



1. Call to Order
2. Approval of the December 4, 2024 Senate Minutes (Action)
3. Report of the Chair
4. PCC Proposal to Establish a Master of Science in Information (Senate Document #24-25-23) (Action)
5. Special Order at 3:50 p.m.
Shibley Telhami and Max Grossman
Co-Chairs of Task Force on Antisemitism and Islamophobia
Antisemitism and Islamophobia Task Force Report
6. Special Order at 4:20 p.m.
Will Reed
Assistant Provost for Academic Planning
Middle States Accreditation
7. New Business:
Adoption of Special Rule of Procedure Regarding Resolutions
(Senate Document #24-25-26)
8. Adjournment



CALL TO ORDER

Chair Sly called the meeting to order at 3:07 p.m.

APPROVAL OF THE MINUTES, NOVEMBER 6, 2024 MEETING

Chair Sly asked if there were any corrections to the minutes of the November 6, 2024, meeting; hearing none, Chair Sly declared the minutes approved as distributed.

REPORT OF THE CHAIR

Spring 2025 Senate Meetings

Chair Sly reminded members that the first Senate meeting of the spring semester will be on February 5, 2025. Campus community members can find a complete schedule by following [this link](#), displayed on the presentation slides. Chair Sly encouraged Senators to remain actively engaged in discussion during the important upcoming work.

Senator Elections

Chair Sly announced the candidacy period for Senator Elections including staff, student, and single member constituencies for 2025-2026 will run from Tuesday, January 14 to Friday, January 31, 2025.

The University Senate Office has sent letters to all Deans with a request to hold elections to replace any outgoing Tenured/Tenure-Track and Professional Track Faculty Senators, so elections for those seats should also be underway.

The deadline for Faculty Senate elections is January 31, 2025. Chair Sly encouraged members to run for the Senate or that they consider asking colleagues to run, if eligible. Members can find more details about the timeline and process under the “Take Action” tab on the [Senate website](#).

SPECIAL ORDER OF THE DAY

Darryll J. Pines **President of the University of Maryland** ***2024 State of the Campus Address***

Chair Sly invited President Pines to give the 2024 State of the Campus Address.

President Pines proceeded to present on Campus Climate and Belonging, Major Initiatives on campus, State Budget updates, Indicators of Excellence, Indicators of Inclusion, and Terrapin Pride.

Campus Climate and Belonging

President Pines described the Campus Climate Working Group, which surveyed the broad campus community on categorical questions related to campus climate, sentiment, favorability, and challenges.

Details included the results of the Campus Climate Survey, which show $\frac{3}{4}$ of respondents were comfortable or very comfortable with the overall climate, classes, and departments/units at UMD.

Task Force on Antisemitism and Islamophobia

President Pines described the Task Force creation, charge, and leadership as well as the ten (10) final recommendations the Task Force submitted. These included the recommendation itself, as well as the campus partner responsible with the administration of each recommendation.

- Pursue and develop institutional training for campus community on antisemitism and Islamophobia (Office of Diversity and Inclusion, TerrapinSTRONG)
- Pursue and develop institutional education and training programs on antisemitism and Islamophobia that addresses particular unit responsibilities (Office of Diversity and Inclusion, TerrapinSTRONG)
- Consider curricular requirement related to dialogue and understanding in environments of tension, difference and conflict (Office of Academic Affairs)
- Increased engagement with topics of prejudice against Muslims and Jews in campus diversity programming (Office of Diversity and Inclusion)
- Incentivize creation of new cultural programming that explores a rich understanding of diversities of religion, race and ethnicity (Offices of Diversity and Inclusion and Student Affairs)
- Develop and announce a policy that resists asserting University positions on divisive public issues, especially in times of crisis (Office of President)
- Assess, engage with, and focus attention on staff, students, faculty and other community members in times of crisis rather than outside forces or events on other campuses (Office of Administrative Operations)
- Enable ready access to the policies that address free speech and assembly, student rights and responsibilities, and rules for visitors on campus (Office of Student Affairs)
- Assess and continue to build relationships with local communities, including key Arab, Israeli, Jewish, Muslim and Palestinian constituencies, that build support structures to maintain relationships and prevent escalations in difficult times (Offices of President and Student Affairs)
- Ensure all campus community members know about the mental health resources and support available to them and provide additional support if necessary (Office of Student Affairs)

Major Initiatives

President Pines described several grant funded research initiatives on campus including projects through Artificial Intelligence Interdisciplinary Institute at Maryland (AIM), Applied Research Laboratory for Intelligence and Security (ARLIS), University of Maryland Institute for Health Computing (IHC), and National Aeronautics and Space Administration (NASA).

President Pines shared the National Science Foundation Higher Education Research and Development (HERD) results which had UMD ranked #11 among public institutions, #18 among all U.S. institutions, and a combined research expenditure of \$1.4 billion.

President Pines also detailed Infrastructure Improvements on campus, which included: NextGen, a renewable energy project, Electric fleet, a move toward all-electric vehicles by 2035, the Purple Line, where major construction is being completed for the light rail, and Workday, a new enterprise management system that went live in November 2024.

State Budget

President Pines shared the cash and structural budget, which included shortfalls forecasted (fiscal year 2025-203) with a rainy-day fund at about 10% of revenues. President Pines highlighted that the ongoing revenues of 2024 will cover on 84% of ongoing spending by Fiscal Year 2030.

President Pines also shared the Cost of Living Adjustments (COLA) and Merit Investments, ranging from 4.0% total increase in 2020 to a 5.5% total increase in 2025.

Indicators of Excellence

The U.S. News Rankings Success was highlighted, with UMD being #17 among public schools, #44 among national universities in rankings, #23 overall in Business, #19 overall in Computer Science, and #16 overall in Engineering. Other notable rankings included #24 overall for best colleges for veterans, #21 of public institutions for most innovative, #22 of public institutions for best undergraduate teaching, and #10 for living-learning communities.

President Pines shared biographical highlights for National Academics, including National Academy member of Education Melanie Killen and Allan Wigfield, National Academy of Engineering member KJ Ray Liu, and American Academy of Arts and Sciences member Margaret Palmer. Additionally, President Pines shared the national and international awards for students, including Goldwater Scholarships for STEM Excellence and Rhodes Semifinalist.

Indicators of Inclusion

President Pines shared statistics related to inclusion and diversity rankings. This included

- 5/5 stars for Campus Pride's LGBTQ+ students
- #15 among public institutions for Pell student graduation rates
- 1 of 8 Graduate Schools recognized by Insight into Diversity magazine
- #23 in the U.S. for African-American bachelor's degrees
- Placed on Newsweek list of America's greatest workplaces for LGBTQ+ and for Diversity
- #1 in the U.S. among public institutions for Black/African American baccalaureates who pursue doctoral studies.

President Pines then reviewed the fiscal and monetary records of student support through scholarship and Pell Grants.

Terp Pride

President Pines previewed a video demonstrating various scenes of University of Maryland "Terp Pride" which included students interacting with the mascot, administrators, sports, technology, scholastic and extra scholastic events.

Chair Sly thanked President Pines for the presentation and opened the floor for questions.

Hearing no questions, Chair Sly proceeded to the next item.

SPECIAL ORDER OF THE DAY

Maureen Kotlas

Executive Director, Department of Environmental Safety, Security, and Risk

Climate Action Plan 3.0

Chair Sly invited Bob Reuning, Interim Vice President and Chief Administrative Officer, to introduce Maureen Kotlas.

Reuning introduced Maureen Kotlas to present on the Climate Action Plan.

Kotlas began by introducing the structure and goal of environmental stewardship in the Office of Sustainability (The Office). The Office consults with operational units, manages the university sustainability fund, reports on progress towards sustainability goals, and hosts education events while engaging students, faculty and staff on sustainability topics.

Kotlas reviewed the responsibilities of the Office which includes; climate action planning & strategy implementation, sustainability & emissions data analysis & reporting, faculty development support to incorporate sustainability across the curriculum, sustainability advisors peer education program, outreach & communications, programs to promote action, and support of facilities management initiatives.

Kotlas also reviewed the mission, membership, and work groups for the Sustainability Council, the primary function of which is to advise the President, Office of Sustainability, and campus community about issues related to the integration of sustainability into campus operations.

The membership of the Sustainability Council Membership included members from students, staff, and faculty units on campus.

Kotlas discussed the progress in carbon reduction from 2007-2009, 2010-2020, and the current phase of 2021-2025. Progress in 2021-2025 included monitoring and addressing state regulations, initiating NextGen Energy Program, Accelerated carbon neutrality goal to 2025, and vehicle fleet electrification.

The University Sustainability Council reviewed the Plan developed by Pathway Implementation Leaders with project support from the Office of Sustainability. The Council Approved the Final Plan in April of 2024.

Kotlas reviewed Climate Action Plan (CAP) 3.0 strategies, which include power, heating and cooling, refrigerants & chemicals, campus fleet, land use and management, solid waste, air travel, commuting, purchasing, education & research. Highlighted were that each strategy contains specific actions called pathways. The highest impact pathways include maintaining existing climate action strategies, central energy plan and electrification infrastructure, and carbon offsets for unavoidable emissions during decarbonization.

Kotlas then explained the campus involvement and developments, with various partners including the Maryland Energy Innovation Center, Institute for Bioscience & Biotechnology Research, Department of Geographical Sciences, College of Agriculture & Natural Resources, Division of Information Technology, Division of Research, Division of Administration, Environmental Safety Sustainability & Risk, Facilities Management, and Dining Services.

The CAP 3.0 Alignment with the UMD Strategic Plan is integrated through reimagine learning and taking on humanities grand challenges. Kotlas elaborated on the development of a green campus that is open and accessible to the global community, along with climate change, social injustice global health, education disparities, poverty and threats to democracy as grand challenges related to the Climate Action Plan.

Kotlas encouraged members to visit the [Climate Action Plan](#) (CAP) 3.0 as well as the [Sustainable Progress](#) Hub for UMD.

Chair Sly thanked Kotlas for the presentation and opened the floor for questions. Hearing none, Chair Sly moved onto the next agenda item.

APPROVAL OF THE NOMINATIONS COMMITTEE SLATE (SENATE DOCUMENT #24-25-19) (ACTION)

Chair Sly invited Sarah Dammeyer, Chair-Elect of the University Senate and Chair of the Committee on Committees to present the Nominations Committee Slate.

Chair-Elect Dammeyer informed members that the Committee on Committees must present a membership slate for the Nominations Committee at the December Senate meeting, per the [University Senate Bylaws](#).

Chair-Elect presented the composition of the Nominations Committee, which includes four faculty members, one exempt staff member, one non-exempt staff member, one graduate student, and one undergraduate student.

The Nominations Committee selects nominees for the Senate Executive Committee, the Committee on Committees, and other university-wide committees, with final voting by the Senate in May.

To ensure diverse representation, we invited self-nominations from outgoing Senators on September 23, 2024, followed by two reminders before the October 14 deadline. Additional targeted outreach by the Senate Office yielded 14 candidates.

On October 21, the Committee on Committees reviewed the candidates, resolved ties, and finalized the slate, which was approved by the SEC on November 13, 2024. The final slate reflects the diversity of Senate constituencies across colleges, schools, departments, and roles.

The Committee on Committees moves for Senate approval of this slate.

Chair Sly thanked Chair-Elect Dammeyer for the presentation and opened the floor for discussion.

Hearing none, Chair Sly called for a vote on the motion to approve the nominations committee slate. The results were: 86 in favor, 2 opposed, and 6 abstentions. **The motion passed.**

CONTINUED BUSINESS: RESOLUTION IN SUPPORT OF DEMOCRATIC ATTEMPTS TO OBTAIN GRADUATE WORKER COLLECTIVE BARGAINING RIGHTS (ACTION)

Chair Sly reminded the members about the discussion of the continuing item from the November Senate Meeting, highlighting Senate Leadership's role to facilitate the discussion of this item, not to favor or privilege sides in the debate should they arise. To help facilitate an open and informed discussion, both the text of the proposed resolution as well as a fact sheet provided by Dean Roth of the Graduate School were provided in the Senate Materials.

Chair Sly also reminded Senators that the proposed resolution is non-binding, meaning it communicates the position of the Senate based on the vote, but does not immediately initiate action by campus administration. Collective bargaining is regulated by state laws and system policies, not by UMD policies. An additional reminder that senators are able to speak, but non-senators must be introduced by a current senator.

Disruptions to the business at hand can result in dismissals and/or a recess to Senate proceedings.

Additionally, Chair Sly provided a reminder that Senators can move that the Resolution be referred to a committee, move to postpone consideration to a later time, or advocate for its adoption or rejection. While modifications can be suggested, avoiding wordsmithing in the discussion forum will allow items to resolve more swiftly in either direction as each suggested change will require a separate vote.

Chair Sly reviewed the discussion items from the previous meeting, including that Graduate Student Senator Ivy Lyons read the proposed resolution as new business. Senator Lyons had presented their justifications for this proposed resolution, and Stephen Roth, Associate Provost and Dean of the Graduate School spoke to the position that collective bargaining is not the best approach to improving graduate education.

The motion to begin discussion stands from the previous meeting. Chair Sly re-opened discussion on this matter.

Senator Lyons, GRAD, JOUR, presented the additional conversations that went into developing the Resolution, including those with the Senate Student Affairs Committee, and the Graduate Assistant Advisory Committee (GAAC). Senator Lyon continued to explain the challenges of the current graduate worker position, which includes higher cost of living in the area compared to other peer institutions, and the pay shift differential between departments which lead to pay disparities, and the grant money and research involved in graduate research assistantships. Senator Lyons emphasized the importance of democratic representation and collective bargaining ability to represent the constituency.

Senator Wohlfarth, TTK, BSOS, expressed appreciation for the gravity of the issue, and felt that without more information about the cost/benefit analysis of passing a resolution at this time, did not feel confident in voting. Senator Wohlfarth asked if more research could be done in committee on how this could effect state lobbying, contracts in graduate and doctoral programs, changes in how instructors teach, how resources are allocated, as well as how peer institutions have dealt with collective bargaining.

Chair Sly asked if there was a motion.

Senator Wohlfarth motioned to send the Resolution to the Senate Executive Committee to determine the appropriate standing committee that would conduct further examination. Motion was seconded.

Chair Sly opened the floor for discussion on the motion to recommit this Resolution to a committee.

Senator Lyons offered insight into the work that the Student Affairs Committee had already done. Senator Lyons highlighted that a committee of the University Senate had already reviewed, consulted and considered many of the implications of collective bargaining and passed the Resolution with unanimous consent, before being presented to the Senate. Senator Lyons also stated that considering the implications of collective bargaining are important, as well as considering the alternative, which would leave the constituency lacking in necessary bargaining for contracts, working conditions, and participation in their own right to bargain as workers participating on campus.

Chair Sly clarified that Student Affairs is advisor only, and was not nor will be charged with official review of the Resolution.

Senator Seybert, TTK, BMGT, articulated that graduate workers are aware what the pay and/or stipend is when accepting a position in programs. Senator Seibert supported recommitting the resolution to a committee.

Senator Nguyen, GRAD, INFO, responded to the main objection to the Resolution regarding the relationship between the graduate student and the University being fundamentally different than the relationship between The University and an employee.

Before speaking to the substance, Chair Sly inquired on if Senator Nguyen was speaking in support or opposition to the motion of recommitting to committee.

Senator Nguyen responded that recommitting to a committee would likely cause further delay on dealing with the substance of the Resolution, which is of importance.

Senator Stoltz, PTK, EDUC, spoke in opposition to recommitting to committee, and mentioned that a debate is already forming on the Senate Floor, and it may be unnecessary for the Senate Executive Committee to assign the review to the Student Affairs Committee, or any other committee.

Chair Sly clarified that the SEC will not be able to charge the Student Affairs Committee as they are advisory only, per the Bylaws.

Senator Wohlfarth, TTK, BSOS responded that while the Student Affairs committee, and students on campus, have an important perspective on the issue, there may be other stakeholders who are invested in collective bargaining, and that allowing a committee to review would allow multiple constituencies and stakeholders to explain and reflect on how this may affect the campus.

Chair Sly announced that the Senate Executive Committee would effectively include a wide range of consultations in the process of assigning a committee to review.

Point of Order: Senator Lyons asked what committee would be charged by the SEC?

Chair Sly answered that the specific committee would be determined after the SEC's discussion, who would consider several factors and determine the appropriate committee for review, as well as specific consultations for that committee to complete.

Senator Arévalo, TTK, GEO emphasized that the Senate, at this time, has quorum, two meetings to consider the item on the floor, and time for discussion. Senator Arévalo suggested not recommitting the Resolution, and weighing both sides, as well as the greater impact, now for a vote.

Senator Herf, Emeriti, ARHU, voiced support in returning the Resolution to committee with the reasoning of needing more information.

Senator Fernandes, PTK, CMNS, cited experience as a graduate student at UMD as well as a supervisor of Teaching Assistants, and the unforeseen consequences of students being forced to meet certain requirements in work or hours that they may not need to meet now. With this, Senator Fernandes supported returning it to committee.

Senator Van Hying, TTK, INFO, asked if there was a standing committee with varied membership across all constituencies (staff, students, faculty, or other relevant stakeholders) who would be best suited to work on this issue.

Chair Sly invited Executive Secretary Director Marin to respond.

Director Marin answered that each of the Senate's standing committees represent all the

constituencies and ex-officio stakeholders through membership. The SEC will evaluate the current committees and determine the place to review this Resolution.

Point of Order: Senator Stillwell, PTK, PLCY, asked what the current vote was, and if that motion failed what approving the Resolution would mean, specifically would it be approving collective bargaining on campus?

Senator Lyons responded that the text of the Resolution is not beyond the democratic actions of allowing collective bargaining rights. At no point does the document reflect an immediate enforcement, policy, or otherwise binding agreement toward collective bargaining.

Chair Sly moved to vote on the motion to commit the Resolution to a committee, via the Senate Executive Committee, for further review.

The motion passed.

NEW BUSINESS

Chair Sly opened the floor for new business.

Senator Hajiaghayi, TTK, CMNS, raised a concern regarding the promotion of Tenured/Tenured Track Faculty, and the parallel effected Professional Track Faculty.

Senator Hajiaghayi, TTK, CMNS introduced Mohammed Telly, non-Senator PTK Faculty from CMNS. Telly introduced the concern about Professional Track Faculty with terminal degrees in their field.

Chair Sly asked if there was a specific motion related to the presentation.

Telly responded there was no motion, just presentation and discussion.

Chair Sly clarified that the Senate needs to hear a motion to continue discussion. Chair Sly opened the floor to hear a specific motion/action from a Senator.

Point of Order: Senator Hajiaghayi asked if there could be a motion to discuss and informational item.

Director Marin responded that if there is a proposal or Special Order presentation that would need to go through the official pathways of the University Senate Office and the SEC to be placed on a future agenda.

Chair Sly opened the floor for other new business.

Senator Fernandes, PTK, CMNS, raised a concern about the rent prices in College Park, Maryland, and voiced support for the Senate or the University controlling rent prices specifically as it relates to Graduate Workers and their limited stipends.

Director Marin reminded members that the Senate does not have budgetary purview and is unable to operate outside the scope of policy to control anything budgetary.

Senator Fernandes voiced concerns about how the prices effect the campus community, specifically Professional Track Faculty who work with teaching assistants struggling with the cost of living on minimum wage.

Chair Sly thanked Senator Fernandes and confirmed that Senate Leadership will take that under advisement in future conversations.

ADJOURNMENT

The meeting was adjourned at 4:51 p.m.



Review of The University of Maryland Policies and Procedures Governing Faculty Grievances (Senate Document #24-25-08)

PRESENTED BY Fatemeh Keshavarz-Karamustafa, Chair

REVIEW DATES SEC – January 22, 2025 | SENATE – February 5, 2025

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [II-4.00\(A\)- University of Maryland Policies and Procedures Governing Faculty Grievances](#)

NECESSARY APPROVALS Senate, President

ISSUE

Edits required to the current policy to provide clarification, and in one instance, to correct an inconsistency in the policy. With the increased use of this policy over the past several years, the revisions would provide clarity and a smoother process for grievance policy procedures.

RECOMMENDATION(S)

The Faculty Affairs Committee recommends that the revisions to the University of Maryland Policies and Procedures Governing Faculty Grievances (II-4.00(A)), as shown immediately following this report, be approved.

COMMITTEE WORK

The SEC charged the Faculty Affairs Committee with reviewing the proposal, the current policy governing faculty grievance, and best practices at Big10 peer institutions. The committee was also charged with consulting with the Faculty Ombuds representatives, and a representative from the Office of General Counsel.

In its charge the Faculty Affairs Committee was asked to consider the technical revisions proposed to the policy.

The committee reviewed the policies during the Faculty Affairs Committee Meeting in October of 2024, and saw the technical revisions proposed. There were no concerns raised on the provided revisions.

The consultation from the Faculty Ombuds representative yielded insight on the motivations for the proposed policy, as well as clarity on the few word choice revisions. The revisions created alignment in practice, the International Ombuds Association, and the procedure and purpose of the grievance process.

After due consideration, the Faculty Affairs Committee voted to update the Policies and Procedures Governing Faculty Grievances to include the clarifying revisions and additional sentences to create consistency.

ALTERNATIVES

The Senate could choose not to accept these recommendations.

RISKS

There are no risks to the University in adopting these recommendations.

FINANCIAL IMPLICATIONS

There are no known financial implications to adopting these recommendations



Proposed Edits to the Faculty Grievance Policy

2024-2025 Committee Members

Fatemeh Keshavarz-Karamustafa (Chair)
Vikrant Aute (Faculty)
Sabrina Baron (Faculty)
John Bertot (Ex-Officio – Provost’s Rep)
Michele Eastman (Ex-Officio - President’s Rep)
Jerelyn Fileppi (Staff)
Gianna Gasparro (Undergraduate Student)
Adam Lloyd (Faculty)
Jessica Mathiason (Faculty)
Karen O’Brien (Ex-Officio – Ombuds Officer)

Terry Owen (Faculty)
Andrew Ristvey (Faculty)
Heidi Scott (Faculty)
Piotr Swistak (Faculty)
Sarah Weiss (Faculty)
Lei Zhou (Faculty)

Date of Submission

November 25, 2024

BACKGROUND

In August 2024, the Office of the President submitted Proposed Edits to the Faculty Grievance Policy ([II-4.00\(A\)](#)) to the University Senate Office. The Faculty Ombuds representative provided context that several edits to the Faculty Grievance Policy have been proposed and that the edits are provided for clarification, and in one instance, to correct an inconsistency in the policy.

On September 11, 2024, the Senate Executive Committee (SEC) charged the Faculty Affairs Committee (Appendix 1) with reviewing Proposed Edits to the Faculty Grievance Policy, consulting with stakeholders, and considering the technical revisions proposed to the existing policy.

COMMITTEE WORK

The Faculty Affairs Committee (FAC) began its consideration of the charge in September 2024. The committee reviewed the proposal entitled “Proposed Edits to the Faculty Grievance Policy” (Appendix 2) which identified all technical revisions proposed to the existing policy, entitled “University of Maryland Policies and Procedures Governing Faculty Grievances” ([II-4.00\(A\)](#)). The committee raised no issues or concerns with the proposed edits as they were presented.

Consultation with the Faculty Ombuds also took place, which revealed empirical data that, in part, motivated the proposed edits. The Ombuds saw 92 individuals last year, and in one instance an inconsistency in the policy was noted, regarding the time faculty have to propose a grievance, and the Office of the President sought to rectify the inconsistency and make the policy consistent and clear.

The consultation also clarified specific questions from the committee, including the use of “mediator” instead of “fact finder”. The Ombuds representative shared that “mediator” reflects the ombud’s role most accurately, according to the International Ombuds Association, the role is not involved in formal grievance. So all reference to “formal investigation” or “fact-finding” were removed, and the accurate term mediator remained.

The policy was also reviewed by the Office of General Counsel with minimal feedback.

On November 25, 2024 the committee discussed the final policy, as approved by the Office of the General Counsel and the Faculty Ombuds representative.

After due consideration, the Faculty Affairs Committee approved the proposed revisions to the University of Maryland Policies and Procedures Governing Faculty Grievances at the Faculty Affairs Committee Meeting on November 25, 2024.

RECOMMENDATIONS

The Faculty Affairs Committee recommends that the University of Maryland Policies and Procedures Governing Faculty Grievances (II-4.00(A)) should be revised as shown immediately following this report.

APPENDICES

Appendix 1 - Charge from the Senate Executive Committee
Appendix 2- Proposal submitted to the University Senate Office



II-4.00(A) UNIVERSITY OF MARYLAND POLICIES AND PROCEDURES GOVERNING FACULTY GRIEVANCES

(Passed by the Campus Senate, April 23, 1990 and approved by the President, December 13, 1990; Amended March 4, 2002; Amended April 5, 2018; Amended February 7, 2020; Amended March 5, 2021. This procedure replaces all faculty grievance procedures previously in effect at all administrative levels of the University of Maryland College Park.)

