “Dating Violence”).

**“Retaliation”** means intimidating, threatening, coercing, or discriminating against an individual for the purpose of interfering with any right or privilege secured by law or University policy relating to Sexual Misconduct, or because an individual has made a report, filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding related to Sexual Misconduct. Retaliation includes retaliatory harassment.

**“Sexual Assault”** is any type of actual or attempted sexual contact with another individual without that person’s Consent, including sexual intercourse (rape) and attempted sexual intercourse (attempted rape).

**Sexual Assault I. – Non-Consensual Sexual Intercourse**

Any act of sexual intercourse with another individual without Consent (rape). This includes penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s Consent.

**Sexual Assault II. – Non-Consensual Sexual Contact**

Any unwanted intentional touching of the intimate body parts of another person, causing another to touch the intimate parts of oneself or another, or disrobing or exposure of another without Consent. Intimate parts may include genitalia, groin, breast, or buttocks, or clothing covering them, or any other body part (including one’s own) that is touched in a sexual manner. Non-consensual sexual contact includes attempted sexual intercourse without Consent (attempted rape).

**“Sexual Coercion”** means 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 eCoercion** 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 eCoercion** 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 another individual’s ~~private-sexual~~ sexual orientation, gender identity, gender expression, or other personal sensitive information if the other party does not engage in the sexual contact, ~~or threatening to harm oneself if the other party does not engage in the sexual activity.~~**

**“Sexual Exploitation”** means 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.

**“Sexual Harassment”** means: (a) unwelcome sexual advances; (b) unwelcome requests for sexual favors; or (c) other behavior of a sexual or gender-based nature where: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s

employment, evaluation of academic work, or participation in a University-sponsored educational program or activity; (ii) submission to or rejection of such conduct by an individual is used as the basis for an academic, employment, or activity or program participation decision affecting that individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment.

**“Sexual Intimidation”** means threatening behavior of a sexual nature directed at another person, such as threatening to sexually assault another person or engaging in indecent exposure.

**“Sexual Misconduct”** is an umbrella term that encompasses Dating Violence, Domestic Violence, Sexual Violence, Sexual Harassment, Sexual Assault, **Sexual Coercion**, Sexual Exploitation, Sexual Intimidation, Relationship Violence, and Stalking. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by any person, regardless of gender identity, and can occur between people of the same or different sex, sexual orientation, or gender expression.

**“Sexual Violence”** means physical sexual acts perpetrated without Consent. Sexual Violence includes but is not limited to Sexual Harassment, Sexual Coercion, and Sexual Assault.

**“Stalking”** means repeated, unwanted attention; physical, verbal, or electronic contact; or any other course of conduct directed at an individual that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances and with similar identities. Stalking may involve individuals who are known to one another or who have a current or previous relationship or may involve individuals who are strangers.

## V. SANCTIONS

Both parties shall be informed of the outcome of any investigative and adjudicative process based on a violation of this policy. The University shall not publicly disclose personally identifiable information about either of the parties, except as required by law.

**Employees.** Employees found in violation of this policy are subject to disciplinary action ranging from a written reprimand up to and including termination of employment, depending on the circumstances.

**Students.** Students found in violation of this policy are subject to disciplinary action based on the circumstances and nature of the violation. Sanctions include, but are not limited to: dismissal from the University (suspension or expulsion), removal from University housing, disciplinary probation, and other sanctions such as a community service and mandatory and continuing participation in Sexual Misconduct education programming.



Persons who commit Sexual Misconduct in violation of federal, state, or local law may also be subject to criminal charges and penalties.

## **VI. CONFIDENTIAL RESOURCES**

Generally, it is not confidential when a person reports Sexual Misconduct. If a person desires to keep an incident of Sexual Misconduct confidential, they should speak with individuals who have professional or legal obligations to keep communications confidential. When seeking advice and support, persons should always consider whether they want to discuss their concerns with a confidential resource. Unless there is an imminent threat to health or safety or other basis for disclosure, such as child abuse, confidentiality applies when persons seek services from the following resources:

### **A. ON-CAMPUS**

#### **Campus Advocates Respond and Educate (CARE) to Stop Violence**

**University Health Center Office 301-314-2222**

**24/7 Help Line (call/text) 301-741-3442**

[www.health.umd.edu/care](http://www.health.umd.edu/care) or [uhc-care@umd.edu](mailto:uhc-care@umd.edu)

This service is a free and confidential resource that provides support, assistance, and advocacy to any member of the University community impacted by Sexual Misconduct. Its mission is to respond to incidents of Sexual Misconduct, including Sexual Assault, Relationship Violence, Stalking, and Sexual Harassment.

#### **Faculty Staff Assistance Program (FSAP) 301-314-8170 or 301-314-8099**

This program is a confidential assessment, referral, and counseling service staffed by trained mental health professionals. FSAP is available to all University of Maryland employees and their family members at no charge. Faculty and staff may consult with a counselor for many different reasons, including Sexual Misconduct.

#### **University Counseling Center 301-314-7651**

[www.counseling.umd.edu](http://www.counseling.umd.edu)

The University of Maryland Counseling Center provides comprehensive psychological and counseling services to meet the mental health and developmental needs of students and others in the University community. Staffed by counseling and clinical psychologists, the Counseling Center offers a variety of services to help students, faculty, staff, and the community deal with issues concerning them.

#### **University Health Center, Mental Health Service 301-314-8106**

[www.health.umd.edu/mentalhealth/services](http://www.health.umd.edu/mentalhealth/services)

The Mental Health Service is staffed by psychiatrists and licensed clinical social workers and offers confidential services including short-term psychotherapy, medication evaluations, crisis intervention, and group psychotherapy.

#### **Campus Chaplains 301-405-8450 or 301-314-9866**

[http://thestamp.umd.edu/memorial\\_chapel/chaplains](http://thestamp.umd.edu/memorial_chapel/chaplains)

The Campus Chaplains represent 14 faith communities and work collectively to serve the spiritual needs of all members of the University community.

## **B. OFF-CAMPUS**

### **Domestic Violence and Sexual Assault Center at UM Prince George's Hospital 301-618-3154 - 24 hours (3001 Hospital Drive, Cheverly, MD 20785)**

Persons who experience sexual assault can access a Sexual Assault Forensic Exam (SAFE) within 72 hours of an assault. Each Maryland County has a hospital that provides SAFE exams. A SAFE exam is available at UM Prince George's Hospital Center. To find a SAFE provider in other counties call 1-800-656-4653. SAFE exams and attention to medical needs are available without having to reveal a person's identity to the police.

### **Maryland Coalition Against Sexual Assault (MCASA)**

#### **Statewide Sexual Assault Information and Referral help line 1-800-983-RAPE**

MCASA is a statewide coalition of 17 rape crisis and recovery centers that serve all of Maryland's jurisdictions. MCASA works to help prevent Sexual Assault, advocate for accessible, compassionate care for survivors of Sexual Violence, and works to hold offenders accountable.

### **Maryland Network against Domestic Violence**

#### **1-800-MD-HELPS**

The Maryland Network Against Domestic Violence is the state Domestic Violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence. The Network accomplishes this goal by providing education, training resources, and advocacy to advance victim safety and abuser accountability.

Disclosures or reports made to any other entities except those listed above are *not* confidential. For instance, if you discuss an incident of Sexual Misconduct with your supervisor, a resident assistant, a coach, or faculty member, those persons are "Responsible University Employees" and, as such, are obligated pursuant to this policy to report the Sexual Misconduct to the Title IX Officer.

The University recognizes that Sexual Misconduct is a sensitive issue for all parties involved and is committed to operating with discretion, and maintaining the privacy of individuals to the greatest extent possible under applicable law.

## **VII. REPORTING SEXUAL MISCONDUCT**

**Obligations of "Responsible University Employee."** A "Responsible University Employee" (see Definitions) must promptly notify the Title IX Officer in the OCRSM of any report of Sexual Misconduct brought to their attention, including campus law enforcement. The Title IX Officer works collaboratively with the reporting entity, making every effort to operate with discretion and maintain the privacy of the individuals involved.

**Prompt reporting is encouraged.** Persons are encouraged to report Sexual Misconduct promptly in order to maximize the University's ability to obtain evidence, identify potential witnesses, and conduct a thorough, prompt, and impartial investigation. While there are no time limits to reporting Sexual Misconduct, if too much time has passed since the incident occurred, the delay may result in loss of relevant evidence and witness testimony, impairing the University's ability to respond and take appropriate action.

All reports of Sexual Misconduct will be responded to immediately and appropriate action will be taken in accordance with the University's Sexual Misconduct Complaint Procedures (see *Appendices A, B, C*). If the University determines that Sexual Misconduct has occurred, it will take prompt and effective steps to eliminate the Sexual Misconduct, prevent its recurrence, and address its effects.

The University strives to take appropriate action, including investigation and resolution of complaints, within sixty (60) business days from when the complaint was filed. The University may extend the time frames set forth in this policy for good cause, with written notice to both parties of the delay and the reason for the delay. Exceptions to this timeframe may vary depending on the complexity of the investigation, access to relevant parties, and the severity and extent of the misconduct.

~~Students, faculty, staff and third parties may file a report.~~ Sexual Misconduct **by students, faculty, staff, and third parties** should be reported to:

**Office of Civil Rights & Sexual Misconduct (OCRSM) 301-405-1142**

[www.ocrsm.umd.edu](http://www.ocrsm.umd.edu) | [titleixcoordinator@umd.edu](mailto:titleixcoordinator@umd.edu)

The mission of the Office of Civil Rights & Sexual Misconduct (OCRSM) is to support the University's commitment to a working and learning environment free from Sexual Misconduct and Relationship Violence. The core services of the OCRSM include: oversight for all institutional responses to Sexual Misconduct and Relationship Violence, ensuring University compliance with federal statutory and regulatory requirements, promoting best practices in responding to victims of Sexual Violence and holding respondents accountable, receiving and investigating reports of Sexual Misconduct and Relationship Violence, and increasing access to information and available resources to the University community. The office seeks to work collaboratively across all University constituent groups and create a climate where diversity, inclusion, and respect inform all processes.

Sexual Misconduct committed by students may also be reported to:

**Office of Student Conduct (OSC), Division of Student Affairs 301-314-8204**

[www.studentconduct.umd.edu](http://www.studentconduct.umd.edu) | [studentconduct@umd.edu](mailto:studentconduct@umd.edu)

The Office of Student Conduct (OSC) administers adjudicative processes involving students who commit violations of the University of Maryland Code of Student Conduct and can provide assistance to students who wish to report incidents of Sexual Misconduct.

**Office of Rights and Responsibilities, Department of Resident Life 301-314-7598**

[www.reslife.umd.edu/rights](http://www.reslife.umd.edu/rights) | [drl-rr@umd.edu](mailto:drl-rr@umd.edu)

The Office of Rights and Responsibilities administers adjudicative processes involving students who commit conduct violations of the Residence Hall Rules and the University of Maryland Code of Student Conduct in on-campus residence halls and can provide assistance to students who wish to report incidents of Sexual Misconduct.

**Reporting a crime.** Sexual Misconduct, particularly Sexual Violence, may be a crime. The University will assist Complainants who wish to report Sexual Misconduct to law enforcement authorities, including campus police. Representatives of the OCRSM, OSC, Office of Rights & Responsibilities, and Campus Advocates Respond and Educate (CARE) to Stop Violence Office in the University Health Center are available to assist students in reporting to campus police. Campus police will also assist Complainants in notifying other law enforcement authorities in other jurisdictions, as appropriate. To report to the University of Maryland Police, please call 301-405-3555.

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 Sexual Misconduct and related internal University processes may occur prior to, concurrent with, or following criminal proceedings off campus.

Upon receipt of a report of Sexual Misconduct that may constitute a crime, campus police will advise the student that in addition to making a criminal report, they also have the right to file a complaint with the University and engage the University's investigation and adjudicative processes under this Policy. In addition, as Responsible University Employees under this policy, campus police who receive any type of report of Sexual Misconduct, whether it rises to the level of a crime or not, shall promptly notify the Title IX Officer at [titleixcoordinator@umd.edu](mailto:titleixcoordinator@umd.edu).

**Co-Occurring Criminal Action.** Proceeding with a University investigation and adjudication of a complaint of Sexual Misconduct under this policy is independent of any criminal investigation or proceeding. Reporting to law enforcement does not preclude a person from proceeding with a complaint of Sexual Misconduct under this policy. The University is required to conduct an investigation in a timely manner, which means, in most cases, the University will not wait until a criminal investigation or proceeding is concluded before conducting its own investigation, implementing Interim Protective Measures, and taking appropriate action. However, *at the request of law enforcement*, the Title IX Officer may defer its fact gathering until the initial stages of a criminal investigation are complete. If such a request is made, University of Maryland Police 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 University of Maryland Police, Prince George's County Police, or the local prosecutor's office, the OCRSM will work collaboratively and supportively with each respective agency within the parameters outlined above. The OCRSM will communicate any necessary delays in the University's investigative process to both parties in the event of a deferral.

The OCRSM shall not disclose information about Sexual Misconduct complaints to third parties (persons other than those in the University community with a need to know) except as may be required or permitted by federal or state law. If a report of Sexual Misconduct discloses a serious and on-going threat to the University community, the University of Maryland Police may issue a timely warning of the conduct under the Clery Act in the interests of the health and safety of the University community. This notice will not contain any personally identifying information related to the Complainant.

### **Amnesty for Students Who Report Sexual Misconduct**

The University recognizes that a student who is under the influence of alcohol and/or drugs when an incident of Sexual Misconduct occurs, may be reluctant to report the Sexual Misconduct out of concern they may face disciplinary sanctions for engaging in prohibited alcohol or drug use. As such, a student who reports Sexual Misconduct to the University or law enforcement, or who participates in a Sexual Misconduct investigation either as a Complainant or third party witness, will not face disciplinary action for violating University drug and alcohol policies. This amnesty provision applies only when the University determines that: (1) the drug/alcohol violation occurred during or near the time of the reported Sexual Misconduct; (2) the student acted in good faith in reporting or participating as a witness; and (3) the violation was not likely to place the health or safety of another individual at risk.

### **Requests for Confidentiality**

If a Complainant requests that their name not be disclosed or that the University not investigate or take action against the respondent, the Title IX Officer or designee will determine whether or not it can honor such a request while still providing a safe and non-discriminatory environment for all students, faculty, and staff, including the Complainant. The Title IX Officer shall make a determination as to whether the Complainant's request can be honored, by considering the following factors:

- circumstances that suggest there is an increased risk of the Respondent committing additional acts of Sexual Misconduct or other violence (e.g., whether there have been other Sexual Misconduct complaints about the same Respondent);
- whether the Respondent has any documented history of violence known to the University;
- whether the Respondent threatened further Sexual Misconduct or other violence against the Complainant or others that is known to the University;
- whether the Sexual Misconduct was committed by multiple persons;
- whether the Sexual Misconduct was perpetrated with a weapon;
- the age of the Complainant subjected to the Sexual Misconduct; and
- whether the University possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

## **VIII. INTERIM PROTECTIVE MEASURES**

Reports of Sexual Misconduct in violation of this Policy may require immediate protective measures to protect the safety and well-being of the parties and/or the University community

pending the outcome of the investigative and adjudicative processes. Interim protective measures may include the following:

**No Contact Order.** A no contact order is an official University directive that serves as notice to an individual that they must not have verbal, electronic, written, or third party communications with another individual.

**For Students:**

- *Academic accommodations*, such as, assistance in transferring to another section of a lecture or laboratory, assistance in arranging for incompletes, leaves or withdrawal from campus, or rearranging class schedules, and
- *Housing accommodations*, such as, facilitating changes in on-campus housing location to alternate housing, assistance in exploring alternative housing off-campus, and
- *Employment accommodations*, such as, arranging for alternate University employment, different work shifts, etc., and
- *Transportation and parking accommodations*.

**For Employees:**

- *Employment accommodations*, such as, temporary assignment, if appropriate, to other work duties and responsibilities, or other work locations, or other work groups/teams or alternative supervision/management, and
- *Transportation and parking accommodations*.

## IX. RETALIATION

**Complaints of Retaliation.** Individuals who engage in retaliatory behavior against a reporting party or party participating in an investigation are in violation of this policy and will be subject to appropriate disciplinary action pursuant to the procedures for this policy. Individuals who believe they have experienced retaliation in violation of this policy should immediately report such conduct to the Title IX Officer at [titleixcoordinator@umd.edu](mailto:titleixcoordinator@umd.edu).

## X. COMPLAINT PROCEDURES

**Standard of Review.** The standard of review for all complaints based on a violation of this policy is preponderance of the evidence, **which means that based on the totality of the evidence, it is more likely than not that the violation occurred.** This is the same standard of review that is used in other ~~student~~ disciplinary proceedings of the institution, **such as student for-code-of** conduct violations involving discrimination or harm to another individual.

**Complaints Against Students.** Complaints against students based on a violation of this policy will be reviewed in accordance with the procedures set forth in *Appendix A*.

**Complaints Against Staff.** Complaints against staff based on a violation of this policy will be reviewed in accordance with the procedures set forth in *Appendix B*.

**Complaints Against Faculty.** Complaints against faculty members based on a violation of this policy will be reviewed in accordance with the procedures set forth in *Appendix C*.

**Complaints Against Third Parties Not Affiliated With the University.** If a member of the University community (student, faculty, or staff) is subjected to Sexual Misconduct by a third party not affiliated with the University on University premises or during University sponsored activities, the matter should be reported to the Title IX Officer. The University will take available and reasonable steps to address the Sexual Misconduct, prevent its recurrence, and address its effects at the University.

## **XI. STUDENT RIGHTS OF COMPLAINANTS AND RESPONDENTS**

~~Throughout the process, student~~ All parties, including students, will be afforded the following rights: **treated with dignity, respect, and sensitivity by institution officials during all phases of the process. The accompanying Procedures are designed to allow for a fair and impartial investigation, as well as prompt and equitable proceedings and resolutions that provide an opportunity for all parties to be heard.**

- ~~▪ Treatment with dignity, respect, and sensitivity by institution officials during all phases of the disciplinary proceedings;~~
- ~~▪ A fair and impartial investigation; and~~
- ~~▪ Disciplinary proceedings and resolutions that are prompt and equitable and provide an opportunity for the parties to be heard;~~

All parties will be given ~~T~~timely written notice of:

- The reported violation, including the date, time and location, if known, of the alleged violation, and the range of potential sanctions associated with the alleged violation;
- ~~The party's~~ **Their** rights and responsibilities under this ~~p~~Policy and ~~p~~Procedures and information regarding other civil and criminal options;
- The date, time, and location of each hearing, meeting, or interview that the party is required or permitted to attend;
- ~~A~~ **The** final determination made by the adjudicating official or body regarding whether a policy violation occurred and the basis for the determination;
- Any sanction imposed, as permitted by law; and
- The rights to appeal and a description of the appeal process;

**Throughout the process, all parties will be entitled to participate in the investigation and adjudication of complaints. All parties will be provided with** ~~Participation in the disciplinary proceedings, including:~~

- Access to the case file and evidence regarding the incident obtained by the institution during the investigation or considered by the adjudicating official or body, with personally identifiable or other information redacted as required by applicable law;

- An opportunity to be heard through the process;
- An opportunity to submit evidence, witness lists, and suggest specific questions to be posed to the other party involved in the **disciplinary** process;
- An opportunity to participate without being required to be in the physical presence of the other party;
- An opportunity to review and provide written responses to reports and proposed findings; and
- An opportunity to appeal a determination or sanction;

~~Assistance by an Advisor who may be a licensed attorney, an advocate supervised by an attorney, or a trained advocate throughout the disciplinary proceedings, including by the attorney or advocate's:~~ **Any party may be accompanied to any hearing, meeting, or interview during the investigation and adjudication process by no more than two people, including one Support Person and one Advisor. A Support Person may provide emotional, logistical, or other assistance to the party. An Advisor, who may be an attorney, may consult privately with the party during meetings and interviews, except during questioning of the party at a hearing and may assist with the party's exercise of their rights during the proceedings.**

- ~~▪ Attendance at hearings, meetings, and interviews with the party;~~
- ~~▪ Private consultations with the party during meetings and interviews, except during questioning of the party at a hearing;~~
- ~~▪ Assistance with the party's exercise of any right during the disciplinary proceedings; and~~
- ~~▪ Notwithstanding whether a student accesses counsel paid for by the Maryland Higher Education Commission (MHEC), the presence of no more than two people, including a personal supporter of the party's choice, an attorney, or an advocate, at any hearing, meeting, or interview during the disciplinary proceedings;~~

~~Notice, before the start of the disciplinary proceedings, of:~~

- ~~▪ The student's right to the assistance of an attorney or an advocate;~~
- ~~▪ The legal service organizations and referral services available to the student; and~~
- ~~▪ The student's right to have a personal supporter of the student's choice at any hearing, meeting, or interview during the disciplinary proceedings;~~

~~Mediation or other informal mechanisms~~ **The accompanying Procedures will establish informal mechanisms for resolving complaints through Alternative Resolution. Alternative Resolution may be appropriate** for resolving a complaint if:

- **The alleged misconduct does not involve Sexual Assault or Sexual Coercion;**
- ~~▪ A complaining student requests an informal mechanism;~~
- All parties to the complaint, and the **institution Title IX Officer**, agree to the use of **the informal mechanism Alternative Resolution;**
- ~~The institution participates in the informal mechanism by providing trained staff;~~



- Either party has the opportunity to end the ~~informal mechanism~~ **Alternative Resolution** at any time in favor of a formal resolution proceeding; and
- **The Title IX Officer or designee participates in the Alternative Resolution process.**
- ~~The alleged misconduct does not involve Sexual Assault or Sexual Coercion.~~

## **XII. ~~STUDENT RIGHTS TO AN ATTORNEY~~ LEGAL REPRESENTATION FUND FOR TITLE IX PROCEEDINGS (STUDENTS ONLY)**

**Student Complainants and Respondents may elect to retain an attorney to serve as their Advisor, though assistance by an attorney is not required. The Maryland Higher Education Commission (MHEC) has developed resources to assist current and former students in retaining an attorney to serve as an Advisor at no or low cost to the student. MHEC will provide a list of licensed attorneys who have indicated that they may represent students in Title IX proceedings on a pro bono basis or for reduced legal fees. 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.**

**Student parties shall be provided notice of their right to assistance by an attorney as an Advisor at the beginning of the investigation and adjudication process, and shall be informed of the legal service organizations and referral services available to the student. Student parties may select and retain an attorney as an Advisor at any point before the conclusion of the process.**

- ~~The Policy permits a current or former student who makes a complaint or responds to a complaint on which a formal Title IX investigation is initiated, and who was enrolled as a student at the institution at the time of the incident that is the basis of the complaint, to access counsel paid for by the Maryland Higher Education Commission (MHEC), unless the student knowingly and voluntarily chooses not to have counsel, and provides that in accordance with the Code of Maryland Regulations (COMAR) 13B.09.01;~~
- ~~A student may select and retain an attorney before the conclusion of the formal Title IX proceedings;~~
- ~~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~~
- ~~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.~~

## **XIII. STEPS TO TAKE FOLLOWING A SEXUAL ASSAULT**

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

**Get to a Safe Place and Seek Emotional Support.** Talking with a trusted friend or relative or someone who is professionally trained to deal with sexual assault like a confidential CARE

advocate or mental health professional at the University Health Center can help you make decisions about what to do. Whether you decide to go to law enforcement or not, it is important to take care of your own emotional needs. Professional counseling may be beneficial.