I. INTRODUCTION

A. Purpose

Legitimate problems, differences of opinion, conflicts, or complaints sometimes arise in the relationship between the University, as an employer, and its faculty. Both the faculty member with a grievance and the University benefit when the University responds to grievances promptly and fairly. This grievance procedure attempts to handle grievances as informally as possible and at a level in the University structure that is accessible to faculty members. The procedure also attempts to handle grievances in a timely, consistent, and simple manner.

B. Who May File a Grievance?

All persons with faculty status irrespective of their administrative duties or assignments at the time of the action or inaction prompting the grievance may use this grievance procedure. The faculty members covered by the Grievance Procedures are all those whose titles are in the University of Maryland Policy on Appointment, Promotion and Tenure Policy II-1.00(A) or in the University System Policy II-1.00, whether that person is full-time or part-time, as long as the faculty appointment is the person's primary position at the University of Maryland.

Grievances by more than one faculty member may be put together in a single grievance if each faculty member signs the grievance and the material actions or inactions and issues are substantially the same for each.

C. What is a Grievance?

Faculty members may file a grievance under this procedure for issues including but not limited to academic freedom, salary, assignments, and the nature and conditions of a faculty member's work. Specific limitations on grievance complaints can be found in section I.D of this Policy. Grievances cannot be filed against written campus and System

policies. Grounds for a grievance are limited to actions or inactions by an administrator or a faculty member that are believed to be:

1. Unfair, which shall mean arbitrary and capricious, lacking in justifiable cause or basis in official policy, inequitable with respect to treatment, or excessive in relation to what would be a reasonable and available alternative course of action;
2. Discriminatory, which shall mean that the action or inaction was made on the basis of a protected status (e.g., race, ethnicity, gender, age, religion, sexual orientation, etc.); or
3. Improperly reached, which shall mean the decision was reached either in violation of University policy or without the consultations or approvals required by departmental or college regulations prior to making such decisions.

D. Limitations

No complaint shall be reviewed under these faculty grievance procedures if:

1. The complaint pertains to a subject that is reviewable under, or is specifically excluded from review by any other System or institutional policy, or pertains to a finding or decision reached through a process established in a University policy that includes an appeal mechanism, such as policies on sexual misconduct, non-discrimination, promotion and tenure, and scholarly misconduct;
2. The complaint pertains to a disciplinary action, including termination or suspension, imposed following the outcome of an institutional investigatory or compliance process;
3. The complaint pertains to an official policy, regulation, or procedure of the System or the institution; a decision or action by the Board of Regents, the Chancellor, or the President; or any matter the remedy for which would contravene or interfere with an official policy, regulation, procedure, decision, action, or institutional legal obligation;
4. The complaint pertains to a fiscal irregularity finding, broad fiscal management, organization, or structure of the University System of Maryland or constituent institutions; or
5. The complaint pertains to an issue or proposes a remedy that is not under the control of the institution and/or of the University System of Maryland.

A faculty member may not use any other University grievance procedure simultaneously or successively with respect to the same or substantially similar issue or complaint, or with issues or complaints arising out of or pertaining to the same set of facts. In addition, no other University grievance procedure may be used to challenge the actions,

determinations, or recommendations of any person(s) or board(s) acting pursuant to these procedures. A faculty member who elects to use this procedure for the resolution of a grievance agrees to abide by the final decision arrived thereunder, and shall not subject this decision to review under any other procedure within the University System of Maryland.

A grievant may choose to pursue resolution under this process and pursue resolution through civil or criminal means, at their own initiation and expense. Administrative processes are separate from and have different standards than legal processes. Legal processes and the University's internal administrative process will proceed separately and independently.

E. The Faculty Ombuds Officer

The University of Maryland shall have a Faculty Ombuds Officer, who serves as a neutral and impartial officer to provide confidential and informal assistance to faculty and administrators in resolving concerns related to their work. Operating outside ordinary administrative structure, the Faculty Ombuds Officer shall serve as a counselor, ~~fact-~~
~~finder~~, mediator, and negotiator, but not as an advocate for any party to a dispute.

The Faculty Ombuds Officer shall serve all faculty and academic administrators. They shall attempt to resolve disputes informally before they enter formal grievance channels, and shall advise those who seek information about what constitutes a grievance and what the grievance procedures are. The Officer shall have access to suitable legal counsel, and should prepare an annual report and offer recommendations for policy change to the University Senate and the President.

The Faculty Ombuds Officer shall to the extent possible respect the confidentiality and privacy of faculty pursuing resolution under this grievance procedure. However, the Faculty Ombuds Officer may communicate with others on a need-to-know basis, as is appropriate to facilitate the grievance process or to attempt to address a complaint.

The Faculty Ombuds Officer shall be appointed by the President following a search conducted by a committee jointly appointed by the Senate Executive Committee of the University Senate and the President. Removal shall be by mutual consent of the President and a majority of the elected faculty members of the Senate Executive Committee.

II. PROCEDURES

A. Definitions

A *grievance allegation* is a preliminary informal statement of a grievable issue presented to the Faculty Ombuds Officer. It is based on the same standards as a grievance complaint, but seeks a remedy through the process of private discussion and consultation rather than formal grievance.

A *grievance complaint* is a **formal written** statement of a grievable issue using a prescribed form available from the Faculty Ombuds Officer. The grievance complaint should clearly articulate the grounds and scope of the grievance as well as the desired remedy.

A *formal grievance* is the formal written statement that is submitted to begin the adjudication process, after the mediation phase has concluded. **The formal grievance shall contain a concise statement of the action/inaction giving rise to the grievance; the date(s) of the action/inaction; the reason for the grievance; the name(s) of the respondent(s); the provision(s) of Section I.C on which the grievance is based; and the remedy sought.**

A *grievant* is the faculty member or members initiating a grievance allegation or grievance complaint.

The *respondent* is the person or persons whose actions or inactions are the focus of the grievance allegation or grievance complaint.

A *mediation agreement* is a formal written statement agreed upon by both the grievant and respondent that serves to resolve a grievance complaint.

Bad faith means an allegation that is knowingly false and/or is made or done with a knowing or reckless disregard for information that would negate the allegation.

Retaliation means an adverse action taken against an individual who has submitted a grievance and/or participated in the grievance process in good faith, where there is a clear causal link between the grievance and an adverse action. In determining whether retaliation has occurred, the individual needs to provide documentation supporting a claim of retaliation; the other party needs to articulate a legitimate reason for the adverse action.

Days in the calendar of complaint procedures shall mean business days. The grievance procedure calendar excludes Saturdays, Sundays, days on which the University is officially closed, and the time period from the **end of the spring semester last day of final exams in the spring semester** to the **start first day of classes in** of the following fall semester.

B. Information about Procedures

The Faculty Ombuds Officer is responsible for providing information regarding the preliminary consultation, mediation, and adjudication procedures and their relation to other policies and procedures of the University. This officer shall explain, in response to inquiries by faculty members, the conditions for using the various steps of the grievance procedure.

The grievance process consists of three phases. The Preliminary Consultation phase will normally proceed over a period of fifty (50) days. Once it has been determined that the consultation cannot achieve a satisfactory result through informal discussion, the grievant will have fifteen (15) days to file a grievance complaint to enter mediation. The Mediation phase will normally last up to twenty-five (25) days, though it can be extended with the consent of both parties. The **Preliminary Consultation and Mediation phases include informal attempts to resolve faculty concerns. The formal complaint process begins with the** Adjudication phase, **which** may proceed after mediation concludes, and will move forward as expeditiously as possible.

Faculty are expected to begin the grievance process within seventy-five (75) days of a grievable action or inaction, or within seventy-five (75) days of first learning of the action or inaction, whichever is later. Such action or inaction may be the latest in a longstanding pattern or practice, in which case the pattern may be considered as part the grievance, if the grievance is submitted within seventy-five (75) days from the most recent example of a pattern of action or inaction.

Grievants will not be reprimanded or discriminated against in any way for initiating a legitimate, **good faith** allegation or complaint **under this Policy**. University administrators and faculty shall not engage in or threaten retaliation. Complaints of retaliation should be referred to the appropriate administrator, who would normally be the supervisor of the individual alleged to be engaging in retaliation, for review and any appropriate disciplinary action. Grievants who bring forward allegations that are found to be in bad faith may be subject to appropriate disciplinary actions.

~~The process for addressing a grievance set forth in these procedures is confidential.~~ The parties, witnesses, members of committees involved in the process, advocates, and administrators who are informed of the grievance on a need-to-know basis are expected to preserve confidentiality at all stages of the process, including preliminary consultation, mediation, and adjudication, **except as necessary to effectively participate in the grievance process.**

1. Preliminary Consultation. The preliminary consultation stage should normally proceed over a period not to exceed fifty (50) days, and is initiated by a grievance allegation brought to the Faculty Ombuds Officer. During this stage, the Faculty Ombuds Officer reviews the allegation with the grievant and the respondent, provides information and resources to the grievant, clarifies with the grievant the nature of the complaint, and counsels the grievant on their options for resolving the grievance as well as the process for engaging in mediation and adjudication should their allegation rise to the level of a formal complaint. In some cases, the grievant may have attempted to resolve the dispute privately prior to consulting with the Faculty Ombuds Officer, but such private attempts are not required in order to engage the assistance of the Faculty Ombuds Officer.

If through preliminary consultation with the parties the allegation is settled to the satisfaction of all parties, no ~~formal~~ record need be filed with the Faculty Ombuds

Officer, but a written record of such agreement may be filed at the request of the grievant. If the grievance allegation is not settled through preliminary consultation and the grievant wishes to proceed to mediation, the grievant ~~must file~~ **will have fifteen (15) days to file** a grievance complaint with the Faculty Ombuds Officer ~~before the timeframe for preliminary consultation ends in order~~ to proceed to mediation.

It is the responsibility of the Faculty Ombuds Officer to determine the essential nature of the dispute so that it can be resolved; the essential nature of the dispute may in fact differ from that described in the allegation. Following counsel with the Faculty Ombuds Officer, the grievant's allegation should be revised as appropriate during the development of the grievance complaint.

- 2. Mediation.** Mediation begins when the grievant files the written grievance complaint with the Faculty Ombuds Officer. The complaint shall contain a clear and concise statement of the action(s) or inaction(s) giving rise to the grievance, including the date of the action(s) or inaction(s) and the name(s) of the respondent(s) responsible. Also, the complaint should specify the adverse effect that the action(s) or inaction(s) has had or may have on the faculty member, and the remedy sought. The complaint should include the grievant's contact information.

From the time that the grievance complaint is filed, the Faculty Ombuds Officer shall have twenty-five (25) days in which to conduct mediation. If needed and by mutual consent of the parties, the Faculty Ombuds Officer may take additional time for mediation. The Faculty Ombuds Officer shall mediate the dispute by working with the parties to seek a solution satisfactory to both. All parties are expected to make good faith efforts at mediation. If mediation fails to produce a satisfactory solution, mediation may end unless both parties agree to continue.

If mediation results in a resolution of the conflict, a confidential written report and mediation agreement shall be forwarded to all parties to the dispute. The original copy of the report shall be retained by the Faculty Ombuds Officer.

The grievant may withdraw from the grievance process at any point by giving the Faculty Ombuds Officer written notice. If the grievant withdraws from the grievance process prior to the end of mediation, the grievant may not proceed to adjudication.

If, at any time during the mediation period, the Faculty Ombuds Officer believes the parties cannot reach agreement, or if the mediation fails to produce a satisfactory solution after the initial mediation period of twenty-five (25) days and any additional time agreed to by both parties, the mediation effort shall cease and the grievant may submit the dispute to adjudication.

- 3. Adjudication.** Upon receipt of notice to the grievant by the Faculty Ombuds Officer of failure of the mediation process, the grievant shall have fifteen (15) days to revise the grievance complaint and submit the formal grievance to the Executive Secretary

and Director of the University Senate for adjudication. Within ten days (10) of the receipt of the formal grievance, the Executive Secretary and Director or designee shall inform the respondent(s), the Associate Provost for Faculty Affairs, and the Faculty Ombuds Officer of the grievant's action and request that the Faculty Ombuds Officer provide a summary statement of the mediation effort and an assessment of whether the allegations within the grievance are within the jurisdiction of the grievance policy. The Faculty Ombuds Officer shall submit the **summary and assessment** within ten (10) days of the Executive Secretary and Director or designee's request. **The Ombuds' summary is prepared at the request of and for the Executive Secretary and Director of the University Senate or designee. The Ombuds' summary is not shared with the parties involved in the formal grievance.** The Executive Secretary and Director or designee shall also inform the respondent(s) of their right to respond in writing to the formal grievance, and shall request that any written responses be submitted within twenty-five (25) days. The **Ombuds' summary**, formal grievance, and any written response by the respondent(s) will be the only written responses that will be considered by the Hearing Board at this phase of the process, unless further responses are authorized by the Chair of the Faculty Grievance Hearing Board.

a. Administration

The University Senate Office shall be assigned responsibility for keeping a record of the grievance, initial notification of persons involved, and monitoring compliance with procedures. The Executive Secretary and Director of the Senate shall serve as the coordinator of and advisor to the Faculty Hearing Board, and may designate another impartial individual to carry out these responsibilities on their behalf.

A confidential complete record shall be kept by the University Senate Office of all hearings and documents referenced during the adjudication process for five (5) years following the end of the grievance process.

b. Forming the Faculty Grievance Hearing Board

All elected Faculty Senators are eligible to serve on the Faculty Grievance Hearing Board. Hearing Boards should include a diverse group of tenured and tenure-track (T/TT) and professional track (PTK) faculty, whenever possible and as appropriate to the case. The Senate Chair-Elect is responsible for the formation of the Hearing Board.

Within fifteen (15) days of submission of the formal grievance, the Executive Secretary and Director or designee shall send the list of elected Faculty Senators to the parties for review. The parties will have five (5) days to notify the Executive Secretary and Director or designee of any elected Faculty Senators who may have a conflict of interest **that would prevent them from evaluating the case impartially** and, **therefore**, should be ineligible to serve on the Hearing

Board, and the parties must provide an explanation for the conflict. The Executive Secretary and Director or designee will promptly communicate any conflicts to the Chair-Elect.

The Chair-Elect shall then appoint three voting members of the Hearing Board and two alternate members from the unchallenged potential members.

The five members of the Faculty Grievance Hearing Board (three voting and two alternates) shall elect, by majority vote, one voting member to chair the Hearing Board. If a voting member cannot serve to completion of the grievance hearing, an alternate shall then be appointed as a voting member by the Chair of the Hearing Board. If an alternate member cannot serve to completion of the grievance hearing, the Hearing Board may proceed with one alternate.

c. Faculty Grievance Hearing Board Procedures

The Faculty Grievance Hearing Board shall hear all arguments on substantive and procedural matters and shall make necessary written findings.

The grievant shall be responsible for demonstrating the merits of the grievance. They must demonstrate that the action or inaction occurred and that the action or inaction adversely affects them. The grievant shall have the right to review and use any legally available part of their personnel files.

The Executive Secretary and Director or designee shall establish a schedule of hearings for the Hearing Board that will allow the body to complete its work as expeditiously as possible. The Hearing Board should first convene its members to review the formal grievance as well as any responses to the grievance, the summary statement of mediation efforts, and the assessment of grievance grounds. After the initial assessment of all materials, the Hearing Board may decide to dismiss the case if all three voting members agree that the dispute is frivolous, without merit, submitted in bad faith, or insufficiently related to the concerns of the academic community. If the case is dismissed, the Executive Secretary and Director or designee will notify the parties, the Faculty Ombuds Officer, and the Associate Provost for Faculty Affairs. If the case is not dismissed, the grievance will proceed.

Both parties may choose to be assisted during the adjudication process by an advocate of their choice, who may be peer counsel or an attorney, at their own initiation and expense. The advocate may provide advice and consultation to the party. If necessary, a party may request a recess during hearings in order to speak privately with an advocate. The advocate may not be an active participant; the advocate may not speak for the parties in person or in writing, serve as a witness, provide information or documentation in the case, cause delay, communicate with the Chair or Executive Secretary and Director or designee on behalf of the party, or otherwise interfere with the process.

At any step of the grievance procedure, the Hearing Board may request advice of the Office of General Counsel on procedural concerns or significant legal issues raised in the grievance. A legal officer who has provided legal advice or service to the respondent may not provide legal advice or service to the Hearing Board.

At any point, the respondent may request in writing that the Hearing Board dismiss the case based on issues related to the grievability of the action or inaction involved. The grievant shall be given an opportunity to respond in writing to the motion to dismiss the case. No further written responses or replies will be considered prior to the Hearing Board's decision, unless authorized by the Chair of the Faculty Grievance Hearing Board. The Hearing Board will review the motion to dismiss and any response from the grievant, and can decide to dismiss the case if all three voting members agree. If the case is dismissed, the Executive Secretary and Director or designee will notify the parties, the Faculty Ombuds Officer, and the Associate Provost for Faculty Affairs. If the case is not dismissed, the grievance will proceed.

The Chair of the Faculty Grievance Hearing Board shall be responsible for overseeing and facilitating the hearings and may order the proceedings in such manner as they deem appropriate. Hearings shall be closed. The Chair shall make determinations on all questions concerning the course of the proceedings. The Chair may also consider requests for additional written responses beyond the number specified in this policy. The Chair has the discretion to set time limits for statements, testimony, or other aspects of the hearings and exclude redundant or irrelevant evidence including witness testimony.

During the hearings, each party will have an opportunity to make an opening and closing statement. The grievant shall first make a brief opening statement outlining the grounds for the grievance as indicated in the formal grievance; the respondent will then make a brief opening statement in response. Each party will be given an opportunity to share information or documentation to support their case, and all documentation shall be shared with the other party.

Both parties have the right to call witnesses in pursuance of their cases. If the parties intend to call witnesses, they are expected to submit their names and relevance to the case to the Executive Secretary and Director or designee in advance of the hearing. The Faculty Ombuds Officer cannot be called as a witness. The Hearing Board can neither compel witnesses to participate nor assure the presence of witnesses requested by either party.

Members of the Hearing Board may ask questions of the grievant, respondent, and their witnesses. The Board may call witnesses when relevant to the issues in the case.

d. Findings of the Grievance Hearing Board

Only information discussed during the hearings that is determined by the Board to be relevant to the case shall be considered in the determination of the case. After review of the relevant information, the Hearing Board shall make a determination on its findings by a majority vote. The Hearing Board's findings should include an assessment of whether the grievance has merit and whether the action or inaction that formed the basis of the grievance was justifiable.

The Board shall prepare a written report of its findings, including the reasons for the findings and any dissent. The report shall be forwarded to the President within twenty (20) days after the conclusion of the hearing. Confidential copies of the report shall be sent to the grievant and to the respondent, as well as to the Associate Provost for Faculty Affairs and the Faculty Ombuds Officer. Adjudication of a faculty grievance is a confidential process. All parties are expected to maintain the confidentiality of the process, proceedings, and documentation except as otherwise compelled by law.

e. Resolution

Within thirty (30) days, the President shall make a final determination in writing on the decision in the matter, and what remedy, if any, will be implemented. The President will normally consult with academic administrators in determining appropriate remedies. It is expected that the President will give great weight to the findings of the Hearing Board. However, if the findings of the Hearing Board are not accepted, in whole or in part, an explanation of this decision should be provided. Notification will be sent to both parties to the grievance, to the Chair of the Hearing Board, and to the Hearing Board, as well as to the Executive Secretary and Director and designee, if appropriate, the Associate Provost for Faculty Affairs, and the Faculty Ombuds Officer.

The decision of the President shall be final.

Should the President decide that the grievance is justified and a remedy should be implemented, the grievant shall, before receiving any such remedy, enter into a written agreement recognizing the remedy to be satisfactory and waiving any claims to causes of action arising out of the grievance.



UNIVERSITY SENATE

CHARGE

Charged: September 11, 2024 | Deadline: November 25, 2024

**Review of The University of Maryland Policies and Procedures
Governing Faculty Grievances (Senate Document #24-25-08)
Faculty Affairs Committee | Chair: Fatemeh Keshavarz-Karamustafa**

The Senate Executive Committee (SEC) and Senate Chair Sly request that the Faculty Affairs Committee review the proposal entitled proposed edits to Faculty Grievance Policy.

Specifically, the Faculty Affairs Committee should:

1. Review the following;
 - a. The proposal entitled Proposed Edits to Faculty Grievance Policy
 - b. The policy entitled The University of Maryland Policies and Procedures Governing Faculty Grievances ([II-4.00\(A\)](#)).
2. Consult with:
 - a. The University Faculty Ombuds Representative
 - b. A representative from the Office of General Counsel.
3. If appropriate, recommend whether the policy should be revised and if so, provide suggested revisions.

We ask that you submit a report to the University Senate Office no later than **November 25, 2024**. If you have questions or need assistance, please contact the University Senate Office, senate-admin@umd.edu.



UNIVERSITY SENATE

PROPOSAL

Submitted on: August 7, 2024

Proposed Edits to Faculty Grievance Policy

NAME/TITLE	Karen O'Brien, Faculty Ombuds		
EMAIL	kmobrien@umd.edu	PHONE	301.405.5812
UNIT	Office of the President	CONSTITUENCY	Faculty

DESCRIPTION OF ISSUE

I am proposing several edits to the Faculty Grievance Policy. The edits are provided for clarification, and in one instance, to correct an inconsistency in the policy.

DESCRIPTION OF CHANGE YOU WOULD LIKE TO SEE

The proposed edits are highlighted in the attached document.

SUGGESTION FOR HOW YOUR PROPOSAL WOULD BE PUT INTO PRACTICE

The proposed edits, if accepted, would provide additional clarity for the faculty grievance policy procedures.

ADDITIONAL INFORMATION

TEXT HERE



Technical and Legal Updates to VI-1.00 (B) University of Maryland Non-Discrimination Policy and Procedures

PRESENTED BY Yasmeen Faroqi Shah, Chair

REVIEW DATES SEC – January 22, 2025 | University Senate – February 5, 2025

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [VI-1.00\(B\)- University of Maryland Non-Discrimination Policy and Procedures](#)

NECESSARY APPROVALS University Senate, President

ISSUE

In October 2023, Angela Nastase, Director, and Title IX Coordinator from the Office of Civil Rights & Sexual Misconduct submitted a proposal to the Senate Executive Committee (SEC) requesting that the policy VI-1.00 (B) University of Maryland Non-Discrimination Policy and Procedures on be reviewed for technical and legal changes. The changes allow the policy to be consistent with current federal and state regulations.

At its meeting on November 6, 2023, the SEC voted to charge the “Technical and Legal Updates to VI-1.00 (B) University of Maryland Non- Discrimination Policy and Procedures” proposal (Senate Document #23-24-15) to the Equity, Diversity, and Inclusion (EDI) Committee.

In April 2024, the U.S Department of Education issued final federal regulations regarding sex-based discrimination under Title IX. Due to the U.S Department of Education issuance of final federal regulations regarding sex- based discrimination under Title IX on April 19, 2024, the committee moved to submit its reports and recommendations to the Office of General Counsel, Office of Civil Rights & Sexual Misconduct, and the Office of the President to consider the committee’s work in their development of the interim sexual misconduct policy.

Due to on-going lawsuits the new Title IX regulations were not implemented. It was requested by the Office of Civil Rights & Sexual Misconduct, that the committee approve the original proposed changes and resolve long-overdue technical and legal updates necessary to ensure compliance.

RECOMMENDATIONS

The Equity, Diversity, and Inclusion Committee recommends that the University Senate approve the proposed technical and legal changes to the University of Maryland Non-Discrimination Policy and Procedures.

COMMITTEE WORK

The Equity, Diversity, and Inclusion Committee approved previously proposed Non-Discrimination policy and produces updates focused on technical compliance and legal alignment, due to new federal regulations remaining unimplemented due to ongoing lawsuits.

ALTERNATIVES

The Senate could decide not to approve the recommendation.

RISKS

There are no risks to the University in adopting the recommendations.

FINANCIAL IMPLICATIONS

There are no financial implications in approving these recommendations.



Technical and Legal Updates to VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures

2024-2025 Committee

Yasmeen Farooqi Shah (Chair)
Felicia Bidgell (Exempt Staff)
Lacey Curry (Faculty)
Anna Emenheiser (Graduate Student)
Jack Garrard (Exempt Staff)
Dannielle Glaros (Ex-Officio VP & Chief Administrative Officer Rep)
Dalton Greene (Graduate Student)
Caroline Griffith (Undergraduate Student)
Joanne Klossner (Faculty)
Yvette Lerma Jones (Ex-Officio VP Student Affairs Rep)
b.a Medina (Ex-Officio VP Diversity & Inclusion Rep)

Lauren Miles (Non-Exempt Staff)
Ashely Monrone (Non-Exempt Staff)
Angela Nastase (Ex-Officio OCRSM Rep)
Thu Nguyen (Faculty)
Chinaza Ofor (Undergraduate Student)
Laura Rosenthal (Ex-Officio Provost's Rep)
Delida Sanchez (Faculty)
Shane Walsh (Faculty)

Date of Submission

January 2025

BACKGROUND

In October 2023, Angela Nastase, Director, and Title IX Coordinator from the Office of Civil Rights & Sexual Misconduct submitted a proposal to the Senate Executive Committee (SEC) requesting that the policy VI-1.00 (B) University of Maryland Non-Discrimination Policy and Procedures on be reviewed for technical and legal changes. The changes to the policy allow the policy to be consistent with current federal and state regulations and update internal policy information.

At its meeting on November 6, 2023, the SEC voted to charge the “Technical and Legal Updates to VI-1.00 (B) University of Maryland Non- Discrimination Policy and Procedures” proposal (Senate Document #23-24-15) to the Equity, Diversity, and Inclusion (EDI) Committee. (Appendix 1)

The EDI Committee worked on the charge assigned from February 2024 to May 2024. It was learned that the revisions were intended to align the University’s policy and procedures with federal law. Additionally, the revisions reduced ambiguities within the practices of the policy and updated titles and addresses of policy recourses. Due to the U.S Department of Education issuance of final federal regulations regarding sex- based discrimination under Title IX on April 19, 2024, the committee moved to submit its reports and recommendations to the Office of General Counsel, Office of Civil Rights & Sexual Misconduct, and the Office of the President to consider the committee’s work in their development of the interim sexual misconduct policy. The SEC voted to approve the committee’s recommendations on May 17, 2024.

COMMITTEE WORK

At its meeting on November 18, 2024, an update regarding new Title IX regulations announced in April 2023 was given to the EDI Committee. It was discussed that due to on-going lawsuits the new Title IX regulations have not been implemented and the Office of Civil Rights and Sexual Misconduct requested, that the committee approve the original proposed changes and resolve long-overdue technical and legal updates necessary to ensure compliance.

Angela Nastase, Director, and Title IX Coordinator from the Office of Civil Rights & Sexual Misconduct provided additional context sharing that the proposed changes included updating titles and addresses of policy resources and aligning the University's policy and procedures with federal law. The report of the previous 2023-2024 academic year EDI Committee was included for review in the materials for the meeting. (Appendix 2)

The EDI Committee voted to approve the previous work and recommendations of the committee and move the proposed technical and legal changes forward.

RECOMMENDATIONS

The Equity, Diversity, and Inclusion Committee recommends that the University Senate approve the proposed technical and legal changes to the University of Maryland Non-Discrimination Policy and Procedures.

APPENDICES

- Appendix 1 – Charge from the Senate Executive Committee
- Appendix 2 – Finalized Report of Work Completed in the 23-24 Academic Year
- Appendix 3 – Proposed Red-lined Version of Changes to the Policy
- Appendix 4 – Red-lined Version of Changes to the Policy



**Technical and Legal Updates to VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures (Senate Document #23-24-15)
Equity, Diversity, & Inclusion Committee | Chair: Kim Coles**

The Senate Executive Committee (SEC) and Senate Chair Jarzynski request that the Equity, Diversity, & Inclusion Committee review the University of Maryland Policy Non-Discrimination Policy and Procedures (VI-1.00[B]) for technical and legal revisions.

Specifically, the Equity, Diversity, & Inclusion Committee should:

1. Review the Proposal entitled Technical and Legal Updates to VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures.
2. Review the University of Maryland Non-Discrimination Policy and Procedures ([VI-1.00\[B\]](#)).
3. Review the technical and legal updates as provided in the proposal.
4. Review similar policies and procedures on non-discrimination at Big 10 and other peer institutions.
5. Consult with the Office of Civil Rights and Sexual Misconduct.
6. Consult with the Faculty Affairs Committee.
7. Consult with the Staff Affairs Committee.
8. Consult with the Student Affairs Committee.
9. Consult with the Office of Student Conduct.
10. Consult with the Office of the Assistant Vice President & Chief Human Resources Officer
11. Consult with the Office of the Senior Vice President and Provost.
12. Consider the clarity of the revisions for all members of the campus community.
13. Consult with a representative from the Office of General Counsel on any proposed changes to the University's policy.
14. If appropriate, recommend whether the policy should be revised and if so, provide suggested revisions.

We ask that you submit a report to the University Senate Office no later than **May 3, 2024**. If you have questions or need assistance, please contact the University Senate Office, senate-admin@umd.edu.



Technical and Legal Updates to VI-1.00 (B) University of Maryland Non-Discrimination Policy and Procedures

PRESENTED BY Kim Coles, Chair

REVIEW DATES SEC – May 17, 2024

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [VI-1.00\(B\)- University of Maryland Non-Discrimination Policy and Procedures](#)

NECESSARY APPROVALS Senate Executive Committee

ISSUE

In October 2023, Angela Nastase, Director, and Title IX Coordinator from the Office of Civil Rights and Sexual Misconduct submitted a proposal to the Senate Executive Committee (SEC) requesting that the policy VI-1.00 (B) University of Maryland Non-Discrimination Policy and Procedures on be reviewed for technical and legal changes. The changes to the policy allow the policy to be consistent with current federal and state regulations.

At its meeting on November 6, 2023, the Senate Executive Committee (SEC) voted to charge the “Technical and Legal Updates to VI-1.00 (B) University of Maryland Non- Discrimination Policy and Procedures” proposal (Senate Document #23-24-15) to the Equity, Diversity, and Inclusion (EDI) Committee.

RECOMMENDATIONS

On April 19, 2024 the U.S Department of Education issued final federal regulations regarding sex-based discrimination under Title IX. The Office of General Counsel (OGC) consulted that the regulations were going to require significant revisions to the policy being reviewed by the subcommittee. The final federal regulations require universities to implement the changes by August 1, 2024. OGC recommended that the proposal be paused to allow for an interim Non-Discrimination policy that encompasses the substantive changes to be developed. The recommendation was made to limit the number of policy drafts existing and avoid confusion for ongoing and new cases.

The Equity, Diversity, and Inclusion Committee deliberated the recommendation and recommends that:

- Due to the U.S Department of Education issuance of final federal regulations regarding sex-based discrimination under Title IX on April 19, 2024, the committee moves to submit its reports and recommendations to the Office of General Counsel, Office of Civil Rights & Sexual Misconduct, and the Office of the President to consider the committee’s work in their development of the interim Non-Discrimination policy.

- Additional definitions be added to Section III of the policy regarding workplace harassment.
- Adding pregnancy as a protected class

COMMITTEE WORK

The Equity, Diversity, and Inclusion Committee established a subcommittee that was tasked with reviewing the charge from the SEC. The subcommittee reviewed the proposed technical and legal changes, as well as related policies, ensuring they were clear to the campus community and aligned with state and federal laws. It was discovered that the proposal revisions aimed to align the University's policy with federal laws. Furthermore, the revisions aimed to clarify ambiguities within policy and update titles and addresses of policy resources. The subcommittee learned that the biggest point of uncertainty was that when surveyed, members of the campus community did not understand the wording of the policy. It was also found that constraints imposed by state and federal law limited the subcommittee's scope of action. The subcommittee consulted with relevant university offices and committees and clarified the purpose behind the proposed changes.

The subcommittee work was presented to the full committee at a meeting on April 5, 2024, where it was approved.

ALTERNATIVES

The Senate could decide not to approve the recommendation.

RISKS

There are no risks to the University in adopting the recommendations.

FINANCIAL IMPLICATIONS

There are no financial implications in approving these recommendations.



Technical and Legal Updates to VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures

2023-2024 Committee

Kim Coles (Chair)
Deneen Brown (Faculty)
Nolan Coble (Graduate Student)
Dannielle Glaros (Ex-Officio VP & Chief Administrative Officer Rep)
Donna Hammer (Exempt Staff)
Tara Holmes (Graduate Student)
Sun Young Lee (Faculty)
Yvette Lerma Jones (Ex-Officio VP Student Affairs Rep)
Cheng-Yu Li (Faculty)
Brian Medina (Ex-Officio VP Diversity & Inclusion Rep)

Lauren Miles (Non-Exempt Staff)
Angela Nastase (Ex-Officio OCRSM Rep)
Thu Nguyen (Faculty)
Anna Petersen (Undergraduate Student)
Shannon Quarles (Non-Exempt Staff)
Tony Randall (Exempt Staff)
Michelle Rodriguez Cruz (Undergraduate Student)
Laura Rosenthal (Ex-Officio Provost’s Rep)
Tunji Sawyer (Exempt Staff)
Shane Walsh (Faculty)

Date of Submission

May 2024

BACKGROUND

In October 2023, Angela Nastase, Director, and Title IX Coordinator from the Office of Civil Rights and Sexual Misconduct submitted a proposal to the Senate Executive Committee (SEC) requesting that the policy VI-1.00 (B) University of Maryland Non-Discrimination Policy and Procedures on be reviewed for technical and legal changes. The changes to the policy allow the policy to be consistent with current federal and state regulations and update internal policy information.

At its meeting on November 6, 2023, the Senate Executive Committee (SEC) voted to charge the “Technical and Legal Updates to VI-1.00 (B) University of Maryland Non- Discrimination Policy and Procedures” proposal (Senate Document #23-24-15) to the Equity, Diversity, and Inclusion (EDI) Committee. (Appendix 1)

COMMITTEE WORK

The EDI Committee began discussing the charge from the SEC at its November 7, 2023 meeting and received the formal charge elements by the committee’s February 5, 2024 meeting. Due to other work assigned to the committee, it was decided that the committee be divided into subcommittees. The subcommittees met during full committee meetings as well as separately to maximize time. The subcommittee assigned to the charge reviewed the proposed technical and legal change and the related policies regarding non-discrimination at the Big Ten organizations.

During the deliberation, the subcommittee regarded whether the proposed changes would allow for the policy to be clear to the campus community and if the changes were of a technical and legal nature. The nature of the policy was discussed by the subcommittee as to which classes of individuals were appropriate to include. The committee additionally consulted with the proposer to better understand the premise behind the proposed changes and the legal requirements. The subcommittee learned that the revisions were intended to align the University’s policy and

procedures with federal law. Additionally, it was learned that the revisions also reduced some ambiguities within the policy and updated titles and updated addresses of policy resources.

As directed in the charge from the SEC, the subcommittee sought input from members of the campus committee on the clarity of the changes. A Google survey was distributed to the committee members of the Faculty Affairs, Staff Affairs, and Student Affairs committees regarding the proposed changes and their clarity. It was discovered from this survey that the proposed changes were clear; however, wording that had previously been added, including definitions regarding harassment in the workplace, was more obscure. After consulting with the proposer, it was decided that additional definitions could be added to bring clarity however, the request was outside of the scope of the current charge.

The subcommittee consulted with a representative from the Office of the Senior Vice President and Provost at a subcommittee meeting on March 25, 2024. The Office of Student Conduct and the Office of the Assistant Vice President & Chief Human Resources Officer were also consulted. All stated that the proposed changes were clear for the groups they individually represented and did not pose an issue to their respective departments.

The subcommittee considered all the feedback and consultation discussions during its review of the Policy and consideration of the charge elements. The subcommittee reported its work to the full EDI committee, which voted to approve the proposed updates at the committee's April 5, 2024 meeting.

RECOMMENDATIONS

On April 19, 2024 the U.S Department of Education issued final federal regulations regarding sex-based discrimination under Title IX. The Office of General Counsel (OGC) consulted that the regulations were going to require significant revisions to the policy being reviewed by the subcommittee. The final federal regulations require universities to implement the changes by August 1, 2024. OGC recommended that the proposal be paused to allow for an interim Non-Discrimination policy that encompasses the substantive changes to be developed. The recommendation was made to limit the number of policy drafts existing and avoid confusion for ongoing and new cases.

The Equity, Diversity, and Inclusion Committee deliberated the recommendation and recommends that:

- Due to the U.S Department of Education issuance of final federal regulations regarding sex-based discrimination under Title IX on April 19, 2024, the committee moves to submit its reports and recommendations to the Office of General Counsel, Office of Civil Rights & Sexual Misconduct, and the Office of the President to consider the committee's work in their development of the interim Non-Discrimination policy.
- Additional definitions be added to Section III of the policy regarding workplace harassment.
- Adding pregnancy as a protected class

APPENDICES

Appendix 1 – Charge from the Senate Executive Committee

Appendix 2 – Proposed Redlined version of changes to the Policy

Appendix 3 – Redlined version of changes to the Policy



VI-1.00(B) UNIVERSITY OF MARYLAND NON-DISCRIMINATION POLICY AND PROCEDURES

(Approved on an interim basis October 1, 2015; Amended March 22, 2016; Amended and approved by the President May 6, 2016; Amended May 2, 2018; Technical amendments approved effective August 14, 2020; Amended and approved on an interim basis by the President August 23, 2021; Amended and approved on an interim basis by the President effective October 1, 2022)

I. POLICY STATEMENT

The University of Maryland is committed to creating and maintaining an educational, working, and living environment that is free from discrimination and harassment. This Policy prohibits discrimination on grounds protected under Federal and Maryland law and Board of Regents policies. University programs, activities, and facilities are available to all without regard to race, color, ~~sex~~¹, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability², religion, protected veteran status, genetic information, personal appearance, or any other legally protected class. Retaliation against any individual who files a complaint or participates in an investigation under this Policy is strictly prohibited. In furtherance of the University's commitment to equal opportunity, this Policy and associated procedures are established to address and remedy complaints of discrimination, harassment, and retaliation based on a protected class.

Commented [A1]: Recommend revising this footnote for clarity and legal sufficiency. Sex-based harassment does not need to be of a sexual nature under the law.

Also, per current Biden administration guidance, sex-based discrimination (which includes harassment) may also include discrimination/harassment based on gender identity or expression and sexual orientation.

The **Office of Civil Rights & Sexual Misconduct (OCRSM)** shall receive all complaints of discrimination and harassment made pursuant to this Policy. Complaints may also be filed online using the Discrimination Complaint Form on OCRSM's website [here](#).

Office of Civil Rights & Sexual Misconduct (OCRSM)

University of Maryland
4113 Susquehanna Hall
4200 Lehigh Road
College Park, MD 20742-5031
E-mail: civilrights@umd.edu

¹ Complaints of ~~discrimination based on sex, gender identity or expression, and sexual orientation that do not involve misconduct of a sexual nature~~ will be addressed under this Non-Discrimination Policy and Procedures (Non-Discrimination Policy). ~~Complaints based on sexual misconduct will be misconduct addressed uncovered by~~ the University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct (VI-1.60[A]) (~~Sexual Misconduct Policy~~) will be addressed under Policy and Procedures VI-1.60(A), as appropriate. When the Title IX Officer determines based on its initial assessment, or following a mandatory or permissive dismissal, that the alleged ~~sexual misconduct~~ would not constitute a potential violation under ~~the Sexual Misconduct Policy~~ Policy and Procedures VI-1.60(A) if substantiated, the Title IX Officer may refer the report to ~~another University process, including~~ this Non-Discrimination Policy, as appropriate.

² The University's policy and procedures for requesting disability accommodations may be found in the University of Maryland Disability & Accessibility Policy and Procedures (VI-1.00[D]). Complaints of discrimination on the basis of disability may be made under this Non-Discrimination Policy.

Phone: 301-405-1142 | Fax: 301-405-2837
<http://www.ocrsm.umd.edu>

II. APPLICABILITY

This Policy applies to members of the University community, including students, trainees, faculty, staff, and certain third parties (e.g., visitors, volunteers, applicants for admission or employment, vendors, and contractors) while on University property or while participating in University sponsored activities who either carry out discrimination or are subject to it.

This Policy applies to discrimination, harassment, or retaliation:

- on University premises, in any University facility, or on University property; and/or
- at any University sponsored, recognized, or approved program, visit, or activity, regardless of location; and
- 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.

III. DEFINITIONS

“Day” means a business weekday when the University is not closed.

“Discrimination” is unequal treatment based on a legally protected status that is sufficiently serious to unreasonably interfere with or limit an individual’s opportunity to participate in or benefit from a University program or activity, or that otherwise adversely affects a term or condition of the individual’s employment or education.

“Harassment” is a form of Discrimination (as defined above) that encompasses unwelcome conduct based on a person’s protected status. With the exception of the circumstances listed below, Harassment is severe or pervasive conduct that negatively affects the particular individual and also would negatively affect a reasonable person under the same circumstances.

Harassment in violation of this Policy depends on the totality of the circumstances, including the nature, frequency, and duration of the conduct in question, the location and context in which it occurs, and the status of the individuals involved. Harassing behaviors may include, but are not limited to, the following, when based on a person’s protected status and rises to the standard set forth above:

- conduct, whether verbal, physical, written, graphic, or electronic that threatens, intimidates, offends, belittles, denigrates, or shows an aversion toward an individual or group;
- epithets, slurs, or negative stereotyping, jokes, or nicknames;
- written, printed, or graphic material that contains offensive, denigrating, or demeaning comments, or pictures; and

- the display of offensive, denigrating, or demeaning objects, e-mails, text messages, or cell phone pictures.

When one of the following three circumstances is present, Harassment based on a person’s protected status is not required to be severe or pervasive and may be established by showing that the alleged conduct was unwelcome and offensive:

1. when submission to the conduct is made either explicitly or implicitly a term or condition of employment of an individual;
2. when submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or
3. based on the totality of the circumstances, the conduct unreasonably creates a working environment ~~for the worker~~ that a reasonable person would perceive to be abusive or hostile.

“**Personal Appearance**” means the outward appearance of any person irrespective of sex with regard to hairstyle, beards, or manner of dress. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed attire when uniformly applied for admittance to a public accommodation or a class of employees for a customary or reasonable business-related purpose.

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- ~~3. based on the totality of the circumstances, the conduct unreasonably creates a working-environment that a reasonable person would perceive to be abusive or hostile.~~

Commented [A2]: This revision is suggested for clarity as to the scope of this definition’s coverage, which is based on state law. Md. Code Ann. State Gov’t Art. § 20-601 (eff. Oct 2022) expanded the definition of harassment in the workplace context. This is also consistent with the proposed addition to the Sexual Harassment & Other Sexual Misconduct Policy based on state law.

Commented [A3]: (1) and (2) are covered under the Sexual Harassment and Other Sexual Misconduct Policy already, under VIII.B.5, “Other Sex-Based Offenses”, subsections (a) and (b).

Commented [A4]: Recommend moving (3) to the Sexual Harassment and Other Sexual Misconduct Policy under VIII.B.5, new subsection (d).

IV. COMPLAINT PROCEDURES

Generally, a complaint filed under another University policy cannot also be addressed under this Policy. Students, staff, and faculty must choose between the different complaint processes available to them.

A. Reporting

Individuals who experience violations of this Policy are encouraged to promptly file a complaint with the OCRSM or bring it directly to the attention of their supervisor.

Supervisors, faculty, and University administrators who receive or become aware of a complaint of conduct in violation of this Policy are encouraged to report it to the OCRSM. This does not apply to confidential resources on campus, such as the University Counseling Center, Health Center, Mental Health Services, and University Chaplains.

The OCRSM will review any anonymous complaints it receives. However, the OCRSM may not be able to investigate an anonymous complaint unless sufficient information is furnished to enable it to conduct a meaningful and fair investigation.

B. Timeliness

Complaints must be made within ninety (90) Days of the incident(s) or the last occurrence of the behavior, in cases where continuing behavior is alleged. The OCRSM may waive the time limit upon a showing of good cause.

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Written complaints are encouraged, but not required. If a verbal complaint is made, the OCRSM will prepare a written statement of the allegations and the Complainant will be required to acknowledge its accuracy in writing. The OCRSM will acknowledge receipt of the complaint by sending a notification letter or contacting the Complainant directly within five (5) Days of receipt. Prior to the initial assessment, the OCRSM will hold an initial intake meeting with the Complainant, which may take place in person, by telephone, or via live technology, to understand the nature and circumstances of the complaint and to provide the Complainant with information about resources, procedural options, supportive measures, and an opportunity to discuss the applicable policy and procedures. The OCRSM will then conduct an initial assessment of the complaint to determine whether the complaint should be investigated, and will consider the Complainant's request that the complaint be investigated or not investigated. The OCRSM will then notify the complainant whether:

- the complaint is appropriately filed with the OCRSM and the OCRSM has jurisdiction over the alleged conduct and the Respondent;
- the complaint has previously been filed under another University policy;
- the complaint is suitable for alternative resolution; and
- the allegations, if true, would constitute a Policy violation.

If it is determined that the complaint is not appropriately filed with the OCRSM, the Complainant will be informed of the reason and the OCRSM may inform the Complainant of other possible avenues of redress, such as contacting the University Ombuds Service, University Human Resources (UHR), or the Office of Student Conduct.

D. Alternative Resolution Process

When determined appropriate by the OCRSM, the Complainant may elect to resolve a complaint through Alternative Resolution. The purpose of Alternative Resolution is to resolve the complaint by conference and conciliation. The OCRSM will notify and advise supervisors and other administrators, as appropriate, of the complaint and efforts by the parties to proceed with Alternative Resolution. The OCRSM shall document efforts to resolve the complaint and whether or not those efforts were successful. When Alternative Resolution is successful, the OCRSM shall summarize the resolution in writing, have it signed by the parties, and provide signed copies to the respective parties and supervisors and administrators, as appropriate. The OCRSM will also monitor implementation of the resolution agreement and/or close the case. When Alternative Resolution does not succeed within forty-five (45) Days of the date the complaint is filed, the OCRSM will cease that process and begin the investigation process.

E. Investigation

When the Initial Assessment or a failure of the Alternative Resolution process results in a determination that the OCRSM will investigate the complaint, the OCRSM shall issue a written Notice of Investigation that includes a description of the allegations contained in the complaint and references any applicable policy language and advises the Complainant and Respondent of their rights under this Policy, including the following:

- both parties have a right to an impartial investigation;
- both parties have a right to produce relevant documents, witnesses, and other material they would like the investigation to include; and
- both parties may have an advisor of their choice present to provide advice during the investigative interview; however, the advisor may not speak or act on behalf of the party.

An investigation does not begin until a formal Notice of Investigation has been issued.

The OCRSM will assign an investigator³ who will conduct an adequate, reliable, and impartial investigation of the complaint. As part of the investigation, the investigator will interview the Complainant and the Respondent and any other available relevant witnesses, and review available relevant documents.

The OCRSM has the discretion to determine which parties and witnesses to interview, and the order of party and witness interviews. The OCRSM also determines the relevance of any proffered information or evidence. In general, the OCRSM will not consider statements of opinion over direct observations or reasonable inferences from the facts or statements as to any party's general reputation or character trait.

³ An investigator in the OCRSM, for purposes of state employment regulations, is also considered to be the Fair Practices Officer.

If a party believes that any individual involved in the investigation process, such as the investigator, has a conflict of interest or bias, the parties should contact the Director of the OCRSM immediately upon discovery of the issue, via email at civilrights@umd.edu. Any request must include a description of the conflict or bias. If the OCRSM determines that a conflict of interest or bias may exist, the University will take steps to address the conflict or bias in order to ensure an impartial process.

Upon completion of the investigation, the investigator will make a determination regarding whether a Policy violation has occurred.

1. Standard of Review

In making the determination of whether a Policy violation has occurred, the standard of review is “preponderance of the evidence,” which means it is more likely than not that a Policy violation occurred.

2. Expectation of Cooperation

Absent good cause, all parties and identified witnesses shall cooperate during the investigation by being available during reasonable business hours to discuss the complaint and by making available any relevant information requested by the investigator.

3. Investigation Timeline

The OCRSM seeks to complete an investigation within sixty (60) Days and may extend the time frames set forth in this Policy for good cause. Exceptions to this timeframe may vary depending on the complexity of the investigation, access to relevant parties, and the severity and extent of the alleged Discrimination.

4. False Information

Anyone who knowingly files a false complaint under this Policy or who knowingly provides false information to the OCRSM during an investigation will be subject to appropriate disciplinary action.

5. Written Investigation Report and Findings

The OCRSM shall complete a written report of its investigation, including: (1) a summary of the allegations; (2) evidence reviewed, including relevant documents and information from witnesses; (3) findings of material fact and an analysis of those facts; and (4) a conclusion stating whether the Policy was violated, based on the preponderance of evidence standard. The OCRSM then will issue a *Notice of Findings* and/or provide a copy of the investigation report to the parties and to the appropriate supervisors or department/unit heads, or the Office of Student Conduct, depending on the status of the parties. Copies of the investigation report may be redacted to comply with applicable law.

F. Confidentiality and Privacy

The University makes every effort to protect the privacy of individuals who participate in the investigation process, including witnesses. The OCRSM cannot guarantee confidentiality or anonymity to anyone participating in the investigation process, including Complainants and Respondents. Information related to a complaint under this Policy will only be shared with those individuals who need to know in order to assist in the assessment, investigation, or resolution of the complaint.