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

**Seek Medical Attention.** It is important to seek medical attention as soon as possible. A medical examination will ensure appropriate medical treatment, including testing for pregnancy or sexually transmitted infections. You may also want to obtain a Sexual Assault Forensic Exam (SAFE). A SAFE exam allows for the collection of evidence and can ensure any physical evidence is preserved in the event of a report to law enforcement. A SAFE exam may be obtained within 72 hours after an assault at:

**Domestic Violence and Sexual Assault Center at UM Prince George’s Hospital**  
**301-618-3154**

<https://www.umms.org/capital/health-services/domestic-violence-sexual-assault>

#### **XIV. CAMPUS SAFETY**

The health and safety of all members of the University community are the University’s primary concern. The University makes the following services available:

##### **Emergency Phones**

University of Maryland Police Emergency Response Telephones (PERT), recognized by a blue light affixed to each station, are available throughout campus. By activating the phone, an individual will be automatically connected to a campus police dispatcher who is immediately alerted to the location of the phone.

##### **24 Hour Walking Escort Service/Student Police Auxiliary Foot Patrol**

**301-405-3555 or blue light emergency PERT phone**

The University of Maryland Police Department provides a walking escort service 24 hours a day for anyone who feels unsafe while walking on campus. The Student Police Auxiliary foot patrol program provides walking escorts, conducted by University of Maryland Police officers when the foot patrol program is out of service or if requested and available.

##### **University Department of Public Safety**

**301-405-3555 (non-emergency) or 301-405-3333 (emergency)**

**Local Police in ANY location - 911**

Persons who experience Sexual Misconduct are strongly encouraged to contact the University of Maryland Police. If a person is not certain whether criminal conduct is involved, an officer can assist in determining whether a crime has occurred. If Sexual Misconduct occurred off campus, an officer can assist in contacting the appropriate law enforcement agency. A student can request and receive the assistance of campus police without making a criminal complaint. Campus police can also assist in accompanying the student to a hospital that can provide a Sexual Assault Forensic Exam (SAFE) to both ensure appropriate medical treatment and the timely collection of physical evidence in the event the person seeks to make a criminal complaint.

## **XV. CONSENSUAL RELATIONSHIPS AND PROFESSIONAL CONDUCT**

Sexual relationships that occur in the context of educational or employment supervision and evaluation present potential conflicts of interest. Relationships in which one party maintains a supervisory or evaluative responsibility over the other also reflect an imbalance of power, leading to doubt as to whether such relationships are truly consensual. For these reasons, the University *strongly* discourages such relationships.

Because of the potential conflicts of interest, persons involved in consensual sexual relationships with anyone over whom they have supervisory and/or evaluative responsibilities *must inform their supervisor(s)* of the relationship(s). Supervisory or evaluative responsibilities may be reassigned, as appropriate. While no relationships are expressly prohibited by this policy, failure to self-report such relationships in a timely manner, as required by this policy, may result in disciplinary action.

## **XVI. EXTERNAL GOVERNMENT AGENCIES THAT ADDRESS COMPLAINTS OF SEXUAL MISCONDUCT**

Employee complaints relating to Sexual Misconduct may also be filed with:

### **Equal Employment Opportunity Commission**

GH Fallon Federal Building  
31 Hopkins Plaza, Suite 1432  
Baltimore, MD 21201  
Phone: 1-800-669-4000  
Fax: 410-209-2221  
TTY: 1-800-669-6820  
Website: <https://egov.eeoc.gov/eas/>

### **Maryland Commission on Civil Rights**

William Donald Schaefer Tower  
6 Saint Paul Street, Ninth Floor  
Baltimore, MD 21202-1631  
Phone: 410-767-8600  
Fax: 410-333-1841  
TTY: 410-333-1737

Website: <http://mccr.maryland.gov/>  
E-mail: [mccr@maryland.gov](mailto:mccr@maryland.gov)

It is important to note that in order to protect the legal rights and remedies available to a Complainant, a Complainant must comply with certain time limits and deadlines. Affected persons should contact the relevant agencies to verify the time limits. Failure to meet required deadlines may result in a loss of rights to seek a legal remedy.

Student or employee complaints relating to Sexual Misconduct may be directed to:

**Office for Civil Rights**

U.S. Department of Education

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Phone: 215-656-8541

Fax: 215-656-8605

TDD: 800-877-8339

Website: [http://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

E-mail: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

Replacement for:

*VI-1.20(A) University of Maryland Policy and Procedures on Sexual Harassment*

*VI-1.30(A) University of Maryland Procedures on Sexual Assault and Misconduct*

## Appendix 1: Past Senate Action on University of Maryland Sexual Misconduct Policy and Procedures

### **Past Senate Action on University of Maryland Sexual Misconduct Policy and Procedures**

Senate Document [#11-12-43](#): Review of the University of Maryland Policies and Procedures on Sexual Harassment

- Prior to 2012: UMD had two separate policies on sexual harassment and sexual assault and misconduct
- In June 2012, a Joint President/Senate Sexual Harassment Policies & Procedures Task Force was created and charged with reviewing the University of Maryland Policy and Procedures on Sexual Harassment (VI-1.20[A]) and determining whether and how they could be improved to comport with prevailing best practices. In the course of its review, the Task Force also reviewed the University of Maryland, College Park Procedures on Sexual Assault and Misconduct (VI-1.30[A]).
- In October 2013, the Task Force recommended that one policy be established to address all forms of sexual misconduct, including sexual assault and sexual harassment. The Task Force developed a policy and made substantive changes to the University's approach to addressing misconduct as it developed the Policy. The Policy and all associated recommendations were approved by the Senate and the President.
  - The Task Force also recommended the establishment of a Title IX Office and a permanent position for a Title IX Coordinator and Title IX Investigator; a communication strategy to educate and inform the community about policy, procedures, and resources; and a training and education program to educate the community about sexual misconduct, related policies, and legal and ethical obligations related to reporting sexual misconduct.

Senate Document [#14-15-11](#): Review of the Interim University of Maryland Sexual Misconduct Policy

- The Violence Against Women Act (VAWA) and related guidance from Office of Civil Rights (OCR) in the Department of Education were revised in 2013.
- In June 2014, the University System of Maryland developed a revised System policy on Sexual Misconduct, in close collaboration with the Office of the Attorney General. All USM institutions were asked to revise their policies by the end of 2014. A revised University of Maryland Sexual Misconduct Policy was developed and approved in October 2014 by the President on an interim basis, pending Senate review.
- In fall 2014, the EDI Committee was charged with reviewing the interim Policy.
- In April 2015, the EDI Committee proposed revisions to the Policy. EDI's review resulted in revised definitions of Prohibited Conduct to include Sexual Assault I (non-consensual sexual intercourse) and Sexual Assault II (non-consensual sexual contact). The revised Policy was approved by the Senate and the President.

Senate Documents [#14-15-16](#), [#14-15-26](#), [#14-15-27](#): Review of the Interim Sexual Misconduct Procedures for Students, Staff, and Faculty

- In fall 2014, the OCRSM and the University administration developed interim procedures for resolving complaints of sexual misconduct brought against students, faculty, and staff at the University. The Student Conduct, Faculty Affairs, and Staff Affairs Committees were charged with review of the procedures relevant to their constituencies.
- The committees reviewed the work of the EDI Committee on the Policy throughout their work on the Procedures.
- The process included review of a new set of interim procedures put in place in fall 2015 to take into account new federal guidance and guidance from the Office of the Attorney

General. The new interim procedures incorporated many suggestions that had already been developed by the relevant Senate committees.

- After a thorough review, procedures for all constituencies were approved by the Senate in April 2016.

Senate Document [#15-16-30](#): Revisions to the University of Maryland Sexual Misconduct Policy

- The Office of the Attorney General conducted a review of all sexual misconduct policies and procedures at institutions in the University System of Maryland, and developed guidance for the System and individual institutions based on its review.
- The President approved revisions to the Sexual Misconduct Policy on March 21, 2016 on an interim basis, pending Senate review. The revisions included details related to training, applicability, confidential resources, the definition of a Responsible University Employee, the timeframe for review, and amnesty for students who report sexual misconduct that occurs in connection with prohibited alcohol or drug use.
- The EDI Committee approved of the changes that had been made in the interim Policy. It developed minor revisions, including a number of technical revisions.
- In April 2016, the EDI Committee proposed revisions to the Policy. The revised Policy was approved by the Senate and the President.



## Review of the Interim University of Maryland Sexual Misconduct Policy (Senate Document #19-20-03)

Equity, Diversity & Inclusion (EDI) Committee | Chair: Rachel Gammons

Senate Bill 396 - Higher Education - Legal Representation Fund for Title IX Proceedings provides state funding to the Maryland Higher Education Commission (MHEC) to establish and administer a fund that provides support for reasonable costs and attorney's fees for students for Title IX proceedings. As a result of the new law, the University System of Maryland (USM) revised its Policy on Sexual Misconduct (VI-1.60) and asked all USM institutions to align their policies accordingly. President Loh approved interim changes to the University of Maryland Sexual Misconduct Policy & Procedures on June 24, 2019, pending University Senate review.

Senate Chair Lanford and the Senate Executive Committee request that the Equity, Diversity, and Inclusion (EDI) Committee review the interim Sexual Misconduct Policy. The associated procedures will be reviewed separately by the Senate's Faculty Affairs, Staff Affairs, and Student Conduct Committees, respectively.

The EDI Committee should:

1. Review the interim University of Maryland Sexual Misconduct Policy & Procedures ([VI-1.60\[A\]](#)).
2. Review the USM Policy on Sexual Misconduct ([VI-1.60](#)).
3. Review [Senate Bill 396](#) (SB396) - Higher Education - Legal Representation Fund for Title IX Proceedings.
4. Review [Senate Bill 607](#) (SB607) - Higher Education – Sexual Assault Policy – Disciplinary Proceedings Provisions.
5. Consult with a representative of the Office of Civil Rights & Sexual Misconduct (OCRSM).
6. Consider whether the information provided in the interim policy appropriately reflects the principles within SB396, SB607, and the USM Policy on Sexual Misconduct.
7. Consult with a representative of the Office of General Counsel on any proposed changes to the University's policy.
8. If appropriate, recommend whether the interim policy should be revised.

We ask that you submit a report to the Senate Office no later than **November 12, 2019**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



## Review of the Interim Sexual Misconduct Student Procedures

**PRESENTED BY** Andrea Dragan, Chair

**REVIEW DATES** SEC – November 20, 2019 | SENATE – December 4, 2019

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** [VI-1.60\(A\) – University of Maryland Sexual Misconduct Policy & Procedures](#)

**NECESSARY APPROVALS** Senate, President

### ISSUE

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As a result of changes in state law, the University System of Maryland (USM) revised its Policy on Sexual Misconduct ([VI-1.60](#)) in June 2019. The University of Maryland Sexual Misconduct Policy & Procedures (VI-1.60[A]) were revised to align with the changes to USM Policy and were approved on an interim basis on June 24, 2019, pending University Senate review. The Policy covers all members of the University community; the Procedures provide specific detail on the process for reviewing complaints against faculty, staff, and students, and are applied depending on the constituency of the individual against whom a complaint is made.

In August 2019, the Senate Executive Committee (SEC) charged four Senate committees with consideration of the interim University of Maryland Sexual Misconduct Policy & Procedures. The Equity, Diversity, & Inclusion (EDI) Committee was given responsibility for reviewing the Policy itself to ensure alignment with the revised USM policy and state law ([Senate Document #19-20-03](#)). The Student Conduct Committee was charged with reviewing the interim Student Sexual Misconduct Complaint Procedures and ensuring they accurately reflect the changes in state law and USM policy.

### RECOMMENDATIONS

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The Student Conduct Committee recommends that the Student Sexual Misconduct Complaint Procedures be revised as indicated in the document immediately following this report.

The Student Conduct Committee recommends that it be charged with considering the impact of the MHEC Legal Representation Fund on student Complainants and Respondents after implementation of the program in order to determine whether additional revisions to the Student Procedures or to practices are needed.

### COMMITTEE WORK

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The Student Conduct Committee (SCC) began its review at its meeting on September 10, 2019. It reviewed the interim University of Maryland Sexual Misconduct Policy & Procedures, the USM Policy on Sexual Misconduct, Senate Bill 396 (Higher Education – Legal Representation Fund for Title IX Proceedings), and Senate Bill 607 (Higher Education – Sexual Assault Policy – Disciplinary



Proceedings Provisions). The SCC consulted with representatives from the Office of Student Conduct, Office of Rights & Responsibilities, Office of Civil Rights & Sexual Misconduct (OCRSM) and the Office of General Counsel (OGC) throughout its review. The SCC also worked in close consultation with the EDI, Staff Affairs, and Faculty Affairs Committees.

The SCC developed revisions to the Student Procedures to ensure that the rights for Complainants and Respondents that are stated in the Policy can be seen in practice in the Student Procedures. The SCC also developed minor revisions to the Alternative Resolution section of the Student Procedures after learning that Alternative Resolution would serve as the informal mechanism for resolving complaints required by the USM and interim UMD Policies. In its review, the SCC also considered the new MHEC Legal Representation Fund and worked with the EDI Committee to clarify language related to the program. The SCC remains unsure of how effective the program will be at serving student needs, given the details are still being developed, and made an administrative recommendation to revisit the impact of the program on UMD students.

The Student Conduct Committee voted to approve the revised Student Sexual Misconduct Complaint Procedures and an administrative recommendation at its meeting on November 8, 2019.

## **ALTERNATIVES**

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The Senate could choose not to approve the recommendation and revisions to the University of Maryland Sexual Misconduct Policy & Procedures. However, the interim Procedures would not adequately describe the rights and responsibilities of participants in misconduct proceedings.

## **RISKS**

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There are no known risks to the University.

## **FINANCIAL IMPLICATIONS**

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There are no known financial implications.



## Review of the Interim Sexual Misconduct Student Procedures

### 2019-2020 Committee Members

**Andrea Dragan** (Chair)  
**Kiara Anthony** (Undergraduate Student)  
**Neijma Celestine-Donnor** (Staff)  
**Raul Cruz-Cano** (Faculty)  
**Nelson Gomes Boronat** (Student)  
**Andrea Goodwin** (Ex-Officio Director of Student Conduct)  
**Ursula Gorham-Oscilowski** (Faculty)  
**Angela Lambert** (Undergraduate Student)

**Charles Manekin** (Faculty)  
**Michael Robidoux** (Undergraduate Student)  
**Megan Stump** (Graduate Student)  
**Hilary Thompson** (Faculty)

### Date of Submission

**November 2019**

## BACKGROUND

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As a result of changes in state law, the University System of Maryland (USM) revised its Policy on Sexual Misconduct ([VI-1.60](#)) in June 2019. The University of Maryland Sexual Misconduct Policy & Procedures (VI-1.60[A]) were revised to align with the changes to USM policy and were approved on an interim basis on June 24, 2019, pending University Senate review. The Policy covers all members of the University community; the Procedures provide specific detail on the process for reviewing complaints against faculty, staff, and students, and are applied depending on the constituency of the individual against whom a complaint is made.

In August 2019, the Senate Executive Committee (SEC) charged four Senate committees with consideration of the interim University of Maryland Sexual Misconduct Policy & Procedures. The Equity, Diversity, & Inclusion (EDI) Committee was given responsibility for reviewing the Policy itself, to ensure alignment with the revised USM policy and state law ([Senate Document #19-20-03](#)). The Student Conduct Committee was charged with reviewing the interim Student Sexual Misconduct Complaint Procedures and ensuring they accurately reflect the changes in state law and USM policy (Appendix 2). The SEC separately charged the Faculty Affairs Committee and the Staff Affairs with reviewing the Faculty and Staff Procedures.

## UNIVERSITY OF MARYLAND SEXUAL MISCONDUCT POLICY & PROCEDURES

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The University's Sexual Misconduct Policy & Procedures outline the University's approach to addressing all forms of sexual misconduct involving University faculty, staff, and students, in alignment with federal and state discrimination laws. The Policy defines specific conduct that is prohibited, provides information on resources for victims of sexual misconduct, and outlines broad principles that govern the process for handling reports of sexual misconduct. The Procedures detail the specific processes faculty, staff, and students will go through during a Sexual Misconduct investigation and explain the process from the receipt of a complaint through investigation and adjudication. The Procedures outline possible sanctions or disciplinary action that may come as a result of a Finding of responsibility, as well as provide a process for appealing a finding and/or sanctions, depending on the case.

In 2018, the Maryland General Assembly passed [Senate Bill 607](#) (Higher Education - Sexual Assault Policy – Disciplinary Proceedings Provisions). The law affected disciplinary proceedings for

sexual misconduct cases at state higher education institutions, and required that institutional policies include an enumeration of specific student rights. It also established a framework for current or former students to access counsel paid for by the Maryland Higher Education Commission (MHEC) through a list of attorneys willing and able to represent students in Title IX cases. In spring 2019, the Maryland General Assembly passed [Senate Bill 396](#) (Higher Education – Legal Representation Fund for Title IX Proceedings). The legislation provided funding to MHEC to establish and administer the representation program to provide support in covering reasonable costs and attorney’s fees for current or former students involved in Title IX proceedings.

MHEC is in the process of implementing the attorney program developed by the recent changes in state law. MHEC has developed a website with information on the attorney program as a resource for current and former students. As it moves forward with implementing the program, MHEC will update the website with additional information and will publish a list of attorneys who have agreed that they are willing and able to represent students at low cost or on a pro bono basis. While current and former students will be able to use this list to help them retain an attorney, attorneys on the list will not be obligated to take any individual case.

On June 24, 2019, the University of Maryland Sexual Misconduct Policy was revised to incorporate provisions required by the new state laws from 2018 and 2019, and to align with the recent related changes to the USM Policy. The interim Policy incorporated two additional Sections: XI, Student Rights, and XII, Student Rights to an Attorney. These sections outline rights afforded to student parties throughout the process, including the right to an Advisor who may be an attorney. The sections also describe the new MHEC program through which current and former students may access counsel paid for by MHEC. The interim Procedures incorporated a statement indicating that parties who are students retain the rights outlined in the Policy throughout the process detailed in the Student, Faculty, and/or Staff Procedures.

## **COMMITTEE WORK**

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The Student Conduct Committee (SCC) began its review at its meeting on September 10, 2019. It reviewed the interim University of Maryland Sexual Misconduct Policy & Procedures, the USM Policy on Sexual Misconduct, Senate Bill 396 (Higher Education – Legal Representation Fund for Title IX Proceedings), and Senate Bill 607 (Higher Education – Sexual Assault Policy – Disciplinary Proceedings Provisions). The SCC consulted with representatives from the Office of Student Conduct, Office of Rights & Responsibilities, Office of Civil Rights & Sexual Misconduct (OCRSM) and the Office of General Counsel (OGC) throughout its review. The SCC also worked in close consultation with the EDI, Staff Affairs, and Faculty Affairs Committees, which were tasked with reviewing the Policy and the Staff and Faculty Procedures, respectively. The committees worked collaboratively to ensure that any revisions to the Policy were aligned with the corresponding information in the Procedures, and to ensure that the Procedures for each constituency articulated the same rights and responsibilities for all Complainants and Respondents.

The SCC focused much of its review on the new MHEC Legal Representation Fund. The committee considered how to best reference the program in the Student Procedures while understanding that MHEC is still in the process of developing the program. The SCC worked with the EDI Committee to consider revisions to more clearly convey the scope of the program in language presented in both the Policy and the Procedures. The SCC noted that the new program is a resource, rather than a right, and worked to ensure that the language clarified that students are not guaranteed legal representation from MHEC, nor are they required to retain an attorney. The SCC remains unsure of how effective the program will be at serving student needs, given the details are still being developed. The SCC developed an administrative recommendation to revisit the impact of the

program on UMD students after the program has been implemented, in order to consider whether changes to the Procedures or to current practice will be needed to ensure that students are able to access attorneys with the help of the MHEC program.

During its review, the SCC worked to ensure that the rights for Complainants and Respondents that are stated in the Policy can be seen in practice in the Student Procedures. The committee compared the list of rights in the interim Policy to the Student Procedures and found that most of the rights were clearly indicated in the Procedures. There were a few instances where rights were not stated clearly, so the SCC developed revisions to ensure consistency between the Policy and practice. The SCC also developed minor revisions to the Alternative Resolution section of the Student Procedures after learning that Alternative Resolution would serve as the informal mechanism for resolving complaints required by the USM and interim UMD Policies.

After due consideration, the Student Conduct Committee voted to approve the revised Student Sexual Misconduct Complaint Procedures and an administrative recommendation at its meeting on November 8, 2019.

## **RECOMMENDATIONS**

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The Student Conduct Committee recommends that the Student Sexual Misconduct Complaint Procedures be revised as indicated in the document immediately following this report.

The Student Conduct Committee recommends that it be charged with considering the impact of the MHEC Legal Representation Fund on student Complainants and Respondents after implementation of the program in order to determine whether additional revisions to the Student Procedures or to practices are needed.

## **APPENDICES**

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Appendix 1 — Past Senate Action on University of Maryland Sexual Misconduct Policy & Procedures

Appendix 2 — Charge from the Senate Executive Committee

## **APPENDIX A: STUDENT SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

- I. Overview**
- II. Rights to Support Person and Advisor**
  - A. Support Person
  - B. Advisor
  - C. Party Obligations
  - D. Non-Party Participant Requirements
- III. Reporting**
- IV. Complaint Intake Process**
  - A. Notification to the Complainant
  - B. Requests for Confidentiality
  - C. Initial Assessment of Complaint
  - D. Interim Protective Measures
- V. Resolution Processes**
  - A. Time Frame for Resolution
  - B. Alternative Resolution Process
  - C. Investigation Process
- VI. Adjudication**
  - A. Meeting with Director of Student Conduct
  - B. Disciplinary Conference
  - C. Standing Review Committee (SRC) Conference
- VII. Remedies and Sanction**
  - A. Impact Statement and Mitigation Statement
  - B. Remedies
  - C. Sanction Considerations
  - D. Sanctions
  - E. Notice of Sanction
- VIII. Appeals**
  - A. Grounds for Appeal
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  - C. SCC Appellate Body
- IX. Final Outcome**
- X. Records Retention**
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- XII. Post-Resolution Follow-Up**

## APPENDIX A: STUDENT SEXUAL MISCONDUCT COMPLAINT PROCEDURES

### I. OVERVIEW

These procedures (“Student Procedures”) set forth in Appendix A accompany the University of Maryland (UMD) Sexual Misconduct Policy (the “Policy”) and are the exclusive procedures that govern the handling of all reports or complaints of Sexual Misconduct against UMD students. Key terms used herein are defined in the Policy. For example, Sexual Misconduct is an umbrella term defined in the Policy that encompasses Dating Violence, Domestic Violence, Sexual Violence, Sexual Coercion, Sexual Harassment, Sexual Assault, Sexual Exploitation, Sexual Intimidation, Relationship Violence, and Stalking.

Both the Complainant and Respondent may participate or decline to participate in the complaint process. As appropriate, the Title IX Officer and the Director of Student Conduct will determine whether the Investigation and University Resolution processes will proceed without the participation by one or both parties. A lack of participation by a party does not necessarily preclude a finding of a Policy violation or the imposition of appropriate disciplinary action.

**Student Rights set forth in Sections XI and XII of the Policy apply throughout the process set forth in these Student Procedures.**

Reference herein to the Title IX Officer includes the Director of the Office of Civil Rights and Sexual Misconduct (OCRSM) and designees. Reference herein to the Director of Student Conduct includes the Assistant Director of Resident Life for Student Conduct in the Office of Rights and Responsibilities (R&R) and designees.

### II. RIGHTS TO SUPPORT PERSON AND ADVISOR

Throughout the process, any party may be accompanied to any meeting related to an investigation and resolution of a complaint by up to two (2) other people: (1) a Support Person, and/or (2) an Advisor. Meetings include, but are not limited to, the following meetings concerning a report: meetings with the OCRSM, meetings with the Office of Student Conduct (OSC), investigative interviews, document reviews, Disciplinary Conferences with the Director of Student Conduct, Standing Review Committee (SRC) Conferences, Alternative Resolutions, and sanction meetings.

~~All Student Rights set forth in Sections XI and XII of the Policy apply to parties who are students throughout the process set forth in these Student Procedures.~~

#### A. Support Person

A party may choose to be assisted by a Support Person of their choice, at their own initiation and expense. A Support Person is someone who can provide emotional, logistical, or other kinds of assistance. The Support Person cannot be a witness or provide evidence in the case. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the party in a way that does not disrupt or cause any delay. A Support Person shall not be an active participant and the parties must speak for themselves.

## APPENDIX A: STUDENT SEXUAL MISCONDUCT COMPLAINT PROCEDURES

### B. Advisor

A party may choose to be assisted by an Advisor of their choice, **including who may be** an attorney, at their own initiation and expense. The Advisor is a non-participant who is present to provide advice and consultation to a party. An Advisor cannot be a witness or provide evidence in a case. If necessary, a party may request a recess in order to speak privately with an Advisor. An Advisor shall not be an active participant. The parties must speak for themselves. An Advisor may not delay, or otherwise interfere with, the University's process.

**Student Complainants and Respondents may elect to retain an attorney or another individual to serve as their Advisor, though assistance by an attorney is not required. The Maryland Higher Education Commission (MHEC) has developed resources to assist current and former students in retaining an attorney to serve as an Advisor at no or low cost to the student. MHEC will provide a list of licensed attorneys who have indicated that they may represent students in Title IX proceedings on a pro bono basis or for reduced legal fees. 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.**

### C. Party Obligations

Throughout the process, the Title IX Officer or designee, Investigator(s), and other University representatives will communicate and correspond directly with the parties, not through a Support Person or Advisor. Parties are responsible for ensuring that Support Persons and Advisors follow the non-party participation requirements below. When a party wishes to have a Support Person or Advisor accompany them to a meeting, the party must notify the OCRSM or the OSC in advance. Parties are also responsible for making sure appropriate authorization exists (e.g., authorization related to the Family Educational Rights and Privacy Act [FERPA]) for the University to communicate the non-party participation requirements below to any Support Person or Advisor.

### D. Non-Party Participant Requirements

All Support Persons and Advisors must review the materials about the scope of their respective roles prior to accompanying a party to any meeting or other activity. These materials may be obtained from the OSC, or online at the OCRSM website, [www.umd.edu/ocrsm/](http://www.umd.edu/ocrsm/). This is to ensure the Support Persons and Advisors are informed about the process and their respective roles. All parties, Support Persons, and Advisors are expected to understand their roles and adhere to the University's expectations regarding decorum and privacy considerations.

## III. REPORTING

**Faculty, staff, students, and third parties may report Sexual Misconduct on their own behalf or on behalf of others.** ~~Complaints and other~~ Reports of Sexual Misconduct against a student may be made to the following:

## **APPENDIX A: STUDENT SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

- The Office of Civil Rights & Sexual Misconduct (OCRSM),
- The Office of Student Conduct (OSC), or
- The Department of Resident Life, Office of Rights and Responsibilities (R&R).

Reports may also be made to any Responsible University Employee (RUE). An RUE, as defined by the Policy, includes all University administrators, supervisors in non-confidential roles, faculty members, campus police, coaches, athletic trainers, resident assistants, and non-confidential first responders. RUEs are required to share all reports of Sexual Misconduct they receive promptly with the Title IX Officer or designee.

Prompt reporting of Prohibited Conduct is encouraged so that the University can take immediate and corrective action to eliminate the misconduct, prevent its recurrence, and address its effects. The University will provide support and assistance to the Complainant and respond according to the steps outlined in these Student Procedures. Upon receipt of any report, the Title IX Officer will make an immediate assessment of the risk of harm to the parties or to the University community and will take steps necessary to address any risks. These steps may include working with the OSC and other campus offices to facilitate Interim Protective Measures that provide for the safety of the parties and the University community, when appropriate.

A Complainant may choose to make a report to the University to pursue resolution under these Student Procedures and may also choose to make a report to law enforcement. A Complainant may pursue either of these options or both options at the same time. The criminal process and the University's internal process under these Student Procedures are separate and independent. A Complainant who wishes to pursue criminal action should contact campus police or external law enforcement directly. See Policy section VII for more information on criminal reporting.

The University recognizes that deciding whether to report Sexual Misconduct and proceed with a formal complaint under these Student Procedures is a personal decision that may evolve over time. While prompt reporting is strongly encouraged, there is no time limit for reporting Sexual Misconduct. The OCRSM and the OSC will coordinate to provide support and assistance to each Complainant in making important decisions related to reports of Sexual Misconduct. Consistent with the goal of safety for all community members, the University will make every effort to respect a Complainant's autonomy in making their own personal decisions after reporting Sexual Misconduct. When appropriate, the University, through the OCRSM, retains the right to initiate a formal complaint on its own, independent of any individual's decision as to how they wish to proceed.

### **IV. COMPLAINT INTAKE PROCESS**

#### **A. Notification to the Complainant**

Upon receipt of a complaint, the OCRSM will ensure that the Complainant is provided with a copy of the Policy and Student Procedures and informed of their rights and responsibilities. Either the OSC or the OCRSM will provide information to the Complainant about the University's internal administrative complaint process and review with them their respective



## **APPENDIX A: STUDENT SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

rights and responsibilities. The Complainant will be informed of available community and campus resources and services; their right to a Support Person and the Support Person's role; their right to an Advisor and the Advisor's role; their right to file a report with law enforcement; and the University's prohibition against retaliation. The Complainant will have an opportunity to ask questions and seek additional information.

### **B. Requests for Confidentiality**

When possible, the OCRSM will take action consistent with the Complainant's expressed wishes regarding confidentiality. The University's ability to fully investigate and respond to a complaint may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an Investigation. If a Complainant requests their name or other identifiable information not be disclosed and/or that no further action be taken, the Title IX Officer will seek to honor such requests, balancing the Complainant's wishes for confidentiality with the University's obligation to provide a safe and non-discriminatory environment for all members of the University community. The University retains the right to proceed with a complaint as necessary to meet its obligations and, in some cases, may not be able to honor a request for confidentiality.

### **C. Initial Assessment of Complaint**

When the University receives a complaint, the OCRSM will conduct an Initial Assessment. The Initial Assessment will determine whether the reported conduct constitutes a potential violation of the Policy, whether further action is warranted based on the reported conduct, and whether the University has jurisdiction over the parties.

The first step in the Initial Assessment is a preliminary meeting between the Complainant and the OCRSM and/or the OSC to gather information that will enable the OCRSM, in consultation with other offices, as appropriate, to:

- Assess the nature and circumstances reported in the complaint;
- Assess the safety of the Complainant and of the University community;
- Implement any appropriate Interim Protective Measures;
- Assess for pattern evidence or other similar conduct by the Respondent as relevant to the safety assessment;
- Assess the Complainant's expressed preference regarding resolution, including any request that no further action be taken;
- Assess any request by the Complainant for confidentiality or anonymity; and
- Assess the reported conduct for possible referral to the University of Maryland Police Department (UMPD) for a timely warning under the Clery Act.

At the conclusion of the Initial Assessment, the OCRSM will determine the appropriate next steps, including but not limited to: no further action, the imposition of Interim Protective Measures, Alternative Resolution, and/or proceeding with an investigation.

## **APPENDIX A: STUDENT SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

When the Initial Assessment determines the reported conduct does not constitute a potential violation under the Policy but may violate other University policy, the complaint may be referred to another appropriate University official for review and resolution.

When the Initial Assessment determines the alleged reported conduct does constitute a potential violation under the Policy, but reveals that the University lacks jurisdiction over the Respondent, the University will take available and reasonable steps to address the Sexual Misconduct, prevent its recurrence, and address its effects at the University.

### **D. Interim Protective Measures**

Based on the nature and circumstances of the complaint, the Director of Student Conduct, after consultation with the Title IX Officer, may authorize Interim Protective Measures to ensure the safety and well-being of the Complainant and others in the University community, as appropriate. The Director of Student Conduct will promptly inform the Respondent (if they are a member of the University community) of any Interim Protective Measures that will directly impact the Respondent and provide an opportunity for the Respondent to respond.

The Director of Student Conduct retains discretion to impose and/or modify any Interim Protective Measures based on all available information. Interim Protective Measures will remain in effect until the University's final resolution of the Sexual Misconduct complaint. Interim Protective Measures may be made permanent, as needed, after adjudication. A party may challenge the imposition of Interim Protective Measures, or a decision not to impose Interim Protective Measures, by contacting the Director of Student Conduct to address any concerns. Information about Interim Protective Measures can be found on page 11 of the Policy.

## **V. RESOLUTION PROCESSES**

### **A. Time Frame for Resolution**

Consistent with the goal of maximizing educational opportunities, remedying the effects of Prohibited Conduct and promoting campus safety while minimizing the possible disruptive nature of the process, the OCRSM and the OSC will strive to resolve all complaints within sixty (60) business days of receipt. In general, the investigation phase may last approximately four to five weeks and the adjudication phase may last approximately another four to five weeks. Good faith efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with the importance of resolving complaints in a timely and expeditious manner. The Title IX Officer may extend the general time frames for the completion of required actions. If such an extension occurs, the parties will be notified in writing, and given the reason(s) for the extension, by the OCRSM or the OSC.

### **B. Alternative Resolution Process**

Alternative Resolution is a process whereby remedies and interventions may serve to address the alleged Prohibited Conduct without proceeding to an investigation and adjudication. Alternative Resolution is not appropriate for complaints involving ~~Sexual Violence, including~~ Sexual Assault **or Sexual Coercion**. Neither party is required to accept responsibility for the alleged

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Prohibited Conduct in order to proceed with Alternative Resolution. Either party **may request an Alternative Resolution process. At any time, either party may** decide not to proceed with Alternative Resolution and may request an investigation and adjudication ~~at any time~~.

The Title IX Officer **or designee** has the discretion to determine whether a complaint is appropriate for Alternative Resolution and retains discretion to terminate an ongoing Alternative Resolution process at any time.

The purpose of Alternative Resolution is to take appropriate action by imposing individual and community interventions and remedies designed to maximize the Complainant's access to educational, extra-curricular, and/or employment activities at the University; and/or to address the effects of the conduct on the larger University community. Any combination of interventions and remedies may be utilized, including but not limited to:

- Increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur;
- Targeted or broad-based educational programming or training for relevant individuals or groups;
- Academic and/or housing modifications for Student Complainants;
- Workplace modifications for Complainants;
- Completion of projects, programs, or requirements designed to help the Respondent manage behavior, refrain from engaging in Prohibited Conduct, and understand why the Prohibited Conduct is prohibited;
- Compliance with orders of no contact that limit access to specific University buildings or areas or forms of contact with particular persons; and
- Completion of up to sixty (60) hours of community service over a period not to exceed twelve (12) weeks under guidelines established by the OCRSM in consultation with the OSC.

The imposition of remedies or interventions obtained through Alternative Resolution may be achieved by an agreement acceptable to the parties and University. The OCRSM will work with the Director of Student Conduct to facilitate the development of this agreement. In such cases where an agreement is reached, the terms of the agreement are implemented and the matter is resolved and closed. In cases where an agreement is not reached and the Title IX Officer determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for investigation and adjudication under these Student Procedures.

Where the Complainant, Respondent, and the University have reached an Alternative Resolution agreement, the parties will be provided with a written copy of the agreement. Entering into Alternative Resolution and signing an agreement does not mean that the Respondent admits responsibility; nor does it mean that there has been a finding of a Policy violation. The Title IX Officer will maintain all records of matters referred for Alternative Resolution.

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### C. Investigation Process

When the Initial Assessment determines the University has jurisdiction over the Respondent and the alleged conduct, and where Alternative Resolution is not appropriate, an investigation will occur.

#### 1. Standard of Review

In making a determination about whether a Policy violation has occurred, the standard of review is preponderance of the evidence. A preponderance of the evidence means “it is more likely than not **that the violation occurred.**” **This is the same standard of review that is used in other disciplinary proceedings of the institution, such as student conduct violations involving discrimination or harm to another individual.** ~~Thus, a~~At the conclusion of the investigation phase, a recommended finding will be made, based on the information gathered, ~~that on whether~~ it is more likely than not that the reported conduct occurred and that it constituted Prohibited Conduct in violation of the Policy.

#### 2. Preliminary Meeting

Prior to an investigation, the OCRSM and/or the OSC will notify both parties and require their attendance (separately) at a preliminary meeting with the OSC. The parties will be informed of the purpose of the meeting. The purpose of the meeting is to ensure students are provided adequate information about the investigation and adjudication process, and have an opportunity to ask and receive answers to any questions they may have. When a party does not attend the preliminary meeting with the OSC, the University shall proceed with an investigation, noting the party’s lack of attendance at the preliminary meeting.

##### a. Notice of Potential Policy Violation and Investigation

At the preliminary meeting, the Respondent will be informed verbally and in writing of: the circumstances of the alleged incident (which generally will include, to the extent known, the name of the Complainant and the date, time, and location), the Prohibited Conduct alleged as defined by the Policy, and the range of potential sanctions associated with the Prohibited Conduct. If a Respondent does not attend the preliminary meeting, the University will provide the Respondent with the information in writing. A copy of the Notice of Potential Policy Violation and Investigation will also be provided to the Complainant.

Both parties will also be informed during the preliminary meeting that they will have an opportunity to be heard regarding the complaint during the investigation process, including the opportunity to be heard during an interview with an Investigator regarding the alleged Sexual Misconduct.

##### b. Notice of Rights and Responsibilities

Both parties will be provided with a copy of the Policy and Student Procedures and informed verbally (if present at the Preliminary Meeting) and in writing of their rights and responsibilities pursuant to the Policy. This includes but is not limited to: no contact

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directives (and provided a copy), prohibitions against retaliation and guidance about reporting any retaliatory conduct, **the right to the presence of a Support Person and/or an Advisor**, and available community and campus resources and services.

### 3. Role of the Investigator

The Title IX Officer will designate an Investigator(s) from the OCRSM and/or an external Investigator to conduct a prompt, thorough, fair, and impartial investigation. All Investigators will receive annual training on issues related to sexual and gender-based harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking. The training will also include how to conduct a fair and impartial investigation that provides parties with notice and a meaningful opportunity to be heard, as well as how to protect the safety of Complainants and the University community while promoting accountability.

### 4. Overview of the Investigation

The investigation is an impartial fact-gathering process. It is an important stage of the process in which both parties have an opportunity to be heard regarding the complaint. During the investigation the parties will each have an opportunity to meet and speak with the Investigator, provide any relevant information about the reported conduct, **submit evidence**, and identify persons they believe the Investigator should speak with **as witnesses** because they have relevant information. **The Investigator will determine whether and how the evidence and witnesses submitted by the parties will be factored in to the Investigation.** The Investigator will speak separately with both parties and any other individuals who may have relevant information. The Investigator will also gather any available physical evidence or documents, including prior statements by the parties or witnesses, communications between the parties, email messages, text messages, social media materials, and other records, as appropriate and available.

#### a. Special Considerations

Information related to the prior sexual history of either party is generally not relevant to the determination of a Policy violation. However, prior sexual history between the parties may be relevant in very limited circumstances. For example, where there was a prior or ongoing consensual relationship between the parties, and where Consent is at issue in the case at hand, evidence as to the parties' prior sexual history as it relates to Consent may be relevant to assess the manner and nature of communications between the parties. As noted in the Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute Consent. Sexual history will never be used for purposes of illustrating either party's individual character or reputation. The Investigator will determine the relevance of prior sexual history and inform the parties if information about the parties' sexual history with each other is deemed relevant.

At the discretion of the OCRSM, multiple reports may be consolidated in one investigation if the information related to each incident is relevant in reaching a determination. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related

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conduct involving the same parties, provided that it does not delay the prompt investigation and resolution of complaints.

### **b. Draft Report**

At the conclusion of the investigation, the Investigator will draft a written investigation report that summarizes the information gathered (including, but not limited to, the names of witnesses and summaries of their statements), and synthesizes the areas of agreement and disagreement between the parties.

### **c. Notice of Opportunity to Review the Draft Investigation Report**

Before the investigation report is finalized, the parties will be given an opportunity to review and respond to the draft report. Upon receipt of notice to review the draft report, the parties will each have five (5) business days to review the report and all underlying documents and submit comments, information, and/or questions to the Investigator(s). If there is any new or additional information to be provided by either party, it must be presented to the Investigator at this time. If further investigation is warranted based on the comments, information, and/or questions provided during the review period, the Investigator will continue the investigation, as needed.

### **d. Final Investigation Report**

Upon timely receipt of any additional information or comments from the parties or after the five (5) business day comment period has lapsed with no comments provided, and the investigation is complete, the Investigator will finalize the investigation report. The final investigation report will include all relevant information obtained in the course of the investigation, an analysis and proposed findings of material fact, and a recommendation by the Investigator as to whether the information gathered establishes, by a preponderance of the evidence, a potential Policy violation by the Respondent.

Both parties will be contacted by the OSC, and directed to contact the OSC to schedule separate meetings with the Director of Student Conduct to discuss next steps.

## **VI. ADJUDICATION**

### **A. Meeting with Director of Student Conduct**

The Director of Student Conduct will meet separately with each party to explain next steps and provide each party with a confidential copy of the final investigation report, including all attachments.

- When an investigation concludes with a recommended finding of a Policy violation, and the Director of Student Conduct determines that either expulsion or suspension is a possible sanction, the matter will be referred automatically to the Standing Review Committee (SRC) for an administrative determination of the initial outcome.
- When an investigation concludes with a recommended finding of a Policy violation, and the Director of Student Conduct determines that neither expulsion nor suspension is a possible sanction, the OSC will resolve the Complaint by facilitating a Disciplinary Conference.

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- In all cases when an investigation concludes with a finding of no Policy violation and the Director of Student Conduct concurs with the finding, the Director of Student Conduct will meet separately with both parties to discuss next steps.
- In all cases when an investigation concludes with a finding of no Policy violation and the Director of Student Conduct does not concur with the finding, the Director of Student Conduct may request additional investigation and/or determine the appropriate next steps.

At the meeting, the Director of Student Conduct will explain the relevant process to each party, and inform each party of the date and time of the SRC Conference or Disciplinary Conference, if applicable.

Each party will be allowed five (5) business days to submit a written response to the final investigation report, which will be considered by the respective reviewer, i.e., the SRC or the Director of Student Conduct during the SRC or Disciplinary Conference process, as appropriate. All written responses will be shared with the other party prior to the SRC review or Disciplinary Conference.

In order to protect the privacy of all individuals involved, all materials shared with the parties are considered confidential and should not be publicly disclosed or released.

### **B. Disciplinary Conference**

The Director of Student Conduct facilitates Disciplinary Conferences. Each party will be given an opportunity to speak separately to the Director of Student Conduct in person and respond to the information presented in the final investigation report. The Director of Student Conduct will consider any written response to the final investigation report submitted by the parties before issuing a decision.

The Disciplinary Conference decision shall be in writing and will include Policy violation findings and a rationale for the decision. The Disciplinary Conference Decision shall be issued to both the Complainant and Respondent.

Determinations by the Director of Student Conduct in a Disciplinary Conference shall be based on the preponderance of the evidence. In the event that the Director of Student Conduct finds that a Respondent is responsible for Prohibited Conduct, the Director of Student Conduct shall determine an appropriate sanction and/or remedy, as described in section VII below.