V. APPEAL

The Complainant and/or Respondent may appeal the investigation finding within five (5) Days of the date of receipt of the *Notice of Findings* by submitting to the OCRSM at civilrights@umd.edu a written appeal that includes the stated grounds. The scope of the appeal is limited to the grounds set forth below. Mere dissatisfaction with the finding is not a valid basis for appeal. If an appeal is received by the OCRSM, the other party will be notified and given five (5) Days from the date of receipt of that notice to respond by submitting a written statement to the OCRSM at civilrights@umd.edu. All appeals and responses shall include the case name, number, and the party's name and contact information. Appeals filed by more than one party will be considered together in one appeal review process. All appeal documents submitted by a party will be shared with the other party.

If neither party submits an appeal, the decision will be considered final five (5) Days after the last date either party received the *Notice of Findings*. Appeals submitted after five (5) Days shall be denied, except upon a showing of good cause.

A. Grounds for Appeal

Either party may appeal the Finding only on the following grounds:

1. Substantial Procedural Error
Procedural errors or errors in interpretation of University policy were so substantial as to effectively deny a Complainant or Respondent notice or a fair opportunity to be heard.
2. New Evidence
New relevant, material evidence that a reasonably diligent person could not have discovered prior to the issuance of the *Notice of Findings* has become available.

B. Review

The appealing party has the burden of proof, and the standard of proof is preponderance of the evidence. Appeals are not intended to allow for a review of the entire investigation, with the exception of new evidence, as referenced above. The appellate review will be based on the written record; parties are not entitled to a hearing or meeting with the reviewing administrator or designee.

Appeals will be reviewed in accordance with the Respondent's status as listed below:

- appeals involving a Staff Respondent shall be reviewed by the Vice President and Chief Administrative Officer or designee;
- appeals involving a Faculty Respondent shall be reviewed by the Senior Vice President and Provost or designee;
- appeals involving a Student Respondent shall be reviewed by the Vice President for Student Affairs or designee;
- appeals that do not directly involve a faculty, staff, or student Respondent shall be reviewed by the Vice President & Chief Administrative Officer or designee.

C. Outcome

Upon receipt of the appeal and response, the OCRSM will forward them to the respective Vice President's Office. Within five (5) Days, the Vice President will issue a written determination stating whether the Appeal was granted or denied, including a summary of its rationale (the "Appeal Outcome"). The Appeal Outcome shall either:

- affirm the Finding,
- overturn and Reverse Finding, or
- send the Case Back to the Special Investigator with specific directions to reconsider the Finding.

The decision of the Vice President or designee as set forth in the Appeal Outcome shall be final. The Vice President shall forward a copy of the Appeal Outcome to the OCRSM via email to civilrights@umd.edu. The OCRSM will forward a copy of the Appeal Outcome to the parties and respective supervisor/unit head/department chair or dean/Director of Student Conduct as soon as possible.

VI. RECOMMENDATIONS FOR CORRECTIVE ACTION

At the conclusion of an investigation, the OCRSM may provide the appropriate Vice President, supervisor, and department chair/dean with a *Recommendation for Corrective Action* if there is a finding of a policy violation. The OCRSM may also make a referral for review and response to another University process and/or office as may be appropriate in cases where the conduct at issue may violate other University policies.

The final decision for determining and implementing any necessary corrective action shall remain the responsibility of the appropriate Vice President or designee. The Vice President or designee will notify the OCRSM within ten (10) Days of any corrective action that has been implemented.

The OCRSM is responsible for monitoring efforts to ensure that any ongoing violations of the Policy cease. In the event corrective action requires specific anti-discrimination training not readily available to the parties, the OCRSM will work with the supervisor and/or department/unit head to ensure training occurs as soon as feasible.

VII. DISCIPLINARY ACTION

A. Students

With respect to Student Respondents, the Director of the Office of Student Conduct (OSC) in accordance with the provisions of the Code of Student Conduct is responsible for imposing disciplinary action.

1. Discipline that impacts a student's status with the University includes: expulsion, suspension for a definite or indefinite period, and disciplinary probation for a definite or indefinite period. Expulsion, suspension, and disciplinary probation will be noted on a student's transcript. Disciplinary suspensions and expulsions are subject to the approval of the Vice President for Student Affairs.
2. Discipline that does not impact a student's status with the University includes but is not limited to: educational requirements, "no contact" orders, housing restrictions, community service, and disciplinary reprimand. Failure to comply with any of the sanctions listed above may result in further disciplinary action that could impact a student's disciplinary status with the University.

The OCRSM may provide other remedies, in consultation with the OSC, as appropriate. These remedies will identify reasonable long-term or permanent remedies to address the effects of the conduct on the Complainant, restore the Complainant's safety and well-being and maximize the Complainant's educational and employment opportunities. Remedies may also be identified to address the effects of the conduct on the University community.

Students may appeal discipline imposed as a result of a violation of this Policy in accordance with the Code of Student Conduct.

B. Staff

With respect to Staff Respondents, any disciplinary action or corrective measures will be imposed by the appropriate supervisor and unit head, in consultation with the Assistant Vice President & Chief Human Resources Officer, the Director of the OCRSM, and other relevant administrators, as needed. This may include the following:

- unit transfers;
- reassignment of duties;
- mandatory training;
- verbal reminders;
- written reminders/letters of reprimand;
- suspension without pay;
- suspension pending charges of removal; and
- termination.

Staff may grieve discipline imposed as a result of a violation of this Policy in accordance with their respective grievance rights.

C. Faculty

With respect to Faculty Respondents, disciplinary action or corrective measures will be imposed by the appropriate supervisor and unit head, in consultation with the Office of the Senior Vice President and Provost, the Director of the OCRSM, and other relevant administrators, as needed. This may include the following:

- reassignment of duties;
- mandatory training;
- verbal reminders;
- written reminders/letters of reprimand;
- suspension with or without pay; and
- termination.

Faculty may grieve discipline imposed as a result of a violation of this Policy in accordance with their respective grievance rights.

D. Records Retention

The OCRSM will maintain the records relating to the investigation. The respective unit responsible for issuing any discipline will maintain any disciplinary records in accordance with the University's records retention schedule. The respective unit shall also provide a copy of the disciplinary records to the OCRSM.

VIII. EXTERNAL GOVERNMENT AGENCIES THAT ADDRESS DISCRIMINATION COMPLAINTS

Filing an employment Discrimination complaint under this Policy or an alternative campus procedure does not preclude an employee from filing a complaint with the Maryland Commission on Civil Rights, the Equal Employment Opportunity Commission, or the Office for Civil Rights of the U.S. Department of Education.

Complainants who wish to file Discrimination complaints that are not connected with the official functions of the University or not falling within the scope of this Policy, will be referred to appropriate ~~University, County, State, or Federal~~ agencies by the OCRSM.

Equal Employment Opportunity Commission (EEOC)

[GH Fallon Federal Building 31 Hopkins Plaza, Suite 1432](#)

[Baltimore, MD 21201](#)

[Telephone: 1-800-669-4000](#)

[Fax: 443-992-7880](#)

[TTY: 1-800-669-6820](#)

[Website: https://www.eeoc.gov/](https://www.eeoc.gov/)

Commented [A5]: Revision suggested to include the same information that's included in the Sexual Harassment & Other Sexual Misconduct Policy.

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Field Code Changed

Maryland Commission on Civil Rights (MCCR)

William Donald Schaefer Tower
6 Saint Paul Street, Suite 900
Baltimore, MD 21202-1631
Telephone: 410-767-8600
Fax: 410-333-1841
TTY: 410-333-1737
Website: <http://mccr.maryland.gov/>
E-mail: mccr@maryland.gov

U.S. Department of Education, Office for Civil Rights (OCR)

The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
Fax: 215-656-8605
TDD: 800-877-8339
Website: <https://www2.ed.gov/about/offices/list/ocr/index.html>
E-mail: OCR.Philadelphia@ed.gov

Office for Civil Rights – U.S. Department of Education

Philadelphia Office (Regional Office for Maryland)
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
Email: OCR.Philadelphia@ed.gov
Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

Maryland Commission on Civil Rights

Phone: 410-767-8600
Website: <http://mccr.maryland.gov/>

Equal Employment Opportunity Commission

Phone: 800-669-4000
TTY: 800-669-6820
Website: <https://www.eeoc.gov/>

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

Appendix 4 - Red-lined Version of Changes to the Policy



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If it is determined that the complaint is not appropriately filed with the OCRSM, the Complainant will be informed of the reason and the OCRSM may inform the Complainant of other possible avenues of redress, such as contacting the University Ombuds Service, University Human Resources (UHR), or the Office of Student Conduct.

D. Alternative Resolution Process

When determined appropriate by the OCRSM, the Complainant may elect to resolve a complaint through Alternative Resolution. The purpose of Alternative Resolution is to resolve the complaint by conference and conciliation. The OCRSM will notify and advise supervisors and other administrators, as appropriate, of the complaint and efforts by the parties to proceed with Alternative Resolution. The OCRSM shall document efforts to resolve the complaint and whether or not those efforts were successful. When Alternative Resolution is successful, the OCRSM shall summarize the resolution in writing, have it signed by the parties, and provide signed copies to the respective parties and supervisors and administrators, as appropriate. The OCRSM will also monitor implementation of the resolution agreement and/or close the case. When Alternative Resolution does not succeed within forty-five (45) Days of the date the complaint is filed, the OCRSM will cease that process and begin the investigation process.

E. Investigation

When the Initial Assessment or a failure of the Alternative Resolution process results in a determination that the OCRSM will investigate the complaint, the OCRSM shall issue a written Notice of Investigation that includes a description of the allegations contained in the complaint and references any applicable policy language and advises the Complainant and Respondent of their rights under this Policy, including the following:

- both parties have a right to an impartial investigation;
- both parties have a right to produce relevant documents, witnesses, and other material they would like the investigation to include; and
- both parties may have an advisor of their choice present to provide advice during the investigative interview; however, the advisor may not speak or act on behalf of the party.

An investigation does not begin until a formal Notice of Investigation has been issued.

The OCRSM will assign an investigator³ who will conduct an adequate, reliable, and impartial investigation of the complaint. As part of the investigation, the investigator will interview the Complainant and the Respondent and any other available relevant witnesses, and review available relevant documents.

The OCRSM has the discretion to determine which parties and witnesses to interview, and the order of party and witness interviews. The OCRSM also determines the relevance of any proffered information or evidence. In general, the OCRSM will not consider statements of opinion over direct observations or reasonable inferences from the facts or statements as to any party's general reputation or character trait.

If a party believes that any individual involved in the investigation process, such as the investigator, has a conflict of interest or bias, the parties should contact the Director of the OCRSM immediately upon discovery of the issue, via email at civilrights@umd.edu. Any request must include a description of the conflict or bias. If the OCRSM determines that a conflict of interest or bias may exist, the University will take steps to address the conflict or bias in order to ensure an impartial process.

Upon completion of the investigation, the investigator will make a determination regarding whether a Policy violation has occurred.

1. Standard of Review

In making the determination of whether a Policy violation has occurred, the standard of review is "preponderance of the evidence," which means it is more likely than not that a Policy violation occurred.

2. Expectation of Cooperation

Absent good cause, all parties and identified witnesses shall cooperate during the investigation by being available during reasonable business hours to discuss the complaint and by making available any relevant information requested by the investigator.

3. Investigation Timeline

The OCRSM seeks to complete an investigation within sixty (60) Days and may extend the time frames set forth in this Policy for good cause. Exceptions to this timeframe may vary depending on the complexity of the investigation, access to relevant parties, and the severity and extent of the alleged Discrimination.

4. False Information

Anyone who knowingly files a false complaint under this Policy or who knowingly provides false information to the OCRSM during an investigation will be subject to appropriate disciplinary action.

5. Written Investigation Report and Findings

The OCRSM shall complete a written report of its investigation, including: (1) a summary of the allegations; (2) evidence reviewed, including relevant documents and information from witnesses; (3) findings of material fact and an analysis of those facts; and (4) a conclusion stating whether the Policy was violated, based on the preponderance of evidence standard. The OCRSM then will issue a *Notice of Findings* and/or provide a copy of the investigation report to the parties and to the appropriate supervisors or department/unit heads, or the Office of Student Conduct, depending on the status of the parties. Copies of the investigation report may be redacted to comply with applicable law.

F. Confidentiality and Privacy

The University makes every effort to protect the privacy of individuals who participate in the investigation process, including witnesses. The OCRSM cannot guarantee confidentiality or anonymity to anyone participating in the investigation process, including Complainants and Respondents. Information related to a complaint under this Policy will only be shared with those individuals who need to know in order to assist in the assessment, investigation, or resolution of the complaint.

V. APPEAL

The Complainant and/or Respondent may appeal the investigation finding within five (5) Days of the date of receipt of the *Notice of Findings* by submitting to the OCRSM at civilrights@umd.edu a written appeal that includes the stated grounds. The scope of the appeal is limited to the grounds set forth below. Mere dissatisfaction with the finding is not a valid basis for appeal. If an appeal is received by the OCRSM, the other party will be notified and given five (5) Days from the date of receipt of that notice to respond by submitting a written statement to the OCRSM at civilrights@umd.edu. All appeals and responses shall include the case name, number, and the party's name and contact information. Appeals filed by more than one party will be considered together in one appeal review process. All appeal documents submitted by a party will be shared with the other party.

If neither party submits an appeal, the decision will be considered final five (5) Days after the last date either party received the *Notice of Findings*. Appeals submitted after five (5) Days shall be denied, except upon a showing of good cause.

A. Grounds for Appeal

Either party may appeal the Finding only on the following grounds:

1. Substantial Procedural Error

Procedural errors or errors in interpretation of University policy were so substantial as to effectively deny a Complainant or Respondent notice or a fair opportunity to be heard.

2. New Evidence

New relevant, material evidence that a reasonably diligent person could not have discovered prior to the issuance of the *Notice of Findings* has become available.

B. Review

The appealing party has the burden of proof, and the standard of proof is preponderance of the evidence. Appeals are not intended to allow for a review of the entire investigation, with the exception of new evidence, as referenced above. The appellate review will be based on the written record; parties are not entitled to a hearing or meeting with the reviewing administrator or designee.

Appeals will be reviewed in accordance with the Respondent's status as listed below:

- ♦ appeals involving a Staff Respondent shall be reviewed by the Vice President & Chief Administrative Officer or designee;
- ♦ appeals involving a Faculty Respondent shall be reviewed by the Senior Vice President and Provost or designee;
- ♦ appeals involving a Student Respondent shall be reviewed by the Vice President for Student Affairs or designee;
- ♦ appeals that do not directly involve a faculty, staff, or student Respondent shall be reviewed by the Vice President & Chief Administrative Officer or designee.

C. Outcome

Upon receipt of the appeal and response, the OCRSM will forward them to the respective Vice President's Office. Within five (5) Days, the Vice President will issue a written determination stating whether the Appeal was granted or denied, including a summary of its rationale (the "Appeal Outcome"). The Appeal Outcome shall either:

- ♦ affirm the Finding,
- ♦ overturn and Reverse Finding, or
- ♦ send the Case Back to the Special Investigator with specific directions to reconsider the Finding.

The decision of the Vice President or designee as set forth in the Appeal Outcome shall be final. The Vice President shall forward a copy of the Appeal Outcome to the OCRSM via email to civilrights@umd.edu. The OCRSM will forward a copy of the Appeal Outcome to the parties and respective supervisor/unit head/department chair or dean/Director of Student Conduct as soon as possible.

VI. RECOMMENDATIONS FOR CORRECTIVE ACTION

At the conclusion of an investigation, the OCRSM may provide the appropriate Vice President, supervisor, and department chair/dean with a *Recommendation for Corrective Action* if there is a finding of a policy violation. The OCRSM may also make a referral for review and response to another University process and/or office as may be appropriate in cases where the conduct at issue may violate other University policies.

The final decision for determining and implementing any necessary corrective action shall remain the responsibility of the appropriate Vice President or designee. The Vice President or designee will notify the OCRSM within ten (10) Days of any corrective action that has been implemented.

The OCRSM is responsible for monitoring efforts to ensure that any ongoing violations of the Policy cease. In the event corrective action requires specific anti-discrimination training not readily available to the parties, the OCRSM will work with the supervisor and/or department/unit head to ensure training occurs as soon as feasible.

VII. DISCIPLINARY ACTION

A. Students

With respect to Student Respondents, the Director of the Office of Student Conduct (OSC) in accordance with the provisions of the Code of Student Conduct is responsible for imposing disciplinary action.

1. Discipline that impacts a student's status with the University includes: expulsion, suspension for a definite or indefinite period, and disciplinary probation for a definite or indefinite period. Expulsion, suspension, and disciplinary probation will be noted on a student's transcript. Disciplinary suspensions and expulsions are subject to the approval of the Vice President for Student Affairs.
2. Discipline that does not impact a student's status with the University includes but is not limited to: educational requirements, "no contact" orders, housing restrictions, community service, and disciplinary reprimand. Failure to comply with any of the sanctions listed above may result in further disciplinary action that could impact a student's disciplinary status with the University.

The OCRSM may provide other remedies, in consultation with the OSC, as appropriate. These remedies will identify reasonable long-term or permanent remedies to address the effects of the conduct on the Complainant, restore the Complainant's safety and wellbeing and maximize the Complainant's educational and employment opportunities. Remedies may also be identified to address the effects of the conduct on the University community.

Students may appeal discipline imposed as a result of a violation of this Policy in accordance with the Code of Student Conduct.

B. Staff

With respect to Staff Respondents, any disciplinary action or corrective measures will be imposed by the appropriate supervisor and unit head, in consultation with the Assistant Vice President & Chief Human Resources Officer, the Director of the OCRSM, and other relevant administrators, as needed. This may include the following:

- ♦ unit transfers;
- ♦ reassignment of duties;
- ♦ mandatory training;
- ♦ verbal reminders;
- ♦ written reminders/letters of reprimand;
- ♦ suspension without pay;
- ♦ suspension pending charges of removal; and
- ♦ termination.

Staff may grieve discipline imposed as a result of a violation of this Policy in accordance with their respective grievance rights.

C. Faculty

With respect to Faculty Respondents, disciplinary action or corrective measures will be imposed by the appropriate supervisor and unit head, in consultation with the Office of the Senior Vice President and Provost, the Director of the OCRSM, and other relevant administrators, as needed. This may include the following:

- ♦ reassignment of duties;
- ♦ mandatory training;
- ♦ verbal reminders;
- ♦ written reminders/letters of reprimand;
- ♦ suspension with or without pay; and
- termination.

Faculty may grieve discipline imposed as a result of a violation of this Policy in accordance with their respective grievance rights.

D. Records Retention

The OCRSM will maintain the records relating to the investigation. The respective unit responsible for issuing any discipline will maintain any disciplinary records in accordance with the University's records retention schedule. The respective unit shall also provide a copy of the disciplinary records to the OCRSM.

VIII. EXTERNAL GOVERNMENT AGENCIES THAT ADDRESS DISCRIMINATION COMPLAINTS

Filing an employment Discrimination complaint under this Policy or an alternative campus procedure does not preclude an employee from filing a complaint with the Maryland Commission on Civil Rights, the Equal Employment Opportunity Commission, or the Office for Civil Rights of the U.S. Department of Education.

Complainants who wish to file Discrimination complaints that are not connected with the official functions of the University or not falling within the scope of this Policy, will be referred to appropriate ~~University, County, State, or Federal~~ agencies by the OCRSM.

Equal Employment Opportunity Commission (EEOC)

GH Fallon Federal Building 31 Hopkins Plaza, Suite 1432

Baltimore, MD 21201

Telephone: 1-800-669-4000

Fax: 443-992-7880

TTY: 1-800-669-6820

Website: <https://eeoc.gov/>

Maryland Commission on Civil Rights (MCCR)

William Donald Schaefer Tower

6 Saint Paul Street, Suite 900

Baltimore, MD 21202-1631

Telephone: 410-767-8600

Fax: 410-333-1841

TTY: 410-333-1737

Website: <http://mccr.maryland.gov/>

E-mail: mccr@maryland.gov

U.S. Department of Education, Office for Civil Rights (OCR)

The Wanamaker Building

100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
Fax: 215-656-8605
TDD: 800-877-8339
Website: <https://www.ed.gov/about/offices/list/ocr/index.html>
E-mail: OCR.philadelphia@ed.gov

Office for Civil Rights U.S. Department of Education

Philadelphia Office (Regional Office for Maryland)

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

Email: ~~OCR.Philadelphia@ed.gov~~ (~~<mailto:OCR.Philadelphia@ed.gov>~~)

Website: ~~<http://www2.ed.gov/about/offices/list/ocr/index.html>~~ (~~<http://www2.ed.gov/about/offices/list/ocr/index.html>~~)

Maryland Commission on Civil Rights

Phone: 410-767-8600

Website: ~~<http://mccr.maryland.gov/>~~ (~~<http://mccr.maryland.gov/>~~)

Equal Employment Opportunity Commission

Phone: 800-669-4000

TTY: 800-669-6820

Website: ~~<https://egov.eeoc.gov/eas/>~~ (~~<https://egov.eeoc.gov/eas/>~~)

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

¹ Complaints of ~~discrimination based on sex, gender identity or expression, and sexual orientation that do not involve misconduct of a sexual nature will be addressed under this Non-Discrimination Policy and Procedures (Non-Discrimination Policy). Complaints based on sexual misconduct will be~~ ~~misconduct~~ ~~addressed under~~ ~~covered by~~ the University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct (VI-1.60[A]) ~~(Sexual Misconduct Policy)~~, will be addressed under ~~Policy and Procedures VI-1.60(A)~~, as appropriate. When the Title IX Officer determines based on its initial assessment, or following a mandatory or permissive dismissal, that the alleged ~~sexual misconduct~~ ~~conduct~~ would not constitute a potential violation under ~~the Sexual Misconduct Policy~~ ~~Policy and Procedures VI-1.60(A)~~ if substantiated, the Title IX Officer may refer the report to ~~another University process, including~~ this Non-Discrimination Policy, as appropriate.

² The University's policy and procedures for requesting disability accommodations may be found in the University of Maryland Disability & Accessibility Policy and Procedures (VI-1.00[D]). Complaints of discrimination on the basis of disability may be made under this Non-Discrimination Policy.

³ An investigator in the OCRSM, for purposes of state employment regulations, is also considered to be the Fair Practices Officer.



Technical and Legal Updates to VI-1.60 (A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct

PRESENTED BY Yasmeen Farooqi Shah, Chair

REVIEW DATES SEC – January 22, 2025 | University Senate – February 5, 2025

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [VI-1.60\(A\)- University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct](#)

NECESSARY APPROVALS University Senate, President

ISSUE

In October 2023, Angela Nastase, Director, and Title IX Coordinator from the Office of Civil Rights & Sexual Misconduct (OCRSM) submitted a proposal to the Senate Executive Committee (SEC) requesting that the policy VI-1.60 (A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct be reviewed for technical and legal changes. The changes to the policy allow the policy to be consistent with current federal and state regulations.

The SEC charged the Equity, Diversity, and Inclusion Committee (EDI) with reviewing the proposal and revisions to the Sexual Harassment and Other Sexual Misconduct Policy and Procedures at its November 6, 2023.

In April 2024, the U.S Department of Education issued final federal regulations regarding sex-based discrimination under Title IX. Due to the U.S Department of Education issuance of final federal regulations regarding sex- based discrimination under Title IX on April 19, 2024, the committee moved to submit its reports and recommendations to the Office of General Counsel, Office of Civil Rights & Sexual Misconduct, and the Office of the President to consider the committee’s work in their development of the interim sexual misconduct policy.

Due to on-going lawsuits the new Title IX regulations were not implemented. It was requested by the Office of Civil Rights and Sexual Misconduct, that the committee approve the original proposed changes and resolve long-overdue technical and legal updates necessary to ensure compliance.

RECOMMENDATIONS

The Equity, Diversity, and Inclusion Committee recommends that the University Senate approve the proposed changes to the University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct policy.

COMMITTEE WORK

The Equity, Diversity, and Inclusion Committee approved previously proposed Title IX policy updates focused on technical compliance and legal alignment, since new federal regulations remain unimplemented due to ongoing lawsuits.

ALTERNATIVES

The Senate could decide not to approve the recommendation.

RISKS

There are no risks to the University in adopting the recommendations.

FINANCIAL IMPLICATIONS

There are no financial implications in approving these recommendations.