Before a sanction and/or remedy are issued, the parties shall have the opportunity to submit impact and mitigation statements, as described in section VII below. Sanctions and remedies imposed as a result of a finding of responsibility for Prohibited Conduct after a Disciplinary Conference will not include expulsion or suspension. If either party disagrees with the outcome of the Disciplinary Conference, they may appeal pursuant to section VIII below.

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### C. Standing Review Committee (SRC) Conference

The role of the SRC is to review cases where a Policy violation could result in a sanction of suspension or expulsion. The SRC's role is to review all the available information and determine, independent of the Investigator's recommendation, whether it is more likely than not that the reported Prohibited Conduct occurred, constituting a Policy violation.

The SRC is a five (5) member body composed of at least three (3) faculty or staff (at least one of whom is faculty) and at least one (1) student who receive on-going training to serve in this capacity, including a Chair who facilitates the conference. SRC members are obligated to disclose to the OSC any known conflicts prior to participating in any specific SRC Conference. Conflicts or familiarity with the individuals involved in the matter that are disclosed to the OSC will automatically disqualify an individual SRC member from participation in any particular review.

Both parties will be notified of the date, time, and location of the SRC Conference. If either or both parties are not in attendance, the SRC Conference may proceed. The parties are not required to participate and the SRC may not draw any adverse inference from a decision by either party not to participate. **The parties will be given an opportunity to participate remotely or otherwise engage in the Conference without being required to be in the physical presence of the other party.** The Investigator is required to attend all SRC Conferences. The SRC and/or a party may request the attendance of witnesses who provided information to the Investigator.

The SRC Conference offers the parties an opportunity to address the SRC members, in person, about the allegations, and have their respective questions asked and answered. The parties may address any information in the final investigation report and supplemental responses. The parties may not directly question each other or any witness, but may submit written questions (to the SRC Chair) for the SRC to ask the Investigator, the other party, and/or any witnesses who are present. The SRC may exercise reasonable discretion to decline to ask questions submitted by the parties that are harassing, unnecessarily repetitive, or irrelevant.

#### 1. SRC Conference Format

The SRC Conference generally begins with the SRC Chair introducing the purpose of the conference, identifying all persons present, and then inviting the Investigator to summarize the Investigation and explain the evidence relevant to the alleged Prohibited Conduct in violation of the Policy. The SRC may pose questions directly to the Investigator, the parties, and any other witnesses. When the SRC has concluded its questioning, the Chair will invite the parties to submit written questions to be asked by the SRC of any of the witnesses, parties, or the Investigator. When all questioning is concluded, the parties will be given an opportunity to make brief closing statements. The SRC will then adjourn and the parties are excused.

If and when appropriate, the SRC, in its discretion, may suspend its review and request further investigation. Once the Investigator has concluded any further investigation, and if the



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recommendation by the Investigator is that there is sufficient evidence to support a finding of Prohibited Conduct in violation of the Policy (using a preponderance of the evidence standard), another SRC Conference will be scheduled. The OSC will use best efforts to complete this process as promptly as possible, and will notify the parties of the status, as appropriate.

### **2. SRC Decision**

The SRC will issue a written decision based on its review. The decision is determined by majority vote. The SRC decision will include findings of relevant fact and a finding as to whether the Respondent engaged in the Prohibited Conduct in violation of the Policy, or not (based on a preponderance of evidence standard).

If the SRC finds the Respondent responsible for a Policy violation by a preponderance of the evidence, the matter will proceed through the impact/mitigation statement phase, as well as the sanctioning phase below.

If the SRC does not find the Respondent responsible for a Policy violation based on a preponderance of the evidence, the Complainant may appeal the SRC Decision pursuant to section VIII below. If there is no appeal, the case is resolved, and notice of the final outcome will be issued.

## **VII. REMEDIES AND SANCTIONS**

Any Disciplinary Conference or SRC decision will be sent by the OSC to the parties. Where there is a finding of responsibility, both parties have the opportunity, within three (3) business days from the date of receipt of the decision, to submit statements for consideration by the Director of Student Conduct in determining an appropriate sanction.

### **A. Impact Statement and Mitigation Statement**

The Complainant may submit a written Impact Statement to the Director of Student Conduct describing the impact of the Prohibited Conduct on the Complainant.

The Respondent may submit a written Mitigation Statement to the Director of Student Conduct explaining any factors the Respondent believes should mitigate or otherwise be considered in determining the sanction(s).

The Director of Student Conduct will consider any impact and mitigation statements in determining the remedies and sanctions to be imposed. The parties' respective statements will not be shared with the other party.

### **B. Remedies**

The Title IX Officer, in consultation with the OSC, will identify reasonable short-term and/or long-term remedies to address the effects of the conduct on the Complainant, prevent its reoccurrence, restore the Complainant's safety and well-being, and maximize the Complainant's

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educational opportunities. Such remedies seek to restore to the Complainant, to the extent possible and within reason, the benefits and opportunities lost as a result of the Prohibited Conduct.

The Title IX Officer may also identify remedies, such as training for specific audiences, to address the effects of the conduct on the larger University community.

Remedies include, but are not limited to:

- **Supportive measures**, such as: extended classwork deadline, or flexible deadlines, change of venue for taking an exam, change in exam date, and/or retaking of an exam.
- **Academic accommodations** such as: retroactive drop from a particular class, retroactive withdrawal from a semester, policy exemption requests, and/or tuition reimbursement.
- **Additional remedies** such as: no contact orders, denial of access, housing accommodations, schedule changes, counseling and/or referral to outside agencies.

### C. Sanction Considerations

The imposition of disciplinary sanctions is designed to eliminate Prohibited Conduct under the Policy, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal obligations. Disciplinary sanctions may include educational, restorative, and rehabilitative components, such as completion of an educational project, removal from University housing, removal from specific courses or activities, and disciplinary probation. Some behavior, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires more severe sanctions, including suspension or expulsion from the University.

The Director of Student Conduct will determine the appropriate disciplinary sanction in every Sexual Misconduct case. In reaching this determination, the following factors will be considered:

- The nature and degree of violence of the conduct at issue;
- The impact of the conduct on the Complainant;
- The impact or implications of the conduct on the community and/or the University;
- Prior relevant misconduct by the Respondent, including the Respondent's relevant prior discipline history;
- Breach of a prior Alternative Resolution agreement;
- Respondent's acceptance of responsibility for the conduct;
- Maintenance of a safe and respectful environment conducive to learning;
- Protection of the University community and the University; and
- Any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

### D. Sanctions

When the Director of Student Conduct concludes that a sanction of expulsion or suspension is

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appropriate, and the Respondent has not already been suspended on an interim basis, there will be an immediate assessment by the Director of Student Conduct to determine whether the Respondent poses a serious disruption to the learning environment or a continuing danger to other members of the University community or University property. Interim suspension may be imposed at this point pending conclusion of the Appeal, where appropriate. Interim Protective Measures already in effect will continue pending Appeal. Disciplinary sanctions for Policy violations may include, but are not limited to:

- **Educational Requirements.** Completion of projects, programs, or requirements designed to help the student manage behavior and understand why certain behavior is inappropriate.
- **“No Contact” Orders or Denial of Access.** Compliance with orders of no contact that limit access to specific University areas or forms of contact with particular persons.
- **Housing Restrictions.** Exclusion from University housing or change in housing arrangements.
- **Community Service.** The OSC will monitor completion of up to sixty (60) hours of community service over a period not to exceed twelve (12) weeks under guidelines established by the OCRSM in consultation with the OSC.
- **Disciplinary Reprimand.** The student is warned that further misconduct may result in more severe disciplinary action.
- **Disciplinary Probation.** The student shall not represent the University in any extracurricular activity or run for or hold office in any student group or organization. Additional restrictions or conditions may also be imposed. Notification will be sent to appropriate University offices, including the Office of Campus Programs.
- **Suspension.** The student is separated from the University for a specified period of time. A permanent notation will appear on the student’s transcript. The student shall not participate in any University-sponsored activity and may be barred from University premises. Suspended time will not count against any time limits of the Graduate School for completion of a degree.
- **Expulsion.** The student is permanently separated from the University. A permanent notation will appear on the student’s transcript. The student will also be barred from the University premises.

### E. Notice of Sanction

Once a sanction is determined, the OSC will issue written notification of the sanction to both parties, as allowed by law, and provide the parties with information about their rights to appeal, per section VIII below. This constitutes the conclusion of the initial outcome phase.

## VIII. APPEALS

The Complainant and Respondent may appeal the outcome of a Disciplinary or SRC Conference, including the sanction issued under either process. The scope of the appeal is limited to the grounds set forth below. Mere dissatisfaction with the decision and sanction is not a valid basis for appeal. An appeal must be submitted in writing within five (5) business days of the date of receipt of the notice of sanction. If an appeal is received by the OSC, the other party will be

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notified and given five (5) business days from the date of receipt of the notice to respond. Responses shall be submitted directly to the OSC. Appeals filed by each party will be considered together in one appeal review process. All appeal documents will be shared with the other party. Appeals will be decided by an SCC Appellate Body (as defined in section VIII. C below).

If neither party submits an appeal, the decision and sanction are final after five (5) business days from the date of receipt of the notice to respond. Appeals submitted after five (5) business days shall be denied.

### **A. Grounds for Appeal**

Grounds for appeal shall be limited to:

#### **1. Substantial Procedural Error**

Specified procedural errors or errors in interpretation of University policy that were so substantial as to effectively deny a Complainant or a Respondent notice or a fair opportunity to be heard. Mere deviations from procedures that were not so substantial as to deny a Complainant or Respondent notice or a fair opportunity to be heard will not be a basis for sustaining an appeal.

#### **2. New Evidence**

New and significant relevant information has become available which a reasonably diligent person could not have discovered during the Investigation phase and/or prior to the issuance of the Disciplinary Conference or SRC Decision, as applicable.

#### **3. Sanction**

Sanction is substantially disproportionate to the offense. The sanction is substantially disproportionate to the facts of the particular Policy violation. This basis for appeal is limited to cases involving sanctions of expulsion or suspension.

### **B. Considerations**

Appeals are not intended to allow for a second review of the facts of the case and determination of whether there was a Policy violation. A review of the matter will be prompt and narrowly tailored to the stated grounds for appeal. In most cases, appeals are confined to a review of the written record and the pertinent documentation regarding the grounds for appeal.

When the basis of the Appeal is new evidence, the SCC Appellate Body will determine whether the information is new and was unavailable at the time of the investigation. If the SCC Appellate Body determines that the information is not new and was available at the time, the Appeal will be denied. If the information is determined to be new and unavailable at the time of the investigation, the SCC Appellate Body will make a determination whether the new information

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could change the outcome of the SRC or Disciplinary Conference decision. If it is determined that the outcome could be impacted by the new evidence, the case will be sent back to the SRC or to the Director of Student Conduct for further review.

### **C. SCC Appellate Body**

The University Senate Student Conduct Committee (SCC) is the designated appellate body for all appeals under these Student Procedures. The SCC Appellate Body is composed of three (3) members from the SCC (including at least one [1] student) who have had no previous involvement with the case, and have been trained to review such cases. Deference shall be given to the determinations of the SRC or Disciplinary Conference as applicable. The SCC Appellate Body considers any written appeal submission and, based on its review, may:

- Affirm the Decision and the sanction imposed;
- Affirm the Decision and reduce, but not eliminate, the sanction; or
- Remand the case to the SRC or Disciplinary Conference, in accordance with section VI, above.

The SCC Appellate Body Chair will render a written decision on the appeal to the OSC within ten (10) business days from the date of the submission of all appeal documents. Appeal decisions by the SCC Appellate Body are final with the exception of cases involving expulsion or suspension that require approval by the Vice President for Student Affairs.

## **IX. FINAL OUTCOME**

After all review processes are concluded (or when the time for an appeal has passed with no appeal submitted, whichever is later), the OSC will promptly notify the Complainant and Respondent, in writing, of the final outcome of the Sexual Misconduct complaint.

## **X. RECORDS RETENTION**

The OCRSM will maintain records of all complaints, Initial Assessments, investigations, adjudications, appeals, and Alternative Resolutions arising under the Policy in accordance with the University's Records Retention and Disposal Schedule.

The OSC will maintain disciplinary records for all cases that result in a finding of a Policy violation in accordance with the University's Records Retention and Disposal Schedule. Disciplinary records may be retained for longer periods of time or permanently, if so specified in the sanction.

## **XI. ACADEMIC TRANSCRIPTS AND EFFECT OF WITHDRAWAL**

Disciplinary sanctions of expulsion and suspension are permanently noted on a Respondent's academic transcript. When a Respondent requests their transcript, the existence of a pending Investigation is also noted. In the event a Respondent chooses to withdraw from the University prior to the resolution of disciplinary charges under the Policy, or where the Respondent declines to participate in the University proceedings under the Policy, the University will continue to

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process the disciplinary action in the student's absence. When a Respondent withdraws before resolution of pending disciplinary charges, the Respondent is ineligible to return to the University until the disciplinary proceedings have been resolved. In the event the student graduates while an Investigation and Resolution is pending, issuance of the student's diploma will be withheld until the case is concluded. Academic transcripts will be withheld until the matter is resolved or marked "Disciplinary Action Pending."

### **XII. POST-RESOLUTION FOLLOW UP**

After a sanction or remedy is issued, if the Complainant agrees, the Title IX Officer or the OSC may periodically contact the Complainant to ensure the Prohibited Conduct has ended and to determine whether additional remedies are necessary. The Complainant may decline future contact at any time. The Title IX Officer or the OSC may periodically contact the Respondent to assure compliance with any sanctions that have been imposed. Any violation by a Respondent of a sanction and/or protective measure imposed under the Policy should be reported to the Director of Student Conduct, and a failure by the University to provide a specified disciplinary action and/or remedy should be reported to the OCRSM.

The Complainant and Respondent are encouraged to provide the Title IX Officer with feedback about their experience with the process and recommendations regarding ways to improve the effectiveness of the University's implementation of the Policy and Student Procedures.

## **Past Senate Action on University of Maryland Sexual Misconduct Policy and Procedures**

Senate Document [#11-12-43](#): Review of the University of Maryland Policies and Procedures on Sexual Harassment

- Prior to 2012: UMD had two separate policies on sexual harassment and sexual assault and misconduct
- In June 2012, a Joint President/Senate Sexual Harassment Policies & Procedures Task Force was created and charged with reviewing the University of Maryland Policy and Procedures on Sexual Harassment (VI-1.20[A]) and determining whether and how they could be improved to comport with prevailing best practices. In the course of its review, the Task Force also reviewed the University of Maryland, College Park Procedures on Sexual Assault and Misconduct (VI-1.30[A]).
- In October 2013, the Task Force recommended that one policy be established to address all forms of sexual misconduct, including sexual assault and sexual harassment. The Task Force developed a policy and made substantive changes to the University's approach to addressing misconduct as it developed the Policy. The Policy and all associated recommendations were approved by the Senate and the President.
  - The Task Force also recommended the establishment of a Title IX Office and a permanent position for a Title IX Coordinator and Title IX Investigator; a communication strategy to educate and inform the community about policy, procedures, and resources; and a training and education program to educate the community about sexual misconduct, related policies, and legal and ethical obligations related to reporting sexual misconduct.

Senate Document [#14-15-11](#): Review of the Interim University of Maryland Sexual Misconduct Policy

- The Violence Against Women Act (VAWA) and related guidance from Office of Civil Rights (OCR) in the Department of Education were revised in 2013.
- In June 2014, the University System of Maryland developed a revised System policy on Sexual Misconduct, in close collaboration with the Office of the Attorney General. All USM institutions were asked to revise their policies by the end of 2014. A revised University of Maryland Sexual Misconduct Policy was developed and approved in October 2014 by the President on an interim basis, pending Senate review.
- In fall 2014, the EDI Committee was charged with reviewing the interim Policy.
- In April 2015, the EDI Committee proposed revisions to the Policy. EDI's review resulted in revised definitions of Prohibited Conduct to include Sexual Assault I (non-consensual sexual intercourse) and Sexual Assault II (non-consensual sexual contact). The revised Policy was approved by the Senate and the President.

Senate Documents [#14-15-16](#), [#14-15-26](#), [#14-15-27](#): Review of the Interim Sexual Misconduct Procedures for Students, Staff, and Faculty

- In fall 2014, the OCRSM and the University administration developed interim procedures for resolving complaints of sexual misconduct brought against students, faculty, and staff at the University. The Student Conduct, Faculty Affairs, and Staff Affairs Committees were charged with review of the procedures relevant to their constituencies.
- The committees reviewed the work of the EDI Committee on the Policy throughout their work on the Procedures.
- The process included review of a new set of interim procedures put in place in fall 2015 to take into account new federal guidance and guidance from the Office of the Attorney

General. The new interim procedures incorporated many suggestions that had already been developed by the relevant Senate committees.

- After a thorough review, procedures for all constituencies were approved by the Senate in April 2016.

Senate Document [#15-16-30](#): Revisions to the University of Maryland Sexual Misconduct Policy

- The Office of the Attorney General conducted a review of all sexual misconduct policies and procedures at institutions in the University System of Maryland, and developed guidance for the System and individual institutions based on its review.
- The President approved revisions to the Sexual Misconduct Policy on March 21, 2016 on an interim basis, pending Senate review. The revisions included details related to training, applicability, confidential resources, the definition of a Responsible University Employee, the timeframe for review, and amnesty for students who report sexual misconduct that occurs in connection with prohibited alcohol or drug use.
- The EDI Committee approved of the changes that had been made in the interim Policy. It developed minor revisions, including a number of technical revisions.
- In April 2016, the EDI Committee proposed revisions to the Policy. The revised Policy was approved by the Senate and the President.





**Review of the Interim Sexual Misconduct Student Procedures  
(Senate Document #19-20-04)  
Student Conduct Committee | Chair: Andrea Dragan**

Senate Bill 396 - Higher Education - Legal Representation Fund for Title IX Proceedings provides state funding to the Maryland Higher Education Commission (MHEC) to establish and administer a fund that provides support for reasonable costs and attorney's fees for students for Title IX proceedings. As a result of the new law, the University System of Maryland (USM) revised its Policy on Sexual Misconduct (VI-1.60) and asked all USM institutions to align their policies accordingly. President Loh approved interim changes to the University of Maryland Sexual Misconduct Policy & Procedures on June 24, 2019, pending University Senate review.

Senate Chair Lanford and the Senate Executive Committee have requested that the Equity, Diversity, and Inclusion (EDI) Committee review the interim Sexual Misconduct Policy. The associated procedures will be reviewed separately by the Senate's Faculty Affairs, Staff Affairs, and Student Conduct Committees, respectively.

The Student Conduct Committee should:

1. Review the interim University of Maryland Sexual Misconduct Policy & Procedures ([VI-1.60\[A\]](#)).
2. Review the University System of Maryland (USM) Policy on Sexual Misconduct ([VI-1.60](#)).
3. Review [Senate Bill 396](#) - Higher Education - Legal Representation Fund for Title IX Proceedings.
4. Review [Senate Bill 607](#) (SB607) - Higher Education – Sexual Assault Policy – Disciplinary Proceedings Provisions.
5. Consult with a representative of the Office of Civil Rights & Sexual Misconduct (OCRSM).
6. Consult with the Director of Student Conduct.
7. Consider whether the information provided in the interim student procedures appropriately reflects the principles within SB396, SB607, and the USM Policy on Sexual Misconduct.
8. Consult with a representative of the Office of General Counsel on any proposed changes to the student procedures.
9. If appropriate, recommend whether the interim student procedures should be revised.

We ask that you submit a report to the Senate Office no later than **November 12, 2019**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



## Review of the Interim Sexual Misconduct Faculty Procedures

**PRESENTED BY** Daniel Lathrop, Chair

**REVIEW DATES** SEC – November 20, 2019 | SENATE – December 4, 2019

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** [VI-1.60\(A\) – University of Maryland Sexual Misconduct Policy & Procedures](#)

**NECESSARY APPROVALS** Senate, President

### ISSUE

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As a result of changes in state law, the University System of Maryland (USM) revised its Policy on Sexual Misconduct ([VI-1.60](#)) in June 2019. The University of Maryland Sexual Misconduct Policy & Procedures (VI-1.60[A]) were revised to align with the changes to USM Policy and were approved on an interim basis on June 24, 2019, pending University Senate review. The Policy covers all members of the University community; the Procedures provide specific detail on the process for reviewing complaints against faculty, staff, and students, and are applied depending on the constituency of the individual against whom a complaint is made.

In August 2019, the Senate Executive Committee (SEC) charged four Senate committees with consideration of the interim University of Maryland Sexual Misconduct Policy & Procedures. The Equity, Diversity, & Inclusion (EDI) Committee was given responsibility for reviewing the Policy itself to ensure alignment with the revised USM policy and state law ([Senate Document #19-20-03](#)). The Faculty Affairs Committee was charged with reviewing the interim Faculty Sexual Misconduct Complaint Procedures to ensure they accurately reflect the changes in state law and USM policy.

### RECOMMENDATIONS

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The Faculty Affairs Committee recommends that the Faculty Sexual Misconduct Complaint Procedures be revised as indicated in the document immediately following this report.

The Faculty Affairs Committee recommends that it be charged to conduct a comprehensive review of the Faculty Sexual Misconduct Complaint Procedures in order to address concerns raised in the course of its review of the interim Procedures.

### COMMITTEE WORK

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The Faculty Affairs Committee (FAC) began its review at its meeting on September 20, 2019. It reviewed the interim University of Maryland Sexual Misconduct Policy & Procedures, the USM Policy on Sexual Misconduct, Senate Bill 396 (Higher Education – Legal Representation Fund for Title IX Proceedings), and Senate Bill 607 (Higher Education – Sexual Assault Policy – Disciplinary Proceedings Provisions). The FAC received feedback from representatives from the Office of Civil Rights & Sexual Misconduct (OCRSM) and the Office of General Counsel (OGC). The FAC also

worked in close consultation with the EDI, Staff Affairs, and Student Conduct Committees, which were tasked with reviewing the Policy and the Staff and Student Procedures, respectively.

The FAC revised the Faculty Sexual Misconduct Complaint Procedures to align with the EDI Committee's revisions to the Sexual Misconduct Policy and to ensure that certain rights established in the Policy were included in the Procedures. The FAC's charge was narrowly focused on the interim revisions, but the FAC identified a few additional items related to the Procedures that should be considered more fully in the future, and made an administrative recommendation to that effect.

The Faculty Affairs Committee voted to approve the revised Procedures on November 13, 2019.

## **ALTERNATIVES**

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The Senate could choose not to approve the recommendation and revisions to the University of Maryland Sexual Misconduct Policy & Procedures. However, the interim Procedures would not adequately describe the rights and responsibilities of participants in misconduct proceedings.

## **RISKS**

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There are no known risks to the University.

## **FINANCIAL IMPLICATIONS**

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There are no known financial implications.



## Review of the Interim Sexual Misconduct Faculty Procedures

### 2019-2020 Committee Members

**Daniel Lathrop** (Chair)  
**Deanna Barath** (Graduate Student)  
**Caryn Bell** (Faculty)  
**John Bertot** (Ex-Officio Provost's Rep)  
**Caroline Boules** (Faculty)  
**Michele Eastman** (Ex-Officio President's Rep)  
**Mark Fuge** (Faculty)  
**Ashley Hixson** (Graduate Student)  
**Agisilaos Iliadis** (Faculty)  
**Nicole LaRonde** (Faculty)  
**Shevaun Lewis** (Faculty)  
**Benjamin Lin** (Undergraduate Student)  
**Lexxie Monahan** (Staff)

**Jessica O'Hara** (Faculty)  
**Marc Pound** (Ex-Officio CUSF Rep)  
**Janice Reutt-Robey** (Faculty)  
**Jacqueline Richmond** (Ex-Officio Director of HR's Rep)  
**Kevin Roy** (Faculty)  
**Ellin Scholnick** (Ex-Officio Ombuds Officer)  
**Donald Webster** (Faculty)

### Date of Submission

**November 2019**

## BACKGROUND

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As a result of changes in state law, the University System of Maryland (USM) revised its Policy on Sexual Misconduct (VI-1.60) in June 2019. The University of Maryland Sexual Misconduct Policy & Procedures (VI-1.60[A]) were revised to align with the changes to USM Policy and were approved on an interim basis on June 24, 2019, pending University Senate review. The Policy covers all members of the University community; the Procedures provide specific detail on the process for reviewing complaints against faculty, staff, and students, and are applied depending on the constituency of the individual against whom a complaint is made.

In August 2019, the Senate Executive Committee (SEC) charged four Senate committees with consideration of the interim University of Maryland Sexual Misconduct Policy & Procedures. The Equity, Diversity, & Inclusion (EDI) Committee was given responsibility for reviewing the Policy itself, to ensure alignment with the revised USM policy and state law ([Senate Document #19-20-03](#)). The Faculty Affairs Committee was charged with reviewing the interim Faculty Sexual Misconduct Complaint Procedures and ensuring they accurately reflect the changes in state law and USM policy (Appendix 2). The SEC separately charged the Student Conduct Committee and the Staff Affairs Committee with reviewing the Student and Staff Procedures.

## UNIVERSITY OF MARYLAND SEXUAL MISCONDUCT POLICY & PROCEDURES

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The University's Sexual Misconduct Policy & Procedures outline the University's approach to addressing all forms of sexual misconduct involving University faculty, staff, and students, in alignment with federal and state discrimination laws. The Policy defines specific conduct that is prohibited, provides information on resources for victims of sexual misconduct, and outlines broad principles that govern the process for handling reports of sexual misconduct. The Procedures detail the specific processes faculty, staff, and students will go through during a Sexual Misconduct investigation and explain the process from the receipt of a complaint through investigation and adjudication. The Procedures outline possible sanctions or disciplinary action that may come as a

result of a Finding of responsibility, as well as provide a process for appealing a finding and/or sanctions, depending on the case.

In 2018, the Maryland General Assembly passed [Senate Bill 607](#) (Higher Education - Sexual Assault Policy – Disciplinary Proceedings Provisions). The law affected disciplinary proceedings for sexual misconduct cases at state higher education institutions, and required that institutional policies include an enumeration of specific student rights. It also established a framework for current or former students to access counsel paid for by the Maryland Higher Education Commission (MHEC) through a list of attorneys willing and able to represent students in Title IX cases. In spring 2019, the Maryland General Assembly passed [Senate Bill 396](#) (Higher Education – Legal Representation Fund for Title IX Proceedings). The legislation provided funding to MHEC to establish and administer the representation program to provide support in covering reasonable costs and attorney’s fees for current or former students involved in Title IX proceedings.

MHEC is in the process of implementing the attorney program developed by the recent changes in state law. MHEC has developed a website with information on the attorney program as a resource for current and former students. As it moves forward with implementing the program, MHEC will update the website with additional information and will publish a list of attorneys who have agreed that they are willing and able to represent students at low cost or on a pro bono basis. While current and former students will be able to use this list to help them retain an attorney, attorneys on the list will not be obligated to take any individual case.

On June 24, 2019, the University of Maryland Sexual Misconduct Policy was revised to incorporate provisions required by the new state laws from 2018 and 2019, and to align with the recent related changes to the USM Policy. The interim Policy incorporated two additional Sections: XI, Student Rights, and XII, Student Rights to an Attorney. These sections outline rights afforded to student parties throughout the process, including the right to an Advisor who may be an attorney. The sections also describe the new MHEC program through which current and former students may access counsel paid for by MHEC. The interim Procedures incorporated a statement indicating that parties who are students retain the rights outlined in the Policy throughout the process detailed in the Student, Faculty, and/or Staff Procedures.

## COMMITTEE WORK

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The Faculty Affairs Committee (FAC) began its review at its meeting on September 20, 2019. It reviewed the interim University of Maryland Sexual Misconduct Policy & Procedures, the USM Policy on Sexual Misconduct, Senate Bill 396 (Higher Education – Legal Representation Fund for Title IX Proceedings), and Senate Bill 607 (Higher Education – Sexual Assault Policy – Disciplinary Proceedings Provisions). The FAC received feedback from representatives from the Office of Civil Rights & Sexual Misconduct (OCRSM) and the Office of General Counsel (OGC) during its review. The FAC also worked in close consultation with the EDI, Staff Affairs, and Student Conduct Committees, which were tasked with reviewing the Policy and the Staff and Student Procedures, respectively. The committees worked collaboratively to ensure that any revisions to the Policy were aligned with the corresponding information in the Procedures, and to ensure that the Procedures for each constituency articulated the same rights and responsibilities for all Complainants and Respondents.

At its meetings on October 14 and October 31, 2019, the FAC reviewed the EDI Committee’s recommended revisions to the Sexual Misconduct Policy. The FAC revised the Faculty Sexual Misconduct Complaint Procedures to align with the EDI Committee’s revisions to the Sexual

Misconduct Policy and to ensure that certain rights established in the Policy were included in the Procedures.

The FAC noted that its charge was narrowly focused on ensuring the Faculty Sexual Misconduct Complaint Procedures reflect recent changes in state law and USM policy. However, the FAC identified a few additional items related to the Procedures that should be considered more fully in the future. Members noted concerns with how the Procedures are applied to those with a Junior Lecturer faculty title who are also graduate students. Members also raised questions about the process detailed in the Faculty Procedures and what role the Associate Provost for Faculty Affairs should have during an investigation process. The committee agreed to make an administrative recommendation that the Faculty Procedures be reviewed at a future date to consider issues such as these in more detail.

After due consideration, the Faculty Affairs Committee voted to approve the revised Faculty Sexual Misconduct Complaint Procedures and an administrative recommendation through an email vote ending on November 13, 2019.

## **RECOMMENDATIONS**

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The Faculty Affairs Committee recommends that the Faculty Sexual Misconduct Complaint Procedures be revised as indicated in the document immediately following this report.

The Faculty Affairs Committee recommends that it be charged to conduct a comprehensive review of the Faculty Sexual Misconduct Complaint Procedures in order to address concerns raised in the course of its review of the interim Procedures.

## **APPENDICES**

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Appendix 1 — Past Senate Action on University of Maryland Sexual Misconduct Policy & Procedures

Appendix 2 — Charge from the Senate Executive Committee

## **APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

- I. Overview**
- II. Rights to Support Person and Advisor**
  - A. Support Person
  - B. Advisor
  - C. Party Obligations
  - D. Non-Party Participant Requirements
- III. Reporting**
- IV. Complaint Intake Process**
  - A. Notification to the Complainant
  - B. Requests for Confidentiality
  - C. Initial Assessment of Complaint
  - D. Interim Protective Measures
- V. Resolution Processes**
  - A. Time Frame for Resolution
  - B. Alternative Resolution Process
  - C. Investigation Process
- VI. Appeal of Finding**
  - A. Overview
  - B. Grounds for Appeal
  - C. SRC Appellate Body
  - D. Appeal Outcome
- VII. Remedies and Disciplinary Action**
  - A. Impact Statement and Mitigation Statement
  - B. Remedies
  - C. Disciplinary Action
- VIII. Grievance Rights**
- IX. Final Outcome**
- X. Records Retention**
- XI. Post-Resolution Follow-Up**

## APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES

### I. OVERVIEW

These procedures (“Faculty Procedures”) set forth in Appendix C accompany the University of Maryland (UMD) Sexual Misconduct Policy (the “Policy”) and are the exclusive procedures that govern the handling of all reports or complaints of Sexual Misconduct against UMD faculty. Key terms used herein are defined in the Policy. For example, Sexual Misconduct is an umbrella term defined in the Policy that encompasses Dating Violence, Domestic Violence, Sexual Violence, Sexual Coercion, Sexual Harassment, Sexual Assault, Sexual Exploitation, Sexual Intimidation, Relationship Violence, and Stalking.

For purposes of the Policy and these Faculty Procedures, faculty include all University employees with faculty rank as described in II-1.00(A) University of Maryland Policy on Appointment, Promotion, and Tenure of Faculty at <http://president.umd.edu/administration/policies/section-ii-faculty/ii-100a>.

Employees other than those with faculty rank are governed by the Staff Sexual Misconduct Complaint Procedures (*see Appendix B*). These Faculty Procedures replace all procedures previously in effect pertaining to the investigation and resolution of Sexual Misconduct complaints against faculty at UMD.

**Student Rights set forth in Sections XI and XII of the Policy apply throughout the process set forth in these Faculty Procedures.**

### II. RIGHTS TO SUPPORT PERSON AND ADVISOR

Throughout the process, any party may be accompanied to any meeting related to an investigation and resolution of a complaint by up to two (2) other people: (1) a Support Person, and/or (2) an Advisor. Meetings include, but are not limited to, meetings with the Office of Civil Rights & Sexual Misconduct (OCRSM), investigative interviews, document reviews, and Alternative Resolutions.

~~All Student Rights set forth in Sections XI and XII of the Policy apply to parties who are students through the process set forth in these Faculty Procedures.~~

#### A. Support Person

A party may choose to be accompanied by a Support Person of their choice, at their own initiation and expense. A Support Person is someone who can provide emotional, logistical, or other kinds of assistance. The Support Person cannot be a witness or provide evidence in the case. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the party in a way that does not disrupt or cause any delay. A Support Person shall not be an active participant and the parties must speak for themselves.

#### B. Advisor



## APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES

A party may choose to be assisted by an Advisor of their choice, **including who may be** an attorney, at their own initiation and expense. The Advisor is a non-participant who is present to provide advice and consultation to a party. An Advisor cannot be a witness or provide evidence in a case. If necessary, a party may request a recess in order to speak privately with an Advisor. An Advisor shall not be an active participant. The parties must speak for themselves. An Advisor may not delay, or otherwise interfere with, the University's process.

**Student Complainants and Respondents may elect to retain an attorney to serve as their Advisor, though assistance by an attorney is not required. The Maryland Higher Education Commission (MHEC) has developed resources to assist current and former students in retaining an attorney to serve as an Advisor at no or low cost to the student. MHEC will provide a list of licensed attorneys who have indicated that they may represent students in Title IX proceedings on a pro bono basis or for reduced legal fees. 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.**

### C. Party Obligations

Throughout the process, the Title IX Officer or designee, Investigators, and other University representatives will communicate and correspond directly with the parties, not through a Support Person or Advisor. Parties are responsible for ensuring that Support Persons and Advisors follow the non-party participation requirements below. When a party wishes to have a Support Person and/or Advisor accompany them to a meeting, the party must notify the OCRSM in advance. Parties are also responsible for making sure appropriate authorization exists (e.g., authorization related to the Family Educational Rights and Privacy Act [FERPA]) for the University to communicate the non-party participation requirements below to any Support Person or Advisor.

### D. Non-Party Participant Requirements

All Support Persons and Advisors must review the materials about the scope of their respective roles, prior to accompanying a party to any meeting or other activity. These materials may be obtained online at the OCRSM website, [www.umd.edu/ocrsm/](http://www.umd.edu/ocrsm/) or from the OCRSM directly. This is to ensure the Support Persons and Advisors are informed about the process and their respective roles. All parties, Support Persons, and Advisors are expected to understand their roles and adhere to the University's expectations regarding decorum and privacy considerations.

## III. REPORTING

**Faculty, staff, students, and third parties may report Sexual Misconduct on their own behalf or on behalf of others. ~~Complaints and other~~ Reports of Sexual Misconduct against faculty may be made to the OCRSM. Reports may also be made to any Responsible University Employee (RUE). An RUE, as defined by the Policy, includes all University administrators, supervisors in non-confidential roles, faculty members, campus police, coaches, athletic trainers,**

## **APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

resident assistants, and non-confidential first responders. RUEs are required to share all reports of Sexual Misconduct they receive promptly with the Title IX Officer or designee.

Students may also report Sexual Misconduct against faculty to the Office of Student Conduct (OSC), or to the Office of Rights & Responsibilities (R&R) in the Department of Resident Life.

Prompt reporting of Prohibited Conduct is encouraged so that the University can take immediate and corrective action to eliminate the misconduct, prevent its recurrence, and address its effects. The University will provide support and assistance to the Complainant and respond according to the steps outlined in these Faculty Procedures. As described in section IV.C, upon receipt of any report, the Title IX Officer or designee will make an immediate assessment of the risk of harm to the parties or to the University community and will take steps necessary to address any risks. These steps may include working with the Office of Faculty Affairs and other campus offices to facilitate Interim Protective Measures (as described in section IV.D) that provide for the safety of the parties and the University community, when appropriate.

A Complainant may choose to make a report to the University and pursue resolution under these Faculty Procedures, and may also choose to make a report to law enforcement. A Complainant may pursue either of these options or both options at the same time. The criminal process and the University's internal process under these Faculty Procedures are separate and independent. A Complainant who wishes to pursue criminal action should contact campus police or external law enforcement directly. See Policy section VII for more information on criminal reporting.

The University recognizes that deciding whether to report Sexual Misconduct and proceed with a formal complaint under these Faculty Procedures is a personal decision that may evolve over time. While prompt reporting is strongly encouraged, there is no time limit for reporting Sexual Misconduct. The OCRSM will coordinate with the appropriate University office to provide support and assistance to each Complainant in making important decisions related to reports of Sexual Misconduct. Consistent with the goal of safety for all University community members, the University will make every effort to respect a Complainant's autonomy in making their own personal decisions after reporting Sexual Misconduct. However, when appropriate, the University, through the OCRSM, retains the right to initiate a formal complaint on its own, independent of any individual's decision as to how they wish to proceed.

### **IV. COMPLAINT INTAKE PROCESS**

#### **A. Notification to the Complainant**

Upon receipt of a complaint, the OCRSM will ensure that the Complainant is provided with a copy of the Policy and Faculty Procedures and is informed of their rights and responsibilities. The OCRSM will provide information to the Complainant about the University's internal administrative complaint process and review with them their respective rights and responsibilities. The Complainant will be informed of available community and campus resources and services; their right to a Support Person and the Support Person's role; their right to an Advisor and the Advisor's role; their right to file a report with law enforcement; and the

## **APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

University's prohibition against retaliation. The Complainant will have an opportunity to ask questions and seek additional information.

### **B. Requests for Confidentiality**

Whenever possible, the OCRSM will take action consistent with the Complainant's expressed wishes regarding confidentiality. The University's ability to fully investigate and respond to a complaint may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an Investigation. When a Complainant requests their name or other identifiable information not be disclosed and/or that no further action be taken, the Title IX Officer or designee will seek to honor such requests, balancing the Complainant's wishes for confidentiality with the University's obligation to provide a safe and non-discriminatory environment for all members of the University community. The University retains the right to proceed with a complaint as necessary to meet its obligations, and in some cases, may not be able to honor a request for confidentiality.

### **C. Initial Assessment of Complaint**

When the University receives a complaint, the OCRSM will conduct an Initial Assessment. The Initial Assessment will determine whether the reported conduct constitutes a potential violation of the Policy, whether further action is warranted based on the reported conduct, and whether the University has jurisdiction over the parties.

The first step in the Initial Assessment is a preliminary meeting between the Complainant and the OCRSM to gather information that will enable the OCRSM to:

- Assess the nature and circumstances reported in the complaint;
- Assess the safety of the Complainant and of the University community;
- Implement any appropriate Interim Protective Measures;
- Assess for pattern evidence or other similar conduct by the Respondent when relevant to the safety assessment;
- Assess the Complainant's expressed preference regarding resolution, including any request that no further action be taken;
- Assess any request by the Complainant for confidentiality or anonymity; and
- Assess the reported conduct for possible referral to the University of Maryland Police Department (UMPD) for a timely warning under the Clery Act.

During the Initial Assessment, information will be shared with other units/administrators only as necessary to comply with Title IX requirements, and confidentiality will be maintained by the OCRSM and other administrators, to the extent possible. If communication is not necessary in order to comply with Title IX requirements, the dean, department chair, and/or other administrators will not be notified during the Initial Assessment.

At the conclusion of the Initial Assessment, the OCRSM will determine the appropriate next step(s), including but not limited to: no further action, the imposition of Interim Protective Measures, Alternative Resolution, and/or proceeding with an investigation. In cases where the Initial Assessment determines that the reported conduct does not constitute a potential violation

## **APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

under the Policy and no further action is warranted, the OCRSM will separately notify the parties of the resulting assessment and inform the Respondent of the nature of the complaint. After the parties have been notified, the OCRSM will also notify any administrators who had been contacted during the Initial Assessment of the results of the assessment.

When the Initial Assessment determines the reported conduct does not constitute a potential violation under the Policy, but may violate another University policy, the complaint may be referred to another appropriate University official for review and resolution.

When the Initial Assessment determines the alleged reported conduct does constitute a potential violation under the Policy, but reveals that the University lacks jurisdiction over the Respondent, the University will take available and reasonable steps to address the Sexual Misconduct, prevent its recurrence, and address its effects at the University.

### **D. Interim Protective Measures**

Based on the nature and circumstances of the complaint, the Title IX Officer or designee in consultation with appropriate University administrators may authorize Interim Protective Measures to ensure the safety and well-being of the Complainant and others in the University community, as appropriate. The Title IX Officer or designee will promptly inform the Respondent (if they are a member of the University community) of any Interim Protective Measures that will directly impact the Respondent and provide an opportunity for the Respondent to respond.

The OCRSM retains discretion to impose and/or modify any Interim Protective Measures based on all available information. Interim Protective Measures will remain in effect until the University's final resolution of the Sexual Misconduct complaint. Interim Protective Measures may be made permanent, as needed, after adjudication. A party may challenge the imposition of Interim Protective Measures, or a decision not to impose Interim Protective Measures, by contacting the OCRSM to address any concerns. Information about Interim Protective Measures can be found on page 11 of the Policy.

## **V. RESOLUTION PROCESSES**

### **A. Time Frame for Resolution**

Consistent with the goal of maximizing educational and working opportunities, remedying the effects of Prohibited Conduct, and promoting campus safety while minimizing the possible disruptive nature of the process, the OCRSM will strive to resolve all complaints within sixty (60) business days of receipt. In general, the investigation phase may last approximately four to five weeks and the adjudication phase may last an additional estimated four to five weeks. Good faith efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with the importance of resolving complaints in a timely and expeditious manner. The Title IX Officer may extend the general time frames for the completion of all required actions. If such an extension occurs, the parties will be notified in writing by the OCRSM.

## APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES

### B. Alternative Resolution Process

~~The Title IX Officer or designee has the discretion to determine whether a complaint is appropriate for Alternative Resolution and may propose Alternative Resolution to the Complainant as an option. The Complainant may then seek Alternative Resolution in lieu of an investigation and adjudication.~~

Alternative Resolution is a process whereby remedies and interventions may serve to address the alleged Prohibited Conduct without proceeding to an investigation and adjudication. Alternative Resolution is not appropriate for complaints involving ~~Sexual Violence, including~~ Sexual Assault **or Sexual Coercion**. Neither party is required to accept responsibility for the alleged Prohibited Conduct in order to proceed with Alternative Resolution. **Either party may request an Alternative Resolution process. At any time, either party** ~~The parties~~ may decide not to proceed with Alternative Resolution and may request an investigation and adjudication ~~at any time. The Title IX Officer retains discretion to terminate an ongoing Alternative Resolution process at any time.~~

**The Title IX Officer or designee has the discretion to determine whether a complaint is appropriate for Alternative Resolution and retains discretion to terminate an ongoing Alternative Resolution process at any time.**

The purpose of Alternative Resolution is to take appropriate action by imposing individual and community interventions and remedies designed to maximize the Complainant's access to educational, extra-curricular, and/or employment activities at the University; and/or to address the effects of the conduct on the larger University community. Any combination of interventions and remedies may be utilized, including but not limited to:

- Targeted or broad-based educational programming or training for relevant individuals or groups;
- Academic and/or housing modifications for Student Complainants;
- Workplace modifications and/or other administrative changes;
- Completion of projects, programs, or requirements designed to help the Respondent manage behavior, refrain from engaging in Prohibited Conduct, and understand why the Prohibited Conduct is prohibited; and
- Agreements to cease contact and limit access to specific University buildings or areas or forms of contact with particular persons.

The imposition of remedies or interventions obtained through Alternative Resolution may be achieved by an agreement acceptable to the parties and the University. The Title IX Officer or designee will work with the Faculty Ombuds Officer to facilitate the development of this agreement. In cases where an agreement is reached, the terms of the agreement are implemented and the matter is resolved and closed. In cases where an agreement is not reached, and the Title IX Officer or designee determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution agreement, the matter may be referred for investigation and resolution under these Faculty Procedures.

## APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES

Where the Complainant, Respondent, and the University have reached an Alternative Resolution agreement, the parties will be provided with a copy of the agreement. The Office of Faculty Affairs will also receive a copy of the agreement. Entering into Alternative Resolution and signing an agreement does not mean that the Respondent admits responsibility; nor does it mean that there has been a finding of a Policy violation.