Technical and Legal Updates to VI-1.60 (A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct

2023-2024 Committee

Yasmeen Farooqi Shah (Chair)
Felicia Bidgell (Exempt Staff)
Lacey Curry (Faculty)
Anna Emenheiser (Graduate Student)
Jack Garrard (Exempt Staff)
Dannielle Glaros (Ex-Officio VP & Chief Administrative Officer Rep)
Dalton Greene (Graduate Student)
Caroline Griffith (Undergraduate Student)
Joanne Klossner (Faculty)
Yvette Lerma Jones (Ex-Officio VP Student Affairs Rep)
b.a Medina (Ex-Officio VP Diversity & Inclusion Rep)

Lauren Miles (Non-Exempt Staff)
Ashely Monrone (Non-Exempt Staff)
Angela Nastase (Ex-Officio OCRSM Rep)
Thu Nguyen (Faculty)
Chinaza Ofor (Undergraduate Student)
Laura Rosenthal (Ex-Officio Provost's Rep)
Delida Sanchez (Faculty)
Shane Walsh (Faculty)

Date of Submission

January 2025

BACKGROUND

In October 2023, Angela Nastase, Director, and Title IX Coordinator from the Office of Civil Rights and Sexual Misconduct submitted a proposal to the Senate Executive Committee (SEC) requesting that the policy VI-1.60 (A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct be reviewed for technical and legal changes. The changes to the policy allow the policy to be consistent with current federal and state regulations and update internal policy information.

The University of Maryland (the University) Policy and Procedures on Sexual Harassment and Other Sexual Misconduct (VI-1.60[A]) outlines the University's approach to addressing all forms of sexual misconduct involving University faculty, staff, students, and third parties. The Policy defines specific conduct that is prohibited, provides information on resources and support for individuals who report being subjected to sexual misconduct and outlines broad principles that govern the process for handling reports of sexual misconduct. The Procedures detail the process from receipt of a report alleging a violation of the Policy through investigation and adjudication, discuss the range of sanctions or disciplinary action that may be imposed upon a finding of responsibility and the remedies that may be available to a complainant, and advise of the bases and process for appealing a finding of responsibility and/or sanctions, depending on the case.

At its meeting on November 6, 2023, the Senate Executive Committee (SEC) voted to charge the "Technical and Legal Updates to VI-1.60 (A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct" proposal (Senate Document #23-24-16) to the Equity, Diversity, and Inclusion (EDI) Committee. (Appendix 1)

The EDI Committee worked on the charge assigned from February 2024 to May 2024. It was

learned that the revisions were intended to align the University's policy and procedures with federal

law. Additionally, the revisions also reduced some ambiguities within the practices of the policy and updated titles and addresses of policy recourses. Due to the U.S Department of Education issuance of final federal regulations regarding sex- based discrimination under Title IX on April 19, 2024, the committee moved to submit its reports and recommendations to the Office of General Counsel, Office of Civil Rights & Sexual Misconduct, and the Office of the President to consider the committee's work in their development of the interim sexual misconduct policy. The SEC voted to approved the committee's recommendations on May 17, 2024.

COMMITTEE WORK

At its meeting on November 18, 2024, an update regarding new Title IX regulations announced in April 2023 was given to the EDI Committee. It was discussed that due on-going lawsuits the new Title IX regulations have not been implemented and it was requested by the Office of Civil Rights and Sexual Misconduct, that the committee approve the original proposed changes and resolve long-overdue technical and legal updates necessary to ensure compliance.

Angela Nastase, Director, and Title IX Coordinator from the Office of Civil Rights and Sexual Misconduct provided additional context sharing that the proposed changes included updating titles and addresses of policy resources and aligning the University's policy and procedures with federal law. The report of the previous 2023-2024 academic year EDI Committee was included for review in the materials for the meeting. (Appendix 2)

The EDI Committee voted to approve the previous work and recommendations of the committee and move the proposed technical and legal changes forward.

RECOMMENDATIONS

The Equity, Diversity, and Inclusion Committee recommends that the University Senate approve the proposed technical and legal changes to the University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct policy.

APPENDICES

Appendix 1 – Charge from the Senate Executive Committee

Appendix 2 – Finalized Report of Work Completed in 23-24 Academic Year

Appendix 3 – Proposed Redlined Version of Changes to the Policy

Appendix 4 – Redlined Version of Changes to the Policy



Technical and Legal Updates to VI-1.60(A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct (Senate Document #23-24-16)
Equity, Diversity, & Inclusion Committee | Chair: Kim Coles

The Senate Executive Committee (SEC) and Senate Chair Jarzynski request that the Equity, Diversity, & Inclusion Committee review the University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct (VI-1.60[A]) for technical and legal revisions.

Specifically, the Equity, Diversity, & Inclusion Committee should:

1. Review the Proposal entitled Technical and Legal Updates to VI-1.60(A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct.
2. Review the University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct ([VI-1.60\[A\]](#)).
3. Review the technical and legal updates as provided in the proposal.
4. Review similar policies and procedures on non-discrimination at Big 10 and other peer institutions.
5. Consult with the Office of Civil Rights and Sexual Misconduct.
6. Consult with the Faculty Affairs Committee.
7. Consult with the Staff Affairs Committee.
8. Consult with the Student Affairs Committee.
9. Consult with the Student Conduct Committee
10. Consult with the Vice President and Chief Administrative Officer (VP&CAO) or designee.
11. Consult with the Office of the Senior Vice President and Provost or designee.
12. Consider the clarity of the revisions for all members of the campus community.
13. Consider whether the updates to the policy and procedures help streamline and expedite the current resolution processes.
14. Consult with a representative from the Office of General Counsel on any proposed changes to the University's policy.
15. If appropriate, recommend whether the policy should be revised and if so, provide suggested revisions.

We ask that you submit a report to the University Senate Office no later than **May 3, 2024**. If you have questions or need assistance, please contact the University Senate Office, senate-admin@umd.edu.



Technical and Legal Updates to VI-1.60 (A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct

PRESENTED BY Kim Coles, Chair

REVIEW DATES SEC – May 17, 2024

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [VI-1.60\(A\)- University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct](#)

NECESSARY APPROVALS Senate, President

ISSUE

In October 2023, Angela Nastase, Director, and Title IX Coordinator from the Office of Civil Rights and Sexual Misconduct submitted a proposal to the Senate Executive Committee (SEC) requesting that the policy VI-1.60 (A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct be reviewed for technical and legal changes. The changes to the policy allow the policy to be consistent with current federal and state regulations.

The SEC charged the Equity, Diversity, and Inclusion Committee with reviewing the proposal and revisions to the Sexual Harassment and Other Sexual Misconduct Policy and Procedures at its November 6, 2023.

RECOMMENDATIONS

On April 19, 2024 the U.S Department of Education issued final federal regulations regarding sex-based discrimination under Title IX. The Office of General Counsel (OGC) consulted that the regulations were going to require significant revisions to the policy being reviewed by the subcommittee. The final federal regulations require universities to implement the changes by August 1, 2024. OGC recommended that the proposal be paused to allow for an interim Sexual Harassment and Other Sexual Misconduct Policy and Procedure that encompasses the substantive changes to be developed. The recommendation was made to limit the number of policy drafts existing and avoid confusion for ongoing and new cases.

The Equity, Diversity, and Inclusion Committee deliberated the recommendation and recommends that:

- Due to the U.S Department of Education issuance of final federal regulations regarding sex-based discrimination under Title IX on April 19, 2024, the committee moves to submit its reports and recommendations to the Office of General Counsel, Office of Civil Rights & Sexual Misconduct, and the Office of the President to consider the committee's work in their development of the interim sexual misconduct policy.

COMMITTEE WORK

The Equity, Diversity, and Inclusion Committee established a subcommittee that was tasked with reviewing the charge from the SEC. The subcommittee reviewed the proposed technical and legal changes, as well as related policies, ensuring they were clear to the campus community and aligned with state and federal laws. It was discovered that the proposal revisions aimed to bring the University's policy and procedures into alignment with federal laws. Furthermore, the revisions aimed to clarify ambiguities within policy practices and update titles and addresses of policy resources. The subcommittee learned that the biggest change is the deletion of the timeline regarding the submission of impact statements in the Hearing process. It was also found that constraints imposed by state and federal law limited the subcommittee's scope of action. The subcommittee consulted with relevant university offices and committees and clarified the purpose behind the proposed changes.

The subcommittee work was presented to the full committee at a meeting on April 5, 2024, where it was approved.

ALTERNATIVES

The Senate could decide not to approve the recommendation.

RISKS

There are no risks to the University in adopting the recommendations.

FINANCIAL IMPLICATIONS

There are no financial implications in approving these recommendations.



Technical and Legal Updates to VI-1.60 (A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct

2023-2024 Committee

Kim Coles (Chair)
Deneen Brown (Faculty)
Nolan Coble (Graduate Student)
Dannielle Glaros (Ex-Officio VP & Chief Administrative Officer Rep)
Donna Hammer (Exempt Staff)
Tara Holmes (Graduate Student)
Sun Young Lee (Faculty)
Yvette Lerma Jones (Ex-Officio VP Student Affairs Rep)
Cheng-Yu Li (Faculty)
Brian Medina (Ex-Officio VP Diversity & Inclusion Rep)

Lauren Miles (Non-Exempt Staff)
Angela Nastase (Ex-Officio OCRSM Rep)
Thu Nguyen (Faculty)
Anna Petersen (Undergraduate Student)
Shannon Quarles (Non-Exempt Staff)
Tony Randall (Exempt Staff)
Michelle Rodriguez Cruz (Undergraduate Student)
Laura Rosenthal (Ex-Officio Provost’s Rep)
Tunji Sawyer (Exempt Staff)
Shane Walsh (Faculty)

Date of Submission

May 2024

BACKGROUND

In October 2023, Angela Nastase, Director, and Title IX Coordinator from the Office of Civil Rights and Sexual Misconduct submitted a proposal to the Senate Executive Committee (SEC) requesting that the policy VI-1.60 (A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct be reviewed for technical and legal changes. The changes to the policy allow the policy to be consistent with current federal and state regulations and update internal policy information.

The University of Maryland (the University) Policy and Procedures on Sexual Harassment and Other Sexual Misconduct (VI-1.60[A]) outlines the University’s approach to addressing all forms of sexual misconduct involving University faculty, staff, students, and third parties. The Policy defines specific conduct that is prohibited, provides information on resources and support for individuals who report being subjected to sexual misconduct and outlines broad principles that govern the process for handling reports of sexual misconduct. The Procedures detail the process from receipt of a report alleging a violation of the Policy through investigation and adjudication, discuss the range of sanctions or disciplinary action that may be imposed upon a finding of responsibility and the remedies that may be available to a complainant, and advise of the bases and process for appealing a finding of responsibility and/or sanctions, depending on the case.

At its meeting on November 6, 2023, the Senate Executive Committee (SEC) voted to charge the “Technical and Legal Updates to VI-1.60 (A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct” proposal (Senate Document #23-24-16) to the Equity, Diversity, and Inclusion (EDI) Committee. (Appendix 1)

COMMITTEE WORK

The EDI Committee began working on the charge from the SEC at its November 7, 2023 meeting and received the formal charge elements by the committee's February 5, 2024 meeting. Due to other work assigned to the committee, it was decided that the committee be divided into subcommittees. The subcommittees met during full committee meetings as well as separately to maximize time. The subcommittee assigned to the charge reviewed the proposed technical and legal change and the related policies regarding Sexual Misconduct and Other Sexual Harassment at the Big Ten organizations.

During the deliberation, the subcommittee considered whether the proposed changes would allow for the policy to be clear to the campus community and if the changes were of a technical and legal nature. Because of the constraints imposed by state and federal law, the subcommittee was limited in the scope of action. The committee additionally consulted with the proposer to better understand the premise behind the proposed changes and the legal requirements. The subcommittee learned that the revisions were intended to align the University's policy and procedures with federal law. Additionally, it was learned that the revisions also reduced some ambiguities within the practices of the policy and updated titles and updated addresses of policy resources.

As directed in the charge from the SEC, the subcommittee consulted with a representative from the Office of the Vice President & Chief Administrative Officer designee, the Office of the Senior Vice President and Provost. Both consultations took place at the April 5, 2024 EDI committee meeting. The Chairs of the Faculty Affairs, Staff Affairs, and Student Affairs Committee were also consulted. All stated that the proposed changes were clear for the groups they individually represented and did not pose an issue to their respective departments. The feedback from the stakeholders aligned with the committee's discussions.

The subcommittee consulted with the Student Conduct Committee at the Student Conduct Committee meeting. Concerns arose regarding a proposed change that deleted wording involving the timeline of submitting impact statements during a compliant hearing. After consulting the proposer for additional information, it was clarified that impact statements would be still accepted in the hearing process and the timeline restriction was being removed which has caused confusion in previous hearings.

The subcommittee considered all the feedback and consultation discussions during its review of the Policy and consideration of the charge elements. The subcommittee reported its work to the full EDI committee, which voted to approve the proposed updates at the committee's April 5, 2024 meeting.

RECOMMENDATIONS

On April 19, 2024 the U.S Department of Education issued final federal regulations regarding sex-based discrimination under Title IX. The Office of General Counsel (OGC) consulted that the regulations were going to require significant revisions to the policy being reviewed by the subcommittee. The final federal regulations are requiring universities to implement the changes by August 1, 2024. OGC recommended that the proposal be paused to allow for an interim Sexual Harassment and Other Sexual Misconduct Policy and Procedure that encompasses the substantive changes to be developed. The recommendation was made to limit the number of policy drafts existing and avoid confusion for ongoing and new cases.

The Equity, Diversity, and Inclusion Committee deliberated the recommendation and recommends that:

- Due to the U.S Department of Education issuance of final federal regulations regarding sex-based discrimination under Title IX on April 19, 2024, the committee moves to submit its reports and recommendations to the Office of General Counsel, Office of Civil Rights & Sexual Misconduct, and the Office of the President to consider the committee's work in their development of the interim sexual misconduct policy.

APPENDICES

Appendix 1 – Charge from the Senate Executive Committee

Appendix 2 – Proposed Redlined version of changes to the Policy

Appendix 3 – Redlined version of changes to the Policy



VI-1.60(A) UNIVERSITY OF MARYLAND POLICY AND PROCEDURES ON SEXUAL HARASSMENT AND OTHER SEXUAL MISCONDUCT
(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 June 24, 2019; Amended and approved by the President on December 12, 2019; Amended and approved on an interim basis effective August 14, 2020; Amended May 10, 2021; Amended and approved on an interim basis by the President August 23, 2021)

Policy Index

- I. Introduction
- II. Purpose
- III. Scope and Applicability
- IV. Jurisdiction
- V. Reporting
- VI. Amnesty for Students Who Report Prohibited Conduct
- VII. Definitions
- VIII. Prohibited Conduct
- IX. Sanctions
- X. Confidential Resources
- XI. Co-Occurring Criminal Action
- XII. Rights of Parties
- XIII. False Statements
- XIV. Legal Representation Fund for Title IX Proceedings (Students Only)
- XV. Emergency Removals and Other Interim Measures
- XVI. Consensual Relationships and Professional Conduct
- XVII. Training
- XVIII. Records Retention
- XIX. External Government Agencies

Procedures Index

- I. Applicability
- II. Anticipated Timelines
- III. Right to Support Person and Advisor
- IV. Notification of Meetings, Interviews, and Hearing
- V. Report Intake and Formal Complaint
- VI. Resolution Processes

I. Introduction

The mission of the University of Maryland (“the University”) is to cultivate a transformative educational, scholarly, and professional experience for all members of its campus community while safeguarding their personal health and well-being. The University is committed to creating a collaborative environment open to the free exchange of ideas, where scholarship, creativity, innovation, and entrepreneurship can flourish and where individuals can achieve their full potential. The University affirms

that commitment by striving to maintain an academic and work environment that empowers all to work, study, innovate, and perform without fear of sexual misconduct, sexual violence, and power-based violence. Such misconduct and violence diminish individual dignity, are contrary to the values of the University, and are a barrier to the fulfillment of the University's mission. It is incumbent upon every member of the University community to foster an environment free from sexual misconduct by upholding the University's core mission and values, and by working together to avoid harmful situations through a shared understanding of how to prevent sexual misconduct and how to address it if it occurs.

II. Purpose

Prohibited Conduct undermines the character and purpose of the University and the University will take appropriate prompt and effective action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The purpose of this Policy and Procedures is to describe the Prohibited Conduct; describe how to report or file a complaint; provide resources for counseling, safety, emotional support, and advocacy; articulate the procedures for investigating and resolving complaints; and articulate awareness and educational training objectives.

The University acknowledges its commitment to a working and learning environment free from sexual misconduct through training, education, prevention programs, and policies and procedures that promote prompt reporting and response, provide support to persons alleged to be victimized, prohibit retaliation, and implement timely, fair, and impartial investigations and resolutions that ensure due process and remedy Policy violations. Sexual Harassment, Other Sexual Misconduct, and Retaliation are Prohibited Conduct and will not be tolerated in any form. This Prohibited Conduct corrupts the integrity of the educational process and work environment and violates the core mission and values of the University, and the University will address such conduct in accordance with this Policy.

Nothing in this Policy and Procedures should be interpreted to abridge academic freedom or principles of free speech. The University will not condone behavior that violates the freedom of speech, choice, assembly, or movement of other individuals or organizations. In short, responsible dissent carries with it sensitivity for the civil rights of others.

III. Scope and Applicability

This Policy prohibits Sexual Harassment, Other Sexual Misconduct, and Retaliation. This Prohibited Conduct may be a form of sex discrimination prohibited by federal and Maryland State discrimination laws, including Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act of 1964 (Title VII). This Policy also is in compliance with the University's obligations under Maryland law and University System of Maryland Policy VI-1.60.

This Policy addresses the University's obligations under Title IX. Title IX provides, "No

person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” The University, under this Policy, goes beyond Title IX to include in its Prohibited Conduct other forms of sexual misconduct that are antithetical to the University’s core mission and values. This Policy also addresses allegations of Other Sexual Misconduct, which includes Sexual Harassment that occurred against a person outside of the United States or not within an Education Program or Activity; Sexual Coercion; Sexual Exploitation; Sexual Intimidation; Attempted Sexual Assault; and Other Sex-Based Offenses. Retaliation is also addressed.

Federal regulations implementing Title IX require that the University follow certain procedures when the University obtains Actual Knowledge of Sexual Harassment in its Education Program or Activity against a person in the United States. The University of Maryland fulfills those requirements through these Procedures. This Policy and Procedures govern all forms of Prohibited Conduct that is alleged to be in violation of Title IX and this Policy.

This Policy applies to all members of the University community, including students, faculty, and staff. It also applies to contractors and other third parties who are engaged in any University Education Program or Activity, or who are otherwise interacting with the University, including, but not limited to volunteers, vendors, guests, and visitors. All University members are prohibited from engaging in, or assisting or abetting another’s engagement in Sexual Harassment, Other Sexual Misconduct, or Retaliation.

This Policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the alleged Prohibited Conduct precedes the effective date of this Policy, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The Procedures under this Policy, however, will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the alleged incident(s) occurred.

To the extent any provision of this Policy conflicts with any other University policy, this Policy controls. Prohibited Conduct under this Policy may also be sex discrimination in violation of *VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures*. However, this Policy and Procedures supersedes *VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures* with respect to allegations of Prohibited Conduct addressed by this Policy. The University will respond to reports and complaints of Prohibited Conduct in accordance with this Policy and Procedures.

IV. Jurisdiction

- A. This Policy applies to reported acts of Prohibited Conduct committed by or against students, faculty, staff, and third parties when:
 - 1. Conduct occurs on University premises, in any University facility, or on property owned or controlled by the University;

2. Conduct occurs in the context of a University Education Program or Activity, including, but not limited to, University-sponsored academic, athletic, extracurricular, study abroad, research, online or internship programs or activities;
 3. Conduct occurs outside the context of a University Education Program or Activity, but has continuing adverse effects on or creates a hostile environment for students, employees or third parties while on University premises or other property owned or controlled by the University or in any University Education Program or Activity; or
 4. Conduct otherwise threatens the health and/or safety of University members.
- B. The University does not have jurisdiction to investigate reported incidents involving members of the University community that occurred prior to the individual being enrolled at or employed by the University when the incident did not occur on campus or otherwise in connection with a University Education Program or Activity.

V. Reporting

A. General

All persons are encouraged to report Prohibited Conduct promptly, in order to ensure that all Parties affected by the alleged Prohibited Conduct are provided with support and connected with available resources. Prompt reporting is also critical for the preservation of physical and other evidence, which may be important in the University's administrative process and/or to prove criminal conduct or to obtain a civil or criminal order of protection. In addition to reporting Prohibited Conduct, individuals may also speak with a confidential resource at any time, as detailed in Section X of this Policy.

B. Reporting to the Office of Civil Rights & Sexual Misconduct

Any person may report Prohibited Conduct at any time by contacting the Title IX Coordinator/Officer (Title IX Officer) or to the Office of Civil Rights & Sexual Misconduct (OCRSM), listed below, regardless of whether the reporting person is the Complainant.

~~Graec C. Karmiol~~ Angela Nastase, JDEsq., OCRSM Director and Title IX Coordinator/Officer
University of Maryland
Office of Civil Rights & Sexual Misconduct (OCRSM)
3101 Susquehanna Hall
4200 Lehigh Road
College Park, MD 20742-5025

E-mail: anastase@umd.edu | gkarmiok@umd.edu | titleixcoordinator@umd.edu

Telephone: 301-405-1142

Website: <http://www.ocrsm.umd.edu/>

An online reporting form is accessible on the OCRSM website 24 hours/7 days a week unless there is scheduled maintenance.

Prompt reporting to OCRSM maximizes 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 Prohibited Conduct, 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.

The Title IX Officer is responsible for coordinating the University's efforts to comply with Title IX and this Policy. The Title IX Officer leads, coordinates, and oversees OCRSM, including OCRSM's efforts regarding compliance training, prevention programming, and educational programs. The Title IX Officer is available to meet with any student, employee, or third party to answer any questions about this Policy.

C. Reporting to a Responsible University Employee

Any person may also report Prohibited Conduct to a Responsible University Employee (RUE) including but not limited to the University of Maryland Police Department (UMPD). A Responsible University Employee, as defined in Section VII, must promptly notify the Title IX Officer of any report of Prohibited Conduct brought to their attention¹. The Title IX Officer works collaboratively with the reporting party or entity, making every effort to operate with discretion and maintain the privacy of the individuals involved. No employee (other than UMPD) is authorized to investigate or resolve reports of Prohibited Conduct without the involvement of the Title IX Officer.

D. Reporting to the Police

Prohibited Conduct, particularly Sexual Assault, may be a crime. The University will assist Complainants who wish to report Prohibited Conduct to law enforcement authorities, including UMPD 24 hours a day/7 days a week. Representatives of the OCRSM, the Office of Student Conduct (OSC), the Department of Resident Life's Office of Rights and Responsibilities (R&R), and Campus Advocates Respond and Educate (CARE) to Stop Violence Office in the University Health Center are available to assist students with reporting to UMPD.

UMPD are Responsible University Employees under this Policy and are required to notify the Title IX Officer of any report of Prohibited Conduct. UMPD will also assist

¹ University employees may have additional reporting obligations under VI-1.50(A) University of Maryland Policy on the Reporting of Suspected Child Abuse and Neglect.

Complainants in notifying other law enforcement authorities in other jurisdictions, as appropriate. To report to UMPD, please call 301-405-3333 or 911. Callers may also dial 301-405-3555 or via mobile phone #3333. Regardless of where the incident occurred **Call 911** in an emergency.

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

E. Clery Act Timely Warnings

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

VI. Amnesty for Students Who Report Prohibited Conduct

A. The University recognizes that a student who is under the influence of alcohol and/or drugs when an incident of Prohibited Conduct occurs may be reluctant to report the Prohibited Conduct out of concern that the student may face disciplinary actions for engaging in prohibited alcohol or drug use. As such, a student who reports Prohibited Conduct to the University or law enforcement, or who participates in an investigation either as a Complainant or witness, will not face disciplinary action for violating University drug and alcohol policies.

B. This Amnesty provision applies only when the University determines that:

1. The drug/alcohol violation occurred during or near the time of the reported Prohibited Conduct;
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.

VII. Definitions

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

A. “**Actual Knowledge**” means notice of Sexual Harassment or allegations of Sexual

Harassment to the Title IX Officer or any University official who has authority to institute corrective measures on behalf of the University.

- B. **“Advisor”** means a person chosen by a Party to provide advice and consultation to that Party, in accordance with this Policy and Procedures. An Advisor may be an attorney or another individual. A Party’s Advisor also conducts cross-examination on behalf of that Party at a Hearing, if applicable, in accordance with this Policy and Procedures. An Advisor shall not be an active participant or speak on behalf of a Party except for the purpose of providing cross-examination at a Hearing. If a Party does not have an Advisor, the University will provide without fee or charge to that Party, an Advisor of the University’s choice, to conduct cross-examination on behalf of that Party; an Advisor appointed by the University acts in a confidential capacity on behalf of the Party and is not otherwise involved in the proceedings.
- C. **“Appellate Hearing Officer”** means an individual designated to review decisions concerning responsibility and sanctions, based on the Respondent’s status as a student, staff member, faculty member, or third party. Appellate Hearing Officers shall have had no previous involvement with the substance of the Formal Complaint.
- D. **“Complainant”** means the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.
- E. **“Consent”** means a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Only a person who has the ability and capacity to exercise free will and make a rational, reasonable judgment can give Consent. Consent may be expressed either by words and/or actions, as long as those words and/or actions create a mutually understandable agreement to engage in specific sexual activity. It is the responsibility of the person who wants to engage in sexual activity to ensure that the person has Consent from the other party, and that the other party is capable of providing Consent.
 - 1. Lack of protest or resistance is not Consent. Nor may silence, in and of itself, be interpreted as Consent.
 - 2. Previous relationships, including past sexual relationships, do not imply Consent to future sexual acts.
 - 3. Consent to one form of sexual activity cannot automatically imply Consent to other forms of sexual activity.
 - 4. 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.
 - 5. Consent cannot be obtained by use of physical force or Sexual Coercion.