### C. Investigation Process

When the Initial Assessment determines the University has jurisdiction over the Respondent and the alleged conduct, and where Alternative Resolution is not appropriate or the Respondent fails to comply with the terms of an Alternative Resolution agreement, an investigation will occur.

#### 1. Notice of Investigation

In the event of an investigation, the Investigator will send a written *Notice of Investigation* and *Notice of Rights and Responsibilities* to both parties.

The *Notice of Investigation* will contain the circumstances of the alleged incident (which generally will include, to the extent known, the name of the Complainant and the date, time, and location), the Prohibited Conduct alleged as defined by the Policy, and the range of potential disciplinary actions associated with the Prohibited Conduct. Both parties will also be informed that they will have an opportunity to be heard regarding the complaint during the investigation process, including the opportunity to be heard during separate interviews with an Investigator regarding the alleged Sexual Misconduct.

#### 2. Notice of Rights and Responsibilities

Both parties will be provided with a copy of the Policy and Faculty Procedures and informed of their rights and responsibilities pursuant to the Policy. This includes but is not limited to: no contact directives (and provided a copy), prohibitions against retaliation and guidance about reporting any retaliatory conduct, **the right to the presence of a Support Person and/or an Advisor**, and available community and campus resources and services.

#### 3. Standard of Review

In making a determination about whether a Policy violation has occurred, the standard of review is preponderance of the evidence. A preponderance of the evidence means “it is more likely than not **that the violation occurred.**” **This is the same standard of review that is used in other disciplinary proceedings of the institution.** ~~Thus, a~~At the conclusion of the investigation phase, based on the information gathered, a recommended finding will be made as to whether it is more likely than not that the reported conduct occurred and that it constituted Prohibited Conduct in violation of the Policy.

#### 4. Role of the Investigator

## APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES

The Title IX Officer or designee will designate one or more Investigator(s) from the OCRSM and/or an external Investigator to conduct a prompt, thorough, fair, and impartial investigation. All Investigators will receive annual training on issues related to sexual and gender-based harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking. The training will also include how to conduct a fair and impartial investigation that provides parties with notice and a meaningful opportunity to be heard, as well as how to protect the safety of Complainants and the University community while promoting accountability.

### 5. Overview of the Investigation

The investigation is an impartial fact-gathering process. It is an important stage in which both parties have an opportunity to be heard regarding the complaint. During the investigation the parties will each have an opportunity to meet and speak with the Investigator, provide any relevant information about the reported conduct, **submit evidence**, and identify persons they believe the Investigator should speak with **as witnesses** because they believe they have relevant information. **The Investigator will determine whether and how the evidence and witnesses submitted by the parties will be factor in to the Investigation.** The Investigator will speak separately with both parties and any other individuals who may have relevant information. The Investigator will also gather any available physical evidence or documents, including prior statements by the parties or witnesses, communications between the parties, email messages, text messages, social media materials, and other records, as appropriate and available.

#### a. Special Considerations

Information related to the prior sexual history of either party is generally not relevant to the determination of a Policy violation. However, prior sexual history between the parties may be relevant in very limited circumstances. For example, where there was a prior or ongoing consensual relationship between the parties, and where Consent is at issue in the case at hand, evidence as to the parties' prior sexual history as it relates to Consent may be relevant to assess the manner and nature of communications between the parties. As noted in the Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute Consent. Sexual history will never be used for purposes of illustrating either party's individual character or reputation. The Investigator will determine the relevance of prior sexual history and inform the parties if information about the parties' sexual history with each other is deemed relevant.

At the discretion of the OCRSM, multiple reports may be consolidated in one investigation if the information related to each incident is relevant in reaching a determination. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct involving the same parties, provided that it does not delay the prompt investigation and resolution of complaints.

#### b. Draft Report

At the conclusion of the investigation, the Investigator will draft a written investigation report that summarizes the information gathered (including, but not limited to, the names of witnesses and summaries of their statements), and synthesizes the areas of agreement and

## **APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

disagreement between the parties.

### **c. Notice of Opportunity to Review the Draft Investigation Report**

Before the investigation report is finalized, the parties will be given an opportunity to review and respond to the draft report. Upon receipt of notice to review the draft report, the parties will each have five (5) business days to review the report and all underlying documents and submit written comments, information, and/or questions to the Investigator. If there is any new or additional information to be provided by either party, it must be presented to the Investigator at this time. If further investigation is warranted based on the comments, information, and/or questions provided during the review period, the Investigator will continue the investigation, as needed.

## **6. Recommended Finding**

Upon timely receipt of any additional information or comments from the parties or after the five (5) business day comment period has lapsed with no comments provided, and the investigation is complete, the Investigator will finalize the investigation report.

The final investigation report will include all relevant information obtained in the course of the investigation, an analysis and proposed findings of material fact, and a recommended finding of whether or not a Policy violation occurred by a preponderance of the evidence.

## **7. Independent Review of the Finding**

The final investigation report and the recommended finding will be automatically reviewed by a Standing Review Committee (SRC). The SRC is composed of three (3) members from the University community who have had no previous involvement with the case, and have been trained to review such cases. The SRC will include at least one (1) member from the constituency (faculty, staff, or student) of each party. SRC members are obligated to disclose to the OCRSM any known conflicts prior to participating in any specific SRC review. Conflicts or familiarity with the individuals involved in the matter that are disclosed to the OSC will automatically disqualify an individual SRC member from participation in any particular review.

The SRC will review the final investigation report and consider whether the recommended finding is supported by the information obtained in the course of the investigation. The SRC will confine its consideration to a review of the written record. The SRC may speak with the Investigator when clarification about the final investigation report is needed and/or to issue specific instructions to the Investigator for further investigation. The results of any additional requested investigation will be reported to the SRC.

Once any additional investigation is complete, the SRC will issue its determination on the recommended finding. The SRC will make one of two possible decisions:

- Approve the recommended finding; or
- Reject the recommended finding.



## **APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

The SRC must issue a written decision to the OCRSM within five (5) business days of receipt of the final investigation report and/or receipt of any additional information resulting from additional requests to the Investigator by the SRC.

After the SRC issues its written determination, the OCRSM will issue a *Notice of Finding*, which will include a range of potential disciplinary actions associated with the finding. The *Notice of Finding* will be sent to the parties and the Office of Faculty Affairs, along with the SRC determination and a copy of the final investigation report, including any additional information resulting from additional investigation.

Either or both parties may appeal the finding in accordance with section VI below.

### **VI. APPEAL OF FINDING**

Either or both parties may appeal the finding. An appeal must be submitted to the OCRSM or designee in writing within five (5) business days of the date of receipt of the *Notice of Finding*. Appeals submitted after five (5) business days shall be denied. If an appeal is received on time, the other party will be notified and given five (5) business days from the date of receipt of the notice to respond. Responses shall be submitted directly to the OCRSM or designee. Appeals and responses filed by each party will be shared with the other party and considered together in one appeal review process. If neither party submits an appeal, the finding is final after five (5) business days. Appeals will be decided by an SRC Appellate Body (as defined in section VI. C below).

#### **A. Overview**

The scope of the appeal is limited to the grounds set forth below. Dissatisfaction with the investigation outcome is not a valid basis for appeal. Appeals are not intended to allow for a second review of the same facts of the case or to reconsider whether there was a Policy violation based on the same facts of the case. In most cases, appeals are confined to a review of the written record and the grounds for appeal submitted by the parties.

#### **B. Grounds for Appeal**

Grounds for appeal shall be limited to:

##### **1. Substantial Procedural Error**

Specified procedural errors or errors in interpretation of University policy that were so substantial as to effectively deny a Complainant or a Respondent notice or a fair opportunity to be heard. Mere deviations from procedures that were not so substantial as to deny a Complainant or Respondent notice or a fair opportunity to be heard will not be a basis for sustaining an appeal.

##### **2. New Evidence**

## **APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

New and significant relevant information has become available which a reasonably diligent person could not have discovered during the Investigation.

When the basis of the Appeal is new evidence, the SRC Appellate Body will determine whether the information is new and was unavailable at the time of the investigation. If the SRC Appellate Body determines that the information is not new and was available at the time of the investigation, the Appeal will be denied. If the information is determined to be new and unavailable at the time of the investigation, the SRC Appellate Body will make a determination as to whether the new information could change the outcome of the investigation. If the SRC Appellate Body determines that the new evidence could change the outcome, the case will be sent back to the Investigator for further investigation. After new evidence is considered, the OCRSM will then provide the SRC Appellate Body with a modified report and findings, as appropriate. Copies of the modified report and findings, if any, will also be provided to the parties. The modified report will be considered by the SRC Appellate Body. The SRC Appellate Body will then decide to affirm the recommendations of the modified report, reject them, or ask for additional investigation.

### **C. SRC Appellate Body**

The Standing Review Committee (SRC) Appellate Body is the designated appellate body for all appeals of findings under these Faculty Procedures. The SRC Appellate Body is composed of three (3) members (faculty, staff, and/or students), depending on the case. SRC Appellate Body members shall be members from the University community who have had no previous involvement with the case, and have been trained to review such cases. The SRC Appellate Body will include at least one (1) member from the constituency (faculty, staff, or student) of each party.

### **D. Appeal Outcome**

The SRC Appellate Body may:

- Affirm the finding;
- Reject the finding; or
- Remand the case back to the Investigator for further investigation.

The SRC Appellate Body Chair will render a written decision on the appeal to the Title IX Officer or designee, with a copy to the Senior Vice President and Provost or designee, within five (5) business days from the date of the submission of all appeal documents. The SRC Appellate Body Decision is final and may not be further appealed.

## **VII. REMEDIES AND DISCIPLINARY ACTION**

### **A. Impact Statement and Mitigation Statement**

Whenever there has been a finding of responsibility, before the University issues any remedies or imposes disciplinary action, if any, both parties have the opportunity to submit statements for

## APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES

consideration by the Office of Faculty Affairs within five (5) business days from the date of receipt of the *Notice of Finding*. In the event of an Appeal, Impact and Mitigation Statements may be submitted within three (3) business days from the date of receipt of the SRC Appellate Body Decision.

The Complainant may submit a written Impact Statement to the Office of Faculty Affairs describing the impact of the Prohibited Conduct on the Complainant.

The Respondent may submit a written Mitigation Statement to the Office of Faculty Affairs explaining any factors the Respondent believes should mitigate or otherwise be considered in determining appropriate remedies and/or recommended discipline, if any.

The parties' respective statements will be considered by the Office of Faculty Affairs and not shared with the other party.

### B. Remedies

The Title IX Officer or designee, in consultation with the Office of Faculty Affairs, will identify reasonable short-term and/or long-term remedies to address the effects of the conduct on the Complainant and prevent its reoccurrence. Such remedies seek to restore to the Complainant, to the extent possible and within reason, the benefits and opportunities lost as a result of the Prohibited Conduct. The Title IX Officer or designee may also identify remedies, such as training for specific audiences, to address the effects of the conduct on the larger University community. Remedies are separate from disciplinary action and may occur independently of or concurrently with any disciplinary action that is imposed.

Remedies for student Complainants under these Faculty Procedures may include, but are not limited to:

- **Support measures** such as extended classwork deadline, or flexible deadlines, change of venue for taking an exam, change in exam date, and/or retaking of an exam;
- **Academic accommodations** such as retroactive drop from a particular class, retroactive withdrawal from a semester, policy exemption requests, and/or tuition reimbursement; and
- **Housing accommodations.**

Other remedies for Complainants may include, but are not limited to:

- Workplace modifications and other administrative changes, no contact orders, denial of access, schedule changes, counseling, and/or referral to outside agencies.

### C. Disciplinary Action

When there is a finding of responsibility, and all appeals under these Faculty Procedures, if any, have been exhausted, the Office of Faculty Affairs, in consultation with the Title IX Officer or designee, will determine the appropriate disciplinary action, if any.

## **APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

To determine what type of disciplinary action is most appropriate, the Office of Faculty Affairs in consultation with other appropriate administrator(s) shall consider the following:

- The nature of the misconduct at issue;
- The impact of the misconduct on the Complainant;
- The impact or implications of the misconduct on the community or the University;
- Any prior Sexual Misconduct by the Respondent at the University or elsewhere that is known to the University;
- Respondent's prior disciplinary history at the University; and
- Any other mitigating, aggravating, or compelling circumstances.

Discipline shall be imposed in accordance with all procedural due process rights afforded faculty based on their status in accordance with University policy and Maryland law. All faculty disciplinary action under these Faculty Procedures shall be approved by the Senior Vice President and Provost or designee.

### **1. Notice of Disciplinary Action**

When disciplinary action is to be imposed, upon approval by the Senior Vice President and Provost or designee, the Office of Faculty Affairs will issue a *Notice of Disciplinary Action* to the Respondent.

Disciplinary action will depend on the specific circumstances in each case and may include discipline ranging from a written reprimand up to and including termination of employment. Other administrative and/or non-disciplinary remedies may also be imposed, including but not limited to, no contact directives, and/or a change in work duties, work locations, or work schedules.

Discipline shall be imposed in accordance with all procedural due process rights afforded faculty based on their status in accordance with University policy and Maryland law.

## **VIII. GRIEVANCE RIGHTS**

Faculty may grieve disciplinary action in accordance with the rights afforded to them based on their specific faculty status.

## **IX. FINAL OUTCOME**

When all the procedures and/or grievance processes afforded to both parties under these Faculty Procedures, and the rights afforded to them based on their specific employment status have been exhausted, the Senior Vice President and Provost or designee will promptly notify the Title IX Officer or designee of any modification of the final outcome. The Title IX Officer or designee will notify the parties of any modification to the final outcome, except as prohibited by Maryland and federal law.

## **APPENDIX C: FACULTY SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

### **X. RECORDS RETENTION**

The OCRSM shall maintain Initial Assessment, investigation, and outcome records in accordance with the University's record retention schedule.

The Office of the Senior Vice President and Provost, the department/unit head and/or Office of the Dean will maintain records of all disciplinary action, remedies, and grievances related to a complaint and any Alternative Resolution agreements.

### **XI. POST-RESOLUTION FOLLOW-UP**

After any disciplinary action and/or remedies are issued, if the Complainant agrees, the Title IX Officer or designee may periodically contact the Complainant to ensure the Prohibited Conduct has ended and to determine whether additional remedies are necessary. The Complainant may decline future contact at any time. The Title IX Officer or designee may periodically contact the Respondent to assure compliance with the intent and purpose of any disciplinary action and/or remedies that have been imposed. Any violation by a Respondent of the intent and purpose of any disciplinary action and/or remedies imposed under the Policy, or a failure by a University employee to provide a specified disciplinary action and/or remedy should be reported to the OCRSM.

The Complainant and Respondent are encouraged to provide the Title IX Officer or designee with feedback about their experience with the process and recommendations regarding ways to improve the effectiveness of the University's implementation of the Policy and Faculty Procedures.

## **Past Senate Action on University of Maryland Sexual Misconduct Policy and Procedures**

Senate Document [#11-12-43](#): Review of the University of Maryland Policies and Procedures on Sexual Harassment

- Prior to 2012: UMD had two separate policies on sexual harassment and sexual assault and misconduct
- In June 2012, a Joint President/Senate Sexual Harassment Policies & Procedures Task Force was created and charged with reviewing the University of Maryland Policy and Procedures on Sexual Harassment (VI-1.20[A]) and determining whether and how they could be improved to comport with prevailing best practices. In the course of its review, the Task Force also reviewed the University of Maryland, College Park Procedures on Sexual Assault and Misconduct (VI-1.30[A]).
- In October 2013, the Task Force recommended that one policy be established to address all forms of sexual misconduct, including sexual assault and sexual harassment. The Task Force developed a policy and made substantive changes to the University's approach to addressing misconduct as it developed the Policy. The Policy and all associated recommendations were approved by the Senate and the President.
  - The Task Force also recommended the establishment of a Title IX Office and a permanent position for a Title IX Coordinator and Title IX Investigator; a communication strategy to educate and inform the community about policy, procedures, and resources; and a training and education program to educate the community about sexual misconduct, related policies, and legal and ethical obligations related to reporting sexual misconduct.

Senate Document [#14-15-11](#): Review of the Interim University of Maryland Sexual Misconduct Policy

- The Violence Against Women Act (VAWA) and related guidance from Office of Civil Rights (OCR) in the Department of Education were revised in 2013.
- In June 2014, the University System of Maryland developed a revised System policy on Sexual Misconduct, in close collaboration with the Office of the Attorney General. All USM institutions were asked to revise their policies by the end of 2014. A revised University of Maryland Sexual Misconduct Policy was developed and approved in October 2014 by the President on an interim basis, pending Senate review.
- In fall 2014, the EDI Committee was charged with reviewing the interim Policy.
- In April 2015, the EDI Committee proposed revisions to the Policy. EDI's review resulted in revised definitions of Prohibited Conduct to include Sexual Assault I (non-consensual sexual intercourse) and Sexual Assault II (non-consensual sexual contact). The revised Policy was approved by the Senate and the President.

Senate Documents [#14-15-16](#), [#14-15-26](#), [#14-15-27](#): Review of the Interim Sexual Misconduct Procedures for Students, Staff, and Faculty

- In fall 2014, the OCRSM and the University administration developed interim procedures for resolving complaints of sexual misconduct brought against students, faculty, and staff at the University. The Student Conduct, Faculty Affairs, and Staff Affairs Committees were charged with review of the procedures relevant to their constituencies.
- The committees reviewed the work of the EDI Committee on the Policy throughout their work on the Procedures.
- The process included review of a new set of interim procedures put in place in fall 2015 to take into account new federal guidance and guidance from the Office of the Attorney

General. The new interim procedures incorporated many suggestions that had already been developed by the relevant Senate committees.

- After a thorough review, procedures for all constituencies were approved by the Senate in April 2016.

Senate Document [#15-16-30](#): Revisions to the University of Maryland Sexual Misconduct Policy

- The Office of the Attorney General conducted a review of all sexual misconduct policies and procedures at institutions in the University System of Maryland, and developed guidance for the System and individual institutions based on its review.
- The President approved revisions to the Sexual Misconduct Policy on March 21, 2016 on an interim basis, pending Senate review. The revisions included details related to training, applicability, confidential resources, the definition of a Responsible University Employee, the timeframe for review, and amnesty for students who report sexual misconduct that occurs in connection with prohibited alcohol or drug use.
- The EDI Committee approved of the changes that had been made in the interim Policy. It developed minor revisions, including a number of technical revisions.
- In April 2016, the EDI Committee proposed revisions to the Policy. The revised Policy was approved by the Senate and the President.



Charged: September 2, 2019 | Deadline: November 12, 2019

**Review of the Interim Sexual Misconduct Faculty Procedures  
(Senate Document #19-20-05)  
Faculty Affairs Committee | Chair: Linda Schmidt**

Senate Bill 396 - Higher Education - Legal Representation Fund for Title IX Proceedings provides state funding to the Maryland Higher Education Commission (MHEC) to establish and administer a fund that provides support for reasonable costs and attorney's fees for students for Title IX proceedings. As a result of the new law, the University System of Maryland (USM) revised its Policy on Sexual Misconduct (VI-1.60) and asked all USM institutions to align their policies accordingly. President Loh approved interim changes to the University of Maryland Sexual Misconduct Policy & Procedures on June 24, 2019, pending University Senate review.

Senate Chair Lanford and the Senate Executive Committee have requested that the Equity, Diversity, and Inclusion (EDI) Committee review the interim Sexual Misconduct Policy. The associated procedures will be reviewed separately by the Senate's Faculty Affairs, Staff Affairs, and Student Conduct Committees, respectively.

1. Review the interim University of Maryland Sexual Misconduct Policy & Procedures ([VI-1.60\[A\]](#)).
2. Review the University System of Maryland (USM) Policy on Sexual Misconduct ([VI-1.60](#)).
3. Review [Senate Bill 396](#) - Higher Education - Legal Representation Fund for Title IX Proceedings.
4. Review [Senate Bill 607](#) (SB607) - Higher Education – Sexual Assault Policy – Disciplinary Proceedings Provisions.
5. Consult with a representative of the Office of Civil Rights & Sexual Misconduct (OCRSM).
6. Consider whether the information provided in the interim policy appropriately reflects the principles within SB396, SB607, and the USM Policy on Sexual Misconduct.
7. Consult with the Senate Staff Affairs Committee regarding any potential revisions to the staff procedures.
8. Consult with a representative of the Office of General Counsel on any proposed changes to the faculty procedures.
9. If appropriate, recommend whether the interim faculty procedures should be revised.

We ask that you submit a report to the Senate Office no later than **November 12, 2019**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.





## Review of the Interim Sexual Misconduct Staff Procedures

**PRESENTED BY** Jane Hirshberg, Chair

**REVIEW DATES** SEC – November 20, 2019 | SENATE – December 4, 2019

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** [VI-1.60\(A\) – University of Maryland Sexual Misconduct Policy & Procedures](#)

**NECESSARY APPROVALS** Senate, President

### ISSUE

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As a result of changes in state law, the University System of Maryland (USM) revised its Policy on Sexual Misconduct ([VI-1.60](#)) in June 2019. The University of Maryland Sexual Misconduct Policy & Procedures (VI-1.60[A]) were revised to align with the changes to USM policy and were approved on an interim basis on June 24, 2019, pending University Senate review. The policy covers all members of the University community; the procedures provide specific detail on the process for reviewing complaints against faculty, staff, and students, and are applied depending on the constituency of the individual against whom a complaint is made.

In August 2019, the Senate Executive Committee (SEC) charged four Senate committees with consideration of the interim University of Maryland Sexual Misconduct Policy & Procedures. The Equity, Diversity, & Inclusion (EDI) Committee was given responsibility for reviewing the Policy itself to ensure alignment with the revised USM policy and state law ([Senate Document #19-20-03](#)). The Staff Affairs Committee was charged with reviewing the interim Staff Sexual Misconduct Complaint Procedures and ensuring they accurately reflect the changes in state law and USM policy.

### RECOMMENDATIONS

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The Staff Affairs Committee recommends that the Staff Sexual Misconduct Complaint Procedures be revised as indicated in the document immediately following this report.

The Staff Affairs Committee recommends that the University conduct a comprehensive review of the University of Maryland Sexual Misconduct Policy and Procedures to ensure that they align with best practices.

### COMMITTEE WORK

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In fall 2019, the Staff Affairs Committee reviewed background materials identified in its charge and considered feedback provided by the Office of Civil Rights & Sexual Misconduct (OCRSM) and the Office of General Counsel (OGC) on the interim Sexual Misconduct Policy and on current practice related to the investigation of sexual misconduct complaints. The committee also carefully reviewed changes to the Sexual Misconduct Policy proposed by the EDI Committee. The Staff Affairs Committee revised the Staff Sexual Misconduct Complaint Procedures to align with the EDI

Committee's revisions and ensure that certain rights established in the Policy were included in the Procedures, as well. The committee also identified some additional concerns with the Policy and Procedures that fell outside the scope of its review, which led to its administrative recommendation.

After due consideration, the Staff Affairs Committee voted to approve the revised Staff Sexual Misconduct Complaint Procedures and an administrative recommendation at its November 13, 2019, meeting. Revisions to the Procedures affecting staff within the bargaining unit must be shared with the union for review following approval by the Senate before being submitted to the President for review and approval.

## **ALTERNATIVES**

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The Senate could choose not to approve the recommendation and revisions to the University of Maryland Staff Sexual Misconduct Complaint Procedures, leaving the interim Procedures in effect. However, the Procedures would not align with the Sexual Misconduct Policy and would not adequately describe the rights and responsibilities of participants in misconduct proceedings.

## **RISKS**

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There are no associated risks to the University in adopting these recommendations.

## **FINANCIAL IMPLICATIONS**

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There are no known financial implications.



## Review of the Interim Sexual Misconduct Staff Procedures

### 2019-2020 Committee Members

**Jane Hirshberg** (Chair)  
**Max Balagtas-Badoy** (Non-Exempt Staff Contingent II)  
**Amelia Barabak** (Ex-Officio Provost's Rep)  
**Darrell Claiborne** (Ex-Officio NV CUSS Rep)  
**Jaison Cooper** (Exempt Staff Contingent II)  
**Everett Daviage** (Exempt Staff-Division)  
**Robert DuDonis** (Non-Exempt Staff-Division)  
**Cathy Fisanich** (Non-Exempt Staff-Academic)  
**Sarah Goff** (Ex-Officio CUSS Rep)  
**Elizabeth Hinson** (Ex-Officio NV CUSS Rep)  
**Antionietta Jennings** (Non-Exempt Staff-Division)  
**Rythee Lambert-Jones** (Ex-Officio Director of Human Resources Rep)

**Anne Martens** (Ex-Officio VP Administration & Finance Rep)  
**Kalia Patricio** (Ex-Officio CUSS Rep)  
**Jeanne Pekny** (Non-Exempt-Academic)  
**Brianne Rowh** (Exempt Staff-Division)  
**Margaret Saponaro** (Faculty)  
**Maureen Schrimpe** (Ex-Officio CUSS Rep)  
**Kristin Stenson** (Exempt Staff-Academic)  
**Brooke Supple** (Ex-Officio VP Student Affairs Rep)  
**D. Tella** (Student)  
**Timea Webster** (Exempt Staff-Academic)

### Date of Submission

**November 2019**

## BACKGROUND

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As a result of changes in state law, the University System of Maryland (USM) revised its Policy on Sexual Misconduct ([VI-1.60](#)) in June 2019. The University of Maryland Sexual Misconduct Policy & Procedures (VI-1.60[A]) were revised to align with the changes to USM policy and were approved on an interim basis on June 24, 2019, pending University Senate review. The policy covers all members of the University community; the procedures provide specific detail on the process for reviewing complaints against faculty, staff, and students, and are applied depending on the constituency of the individual against whom a complaint is made.

In August 2019, the Senate Executive Committee (SEC) charged four Senate committees with consideration of the interim University of Maryland Sexual Misconduct Policy & Procedures. The Equity, Diversity, & Inclusion (EDI) Committee was given responsibility for reviewing the policy itself to ensure alignment with the revised USM policy and state law ([Senate Document #19-20-03](#)). The Staff Affairs Committee was charged with reviewing the interim Staff Sexual Misconduct Complaint Procedures and ensuring they accurately reflect the changes in state law and USM policy (Appendix 2).

## UNIVERSITY OF MARYLAND SEXUAL MISCONDUCT POLICY & PROCEDURES

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The University's Sexual Misconduct Policy & Procedures outline the University's approach to addressing all forms of sexual misconduct involving University faculty, staff, and students, in alignment with federal and state discrimination laws. The Policy defines specific conduct that is prohibited, provides information on resources for victims of sexual misconduct, and outlines broad principles that govern the process for handling reports of sexual misconduct. The Procedures detail the specific processes faculty, staff, and students will go through during a Sexual Misconduct investigation and explain the process from the receipt of a complaint through investigation and adjudication. The Procedures outline possible sanctions or disciplinary action that may come as a

result of a Finding of responsibility, as well as provide a process for appealing a finding and/or sanctions, depending on the case.

In 2018, the Maryland General Assembly passed [Senate Bill 607](#) (Higher Education - Sexual Assault Policy – Disciplinary Proceedings Provisions). The law affected disciplinary proceedings for sexual misconduct cases at state higher education institutions, and required that institutional policies include an enumeration of specific student rights. It also established a framework for current or former students to access counsel paid for by the Maryland Higher Education Commission (MHEC) through a list of attorneys willing and able to represent students in Title IX cases. In spring 2019, the Maryland General Assembly passed [Senate Bill 396](#) (Higher Education – Legal Representation Fund for Title IX Proceedings). The legislation provided funding to MHEC to establish and administer the representation program to provide support in covering reasonable costs and attorney’s fees for current or former students involved in Title IX proceedings.

MHEC is in the process of implementing the attorney program developed by the recent changes in state law. MHEC has developed a website with information on the attorney program as a resource for current and former students. As it moves forward with implementing the program, MHEC will update the website with additional information and will publish a list of attorneys who have agreed that they are willing and able to represent students at low cost or on a pro bono basis. While current and former students will be able to use this list to help them retain an attorney, attorneys on the list will not be obligated to take any individual case.

On June 24, 2019, the University of Maryland Sexual Misconduct Policy was revised to incorporate provisions required by the new state laws from 2018 and 2019, and to align with the recent related changes to the USM Policy. The interim Policy incorporated two additional sections: XI, Student Rights, and XII, Student Rights to an Attorney. These sections outline rights afforded to student parties throughout the process, including the right to an advisor who may be an attorney. The sections also describe the new MHEC program through which current and former students may access counsel paid for by MHEC. The interim Procedures incorporated a statement indicating that parties who are students retain the rights outlined in the Policy throughout the process detailed in the Student, Faculty, and/or Staff Procedures.

## COMMITTEE WORK

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At its meeting on October 2, 2019, the Staff Affairs Committee reviewed background materials identified in its charge, including the 2018 and 2019 state bills and the USM Policy on Sexual Misconduct. At its October 23 meeting, the committee considered feedback provided by the Office of Civil Rights & Sexual Misconduct (OCRSM) and the Office of General Counsel (OGC) on the interim Policy and on current practice related to the investigation of sexual misconduct complaints. The committee carefully reviewed draft changes to the Policy proposed by the EDI Committee, and identified additional revisions that members felt the EDI Committee should consider. In particular, the committee felt that the new section titled “Student Rights to an Attorney” should be accompanied by more explicit language indicating that staff and faculty may also be advised by an attorney throughout misconduct proceedings. The committee’s suggestions were sent to the EDI Committee for consideration.

At its meeting on November 13, the Staff Affairs Committee reviewed the EDI Committee’s final recommended revisions to the Policy, which addressed the concerns raised by the Staff Affairs Committee. The Staff Affairs Committee revised the Staff Sexual Misconduct Complaint Procedures to align with the EDI Committee’s revisions to the Policy and ensure that certain rights established in the Policy were included in the Procedures, as well. The committee also identified concerns with

the section of the Policy that addresses “Steps to Take Following a Sexual Assault.” Members noted that the guidance does not consistently reflect best practices or a trauma-informed approach, and questioned whether it was even appropriate to include in a policy. Given the committee’s charge was narrowly focused on ensuring the Procedures reflect recent changes in state law and USM policy, the committee agreed to make an administrative recommendation that the Sexual Misconduct Policy & Procedures be reviewed at a future date to ensure further review of this section of the Policy. The committee also identified a list of additional structural and grammatical concerns with the Procedures that should be addressed in any future review, which were shared with the Senate Office.

After due consideration, the Staff Affairs Committee voted to approve the revised Staff Sexual Misconduct Complaint Procedures and an administrative recommendation at its November 13, 2019, meeting.

## **RECOMMENDATIONS**

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The Staff Affairs Committee recommends that the Staff Sexual Misconduct Complaint Procedures be revised as indicated in the document immediately following this report.

The Staff Affairs Committee recommends that the University conduct a comprehensive review of the University of Maryland Sexual Misconduct Policy and Procedures to ensure that they align with best practices.

## **APPENDICES**

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Appendix 1 — Past Senate Action on University of Maryland Sexual Misconduct Policy & Procedures

Appendix 2 — Charge from the Senate Executive Committee

## **APPENDIX B: STAFF SEXUAL MISCONDUCT COMPLAINT PROCEDURES**

- I. Overview**
- II. Rights to Support Person and Advisor**
  - A. Support Person
  - B. Advisor
  - C. Party Obligations
  - D. Non-Party Participant Requirements
- III. Reporting**
- IV. Complaint Intake Process**
  - A. Notification to the Complainant
  - B. Requests for Confidentiality
  - C. Initial Assessment of Complaint
  - D. Interim Protective Measures
- V. Resolution Processes**
  - A. Time Frame for Resolution
  - B. Alternative Resolution Process
  - C. Investigation Process
- VI. Appeal of Finding**
  - A. Overview
  - B. Grounds for Appeal
  - C. SRC Appellate Body
  - D. Appeal Outcome
- VII. Remedies and Disciplinary Action**
  - A. Impact Statement and Mitigation Statement
  - B. Remedies
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- VIII. Grievance Rights**
- IX. Final Outcome**
- X. Records Retention**
- XI. Post-Resolution Follow-Up**

## I. OVERVIEW

These procedures (“Staff Procedures”) set forth in Appendix B accompany the University of Maryland (UMD) Sexual Misconduct Policy (the “Policy”) and are the exclusive procedures that govern the handling of all reports or complaints of Sexual Misconduct against UMD staff. Key terms used herein are defined in the Policy. For example, Sexual Misconduct is an umbrella term defined in the Policy that encompasses Dating Violence, Domestic Violence, Sexual Violence, **Sexual Coercion**, Sexual Harassment, Sexual Assault, Sexual Exploitation, Sexual Intimidation, Relationship Violence, and Stalking.

For purposes of the Policy and these Staff Procedures, staff include University coaches and all University employees other than those with faculty rank as described in II-1.00(A) University of Maryland Policy on Appointment, Promotion, and Tenure of Faculty at <http://president.umd.edu/administration/policies/section-ii-faculty/ii-100a><sup>1</sup>.

Employees with faculty rank are governed by the Faculty Sexual Misconduct Complaint Procedures (*see Appendix C*). These Staff Procedures replace all procedures previously in effect pertaining to the investigation and resolution of Sexual Misconduct complaints against staff at UMD.

**Student Rights set forth in Sections XI and XII of the Policy apply throughout the process set forth in these Staff Procedures.**

## II. RIGHTS TO SUPPORT PERSON AND ADVISOR

Throughout the process, any party may be accompanied to any meeting related to an investigation and resolution of a complaint by up to two (2) other people: (1) a Support Person, and/or (2) an Advisor. Meetings include, but are not limited to, meetings with the Office of Civil Rights & Sexual Misconduct (OCRSM), investigative interviews, document reviews, and Alternative Resolutions.

~~All Student Rights set forth in Sections XI and XII of the Policy apply to parties who are students throughout the process set forth in these Staff Procedures.~~

### A. Support Person

A party may choose to be accompanied by a Support Person of their choice, at their own initiation and expense. A Support Person is someone who can provide emotional, logistical, or other kinds of assistance. The Support Person cannot be a witness or provide evidence in the case. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the party in a way that does not disrupt or cause any

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<sup>1</sup> Complaints against law enforcement officers will be investigated and adjudicated consistent with the requirements of the Law Enforcement Officers’ Bill of Rights (LEOBR), Md. Code Ann., Public Safety Article, Title 3, Subtitle 1.

delay. A Support Person shall not be an active participant and the parties must speak for themselves.

## **B. Advisor**

A party may choose to be assisted by an Advisor of their choice, ~~including who may be~~ an attorney, at their own initiation and expense. The Advisor is a non-participant who is present to provide advice and consultation to a party. An Advisor cannot be a witness or provide evidence in a case. If necessary, a party may request a recess in order to speak privately with an Advisor. An Advisor shall not be an active participant. The parties must speak for themselves. An Advisor may not delay, or otherwise interfere with, the University's process.

**Student Complainants and Respondents may elect to retain an attorney to serve as their Advisor, though assistance by an attorney is not required. The Maryland Higher Education Commission (MHEC) has developed resources to assist current and former students in retaining an attorney to serve as an Advisor at no or low cost to the student. MHEC will provide a list of licensed attorneys who have indicated that they may represent students in Title IX proceedings on a pro bono basis or for reduced legal fees. 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.**

## **C. Party Obligations**

Throughout the process, the Title IX Officer or designee, Investigators, and other University representatives will communicate and correspond directly with the parties, not through a Support Person or Advisor. Parties are responsible for ensuring that Support Persons and Advisors follow the non-party participation requirements below. When a party wishes to have a Support Person and/or Advisor accompany them to a meeting, the party must notify the OCRSM in advance. Parties are also responsible for making sure appropriate authorization exists for the University to communicate the non-party participation requirements below to any Support Person or Advisor.

## **D. Non-Party Participant Requirements**

All Support Persons and Advisors must review the materials about the scope of their respective roles, prior to accompanying a party to any meeting or other activity. These materials may be obtained online at the OCRSM website, [www.umd.edu/ocrsm/](http://www.umd.edu/ocrsm/) or from the OCRSM directly. This is to ensure the Support Persons and Advisors are informed about the process and their respective roles. All parties, Support Persons, and Advisors are expected to understand their roles and adhere to the University's expectations regarding decorum and privacy considerations.

## **III. REPORTING**

**Faculty, staff, students, and third-parties may ~~Complaints and other~~ reports of Sexual Misconduct ~~against staff may be made to the OCRSM~~ on their own behalf or on behalf of others. Reports of Sexual Misconduct against staff may be made to the OCRSM.** Reports



may also be made to any Responsible University Employee (RUE). An RUE, as defined by the Policy, includes all University administrators, supervisors in non-confidential roles, faculty members, campus police, coaches, athletic trainers, resident assistants, and non-confidential first responders. RUEs are required to share all reports of Sexual Misconduct they receive promptly with the Title IX Officer or designee.

Students may also report Sexual Misconduct against staff to the Office of Student Conduct (OSC), or to the Office of Rights & Responsibilities (R&R) in the Department of Resident Life.

Prompt reporting of Prohibited Conduct is encouraged so that the University can take immediate and corrective action to eliminate the misconduct, prevent its recurrence, and address its effects. The University will provide support and assistance to the Complainant and respond according to the steps outlined in these Staff Procedures. As described in section IV. C, upon receipt of any report, the Title IX Officer or designee will make an immediate assessment of the risk of harm to the parties or to the University community and will take steps necessary to address any risks. These steps may include working with University Human Resources and other campus offices to facilitate Interim Protective Measures (as described in section IV. D) that provide for the safety of the parties and the University community, when appropriate.

A Complainant may choose to make a report to the University and pursue resolution under these Staff Procedures, and may also choose to make a report to law enforcement. A Complainant may pursue either of these options or both options at the same time. The criminal process and the University's internal process under these Staff Procedures are separate and independent. A Complainant who wishes to pursue criminal action should contact campus police or external law enforcement directly. See Policy section VII for more information on criminal reporting.

The University recognizes that deciding whether to report Sexual Misconduct and proceed with a formal complaint under these Staff Procedures is a personal decision that may evolve over time. While prompt reporting is strongly encouraged, there is no time limit for reporting Sexual Misconduct. The OCRSM will coordinate with the appropriate University office to provide support and assistance to each Complainant in making important decisions related to reports of Sexual Misconduct. Consistent with the goal of safety for all University community members, the University will make every effort to respect a Complainant's autonomy in making their own personal decisions after reporting Sexual Misconduct. However, when appropriate, the University, through the OCRSM, retains the right to initiate a formal complaint on its own, independent of any individual's decision as to how they wish to proceed.

#### **IV. COMPLAINT INTAKE PROCESS**

##### **A. Notification to the Complainant**

Upon receipt of a complaint, the OCRSM will ensure that the Complainant is provided with a copy of the Policy and Staff Procedures and is informed of their rights and responsibilities. The OCRSM will provide information to the Complainant about the University's internal administrative complaint process and review with them their respective rights and responsibilities. The Complainant will be informed of available community and campus resources and services; their right to a Support Person and the Support Person's role; their right

to an Advisor and the Advisor's role; their right to file a report with law enforcement; and the University's prohibition against retaliation. The Complainant will have an opportunity to ask questions and seek additional information.

## **B. Requests for Confidentiality**

Whenever possible, the OCRSM will take action consistent with the Complainant's expressed wishes regarding confidentiality. The University's ability to fully investigate and respond to a complaint may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an Investigation. When a Complainant requests their name or other identifiable information not be disclosed and/or that no further action be taken, the Title IX Officer or designee will seek to honor such requests, balancing the Complainant's wishes for confidentiality with the University's obligation to provide a safe and non-discriminatory environment for all members of the University community. The University retains the right to proceed with a complaint as necessary to meet its obligations, and in some cases, may not be able to honor a request for confidentiality.

## **C. Initial Assessment of Complaint**

When the University receives a complaint, the OCRSM will conduct an Initial Assessment. The Initial Assessment will determine whether the reported conduct constitutes a potential violation of the Policy, whether further action is warranted based on the reported conduct, and whether the University has jurisdiction over the parties.

The first step in the Initial Assessment is a preliminary meeting between the Complainant and the OCRSM to gather information that will enable the OCRSM to:

- Assess the nature and circumstances reported in the complaint;
- Assess the safety of the Complainant and of the University community;
- Implement any appropriate Interim Protective Measures;
- Assess for pattern evidence or other similar conduct by the Respondent when relevant to the safety assessment;
- Assess the Complainant's expressed preference regarding resolution, including any request that no further action be taken;
- Assess any request by the Complainant for confidentiality or anonymity; and
- Assess the reported conduct for possible referral to the University of Maryland Police Department (UMPD) for a timely warning under the Clery Act.

During the Initial Assessment, information will be shared with other units/administrators only as necessary and confidentiality will be maintained by the OCRSM and other administrators, to the extent possible.

At the conclusion of the Initial Assessment, the OCRSM will determine the appropriate next step(s), including but not limited to: no further action, the imposition of Interim Protective Measures, Alternative Resolution, and/or proceeding with an investigation.

When the Initial Assessment determines the reported conduct does not constitute a potential violation under the Policy, but may violate another University policy, the complaint may be referred to another appropriate University official for review and resolution.

When the Initial Assessment determines the alleged reported conduct does constitute a potential violation under the Policy, but reveals that the University lacks jurisdiction over the Respondent, the University will take available and reasonable steps to address the Sexual Misconduct, prevent its recurrence, and address its effects at the University.

#### **D. Interim Protective Measures**

Based on the nature and circumstances of the complaint, the Title IX Officer or designee in consultation with appropriate University administrators may authorize Interim Protective Measures to ensure the safety and well-being of the Complainant and others in the campus community, as appropriate. The Title IX Officer or designee will promptly inform the Respondent (if they are a member of the University community) of any Interim Protective Measures that will directly impact the Respondent and provide an opportunity for the Respondent to respond.

The OCRSM retains discretion to impose and/or modify any Interim Protective Measures based on all available information. Interim Protective Measures will remain in effect until the University's final resolution of the Sexual Misconduct complaint. Interim Protective Measures may be made permanent, as needed, after adjudication. A party may challenge the imposition of Interim Protective Measures, or a decision not to impose Interim Protective Measures, by contacting the OCRSM and University Human Resources to address any concerns. Information about Interim Protective Measures can be found on page 11 of the Policy.

### **V. RESOLUTION PROCESSES**

#### **A. Time Frame for Resolution**

Consistent with the goal of maximizing educational and working opportunities, remedying the effects of Prohibited Conduct and promoting campus safety while minimizing the possible disruptive nature of the process, the OCRSM will strive to resolve all complaints within sixty (60) business days of receipt. In general, the investigation phase may last approximately four to five weeks and the adjudication phase may last an additional estimated four to five weeks. Good faith efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with the importance of resolving complaints in a timely and expeditious manner. The Title IX Officer may extend the general time frames for the completion of all required actions. If such an extension occurs, the parties will be notified in writing by the OCRSM.

#### **B. Alternative Resolution Process**

~~The Title IX Officer or designee has the discretion to determine whether a complaint is appropriate for Alternative Resolution and may propose Alternative Resolution to the~~

~~Complainant as an option.—The Complainant may then seek Alternative Resolution in lieu of an investigation and adjudication.~~

Alternative Resolution is a process whereby remedies and interventions may serve to address the alleged Prohibited Conduct without proceeding to an investigation and adjudication. Alternative Resolution is not appropriate for complaints involving ~~Sexual Violence, including~~ Sexual Assault **or Sexual Coercion**. Neither party is required to accept responsibility for the alleged Prohibited Conduct in order to proceed with Alternative Resolution. **Either party may request an Alternative Resolution Process. At any time, The either** parties may decide not to proceed with Alternative Resolution and may request an investigation and adjudication ~~at any time.—The Title IX Officer retains discretion to terminate an ongoing Alternative Resolution process at any time.~~

**The Title IX Officer or designee has the discretion to determine whether a complaint is appropriate for Alternative Resolution and retains discretion to terminate an ongoing Alternative Resolution process at any time**~~may propose Alternative Resolution to the Complainant as an option.—The Complainant may then seek Alternative Resolution in lieu of an investigation and adjudication.~~

The purpose of Alternative Resolution is to take appropriate action by imposing individual and community interventions and remedies designed to maximize the Complainant's access to educational, extra-curricular, and/or employment activities at the University; and/or to address the effects of the conduct on the larger University community. Any combination of interventions and remedies may be utilized, including but not limited to:

- Targeted or broad-based educational programming or training for relevant individuals or groups;
- Academic and/or housing modifications for Student Complainants;
- Workplace modifications and other administrative changes;
- Completion of projects, programs, or requirements designed to help the Respondent manage behavior, refrain from engaging in Prohibited Conduct, and understand why the Prohibited Conduct is prohibited; and
- Agreements to cease contact and limit access to specific University buildings or areas or forms of contact with particular persons.