6. An individual who is Incapacitated is unable to give Consent.
- F. **“Day”** means a business weekday when the University is not closed.
- G. **“Education Program or Activity”** means all of the University’s operations (including but not limited to employment); locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the Prohibited Conduct occurs; and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- H. **“Formal Complaint”** means a Document filed by a Complainant or signed by the Title IX Officer alleging Prohibited Conduct against a Respondent and requesting that the University proceed with the resolution process. A Formal Complaint may be filed with the Title IX Officer in person, by mail, by e-mail, or any additional method designated by the University in accordance with these Procedures.
1. **“Document filed by a Complainant”** means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Officer signs a Formal Complaint, the Title IX Officer is not a Complainant or otherwise a Party.
- I. **“Hearing”** means a live, formal proceeding attended by the Parties in person or by video conference in which evidence is presented, witnesses are heard, and cross-examination occurs, prior to the Hearing Officer’s decision concerning responsibility and Sanctions, if applicable.
- J. **“Hearing Officer”** means an individual designated to preside over the Hearing and has decision-making and sanctioning authority within the adjudication process.
- K. **“Incapacitated”** means an individual’s decision-making ability is impaired such that the individual lacks the capacity to understand the “who, what, where, why, or how” of their sexual interaction. Incapacitation may result from sleep, unconsciousness, intermittent consciousness, physical restraint, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a temporary or permanent mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the primary causes of Incapacitation. 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:

1. Making decisions about the potential consequences of sexual contact;
 2. Appraising the nature of one's own conduct;
 3. Communicating Consent to sexual contact; or
 4. Communicating unwillingness to engage in sexual contact.
- L. **“Informal Resolution”** means a broad range of conflict resolution strategies, including, but not limited to, mediation, Respondent acknowledgement of responsibility, and/or negotiated interventions and remedies.
- M. **“Investigator”** means a professionally trained University staff member or third-party contractor designated to conduct an impartial, fair, and unbiased investigation into an alleged violation of this Policy.
- N. **“No Contact Order”** means an official directive that serves as notice to an individual that the individual must not have verbal, electronic, written, or third-party communications with another individual.
- O. **“Party”** means the Complainant or the Respondent (collectively, the “Parties”).
- P. **“Preponderance of the Evidence”** means that it is more likely than not that a Policy violation has occurred.
- Q. **“Remedies”** means actions designed to restore or preserve the Complainant's equal access to the University's Education Program or Activity. Remedies are similar to Supportive Measures but may be punitive and burden the Respondent.
- R. **“Respondent”** means the individual alleged to have engaged in Prohibited Conduct under this Policy.
- S. **“Responsible University Employee”** means all University administrators, supervisors, faculty members, graduate assistants, UMPD, athletic coaches, athletic trainers, resident assistants, and first responders, who are not confidential resources. Responsible University Employee is a term of art for purposes of this Policy only and for no other purposes.
- T. **“Sanctions”** means disciplinary and other consequences imposed on a Respondent who is found to have violated this Policy.
- U. **“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.

- V. **“Supportive Measures”** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent to restore or preserve equal access to Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or to deter Prohibited Conduct under this Policy.

VIII. Prohibited Conduct

This Policy prohibits Sexual Harassment, Other Sexual Misconduct, and Retaliation as set forth below. Prohibited Conduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Prohibited Conduct 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.

- A. **Sexual Harassment**² means conduct on the basis of sex that satisfies one or more of the following:

1. **Quid Pro Quo:** An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct.
2. **Hostile Environment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity.
3. **Sexual Assault:** An offense classified as a sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sex offenses are any sexual acts directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent (Non-Consensual Sexual Penetration or Fondling); also, unlawful sexual intercourse (Incest or Statutory Rape).
 - a. **Non-Consensual Sexual Penetration:** Penetration, no matter how slight, of the genital or anal opening of the body of another person with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.³
 - b. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age

² See 34 C.F.R. § 106.30 (defining “Sexual Harassment” under Title IX).

³ This definition encompasses the FBI uniform crime reporting system offenses required by Title IX.

or because of their temporary or permanent mental or physical incapacity.

- c. **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.⁴
4. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the following factors:
- a. The length of the relationship;
 - b. The type of relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.
5. **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Maryland, or by any other person against an adult or youth Complainant protected from that person's acts under the domestic or family violence laws of Maryland.
6. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- a. Fear for their own safety or the safety of others; or
 - b. Suffer substantial emotional distress.

B. **Other Sexual Misconduct** means the following conduct:

1. ~~Sexual Harassment that occurred against a person outside of the United States or not within an Education Program or Activity, or otherwise does not fall under Title IX.~~

2.1 **Sexual Coercion:** The use of unreasonable pressure in an effort to compel another individual to initiate or continue sexual activity against the individual's will. A person's words or conduct are sufficient to constitute Sexual Coercion if they wrongfully impair another individual's freedom of will and ability to choose

⁴ The statutory age of consent in Maryland is 16. See Md. Code Ann., Crim. Law §§ 3-301 to -307.

Commented [A1]: See also comment on pg. 30. This deletion streamlines and simplifies matters. This definition is not needed, duplicative, and overly complicated. The original intent behind this definition was that it would again identify whether conduct falls under the Title IX regulations' 5 categories of Sexual Harassment (they are above under subsection A), but is nevertheless not under Title IX due to jurisdictional criteria, after the Notice of Formal Complaint/Designation is sent out. This definition makes the reader (and OCRSM) then refer to Section A for the relevant conduct definition. However, whether alleged conduct is Title IX-based or not is clearly stated and explained in the Notice of Formal Complaint/Designation, when conduct is designated as Title IX Prohibited Conduct or Non-Title IX Prohibited Conduct.

whether or not to engage in sexual activity. Sexual Coercion includes but is not limited to intimidation, manipulation, express or implied threats of emotional or physical harm, and/or blackmail. Examples of Sexual Coercion include but are not limited to causing the deliberate Incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal sensitive information if the other party does not engage in the sexual contact.

3.2. Sexual Exploitation: Taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.

4.3. Sexual Intimidation: Threatening behavior of a sexual nature directed at another person, such as threatening to sexually assault another person or engaging in indecent exposure.

5.4. Attempted Sexual Assault: An attempt to commit Sexual Assault.

6.5. Other Sex-Based Offenses: Unwelcome sexual advances, unwelcome requests for sexual favors, or other ~~conduct behavior~~ of a sexual ~~nature~~ or ~~gender~~-based on sex nature where:

- a. 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;
- b. 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~~
- c. Such conduct has the 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; ~~or~~

~~e.d.~~ Based on the totality of the circumstances, the conduct, which need not be severe or pervasive, unreasonably creates a working environment for the worker that a reasonable person would perceive to be abusive or hostile.

C. **Retaliation** means intimidating, threatening, coercing, or discriminating against, or otherwise taking an adverse action against an individual for the purpose of interfering with any right or privilege secured by law or University policy relating to Prohibited Conduct, or because an individual has made a report, filed a complaint, testified, assisted, participated or refused to participate in any manner in an investigation,

Commented [A2]: This revision is recommended for legal compliance and clarity.

Commented [A3]: Md. Code Ann, State Gov't Art. § 20-601 (eff. Oct. 2022) expanded the definition of sexual harassment in the workplace context. This addition would cover § 20-601(k)(3). The above subsections 5.a and 5.b already cover § 20-601(k)(1)-(2).

The Non-Discrimination Policy was amended last year to incorporate this definition as a short-term fix (a broader definition of harassment based on other protected classes had to be added last year as well). Moving this piece to this Policy ensures that all complaints of sexual harassment and other sexual misconduct is addressed pursuant to the same procedures and avoids confusion.

proceeding, or hearing related to Prohibited Conduct. Adverse actions include but are not limited to impeding an individual's academic advancement; terminating, refusing to hire, or refusing to promote an individual; or transferring or assigning an individual to a lesser position in terms of wages, hours, job classification, or job security. Retaliation includes retaliatory harassment. Adverse actions, including charges against an individual for violations of other University policies that do not involve sex discrimination or Prohibited Conduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of Prohibited Conduct, for the purpose of interfering with any right or privilege secured by law, constitutes Retaliation. However, charging an individual with a violation of other University policies for making a materially false statement in bad faith in the course of a proceeding does not constitute Retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith. The exercise of rights protected under the First Amendment does not constitute Retaliation. The University will keep confidential, to the extent permitted by the Family Educational Rights and Privacy Act (FERPA), the identity of any individual who has made a report of Prohibited Conduct.

IX. Sanctions

- A. As further explained in the Procedures, Sanctions for Respondents determined to have violated this Policy include, but are not limited to, the following:
1. Students. Students found in violation of this Policy are subject to Sanctions such as dismissal from the University (suspension or expulsion), removal from University housing, disciplinary probation, and other sanctions such as community service and mandatory and continuing participation in training on Prohibited Conduct and education programming, depending on the circumstances and nature of the violation.
 2. Employees. Employees found in violation of this Policy are subject to Sanctions ranging from a written reprimand up to and including separation from employment, depending on the circumstances and nature of the violation.

X. Confidential Resources

Confidential resources on and off campus assist Parties in navigating potential advocacy, therapy, counseling, and emotional support services. If a person desires to keep an incident of Prohibited Conduct confidential, the person should speak with confidential resources.

Disclosures or reports made to individuals or entities other than confidential resources may not be confidential. For instance, should a member of the University community discuss an incident of Prohibited Conduct with a University administrator, supervisor, faculty member, graduate assistant, UMPD, athletic coach, athletic trainer, resident

assistant, or first responder who is not a confidential resource, those persons are deemed Responsible University Employees and, as such, are obligated pursuant to this Policy to report the Prohibited Conduct to the Title IX Officer.

Unless there is a lawful basis for disclosure, such as reported child abuse or an imminent risk to health or safety, confidentiality applies when persons seek services from the following resources:

A. University Confidential Resources

Campus Advocates Respond and Educate (CARE) to Stop Violence

University Health Center
3983 Campus Drive
College Park, MD 20742
Telephone: 301-314-2222
24/7 Crisis Line (call) 301-741-3442
Website: www.health.umd.edu/care
Email: 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 Prohibited Conduct. Its mission is to respond to incidents of Sexual Harassment and Other Sexual Misconduct.

Faculty Staff Assistance Program (FSAP)

University Health Center
3983 Campus Drive
College Park, MD 20742
Telephone: 301-314-8170 or 301-314-8099
Website: health.umd.edu/fsap

Email: ~~Tom Ruggieri~~ Tonya Phillips tphilli6@umd.edu ruggieri@umd.edu or Tania DeBarros tdebarro@umd.edu Joan Bellsey jbellesey@umd.edu

Commented [A4]: Updated contact information

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

University Counseling Center

1101 Shoemaker Building
4281 Chapel Lane
College Park, MD 20742
Telephone: 301-314-7651
After Hours Crisis Support: 301-314-7651
Website: www.counseling.umd.edu

The University 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 (UHC)

Medical & Behavioral Health
3983 Campus Drive
College Park, MD 20742
Telephone: 301-314-8106
Website: <https://health.umd.edu/behavioral-health>

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

Telephone: 301-405-8450 or 301-314-9866
Website: http://thestamp.umd.edu/memorial_chapel/chaplains

The Campus Chaplains represent faith communities and work collectively to serve the spiritual needs of all members of the University community. Contact information for Chaplains is listed on the website referenced above.

B. Confidential Resources Off-Campus include, but are not limited to:

**Domestic Violence and Sexual Assault Center at UM ~~Prince George's~~
Hospital**Capital Region Medical Center

901 Harry S. Truman Drive North
Largo, MD 207743001 Hospital Drive, Cheverly, MD 20785
Help Hotline: 240-677-2337301-618-3154 – 24-hour Hotline or 24 hours/7 days a week
Website: <https://www.umms.org/capital/health-services/domestic-violence-sexual-assault> <https://www.umms.org/capital/health-services/domestic-violence-sexual-assault>

Commented [A5]: Updated name/contact information

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 Capital Region Medical 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 Helpline: 1-800-983-RAPE

(4673)

Website: <https://mcasa.org/>

MCASA is a statewide coalition of 17 rape crisis and recovery centers that serve all Maryland 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 (MNADV)

4601 Presidents Drive, Suite 300

Lanham, MD 20706

Statewide Helpline: 1-800-MD-HELPS (43577) (Monday-Friday, 9:00 a.m. – 5:00 p.m.)

MNADV Office: 301-429-3601

Email: info@mnadv.org

Website: <https://mnadv.org/>

The Maryland Network Against Domestic Violence (MNADV or Network) 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.

RAINN National Sexual Assault Crisis Hotline

Help Hotline: 800-656-HOPE (4673) – 24-hour Hotline or 24 hours/7 days a week

Website: <https://www.rainn.org/>

RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization.

XI. Co-Occurring Criminal Action

Proceeding with a University resolution of Prohibited Conduct under this Policy and Procedures is independent of any criminal investigation or proceeding. Reporting to law enforcement does not preclude a person from proceeding with a report or Formal Complaint of Prohibited Conduct under this Policy. The 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 Supportive 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 by UMPD, then UMPD 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 UMPD, Prince George's County Police, or the local prosecutor's office, the Title IX Officer will work collaboratively and supportively with

each respective agency within the parameters outlined above. The Title IX Officer will communicate any necessary delays in the University's investigative process to both parties in the event of a deferral.

XII. Rights of Parties

Parties will be treated with dignity, respect, and sensitivity by University officials during all phases of the process. The process for investigating and resolving reports and complaints must be free from conflict of interest or bias. Any individual designated by the University as a Title IX Officer, Investigator, Hearing Officer, Appellate Hearing Officer, or Informal Resolution facilitator must not have a conflict of interest or bias for or against Complainants or Respondents, generally, or for or against an individual Complainant or Respondent. To raise any concern involving bias or conflict of interest by the Title IX Officer, the Parties should contact the Vice President for Diversity and Inclusion, Georgina Dodge, Ph.D., via email at gdodge1@umd.edu upon discovery of the bias or conflict of interest. Concerns of bias or a potential conflict of interest by any other individual involved in the resolution process should be raised with the Title IX Officer upon discovery. The accompanying Procedures provide further guidance on concerns related to conflicts of interest and bias.

- A. 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 Parties to be heard.
- B. Parties will be given timely written notice of:
 1. 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;
 2. Their rights and responsibilities under this Policy and information regarding other civil and criminal options;
 3. The date, time, location, participants, and purpose of each Hearing, meeting, or interview that the Party is invited or expected to attend, with sufficient time for the Party to prepare to participate;
 4. The final determination made by the Hearing Officer regarding whether a Policy violation occurred and the basis for the determination;
 5. Any Sanction imposed, as required by law; and
 6. The rights to appeal and a description of the appeal process.
- C. Parties will be entitled to participate in the investigation and adjudication of the Formal Complaint in accordance with the Procedures. Parties will be provided with:

1. Access to the case file and evidence regarding the incident obtained by the University during the investigation or considered by the Hearing Officer, with personally identifiable or other information redacted as required by applicable law;
2. An opportunity to be heard through the process;
3. An opportunity to offer testimony at a Hearing;
4. An opportunity to submit evidence, witness lists, and suggest specific questions to be posed to the other Party during the investigation, or to the other Party at a Hearing through the Party's Advisor;
5. An opportunity to review testimony electronically or in a way in which the Parties are not required to be in the physical presence of one another;
6. An opportunity to review and provide written responses to draft and final investigation reports;
7. An opportunity to participate at a Hearing without being required to be in the physical presence of the other Party;
8. An opportunity to appeal a determination and/or Sanction; and
9. Notice, presented in an appropriate and sensitive format, before the start of the resolution process, of:
 - a. The Party's right to the assistance of an Advisor, including an attorney or advocate;
 - b. The legal service organizations and referral services available to the Party; and
 - c. The Party's right to have a Support Person of the Party's choice at any Hearing, meeting, or interview.

XIII. False Statements

Knowingly making false statements or knowingly submitting false information under this Policy and Procedures is prohibited.

XIV. 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 or former students in retaining an attorney to serve as an Advisor at no or low cost to the student. MHEC provides 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. More information is available on MHEC's website.

XV. Emergency Removals

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

1. Undertakes an individualized safety and risk analysis;
2. Concludes that ~~there is~~ an immediate threat to the physical health or safety of any student or other individual arising from the alleged Prohibited Conduct justifies removal; and
3. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

B. Nothing herein prohibits the University from implementing Supportive Measures in accordance with this Policy and Procedures.

C. Student Respondents

A student Respondent will be offered an opportunity to meet with the Director of Student Conduct or the Title IX Officer or designee to review the reliability of the information and challenge the decision within five (5) Days from the effective date of the emergency removal.

The University may impose an interim disciplinary suspension on a student Respondent in accordance with the *Code of Student Conduct* for reasons not arising from the alleged Prohibited Conduct.

D. Other Respondents

Other Respondents will be offered an opportunity to meet with the Title IX Officer or designee to review the reliability of the information and challenge the decision within five (5) Days from the effective date of the emergency removal.

For staff and faculty Respondents, the University in consultation with the Title IX Officer, UMPD, an employee's supervisor and applicable campus or departmental

Commented [A6]: This revision is recommended for legal compliance (more closely tracks the Title IX regulations).

Human Resource office may implement emergency removals from the University's Education Program or Activity, such as changing a Respondent's work responsibilities or work location or placing the Respondent on leave during the resolution process, following the process described above. The University also retains the authority to implement Supportive Measures as appropriate.

XVI. 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.

Because of the potential conflicts of interest, persons involved in consensual sexual relationships with anyone over whom the person has 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. Such relationships may also be prohibited by or otherwise subject to II-3.10(D) University of Maryland Policy on Consensual Relationships Between Faculty and Students.~~

Commented [A7]: Revision suggested to reference Policy II-3.10(D) here and also clarify that some consensual relationships are in fact prohibited by II-3.10(D).

XVII. Training

A. Prevention and Awareness Education

The University will develop and implement preventive education, directed toward both employees and students, to help reduce the occurrence of Prohibited Conduct. At a minimum, these educational initiatives must contain information regarding what constitutes Sexual Harassment, definitions of consent and Prohibited Conduct, the University's Procedures, bystander intervention, risk reduction, and the consequences of engaging in Prohibited Conduct. These educational initiatives shall be for all incoming students and new employees. The University will also develop ongoing prevention and awareness campaigns for all students and employees addressing, at a minimum, the same information. Educational initiatives for employees shall comply with Md. Code Ann., State Pers. & Pens. § 2-203.1.

B. Training for Personnel Involved in Response and Resolution

All persons involved in responding to or resolving Prohibited Conduct reports will participate in training in handling complaints of Prohibited Conduct under this Policy. The University will make these training materials publicly available on its website.

The University will ensure that Title IX Officers, Investigators, Hearing Officers, Appellate Hearing Officers, and any person who facilitates an Informal Resolution

process, receive training on the following: the definition of Prohibited Conduct; the scope of the University's Education Program or Activity; how to conduct a resolution process including investigation, hearings, appeals, and Informal Resolution, as applicable; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; technology to be used at a live hearing; and issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant. Any materials used to train Investigators will not rely on sex stereotypes and will promote impartial resolutions of Formal Complaints under this Policy.

XVIII. Records Retention

- A. The University will maintain for a minimum of seven (7) years, records of the following:
 1. **Investigations and Determinations.** Each Sexual Harassment investigation, including any determination regarding responsibility;
 2. **Recordings and Transcripts.** Any audio or audiovisual recording or transcript required;
 3. **Sanctions.** Any Sanctions imposed on the Respondent;
 4. **Remedies.** Any Remedies provided to the Complainant designed to restore or preserve equal access to the Education Program or Activity;
 5. **Appeals.** Any appeal and the result thereof;
 6. **Informal Resolutions.** Any Informal Resolution and the result therefrom;
 7. **Training Materials.** All materials used to train Title IX Officers, Investigators, Hearing Officers, and any person who facilitates an Informal Resolution process; and
 8. **Supportive Measures.** Any Supportive Measures, taken in response to a report or Formal Complaint of Prohibited Conduct. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its Education Program or Activity. If the University does not provide a Complainant with Supportive Measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

XIX. External Government Agencies

Employee complaints relating to Prohibited Conduct may be directed to:

Equal Employment Opportunity Commission (EEOC)

GH Fallon Federal Building 31 Hopkins Plaza, Suite 1432

Baltimore, MD 21201

Telephone: 1-800-669-4000

Fax: ~~443-992-7880~~ 410-209-2221

TTY: 1-800-669-6820

Website: <https://www.eeoc.gov/> ~~<https://eeoc.gov/eas/>~~

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Maryland Commission on Civil Rights (MCCR)

William Donald Schaefer Tower

6 Saint Paul Street, ~~Ninth Floor~~ Suite 900

Baltimore, MD 21202-1631

Telephone: 410-767-8600

Fax: 410-333-1841

TTY: 410-333-1737

Website: <http://mccr.maryland.gov/>

E-mail: mccr@maryland.gov

Student or employee complaints relating to Prohibited Conduct may be directed to:

U.S. Department of Education, Office for Civil Rights (OCR)

~~U.S. Department of Education~~

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Telephone: 215-656-8541

Fax: 215-656-8605

TDD: 800-877-8339

Website: <https://www2.ed.gov/about/offices/list/ocr/index.html>

~~http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html~~

E-mail: OCR.Philadelphia@ed.gov

Commented [A9]: More appropriate contact info link

**UNIVERSITY OF MARYLAND PROCEDURES FOR INVESTIGATING AND
RESOLVING ALLEGATIONS OF SEXUAL HARASSMENT
AND OTHER SEXUAL MISCONDUCT**

I. Applicability

These Procedures are part of the *VI-1.60(A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct* and are the exclusive procedures that govern the handling of all reports or complaints of Prohibited Conduct under this Policy. These Procedures apply to all members of the University community, including students, faculty, and staff. They also apply to contractors and other third parties who are engaged in any University Education Program or Activity, or who are otherwise interacting with the University, including but not limited to volunteers, vendors, guests, and visitors.

Processes for handling reports and complaints of Prohibited Conduct may recognize the various roles the Parties play at the institution for the purposes of considering Supportive Measures, Remedies, Sanctions and Disciplinary Actions, and appeal procedures. The Office of Civil Rights & Sexual Misconduct (OCRSM) will assess the role of the Parties on a ~~case-by-case~~ case basis for this purpose. In cases where the Parties exist in multiple roles at the institution, the process may impact them in any and all roles in which they operate, for the purposes of determining appropriate Supportive Measures, Remedies, and Sanctions.

II. Anticipated Timelines

The University's goals are to provide equal educational opportunities, promote campus safety, and remedy the effects of Prohibited Conduct. Good faith efforts will be made to complete Informal Resolutions, investigations and the adjudication process, if any, in a prompt, fair, and impartial manner. The OCRSM will conduct any investigation as promptly as possible under the circumstances, taking into account the complexity of the allegations, the complexity of the investigation and resolution, the severity and extent of the alleged misconduct, the number and availability of witnesses, the University's calendar, and/or other unforeseen circumstances. The University seeks to take appropriate action, including investigation and resolution of Formal Complaints, generally within one hundred twenty (120) Days from when the Formal Complaint is filed, by balancing principles of thoroughness and fundamental fairness. An extension of the timeframe may be necessary or granted for good cause in order to ensure the integrity and thoroughness of the investigation.

The Title IX Officer or designee may extend the timeframes set forth in this Policy and Procedures for good cause, with written notice of the extension to both Parties and the reason(s) for the delay. Written requests for delays by Parties may be considered. Factors considered in granting or denying an extension may include considerations such as, but not limited to, the following: the absence of a Party, a Party's Advisor, or a witness and/or the need for language assistance or accommodations of disabilities.

III. Right to Support Person and Advisor

A Party may be accompanied at any meeting held by the Title IX Officer or designee under these Procedures by up to two (2) people, including one (1) Support Person, and/or one (1) Advisor. When a Party wishes to be accompanied by a Support Person or Advisor to a meeting, the Party must notify the OCRSM or the Title IX Officer or designee in advance. Parties may select a Support Person or Advisor at any point before the conclusion of the resolution process. If a Party does not have an Advisor prior to a Hearing, the University will provide an Advisor of the University's choice to conduct cross-examination on behalf of that Party. In such cases, the Party has the right to request a change in their University-provided Advisor; the Title IX Officer or designee will determine whether such a request can be accommodated given the constraints of the Hearing process.

Throughout the process, the Title IX Officer or designee will communicate and correspond directly with the Parties, not indirectly through a Support Person or Advisor.

Prior to meetings and hearings, all Support Persons and Advisors must review non-Party participation requirements, which define their respective roles, appropriate decorum, and confidentiality obligations relative to the proceedings. These requirements may be viewed on the OCRSM website and may be obtained from the Title IX Officer or designee. Parties must ensure that Support Persons and Advisors follow these non-Party participation requirements.

In addition to the right to a Support Person and an Advisor, if the OCRSM or the Title IX Officer determines that a Party needs language assistance in order to fully engage in the process, accommodations will be made to allow for language assistance throughout the investigation and resolution process. Other similar accommodations including accommodations provided or arranged through the University's Accessibility and Disability Service (ADS) may be requested and considered throughout the process.

IV. Notification of Meetings, Interviews, and Hearings

Throughout the resolution process, the University will provide Parties and witnesses with written notification of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings to which they are invited or expected to participate. The written notification will be provided with sufficient time for the individual to prepare.

V. Report Intake and Formal Complaint

A. Receipt of Report of Prohibited Conduct

Upon receipt of a report alleging Prohibited Conduct from a Complainant, OCRSM will provide written acknowledgement of receipt of the report to the Complainant, if known, and include: a copy of this Policy and Procedures, options under the resolution process, and the Notice of Rights and Responsibilities.

The Complainant will be informed of available community and campus resources and services; available Supportive Measures as specified in Section V.C of these Procedures; 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.

If the report is received from someone who is not the Complainant or the Respondent, OCRSM will provide written acknowledgement of receipt of the report and take appropriate action as the information provided allows.

Receipt of a report alleging Prohibited Conduct shall not constitute the filing of a Formal Complaint under this Policy.

As explained more fully below, the Complainant may ask OCRSM to take no further action beyond offering Supportive Measures, or they may file a Formal Complaint. Requests to take no further action will be assessed by the Title IX Officer or designee in alignment with Section V.E below.

B. Intake and Initial Assessment

OCRSM will contact the Complainant to conduct an intake and initial assessment, which will determine whether the reported conduct, if substantiated, would constitute a potential violation of this Policy. The Complainant can choose whether or not to participate with the intake and initial assessment process. If the Complainant opts not to participate, OCRSM may be limited in its ability to assess the report. The Complainant will have an opportunity to ask questions about options and resources and seek additional information. OCRSM will attempt to gather information that will enable OCRSM, in consultation with other appropriate University offices, to:

1. Assess a Complainant's request for Supportive Measures;
2. Assess the nature and circumstances reported;
3. Assess jurisdictional concerns regarding each Party;
4. Assess the safety of the Complainant and of the University community;
5. Implement any appropriate Supportive Measures;
6. Assess for pattern evidence or other similar conduct by the Respondent as relevant to the safety assessment;
7. Assess the Complainant's expressed preference regarding resolution, including any request that no further action be taken;
8. Assess any request by the Complainant for confidentiality or anonymity; and

9. Assess the reported conduct for possible referral to UMPD for a timely warning under the Clery Act.

When the initial assessment determines the alleged conduct would not constitute a potential violation under this Policy if substantiated, the Title IX Officer may try to resolve an issue without the filing of a Formal Complaint. The alleged conduct may also violate other University policies, and the report may be referred to another University process and/or office, including but not limited to the following: *VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures*, *VI-1.00(B) University of Maryland Code of Student Conduct*, the Office of Student Conduct, University Human Resources, and/or the Office of Faculty Affairs, as appropriate.

C. Supportive Measures

OCRSM, in consultation with other appropriate University officials, facilitates Supportive Measures, which are available to the Parties upon the Title IX Officer or OCRSM receiving notification of alleged Prohibited Conduct. Filing a Formal Complaint is not required in order to access Supportive Measures. OCRSM will consider the Parties' wishes with respect to planning and implementing the Supportive Measures. OCRSM will maintain the reasonable confidentiality of the Supportive Measures, provided that this does not impair the ability to provide the Supportive Measures. OCRSM will act to ensure as minimal an academic and employment impact on the Parties as possible and implement Supportive Measures in a way that does not unreasonably burden either Party.

Supportive Measures may include, but are not limited to:

1. Academic Accommodations
 - a. Assistance in transferring to another section of a lecture or laboratory;
 - b. Assistance in arranging for incompletes;
 - c. Assistance with leave of absence;
 - d. Assistance with meeting or waiving course requirements;
 - e. Assistance with withdrawal from campus;
 - f. Assistance with communicating with faculty;
 - g. Rearranging class schedules;
 - h. Re-scheduling exams and assignments;

- i. Extensions of academic deadlines;
 - j. Retaking a course;
 - k. Dropping a course;
 - l. Academic support such as tutoring or other course/program related adjustments; and
 - m. Facilitating adjustments so Complainants and Respondents do not share the same classes.
2. Housing Accommodations
- a. Facilitating changes in on-campus housing location to alternate housing; and
 - b. Assistance in exploring alternative housing off-campus.
3. Employment Accommodations
- a. Arranging for alternate University employment;
 - b. Arranging different work shifts or a temporary assignment, if appropriate, to other work duties and responsibilities, or other work locations, or other work groups/teams or alternative supervision/management; and
 - c. Extensions of work deadlines.
4. Care and Support
- a. Facilitating assistance for an individual to obtain medical, healthcare, advocacy, and therapy services;
 - b. Referral to the Faculty Staff Assistance Program (FSAP);
 - c. Referral to Campus Advocates Respond and Educate (CARE) to Stop Violence; and
 - d. Referral to community-based providers.
5. Community Education
- a. Education to the community or community subgroup(s);
 - b. Training; and

c. Bystander Intervention Program.

6. Safety

- a. Providing campus safety escorts;
- b. Providing transportation accommodations;
- c. Increased security and monitoring of certain areas of the campus;
- d. Transportation and parking arrangements;
- e. Assistance in making a report to law enforcement or obtaining a protective order;
- f. Safety planning; and
- g. Assisting a person in requesting that directory information be removed from public sources.

7. University Referrals

- a. Referral to Visa and Immigration assistance;
- b. Assistance in arranging appointments with University resources;
- c. Assistance with exploring changes in class and extra-curricular schedules; and
- d. Referral to student financial aid counseling.

8. Other

- a. No Contact Order; and
- b. Denial of Access to campus grounds and/or buildings.

OCRSM will promptly inform the Respondent of any Supportive Measures that will directly impact the Respondent.

The Title IX Officer or designee retains discretion to provide and/or modify any Supportive Measures based on all available information. Supportive Measures will remain in effect as necessary.

D. Filing of a Formal Complaint

A Formal Complaint alleging Prohibited Conduct against a Respondent may be filed with the Title IX Officer in person, by mail, by email, or online, by using the contact information listed in Section V of this Policy.

Should the Complainant decide to file a Formal Complaint, the Title IX Officer will review the Formal Complaint and determine whether it should be dismissed or move into the resolution process (see Section V.F of these Procedures).

E. Special Considerations: Requests for Anonymity and to Not Proceed

If a Complainant does not wish to disclose their personally identifiable information (i.e. wishes to remain anonymous) and/or does not wish to file a Formal Complaint, the Complainant may make such a request to the Title IX Officer or designee.

Regardless of their choice, the Title IX Officer or designee will still offer Supportive Measures to the Complainant as appropriate. The Complainant retains the ability to file a Formal Complaint at any time.

The Title IX Officer has ultimate discretion over whether the University proceeds, and the Title IX Officer may sign a Formal Complaint to initiate the resolution process when appropriate. The Title IX Officer's decision to sign a Formal Complaint will be based on whether:

1. An investigation is needed to comply with legal anti-discrimination requirements or is otherwise the most appropriate and effective response;
2. The effect that non-participation by the Complainant may have on the availability of evidence and the ability to pursue the resolution process fairly and effectively; and/or
3. A violence risk assessment shows a compelling risk to health and/or safety which requires the University to pursue formal action to protect the University community. A compelling risk to health and/or safety may result from any combination of the following:
 - a. Evidence of patterns of misconduct;
 - b. Predatory conduct, threats, abuse of minors;
 - c. Allegations that the Prohibited Conduct was committed by multiple persons; and/or
 - d. Use of weapons and/or violence.

When the Title IX Officer signs the Formal Complaint, the Title IX Officer does not become the Complainant and is not otherwise a Party.

Overall, the University's ability to remedy and respond to the Formal Complaint may be limited if the Complainant does not want the University to proceed with the resolution process. The goal is to provide the Complainant with the opportunity to file a Formal Complaint and participate while balancing the University's obligation to protect its community.

F. Designation of Prohibited Conduct and Dismissal of Formal Complaint

As indicated above in Section V.B of this Policy, the Title IX Officer or designee will gather information to assess whether the reported conduct, if substantiated, would constitute a potential violation of the Policy. Title IX requires the University to determine whether the reported conduct is designated as Title IX-based Prohibited Conduct. A decision not to designate the alleged conduct as Title IX-based Prohibited Conduct constitutes a mandatory dismissal of the case for Title IX purposes⁵. However, this dismissal does not prevent the University from investigating and resolving the Formal Complaint through these Procedures if the reported conduct would meet the definition of ~~Other Sexual Misconduct or Retaliation in Sections - VIII.B and VIII.C of this Policy~~ Prohibited Conduct and fall within the University's jurisdiction, if substantiated. The University will investigate and adjudicate these non-Title IX-based forms of Prohibited Conduct using these same Procedures. Dismissal under this Policy and Procedures also does not preclude a referral to another University process and/or office as indicated in Section V.B, as may be appropriate in cases where the reported conduct may violate other University policies.

Commented [A10]: See comment on pg. 11 regarding the proposed deletion of VIII.B.1. This revision streamlines and simplifies matters.

Upon receipt of a Formal Complaint, the Title IX Officer or designee will promptly send simultaneously to both Parties the *Written Notice of Formal Complaint* described in Section VI.C.3 of these Procedures, and a *Written Notice of Designation* of:

1. The decision about whether to designate the alleged conduct as Title IX-based Prohibited Conduct, and the reasons for this decision; ~~and~~
2. The decision to proceed with the resolution process or to dismiss the Formal Complaint as described below. ~~and~~
3. ~~The Parties' rights to appeal the designation and/or dismissal decision.~~

Title IX-based Prohibited Conduct

The Title IX Officer or designee ***must*** designate the alleged conduct as Title IX-based Prohibited Conduct if:

1. The alleged conduct would constitute Sexual Harassment within an Education Program or Activity against a person in the United States if substantiated; and
2. The Complainant is participating or attempting to participate in an Education

⁵ This mandatory dismissal is required by 34 C.F.R. § 106.45(b)(3)(i).

Program or Activity at the time the Complainant files a Formal Complaint or when the Title IX Officer files a Formal Complaint because the alleged conduct meets the above definition.

Mandatory Dismissal

The Title IX Officer or designee **must** dismiss a Formal Complaint or any allegations therein if at any time during the Resolution Processes it is determined that:

1. The conduct alleged in the Formal Complaint, if substantiated, would not constitute Prohibited Conduct; or
2. The allegations in the Formal Complaint do not fall within the University's jurisdiction.

Permissive Dismissal

The Title IX Officer or designee **may** dismiss a Formal Complaint or any allegations therein if at any time during the Resolution Processes:

1. A Complainant notifies the Title IX Officer or designee in writing that the Complainant requests to withdraw the Formal Complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by the University; or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Respondent is not a member of the campus community or if they withdraw or leave during the process, the Title IX Officer or designee will determine whether the case should be dismissed or whether it should continue to be pursued in the absence of the Respondent. Decisions on whether to dismiss a case in these instances will be considered carefully. The Title IX Officer or designee will assess the effect that non-participation by the Respondent may have on the availability of evidence and the ability to pursue the resolution process fairly and effectively. If the Title IX Officer or designee determines that the case should be dismissed, the Title IX Officer or designee will still offer Supportive Measures to the Complainant as appropriate.

G. Appeal of Designation and/or Dismissal

Either Party may appeal the *Written Notice of Designation* if there is a decision to: (1) dismiss the Formal Complaint; or (2) not designate the alleged conduct as Title IX-based Prohibited Conduct. The bases for appeal are limited to procedural irregularity, new evidence, and conflict of interest as explained in Section VI.D.9.a of these Procedures. The process for the appeal is set forth in Section VI.D.9.c of these Procedures.

Commented [A11]: This revision clarifies that consistent with the Title IX regulations, only decisions to dismiss or to not designate the alleged conduct as Title IX-based conduct are appealable.

VI. Resolution Processes

A. Consolidation of Complaints

At the discretion of the Title IX Officer or designee, multiple reports may be consolidated ~~into one Informal Resolution and/or investigation during the Resolution Processes, including into a single investigation and/or hearing, if the information related to each incident is relevant in reaching a resolution~~ allegations arise out of the same facts or circumstances. Matters may be consolidated where the matters involve multiple Complainants, multiple Respondents, or ~~related facts and circumstances involving multiple reports between the same Parties, including those arising out of the same or different events(s).~~

Commented [A12]: This revision is recommended for legal compliance (more closely tracks the Title IX regulations) and clarity.

B. Informal Resolution Process

Informal Resolution may serve to address the alleged Prohibited Conduct as an alternative to proceeding to an investigation and Hearing. Informal Resolution can encompass a variety of approaches agreed to by the Parties including, but not limited to, mediation, Respondent acknowledgement of responsibility, and/or negotiated interventions and Remedies facilitated by the Title IX Officer or designee.

The purpose of Informal Resolution is to take appropriate action by imposing individual and community interventions and remedies designed to maximize the equal access to the Education Program or Activity, as well as to address the effects of the conduct on the larger University community.

1. Request for Informal Resolution

Either Party may request Informal Resolution, including their preferred approach of reaching a resolution, such as mediation, Respondent acknowledgement of responsibility, and/or negotiated interventions and Remedies. Both Parties and the Title IX Officer or designee must agree to the process in writing. Either Party may terminate an ongoing Informal Resolution at any time prior to reaching an agreement.

The Title IX Officer or designee has the discretion to determine whether a Formal Complaint is appropriate for Informal Resolution and which resolution approach is best utilized given the specifics of the Formal Complaint. The Title IX Officer or designee retains discretion to terminate an ongoing Informal Resolution process at any time, at which point the Title IX Officer or designee will determine appropriate next steps. The Title IX Officer or designee will inform both Parties simultaneously in writing of the reason(s) for terminating an Informal Resolution process.

2. Informal Resolution Not Permitted

Although the Title IX Officer or designee retains discretion to determine whether a Formal Complaint is appropriate for Informal Resolution in other cases, Informal Resolution is not permitted under the following circumstances:

- a. Formal Complaints by a student alleging Sexual Harassment against an employee (staff or faculty); or
- b. Formal Complaints alleging Sexual Assault or Sexual Coercion.

3. Informal Resolution Permitted

When Informal Resolution is utilized, the process is voluntary and is not a requirement or condition of continued enrollment or employment at the University.

In such case, Parties will receive a written *Notice of Informal Resolution* containing the following:

- a. Summary of the allegations;
- b. Notice that neither Party is required to accept responsibility for the alleged Prohibited Conduct, unless a Respondent chooses to do so;
- c. Notice that there is no finding of a Policy violation or Sanction unless agreed to by the Respondent;
- d. Notice that agreement to Informal Resolution is not a waiver of right to proceed with an investigation and Hearing;
- e. Notice that until an Informal Resolution agreement is finalized, the Parties may, at any time, opt out of Informal Resolution, at which point the Formal Complaint would proceed or resume to investigation and Hearing, as appropriate;
- f. Notice of any potential consequences resulting from participating in the Informal Resolution process, including whether records will be maintained or could be shared;
- g. Notice that the reasonable confidentiality restrictions of the Informal Resolution process mean that information shared or obtained during this process cannot be used in an investigation and adjudication under these Procedures, if Informal Resolution fails;
- h. Notice that if an Informal Resolution agreement is finalized and implemented, it precludes the Parties from resuming investigation and adjudication of a

Formal Complaint arising from the same allegations; and

- i. Notice that the results of Informal Resolution are not eligible for appeal.

4. Mediation and Other Informal Resolution

Informal Resolution, including mediation, must be conducted by a trained facilitator who guides the Parties in a confidential dialogue to reach an effective resolution, if possible. Information shared or obtained during this process cannot be used in an investigation and adjudication under these Procedures, if Informal Resolution fails. The trained facilitator may be internal or external to the University depending on the needs of the specific case as determined by the Title IX Officer or designee. Sanctions are not possible as a result of Informal Resolution unless the Parties agree to accept Sanctions and/or appropriate Remedies.

5. Negotiated Informal Resolution Interventions and Remedies

If agreed to by the Parties and determined appropriate by the Title IX Officer or designee, the following Informal Resolution interventions and Remedies may be utilized, including but not limited to:

- a. Increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur;
- b. Targeted or broad-based educational programming or training for relevant individuals or groups;
- c. Academic and/or housing modifications for either Party;
- d. Workplace modifications for either Party;
- e. 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;
- f. Compliance with a No Contact Order;
- g. Compliance with a Denial of Access;
- h. Completion of community service hours over a specific period of time; and
- i. Separation from the University.

The Title IX Officer or designee will work with the Offices of Student Conduct, Human Resources, and/or Provost/Faculty Affairs as needed to facilitate such negotiated interventions and Remedies.

6. Completion of Informal Resolution

When an Informal Resolution agreement is reached and the terms of the agreement are implemented, the matter is resolved and closed. Appeals by either Party are not permitted. The Title IX Officer or designee is responsible for ensuring compliance with the agreement.

In cases where an agreement is not reached and the Title IX Officer or designee determines that further action is necessary, or if either Party fails to comply with the terms of the Informal Resolution, the matter may be referred for an investigation and adjudication under these Procedures, as appropriate.

The Parties will be provided with a written copy of the terms of the Informal Resolution agreement. The Title IX Officer or designee will maintain all records regarding Informal Resolution.

7. Respondent Acceptance of Responsibility

The Respondent may accept responsibility for all or part of the alleged Policy violation(s) at any point during the resolution process. If the Respondent wishes to accept responsibility and Informal Resolution is not prohibited under Section VI.B.2 above, the Title IX Officer may initiate the Informal Resolution process, after obtaining both Parties' voluntary, written consent, and after providing the required *Notice of Informal Resolution* if it has not already been provided.

Any remaining allegations that are not resolved through the Informal Resolution process may proceed to investigation or Hearing, as appropriate.

C. Investigation Process

When investigating a Formal Complaint, the below procedures will be utilized. However, at any time prior to reaching a determination regarding responsibility, an Informal Resolution may occur if appropriate conditions are satisfied (see Section VI.B of these Procedures).

1. Presumption of Not Responsible

Respondents are presumed not responsible for any and all allegations until the conclusion of the investigation and adjudication process. At the conclusion of the process, the University provides the Parties with the written determination of the final outcome following any appeal if an appeal is filed, or after the date by which an appeal must be filed has passed under Section VI.D.9.c.ii of these Procedures.

2. Notice of Rights and Responsibilities

The Complainant and Respondent are required to review and sign their *Notice of Rights and Responsibilities*. The Investigator will verify that the Parties have received, reviewed, and signed their *Notice of Rights and Responsibilities* and have been provided with a copy of this Policy and Procedures to ensure the Parties have adequate information about the investigation and adjudication. The Investigator will also ensure that both Parties have had an opportunity to ask and receive answers to any questions. ~~For staff, faculty, and third parties, the notice will be provided by the Title IX Officer or designee. For students, the notice will be provided by the Office of Student Conduct (OSC).~~

Commented [A13]: This revision is to clarify that OCRSM sends the Notice of Rights and Responsibilities for student parties (rather than OSC), in addition to sending such notice for faculty, staff, and third parties.

The *Notice of Rights and Responsibilities* will include but is not limited to the following:

- a. Right to be treated with dignity and respect by all University officials;
- b. Right for information to only be shared with others on a need-to-know basis in order to facilitate a resolution;
- c. Right to be informed of available Supportive Measures;
- d. Right to be informed of available community and campus resources and services;
- e. Right to a Support Person and/or an Advisor;
- f. Right to regular updates on the status of the investigation and/or resolution; and
- g. Prohibition against Retaliation and guidance about reporting any retaliatory conduct.

3. Written Notice of Formal Complaint

After a Formal Complaint is filed, the Parties will be provided a *Written Notice of Formal Complaint*. ~~The notice will be provided by the Title IX Officer or designee, which and will include the following:~~

Commented [A14]: Similar to the above comment, this revision is to clarify that OCRSM sends the Notice of Formal Complaint to the parties.

- a. The University's complete Policy and Procedures as set forth herein;
- b. The allegations of Prohibited Conduct as defined by this Policy;
- c. The identities of the Parties involved, if known;
- d. The date(s), location(s), and time(s) of the alleged incident(s), if known;

- e. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the adjudication process;
- f. Information indicating that the Parties may have an Advisor of their choice, who may be an attorney and who may inspect and review evidence;
- g. Notice that if the Parties do not select an Advisor of their choice, the University will provide a trained Advisor prior to the pre-hearing meeting for purposes of performing cross-examination on behalf of that Party at the Hearing;
- h. Information indicating that the Parties may have a Support Person of their choice;
- i. Advisement that knowingly making false statements or knowingly submitting false information during the investigation and adjudication process is prohibited under Section XIII of this Policy;
- j. Notice that if the University decides to investigate additional allegations about either Party that are not in the original notice, the Parties will receive an amended notice containing the additional allegations; and
- k. The range of potential Sanctions associated with the alleged Prohibited Conduct.

4. Role of the Investigator

The Title IX Officer or designee will designate an Investigator(s) from OCRSM and/or an external Investigator to conduct a prompt, thorough, fair, and impartial investigation. The Investigator is responsible for conducting an objective investigation, including objectively evaluating all inculpatory and exculpatory evidence. The Investigator will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness.

5. Overview of the Investigation

a. Standard of Proof

The standard of proof for a determination of responsibility under this Policy is Preponderance of the Evidence. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility remain with the University and not with the Parties.

b. Evidence

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 Formal Complaint. During the investigation, the Investigator will speak separately with both Parties and any other individuals who may have relevant information. No audio or video recording of any kind is permitted during such interviews. The Parties will each have an equal opportunity to present witnesses (including fact and expert witnesses, at their own expense) and any other relevant evidence.

Evidentiary materials, regardless of relevance, may be provided by a Party; however, the Investigator will determine whether and how the evidence and witnesses submitted by the Parties is directly related to the allegations and whether and how that information will be factored into the investigation. 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.

The University does not restrict the ability of Parties to discuss allegations that have been reported or to gather and present evidence. However, the University has a compelling interest in protecting the integrity of the resolution process, protecting the privacy of Parties and witnesses, and protecting Parties and witnesses from harassment, intimidation, or Retaliation during the resolution process. To further these goals, witnesses and Parties are encouraged to limit their sharing of information about a matter (including the allegations, the identities of the Parties and witnesses, and the questions asked in interviews) while the resolution process is ongoing. Parties and witnesses are also cautioned not to discuss the allegations in a manner that constitutes Retaliation or unlawful conduct.

c. 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. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to show Consent as defined in Section VII of this Policy. 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.

The University cannot access, consider, disclose, or otherwise use a Party's record(s) that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the capacity thereof or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party. However, a Party can provide voluntary, written consent to use the above-mentioned material for the investigation and adjudication. Such consent shall be specifically limited to the information provided. At no time shall consent be construed as consent to access any other information in the Party's records. If a Party provides consent to use such material during the investigation stage, and the evidence is directly related to the Formal Complaint, the material will be shared with the other Party as part of the evidence made available for their inspection and review.

The Investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

d. Draft Investigation Report

At the conclusion of the investigation, the Investigator will provide a written investigation report (the *Draft Investigation Report*) that provides a case timeline, appropriately summarizes the information gathered (including, but not limited to, the names of witnesses and summaries of their statements), and outlines evidence that is directly related to the Formal Complaint.

e. Notice of Opportunity to Review the Draft Investigation Report

Before the investigation report is finalized, the Parties will be given an equal opportunity to review and meaningfully respond to the *Draft Investigation Report*. The Investigator will also send to the Party, and the Party's Advisor, if any, all evidence obtained that is directly related to the Formal Complaint, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from a Party or other source, for inspection and review. This evidence may be provided using electronic means that precludes downloading, forwarding, or otherwise sharing. Parties will have ten (10) Days to review the *Draft Investigation Report* and submit a written response, including 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. Any and all information for consideration by the Hearing Officer must be provided to the Investigator during the investigation phase of the process and otherwise will not be

allowed during the Hearing. If a Party requests that additional information be considered during the Hearing, the Party must clearly demonstrate that such information was not reasonably available to the Parties at the time of the investigation, or that the evidence has significant relevance to a material fact at issue in the investigation. If a Party provides or identifies evidence after the Final Investigation Report is issued, and the Hearing Officer determines that it was reasonably available to them during the investigation process, the Hearing Officer has the discretion to choose to consider such information, and may draw a negative inference from the Party's delay in providing or identifying the evidence. The Hearing Officer may, at their discretion, instruct that the investigation be re-opened to consider the evidence. In such cases, the evidence will be made available to the Parties for their review and comment prior to the Hearing.