The imposition of remedies or interventions obtained through Alternative Resolution may be achieved by an agreement acceptable to the parties and the University. The Title IX Officer or designee will work with University Human Resources to facilitate the development of this agreement. In cases where an agreement is reached, the terms of the agreement are implemented and the matter is resolved and closed. In cases where an agreement is not reached, and the Title IX Officer or designee determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution agreement, the matter may be referred for investigation and resolution under these Staff Procedures.

Where the Complainant, Respondent, and the University have reached an Alternative Resolution agreement, the parties will be provided with a copy of the agreement. Entering into Alternative

Resolution and signing an agreement does not mean that the Respondent admits responsibility; nor does it mean that there has been a finding of a Policy violation.

## **C. Investigation Process**

When the Initial Assessment determines the University has jurisdiction over the Respondent and the alleged conduct, and where Alternative Resolution is not appropriate or Respondent fails to comply with the terms of an Alternative Resolution agreement, an investigation will occur.

### **1. Notice of Investigation**

In the event of an investigation, the Investigator will send a written *Notice of Investigation* and *Notice of Rights and Responsibilities* to both parties.

The *Notice of Investigation* will contain the circumstances of the alleged incident (which generally will include, to the extent known, the name of the Complainant and the date, time, and location), the Prohibited Conduct alleged as defined by the Policy, and the range of potential disciplinary action associated with the Prohibited Conduct. Both parties will also be informed that they will have an opportunity to be heard regarding the complaint during the investigation process, including the opportunity to be heard during separate interviews with an Investigator regarding the alleged Sexual Misconduct.

### **2. Notice of Rights and Responsibilities**

Both parties will be provided with a copy of the Policy and Staff Procedures and informed of their rights and responsibilities pursuant to the Policy. This includes but is not limited to: no contact directives (and provided a copy), prohibitions against retaliation and guidance about reporting any retaliatory conduct, **the right to the presence of a Support Person and/or an Advisor**, and available community and campus resources and services.

### **3. Standard of Review**

In making a determination about whether a Policy violation has occurred, the standard of review is preponderance of the evidence. A preponderance of the evidence means “it is more likely than not **that the violation occurred.**” **This is the same standard of review that is used in other disciplinary proceedings of the institution.** ~~Thus, a~~ At the conclusion of the investigation phase, based on the information gathered, a recommended finding will be made as to whether it is more likely than not that the reported conduct occurred and that it constituted Prohibited Conduct in violation of the Policy.

### **4. Role of the Investigator**

The Title IX Officer or designee will designate one or more Investigator(s) from the OCRSM and/or an external Investigator to conduct a prompt, thorough, fair, and impartial investigation. All Investigators will receive annual training on issues related to sexual and gender-based harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking. The training

will also include how to conduct a fair and impartial investigation that provides parties with notice and a meaningful opportunity to be heard, as well as how to protect the safety of Complainants and the University community while promoting accountability.

## **5. Overview of the Investigation**

The investigation is an impartial fact-gathering process. It is an important stage in which both parties have an opportunity to be heard regarding the complaint. During the investigation the parties will each have an opportunity to meet and speak with the Investigator, provide any relevant information about the reported conduct, **submit evidence**, and identify persons they believe the Investigator should speak with **as witnesses** because they believe they have relevant information. **The Investigator will determine whether and how the evidence and witnesses submitted by the parties will be factored into the Investigation.** The Investigator will speak separately with both parties and any other individuals who may have relevant information. The Investigator will also gather any available physical evidence or documents, including prior statements by the parties or witnesses, communications between the parties, email messages, text messages, social media materials, and other records, as appropriate and available.

### **a. Special Considerations**

Information related to the prior sexual history of either party is generally not relevant to the determination of a Policy violation. However, prior sexual history between the parties may be relevant in very limited circumstances. For example, where there was a prior or ongoing consensual relationship between the parties, and where Consent is at issue in the case at hand, evidence as to the parties' prior sexual history as it relates to Consent may be relevant to assess the manner and nature of communications between the parties. As noted in the Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute Consent. Sexual history will never be used for purposes of illustrating either party's individual character or reputation. The Investigator will determine the relevance of prior sexual history and inform the parties if information about the parties' sexual history with each other is deemed relevant.

At the discretion of the OCRSM, multiple reports may be consolidated in one investigation if the information related to each incident is relevant in reaching a determination. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct involving the same parties, provided that it does not delay the prompt investigation and resolution of complaints.

### **b. Draft Report**

At the conclusion of the investigation, the Investigator will draft a written investigation report that summarizes the information gathered (including, but not limited to, the names of witnesses and summaries of their statements), and synthesizes the areas of agreement and disagreement between the parties.

### **c. Notice of Opportunity to Review the Draft Investigation Report**

Before the investigation report is finalized, the parties will be given an opportunity to review and respond to the draft report. Upon receipt of notice to review the draft report, the parties

will each have five (5) business days to review the report and all underlying documents and submit written comments, information, and/or questions to the Investigator. If there is any new or additional information to be provided by either party, it must be presented to the Investigator at this time. If further investigation is warranted based on the comments, information, and/or questions provided during the review period, the Investigator will continue the investigation, as needed.

## **6. Recommended Finding**

Upon timely receipt of any additional information or comments from the parties or after the five (5) business day comment period has lapsed with no comments provided, and the investigation is complete, the Investigator will finalize the investigation report.

The final investigation report will include all relevant information obtained in the course of the investigation, an analysis and proposed findings of material fact, and a recommended finding of whether or not a Policy violation occurred by a preponderance of the evidence.

## **7. Independent Review of the Finding**

The final investigation report and the recommended finding will be automatically reviewed by a Standing Review Committee (SRC). Each SRC is composed of three (3) individuals (faculty, staff, and/or students), with at least one (1) staff member. SRC members shall be members of the University community who have had no previous involvement with the case, and have been trained to review such cases. SRC members are obligated to disclose to the OCRSM any known conflicts prior to participating in any specific SRC review. Conflicts or familiarity with the individuals involved in the matter that are disclosed to the OCRSM will automatically disqualify an individual SRC member from participation in any particular review.

The SRC will review the final investigation report and consider whether the recommended finding is supported by the information obtained in the course of the investigation. The SRC will confine its consideration to a review of the written record. The SRC may speak with the Investigator when clarification about the final investigation report is needed and/or to issue specific instructions to the Investigator for further investigation. The results of any additional requested investigation will be reported to the SRC.

Once any additional investigation is complete, the SRC will issue its determination on the recommended finding. The SRC will make one of two possible decisions:

- Approve the recommended finding; or
- Reject the recommended finding.

The SRC must issue a written decision to the OCRSM within five (5) business days of receipt of the final investigation report and/or receipt of any additional information resulting from additional requests to the Investigator by the SRC.

After the SRC issues its written determination, the OCRSM will issue a *Notice of Finding*, which will include a range of potential disciplinary actions associated with the finding. The *Notice of Finding* will be sent to the parties and University Human Resources, along with the SRC

determination and a copy of the final investigation report, including any additional information resulting from additional investigation.

Either party may submit Impact and Mitigation Statements within three (3) business days of receipt of the *Notice of Finding* in accordance with section VII.A.

After the issuance of the *Notice of Finding*, University Human Resources in conjunction with the Respondent's unit head may initiate disciplinary action against the Respondent as set forth in section VII. C.

Regardless of whether a disciplinary action is initiated, either party may appeal the finding in accordance with section VI below.

The Respondent has a separate right to grieve any discipline imposed in accordance with the grievance rights afforded to them based on their specific employment status. Filing an appeal of the finding with the OCRSM does not initiate a grievance of discipline imposed as a result of a finding.

## **VI. APPEAL OF FINDING**

Either or both parties may appeal the finding. An appeal must be submitted to the OCRSM or designee in writing within five (5) business days of the date of receipt of the *Notice of Finding*. Appeals received after five (5) business days shall be denied. If an appeal is received on time, the other party will be notified and given five (5) business days from the date of receipt of the notice to respond. Responses shall be submitted directly to the OCRSM or designee. Appeals and responses filed by each party will be shared with the other party and considered together in one appeal review process. If neither party submits an appeal, the finding is final after five (5) business days. Appeals will be decided by an SRC Appellate Body (as defined in section VI. C below).

### **A. Overview**

The scope of the appeal is limited to the grounds set forth below. Dissatisfaction with the investigation outcome is not a valid basis for appeal. Appeals are not intended to allow for a second review of the same facts of the case or to reconsider whether there was a Policy violation based on the same facts of the case. In most cases, appeals are confined to a review of the written record and the grounds for appeal submitted by the parties.

### **B. Grounds for Appeal**

Grounds for appeal shall be limited to:

#### **1. Substantial Procedural Error**

Specified procedural errors or errors in interpretation of University policy that were so substantial as to effectively deny a Complainant or a Respondent notice or a fair opportunity to



be heard. Mere deviations from procedures that were not so substantial as to deny a Complainant or Respondent notice or a fair opportunity to be heard will not be a basis for sustaining an appeal.

## **2. New Evidence**

New and significant relevant information has become available which a reasonably diligent person could not have discovered during the Investigation.

When the basis of the Appeal is new evidence, the SRC Appellate Body will determine whether the information is new and was unavailable at the time of the investigation. If the SRC Appellate Body determines that the information is not new and was available at the time of the investigation, the Appeal will be denied. If the information is determined to be new and unavailable at the time of the investigation, the SRC Appellate Body will make a determination as to whether the new information could change the outcome of the investigation. If the SRC Appellate Body determines that the new evidence could change the outcome, the case will be sent back to the Investigator for further investigation. After new evidence is considered, the OCRSM will then provide the SRC Appellate Body with a modified report and findings, as appropriate. Copies of the modified report and findings, if any, will also be provided to the parties. The modified report will be considered by the SRC Appellate Body. The SRC Appellate Body will then decide to affirm the recommendations of the modified report, reject them, or ask for additional investigation.

## **C. SRC Appellate Body**

The Standing Review Committee (SRC) Appellate Body is the designated appellate body for all appeals of findings under these Staff Procedures. The SRC Appellate Body is composed of three (3) members (faculty, staff, and/or students), with at least one (1) staff member. SRC Appellate Body members shall be members from the University community who have had no previous involvement with the case, and have been trained to review such cases.

## **D. Appeal Outcome**

The SRC Appellate Body may:

- Affirm the finding;
- Reject the finding; or
- Remand the case back to the Investigator for further investigation.

The SRC Appellate Body Chair will render a written decision on the appeal to the Title IX Officer or designee within five (5) business days from the date of the submission of all appeal documents. The SRC Appellate Body decision is the final determination of a Policy violation and may not be further appealed under these Staff Procedures. If an appeal outcome changes the finding against an employee covered by the Exempt MOU or Nonexempt MOU, University Human Resources will review the appeal outcome and revise discipline imposed or in process, as appropriate.

## VII. REMEDIES AND DISCIPLINARY ACTION

### A. Impact Statement and Mitigation Statement

Whenever there is a finding of responsibility, the parties may choose to submit statements to University Human Resources, within three (3) business days from the date of receipt of the *Notice of Finding* or SRC Appellate Body decision, if an appeal was filed.

The Complainant may submit a written Impact Statement to University Human Resources describing the impact of the Prohibited Conduct on the Complainant.

The Respondent may submit a written Mitigation Statement to University Human Resources explaining any factors the Respondent believes should mitigate or otherwise be considered in determining appropriate remedies and/or recommended discipline either issued or being considered, if any.

The parties' respective statements will be considered by University Human Resources and not shared with the other party.

### B. Remedies

The Title IX Officer or designee, in consultation with University Human Resources or other appropriate administrators, will identify reasonable short-term and/or long-term remedies to address the effects of the conduct on the Complainant and prevent its reoccurrence. Such remedies seek to restore to the Complainant, to the extent possible and within reason, the benefits and opportunities lost as a result of the Prohibited Conduct. The Title IX Officer or designee may also identify remedies, such as training for specific audiences, to address the effects of the conduct on the larger University community. Remedies are separate from disciplinary action and may occur independently of or concurrently with any discipline that is imposed.

Remedies for student Complainants under these Staff Procedures may include, but are not limited to:

- **Support measures** such as extended classwork deadline, or flexible deadlines, change of venue for taking an exam, change in exam date, and/or retaking of an exam;
- **Academic accommodations** such as retroactive drop from a particular class, retroactive withdrawal from a semester, policy exemption requests, and/or tuition reimbursement; and
- **Housing accommodations.**

Other remedies for Complainants may include, but are not limited to:

- Workplace modifications and other administrative changes, no contact orders, denial of access, schedule changes, counseling, and/or referral to outside agencies.

### **C. Disciplinary Action**

University Human Resources in conjunction with the Respondent's unit head may initiate disciplinary action, if any, based on a violation of the Policy, after a finding of responsibility and the issuance of the *Notice of Finding* set forth in section V. C. 7 above, or in the event of an appeal, after all appeals under these Staff Procedures, if any, have been exhausted.

Discipline imposed on Respondents covered by the Exempt MOU and Nonexempt MOU will comply with the applicable provisions of the MOU. Discipline imposed on Respondents not covered by an MOU shall be in accordance with applicable University and University System of Maryland (USM) policies.

University Human Resources in conjunction with the Respondent's unit head will determine the appropriate disciplinary action, if any. To determine what type of disciplinary action is most appropriate, the following factors shall be considered:

- The nature of the misconduct at issue;
- The impact of the misconduct on the Complainant;
- The impact or implications of the misconduct on the community or the University;
- Any prior Sexual Misconduct by the Respondent at the University or elsewhere that is known to the University;
- Respondent's prior disciplinary history at the University; and
- Any other mitigating, aggravating, or compelling circumstances.

Discipline shall be imposed in accordance with all procedural due process rights afforded staff based on their employment status in accordance with University policy and Maryland law. All staff disciplinary action under these Staff Procedures shall be approved by the Assistant Vice President for Human Resources or designee.

#### **1. Notice of Disciplinary Action**

When disciplinary action is to be imposed, upon the approval by the Assistant Vice President for Human Resources or designee, University Human Resources will ensure that a *Notice of Disciplinary Action* is issued to the Respondent.

Disciplinary action will depend on the specific circumstances in each case and may include discipline ranging from a written reprimand up to and including termination of employment. Other administrative and/or non-disciplinary remedies may also be imposed, including but not limited to, no contact directives, and/or a change in work duties, work locations, or work schedules.

Discipline shall be imposed in accordance with all procedural due process rights afforded staff based on their employment status in accordance with University policy and Maryland law.

### **VIII. GRIEVANCE RIGHTS**

Staff may grieve disciplinary action in accordance with the rights afforded to them based on their specific employment status. Filing an appeal of the finding is not the same as grieving disciplinary action. The review and appeal processes under these Staff Procedures are separate from any grievance rights.

## **IX. FINAL OUTCOME**

When all the procedures and/or grievance processes afforded to both parties under these Staff Procedures, and the rights afforded to them based on their specific employment status have been exhausted, the Assistant Vice President for Human Resources or designee will promptly notify the Title IX Officer or designee of any modification of the final outcome. The Title IX Officer or designee will notify the parties of any modification to the final outcome, except as prohibited by Maryland and federal law.

## **X. RECORDS RETENTION**

The OCRSM shall maintain Initial Assessment, investigation, and outcome records in accordance with the University's record retention schedule.

University Human Resources and the department/unit head will maintain records of all disciplinary action, remedies, and grievances related to a complaint and any Alternative Resolution agreements.

## **XI. POST-RESOLUTION FOLLOW-UP**

After any disciplinary action and/or remedies are issued, if the Complainant agrees, the Title IX Officer or designee may periodically contact the Complainant to ensure the Prohibited Conduct has ended and to determine whether additional remedies are necessary. The Complainant may decline future contact at any time. The Title IX Officer or designee may periodically contact the Respondent to assure compliance with the intent and purpose of any disciplinary action and/or remedies that have been imposed. Any violation by a Respondent of the intent and purpose of any disciplinary action and/or remedies imposed under the Policy, or a failure by the University to provide a specified disciplinary action and/or remedy should be reported to the OCRSM.

The Complainant and Respondent are encouraged to provide the Title IX Officer or designee with feedback about their experience with the process and recommendations regarding ways to improve the effectiveness of the University's implementation of the Policy and Staff Procedures.

## Appendix 1: Past Senate Action on University of Maryland Sexual Misconduct Policy and Procedures

### **Past Senate Action on University of Maryland Sexual Misconduct Policy and Procedures**

Senate Document [#11-12-43](#): Review of the University of Maryland Policies and Procedures on Sexual Harassment

- Prior to 2012: UMD had two separate policies on sexual harassment and sexual assault and misconduct
- In June 2012, a Joint President/Senate Sexual Harassment Policies & Procedures Task Force was created and charged with reviewing the University of Maryland Policy and Procedures on Sexual Harassment (VI-1.20[A]) and determining whether and how they could be improved to comport with prevailing best practices. In the course of its review, the Task Force also reviewed the University of Maryland, College Park Procedures on Sexual Assault and Misconduct (VI-1.30[A]).
- In October 2013, the Task Force recommended that one policy be established to address all forms of sexual misconduct, including sexual assault and sexual harassment. The Task Force developed a policy and made substantive changes to the University's approach to addressing misconduct as it developed the Policy. The Policy and all associated recommendations were approved by the Senate and the President.
  - The Task Force also recommended the establishment of a Title IX Office and a permanent position for a Title IX Coordinator and Title IX Investigator; a communication strategy to educate and inform the community about policy, procedures, and resources; and a training and education program to educate the community about sexual misconduct, related policies, and legal and ethical obligations related to reporting sexual misconduct.

Senate Document [#14-15-11](#): Review of the Interim University of Maryland Sexual Misconduct Policy

- The Violence Against Women Act (VAWA) and related guidance from Office of Civil Rights (OCR) in the Department of Education were revised in 2013.
- In June 2014, the University System of Maryland developed a revised System policy on Sexual Misconduct, in close collaboration with the Office of the Attorney General. All USM institutions were asked to revise their policies by the end of 2014. A revised University of Maryland Sexual Misconduct Policy was developed and approved in October 2014 by the President on an interim basis, pending Senate review.
- In fall 2014, the EDI Committee was charged with reviewing the interim Policy.
- In April 2015, the EDI Committee proposed revisions to the Policy. EDI's review resulted in revised definitions of Prohibited Conduct to include Sexual Assault I (non-consensual sexual intercourse) and Sexual Assault II (non-consensual sexual contact). The revised Policy was approved by the Senate and the President.

Senate Documents [#14-15-16](#), [#14-15-26](#), [#14-15-27](#): Review of the Interim Sexual Misconduct Procedures for Students, Staff, and Faculty

- In fall 2014, the OCRSM and the University administration developed interim procedures for resolving complaints of sexual misconduct brought against students, faculty, and staff at the University. The Student Conduct, Faculty Affairs, and Staff Affairs Committees were charged with review of the procedures relevant to their constituencies.
- The committees reviewed the work of the EDI Committee on the Policy throughout their work on the Procedures.
- The process included review of a new set of interim procedures put in place in fall 2015 to take into account new federal guidance and guidance from the Office of the Attorney

General. The new interim procedures incorporated many suggestions that had already been developed by the relevant Senate committees.

- After a thorough review, procedures for all constituencies were approved by the Senate in April 2016.

Senate Document [#15-16-30](#): Revisions to the University of Maryland Sexual Misconduct Policy

- The Office of the Attorney General conducted a review of all sexual misconduct policies and procedures at institutions in the University System of Maryland, and developed guidance for the System and individual institutions based on its review.
- The President approved revisions to the Sexual Misconduct Policy on March 21, 2016 on an interim basis, pending Senate review. The revisions included details related to training, applicability, confidential resources, the definition of a Responsible University Employee, the timeframe for review, and amnesty for students who report sexual misconduct that occurs in connection with prohibited alcohol or drug use.
- The EDI Committee approved of the changes that had been made in the interim Policy. It developed minor revisions, including a number of technical revisions.
- In April 2016, the EDI Committee proposed revisions to the Policy. The revised Policy was approved by the Senate and the President.



**Review of the Interim Sexual Misconduct Staff Procedures  
(Senate Document #19-20-06)  
Staff Affairs Committee | Chair: Jane Hirshberg**

Senate Bill 396 - Higher Education - Legal Representation Fund for Title IX Proceedings provides state funding to the Maryland Higher Education Commission (MHEC) to establish and administer a fund that provides support for reasonable costs and attorney's fees for students for Title IX proceedings. As a result of the new law, the University System of Maryland (USM) revised its Policy on Sexual Misconduct (VI-1.60) and asked all USM institutions to align their policies accordingly. President Loh approved interim changes to the University of Maryland Sexual Misconduct Policy & Procedures on June 24, 2019, pending University Senate review.

Senate Chair Lanford and the Senate Executive Committee have requested that the Equity, Diversity, and Inclusion (EDI) Committee review the interim Sexual Misconduct Policy. The associated procedures will be reviewed separately by the Senate's Faculty Affairs, Staff Affairs, and Student Conduct Committees, respectively.

The Staff Affairs Committee should:

1. Review the interim University of Maryland Sexual Misconduct Policy & Procedures ([VI-1.60\[A\]](#)).
2. Review the University System of Maryland (USM) Policy on Sexual Misconduct ([VI-1.60](#)).
3. Review [Senate Bill 396](#) - Higher Education - Legal Representation Fund for Title IX Proceedings.
4. Review [Senate Bill 607](#) (SB607) - Higher Education – Sexual Assault Policy – Disciplinary Proceedings Provisions.
5. Consult with a representative of the Office of Civil Rights & Sexual Misconduct (OCRSM).
6. Consider whether the information provided in the interim staff procedures appropriately reflects the principles within SB396, SB607, and the USM Policy on Sexual Misconduct.
7. Consult with the Senate Faculty Affairs Committee regarding any potential revisions to the faculty procedures.
8. Consult with a representative of the Office of General Counsel on any proposed changes to the staff procedures.
9. If appropriate, recommend whether the interim staff procedures should be revised.

We ask that you submit a report to the Senate Office no later than **November 12, 2019**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.