If further investigation is warranted based on the Parties' written responses, the Investigator will continue the investigation, as needed. The Investigator will consider the Parties' written responses prior to completing the *Final Investigation Report*.

f. Final Investigation Report

Upon timely receipt of the Parties' written responses, or after the ten (10) Day review period has lapsed with no written responses, the investigation ends. The Investigator will complete the *Final Investigation Report*. The *Final Investigation Report* will contain summaries of all relevant information obtained throughout the course of the investigation and may contain an analysis of fact.

The *Final Investigation Report* will be submitted to the Hearing Officer.

D. Adjudication Process

1. Review of Final Investigation Report

- a. Following completion of the *Final Investigation Report*, the Title IX Officer or designee will provide each Party and each Party's Advisor, if any, with a confidential copy of the *Final Investigation Report*, including all attachments, and explain the next steps in the process. The *Final Investigation Report* may be provided using electronic means that precludes downloading, forwarding, or otherwise sharing. ~~meet separately with each Party and their Advisor, if applicable.~~ If a Party does not identify their Advisor at this time, the University will provide an Advisor for purposes of the pre-hearing meeting and Hearing.

At the meeting, the Title IX Officer or designee will provide each Party and each Party's Advisor, if any, with a confidential copy of the *Final*

~~Investigation Report, including all attachments, and explain the next steps in the process. The Final Investigation Report may be provided using electronic means that precludes downloading, forwarding, or otherwise sharing. If a Party does not have an Advisor present at this meeting, a confidential copy of the Final Investigation Report will be provided to the Party's Advisor prior to the pre-hearing meeting.~~

Commented [A15]: This revision is to reflect OCRSM's current practices.

- b. Each Party will be notified that they have ten (10) Days to submit a written response to the *Final Investigation Report* to the Title IX Officer or designee, which will be shared with and considered by the Hearing Officer. Exceptions to the 10-Day timeframe may be granted by the Title IX Officer or designee during times when the University is not in session or in other circumstances. After ten (10) Days have elapsed with no response and no request for an extension, the process will move forward without a written response. All written responses will be shared with the other Party prior to the Hearing.
- c. 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.

2. Hearing Case File

Before the pre-hearing meeting and Hearing, the Title IX Officer or designee will provide the Parties, their Advisors, and the Hearing Officer with access to the complete hearing case file. The hearing case file will include:

- a. The complete *Final Investigation Report*;
- b. All directly related evidence subject to the Parties' inspection and review as explained in Section VI.C.5.e of these Procedures; and
- c. The Parties' written responses to the *Final Investigation Report*.

3. Role of the Hearing Officer

- a. The Hearing Officer is responsible for maintaining an orderly, fair, and respectful Hearing. The Hearing Officer has broad authority to respond to disruptive behaviors, including adjourning the Hearing or excluding disruptive persons, and will ensure efficient administration of the Hearing. The Hearing Officer will have discretion to determine the structure of the Hearing and how questioning is conducted, including but not limited to the order of witnesses to be questioned, if any, consistent with these Procedures.
- b. The Hearing Officer will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and will not make any credibility determinations based on a person's status as a Complainant, Respondent, or

witness.

- c. The Hearing Officer is the decision maker responsible for determining whether or not the Policy was violated. The Hearing Officer is also the decision maker responsible for determining any appropriate Sanctions and other responsive actions imposed on the Respondent, if any, upon a finding of responsibility.

4. Pre-Hearing Meeting

- a. The Hearing Officer will convene a separate meeting with each Party and their Advisor and Support Person, if applicable, to:
 - i. Plan for the Hearing;
 - ii. Identify their Advisor and, if applicable, Support Person;
 - iii. Review the Procedures to be followed at the Hearing;
 - iv. Discuss the process of raising a concern that the Hearing Officer has an impermissible bias or conflict of interest as set forth in Section VI.D.5.b.v, below;
 - v. Review the complete list of witnesses that will be asked to appear in accordance with paragraph (c), below;
 - vi. Discuss any technology that will be used at the Hearing and how to operate such technology;
 - vii. Discuss the time allotted for the Hearing and any time limitations; and
 - viii. Answer any other questions or remaining concerns prior to the Hearing.
- b. Attendance at the pre-hearing meeting is strongly encouraged for each Party. A Party's decision not to participate may result in decisions regarding witnesses and procedural matters being made without their input. If neither Party attends the pre-hearing meeting, the Hearing Officer will determine all procedural matters in advance of the Hearing.
- c. Generally, the University will request that all witnesses interviewed during the investigation attend the Hearing for questioning. However, the Hearing Officer, only with full agreement of the Parties, may decide through the pre-hearing meeting(s) that certain witnesses do not need to be invited to the Hearing if their testimony can be adequately summarized by the Investigator(s) in the Final Investigation Report or during the Hearing. Any such agreement will be confirmed in writing by both Parties. The Hearing

Officer has the discretion to request the attendance of other witnesses in accordance with Section VI.D.6.h.

5. Written Notice of Hearing

- a. The Title IX Officer or designee will use reasonable efforts to consult with all involved individuals, including the Complainant, Respondent, Support Persons, Advisors, and witnesses, in order to schedule the Hearing.
- b. Parties will receive a *Written Notice of Hearing* at least ten (10) Days in advance of the Hearing. The Notice will include pertinent information about the Hearing, its procedures, and the rights and responsibilities of the Parties, and will include the information below.
 - i. The Notice will include a description of the charges of Policy violation(s), a copy of the applicable Hearing procedures, and a statement of the potential Sanctions/responsive actions that could result.
 - ii. The Hearing date, time, location, purpose, and the list of participants, including the complete list of witnesses requested to attend the Hearing for questioning, will be provided.
 - iii. The Hearing Officer may reschedule the Hearing if necessary to facilitate the participation of Parties and witnesses, or for other reasons that they deem to be compelling.
 - iv. Each Party must have an Advisor present at the Hearing, without exception. If a Party does not have an Advisor present at the Hearing, the University will provide one free of charge for the purpose of conducting cross-examination on behalf of that Party at the Hearing.
 - v. The Parties may object to the Hearing Officer on the basis of demonstrated bias or conflict of interest for or against Complainants or Respondents, generally, or for or against the individual Complainant or Respondent. Objections must be raised with the Title IX Officer or designee at least two (2) Days prior to the Hearing.
 - vi. A Party's participation is voluntary and a Party may choose not to appear at the Hearing. However, if any Party does not appear at the scheduled Hearing after receiving appropriate notice, the Hearing will be held in their absence, unless there are extenuating circumstances as determined by the Hearing Officer. ~~Any statements given by the Party prior to the Hearing will not be considered by the Hearing Officer (though the Hearing Officer may continue to consider and rely on alleged verbal conduct that constitutes all or part of the underlying alleged Prohibited Conduct itself).~~ The Hearing Officer will make a determination regarding

Commented [A16]: This provision from the Title IX regulations is no longer in effect/enforced by the Department of Education's Office for Civil Rights due to a federal court decision, *Victim Rights Law Center et al. v. Cardona*. OCRSM has been providing notice of this change to Parties/Witnesses via the Notice of Hearing, but the Policy should be officially revised at this point for legal compliance and clarity for readers.

For background information on the court decision and OCR's guidance, see: OCR Q&As on the Title IX Regulations on Sexual Harassment (Updated June 28, 2022), <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf> at pp. 26-29

See also below revision and commenting the Hearing Procedures section.

responsibility and any sanctions, if appropriate, without the participation of the absent Party.

- vii. The hearing case file, including all directly related evidence subject to the Parties' inspection and review as explained in Section VI.D.2 of these Procedures, will be available at the Hearing to give each Party equal opportunity to refer to evidence during the Hearing, including for purposes of cross-examination.
- viii. A copy of all the materials provided to the Hearing Officer about the matter will be shared with the Parties, unless they have been provided already.
- ix. The Parties may contact the Title IX Officer or designee to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the Hearing. Such accommodations must be requested at least seven (7) Days prior to the Hearing.
- x. The Notice will indicate whether the Parties may bring mobile phones or other devices into the Hearing, and any related restrictions.
- xi. The Hearing Officer may conduct the Hearing with all Parties and witnesses physically present in the same geographic location or with any or all Parties, witnesses, and other participants virtually present at the Hearing. Technology enabling virtual participation must allow participants simultaneously to see and hear each other.
- xii. At either Party's request, the University will provide the Parties with separate rooms or separate virtual rooms. The University will use technology enabling the Hearing Officer and Parties to simultaneously see and hear the Party or the witness who is answering a question.
- xiii. The Hearing is closed to the public.
- xiv. The Hearing will be recorded by the University (either audio or audio-visual). No other recordings are permitted. Recordings are maintained by the University. Parties may submit a written request to the Title IX Officer to inspect and review the recording after the Hearing.

6. Hearing Procedures

- a. The Hearing does not take place within a court of law and is not bound by formal rules of evidence that apply to court proceedings.
- b. The Hearing Officer will preside over the Hearing.

- c. The Investigator will summarize the *Final Investigation Report* and clarify any information in the *Final Investigation Report*.
- d. Each Party may provide a brief opening statement.
- e. Each Party's Advisor will be provided an opportunity to cross-examine the other Party and any witnesses. Questioning will be conducted directly, orally, and in real time by the Party's Advisor only. Parties may not question each other or witnesses directly.
- f. The hearing case file and all directly related evidence subject to the Parties' inspection and review as explained in Section VI.D.2 of these Procedures will be available at the Hearing to give each Party equal opportunity to refer to evidence during the Hearing, including for purposes of cross-examination.
- g. Any and all information for consideration by the Hearing Officer must be provided to the Investigator during the investigation phase of the process and otherwise will not be allowed during the Hearing.
 - i. If a Party requests that additional information be considered during the Hearing, the Party must clearly demonstrate that such information was not reasonably available to the Parties at the time of the investigation, or that the evidence has significant relevance to a material fact at issue in the investigation.
 - ii. If a Party provides or identifies evidence after the Final Investigation Report is issued, and the Hearing Officer determines that it was reasonably available to them during the investigation process, the Hearing Officer has the discretion to choose to consider such information, and may draw a negative inference from the Party's delay in providing or identifying the evidence.
 - iii. The Hearing Officer may, at their discretion, instruct that the investigation be re-opened to consider the evidence. In such cases, the evidence will be made available to the Parties for their review and comment prior to the Hearing.
- h. The Hearing Officer will generally exclude from the Hearing any witnesses who were not previously identified during the investigation and requested to attend by the University.
 - i. If a Party wishes to present another witness, they must clearly demonstrate that the witness was not reasonably available or not reasonably known to the Parties at the time of the investigation, or that the witness is likely to have information that has significant relevance to a material fact at issue in

the investigation.

- ii. The Hearing Officer may, at their discretion, choose to consider information from such witnesses and may draw a negative inference from the Party's delay in identifying the witness.
 - iii. The Hearing Officer may, at their discretion, instruct that the investigation be re-opened to allow that witness to be interviewed. In such cases, the interview will generally be conducted by the Investigator and a summary of information provided by the witness will be made available to the Parties for their review and comment prior to the Hearing.
- i. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. All relevant questions and follow-up questions, including those challenging the credibility of Parties and witnesses, will be allowed. Consistent with the foregoing, the Hearing Officer may also exercise their discretion to exclude any questions they deem to be harassing or unnecessarily repetitive, and will explain any decision to exclude a question on these grounds.
 - j. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence:
 - i. Are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or
 - ii. Concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove whether Consent was present.
 - k. Questions and evidence about the Respondent's prior sexual history with an individual other than a Party to the proceedings may only be considered if the evidence:
 - i. Proves prior sexual misconduct;
 - ii. Supports a claim that a Party has an ulterior motive; or
 - iii. Impeaches a Party's credibility after that Party has put their own prior sexual conduct in issue.
 - l. The Hearing Officer may not consider a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party,

unless the University obtains that Party's voluntary, written consent to provide that information for consideration.

- m. The Hearing Officer may not consider any questions or evidence about a student's history of mental health counseling, treatment, or diagnosis, unless the student consents to providing that information for consideration.
- n. The Hearing Officer may not consider questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

~~o. If a Party or witness does not answer the cross-examination questions that are deemed relevant by the Hearing Officer, if any, then the Hearing Officer must not rely on any statement by that Party or witness in reaching a determination regarding responsibility.~~

~~i. This prohibition applies to statements made by the Party or witness at the Hearing, in the investigative report, and in evidence, such as in a police report, medical report, or other record.~~

~~ii. The Hearing Officer may continue to consider and rely on alleged verbal conduct that constitutes all or part of the underlying alleged Prohibited Conduct itself.~~

~~iii. The Party or witness's reason for refusing to answer a relevant question does not matter.~~

~~p. A Party's or witness's failure to answer a question posed by the Hearing Officer does not trigger a prohibition against relying on that Party's or witness's other statements. However, the Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the Hearing or refusal to answer cross-examination or other questions.~~

~~q. During the Hearing, the Hearing Officer may call for or grant requests for recesses as needed, and the Hearing Officer retains the discretion to balance recesses with the need to conduct the Hearing in an orderly and timely fashion. Each Party may request recesses if needed to speak privately with an Advisor or Support Person, or for other reasons. The Hearing Officer may suggest recesses if they feel it may be helpful to a Party, particularly during cross-examination.~~

~~r. Each Party will have the opportunity to make a brief closing statement.~~

~~s. The Hearing Officer may determine that multiple sessions or a pause in the continuation of the Hearing until a later date or time is needed to complete the~~

Commented [A17]: This provision from the Title IX regulations is no longer in effect/enforced by the Department of Education's Office for Civil Rights due to a federal court decision, *Victim Rights Law Center et al. v. Cardona*. OCRSM has been providing notice of this change to Parties/Witnesses via the Notice of Hearing, but the Policy should be officially revised at this time for legal compliance and clarity for readers.

For background information on the court decision and OCR's guidance, see:
OCR Q&As on the Title IX Regulations on Sexual Harassment (Updated June 28, 2022),
<https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf> at pp. 26-29

Hearing. If so, the Hearing Officer or Title IX Officer or designee will notify all participants and will endeavor to accommodate all participants' schedules to complete the Hearing as promptly as practicable.

7. Written Notice of Determination

The Hearing Officer will provide the Parties with a *Written Notice of Determination* at the same time. The *Written Notice of Determination* will include:

- a. Identification of the allegations at issue;
- b. A description of the procedural steps taken throughout the case;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding application of the Policy to the facts;
- e. A statement of, and rationale for, the determination for each allegation;
- f. A statement of, and rationale for, any Sanctions imposed on the Respondent, and whether any Remedies will be provided to the Complainant, as set forth in more detail below; and
- g. A description of the procedures and permissible grounds for appeal.

8. Disciplinary Sanctions, Remedies, and Other Responsive Actions

The University may take responsive action based on a determination of responsibility for a violation of the Policy. Responsive action is intended to eliminate Prohibited Conduct, prevent its recurrence, and promote accountability while supporting the University's educational mission and legal obligations. Responsive action may include Sanctions, Remedies, or other responsive action including rehabilitation, educational, restorative, or monitoring components.

- a. Prior to issuing the Written Notice of Determination, the following will occur:

~~1.~~ Parties will have the option to provide written - impact statements to the Hearing Officer within three (3) Days of completion of the Hearing.

~~2.~~ The Hearing Officer shall confer with the Title IX Officer or designee, and shall confer with other University administrators as appropriate, prior to issuing the written determination.

- a) Other University administrators may include UHR/Staff Relations and

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Commented [A18]: The submission of impact statements is an unnecessary step in the process, is not required by the Title IX regulations, and has led to parties asking for copies of the other party's submission, confusion, and arguments by parties on appeal.

department/unit heads and supervisors for staff, and the Provost's Office/Faculty Affairs and department/unit heads and supervisors for faculty.

- b) In determining an appropriate sanction for staff Respondents, the Hearing Officer shall consult with UHR/Staff Relations prior to issuing the Written Notice of Determination.
- c) If termination and/or removal of tenure may be an appropriate sanction for faculty Respondents, the Hearing Officer shall consult with the Provost, who shall consult with other administrators, as deemed appropriate by the Provost.

~~ii.~~ ii. Although the Hearing Officer shall confer with University officials as described above, the Hearing Officer is the decisionmaker responsible for issuing the *Written Notice of Determination*.

~~iii.~~ iii. The Title IX Officer or designee and other University administrators will provide input with respect to any recommended Sanction and other responsive action to the Hearing Officer.

~~iv.~~ iv. The University will not publicly disclose personally identifiable information about the Parties or the written determination (including any Sanctions) except as required by law.

- b. The range of Sanctions and other responsive actions that may be imposed upon the Respondent include, but are not limited to, the following:
 - i. For students:
 - a) Degree revocation: Rescinding a degree previously awarded by the University. A permanent notation will appear on the student's transcript.
 - b) Expulsion: Permanent separation of the student from the University. A permanent notation will appear on the student's transcript. The student will also be barred from University premises (grounds and buildings). Pursuant to delegated authority, the Vice President for Student Affairs shall administratively approve expulsions.
 - c) Suspension: Separation of the student 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 (grounds and buildings) during the period of suspension. Suspended

Commented [A19]: This revision is recommended to streamline the process. Per the Title IX regulations, the Hearing Officer's decision (or Appellate Hearing Officer's decision, if there is an appeal) as to responsibility and any sanction is final and not subject to further review. This administrative sign-off for suspensions and expulsions of students is not required. There is no similar administrative sign-off for determinations against faculty or staff respondents.

time will not count against any time limits required by the Graduate School for completion of a degree. A sanction of suspension may be withheld. Pursuant to delegated authority, the Vice President for Student Affairs shall administratively approve suspensions.

Commented [A20]: Please see above comment.

- d) Disciplinary Probation: The student is prohibited from representing the University in any extracurricular activity or from running for or holding office in any student or University organization. Additional restrictions or conditions may also be imposed.
 - e) Disciplinary Reprimand: Warning to the student that further misconduct may result in a more severe disciplinary action.
 - f) Educational Sanctions: In addition to Sanctions specified above, educational Sanctions that provide the student with learning, assistive or growth opportunities, research or reflective assignments, community services, values/ethics-based activities or other learning-based sanctions.
 - g) Housing Sanctions which may include, but are not limited to: University Housing Termination, Denial of Re-contracting with University Housing, Administrative Room Moves, and Housing Probation. Students who are terminated from Housing or are Denied the ability to Recontract with University Housing are rendered ineligible to lease space in the Courtyards at Maryland and South Campus Commons apartment communities, as well as some University-owned Fraternity and Sorority houses.
 - h) No Contact Order.
 - i) Denial of Access to campus grounds and/or buildings.
- ii. For staff:
- a) Separation from employment, up to and including termination;
 - b) Suspension without pay;
 - c) Reassignment;
 - d) Written reprimand;
 - e) Education and training
 - f) No Contact Order; and
 - g) Denial of Access to campus grounds and/or buildings.

- iii. For faculty:
 - a) Separation from employment, up to and including termination and loss of tenure;
 - b) Suspension without pay;
 - c) Reassignment;
 - d) Written reprimand;
 - e) Education and training;
 - f) No Contact Order; and
 - g) Denial of Access to campus grounds and/or buildings.
- iv. For third parties:
 - a) Restrictions on participation in University programs or activities, attendance at University events, or ability to enter campus grounds and/or buildings.
- c. The following factors will be considered before imposing Sanctions and other responsive actions on a Respondent:
 - i. The nature and degree of violence involved in the conduct at issue.
 - ii. The impact of the conduct on the Complainant.
 - iii. The impact of the conduct on the community and/or the University.
 - iv. Prior relevant misconduct by the Respondent.
 - v. Maintenance of a safe and respectful environment conducive to working and learning.
 - vi. Protection of the University community.
 - vii. Any other mitigating, aggravating or compelling circumstances appropriate to reaching a just and appropriate resolution.
- d. The range of Remedies that may be provided to a Complainant:

The University may provide reasonable Remedies to a Complainant based on

a determination of responsibility for a violation of the Policy. The range of Remedies that may be provided to a Complainant include, but are not limited to:

- i. For students:
 - a) Supportive measures: such as extended classwork deadlines, flexible deadlines on course deliverables, change of venue for taking a test or exam, change in test or exam date and/or retaking of a test or exam.
 - b) Academic accommodations: such as retroactive drop from a particular class, retroactive withdrawal from a semester, policy exemption requests and/or tuition reimbursement.
 - c) Additional accommodations: such as a No Contact Order, Denial of Access for the Respondent, housing accommodation, course schedule changes, counseling, referral to University resources including CARE to Stop Violence, and/or referral to outside agencies.
- ii. For staff:
 - a) Supportive measures: such as reassignment to a different shift, location, supervisor or work unit.
 - b) Additional accommodations: such as counseling, referral to University resources including CARE to Stop Violence, and/or referral to outside agencies.
- iii. For faculty:
 - a) Supportive measures: such as reassignment of duties, change in work location, change in service assignments, change in reporting structure.
 - b) Additional accommodations: such as counseling, referral to University resources including CARE to Stop Violence, and/or referral to outside agencies.
- iv. For third parties:
 - a) Referral to outside agencies/resources.
 - b) Connection with another institution's Title IX Coordinator, if applicable.
- e. In the event of a written determination that the Respondent violated the Policy and that Remedies provided to the Complainant are warranted, the following

will occur:

- i. Remedies will be provided to the Complainant on a confidential basis.
- ii. The written determination issued by the Hearing Officer will not include specific Remedies provided to the Complainant but will state whether Remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided.
- iii. Remedies are considered confidential and the Respondent will not have access to specific information about what Remedies will be provided except to the extent that the Remedies are punitive and burden the Respondent.
- iv. Remedies may not be appealed by either Party.
- v. The University will not publicly disclose personally identifiable information about the Parties, the written determination, or the Sanctions, except as required by law.

9. Appeals

a. Bases for Appeals

Either Party may initiate this appeal process when the Party receives a *Written Notice of Designation* or a *Written Notice of Determination*. Appeals of a *Written Notice of Designation* are limited to where there is a decision to: (1) dismiss the Formal Complaint; or (2) not designate the alleged conduct as Title IX-based Prohibited Conduct. Appeals must be submitted in writing to the Title IX Officer within five (5) days of receipt of the *Written Notice of Designation* or the *Written Notice of Determination*. Appeals are limited to the bases listed below.

Commented [A21]: See revision on pg. 31. This revision clarifies that consistent with the Title IX regulations, only decisions to dismiss or to not designate the alleged conduct as Title IX-based conduct are appealable (as to the *Written Notice of Designation*).

- i. Procedural Irregularity
 - a) In all cases, the procedural irregularity must be one that affects the ultimate outcome of the designation or the written determination.
 - b) A procedural irregularity affecting the designation or the written determination may include: a failure to follow the University's procedures; a failure to objectively evaluate all relevant evidence, including inculpatory or exculpatory evidence; or a determination regarding what evidence was excluded as irrelevant.
- ii. New Evidence

- a) New Evidence is evidence that was not reasonably available at the time the designation or written determination was made, and that is significant and relevant enough that it could affect the outcome.
 - b) Evidence presented prior to the time the designation or written determination is issued does not qualify as new evidence, as it was reasonably available at the time.
- iii. Conflict of Interest or Bias
- a) The Title IX Officer or designee, Investigator, or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the designation or written determination.
 - b) Appeals submitted on the grounds of conflict of interest or bias should be based on the current case and process in question and will be assessed accordingly.
- iv. Substantially Disproportionate Sanction as given within the *Written Notice of Determination*
- a) The Sanction set forth in the written determination is substantially disproportionate to the offense, which means it is unreasonable given the facts or circumstances of the particular Policy violation.
- b. Appellate Hearing Officer

Appeals will be reviewed by the designated Appellate Hearing Officer(s) for all appeals of designations or written determinations under these Procedures. The Appellate Hearing Officer(s) will be determined in accordance with the Respondent's status, as explained below. The Appellate Hearing Officer(s) shall be free from conflict of interest or bias and shall not be the same person who reached the determination regarding the designation or the written determination, the Investigator, or the Title IX Officer. ~~The All~~ Appellate Hearing Officers will have had no previous involvement with the case that the Appellate Hearing Officer(s) ~~is~~ are assigned to review.

- i. Appeals involving a student Respondent shall be reviewed by a ~~panel of~~ trained Appellate Hearing Officers ~~known as the University Senate Student Conduct Committee~~ appointed by the Title IX Coordinator. ~~The Title IX Coordinator may appoint trained University employees and/or external hearing officers to serve as an Appellate Hearing Officer.~~
- ii. Appeals involving a staff or third-party Respondent shall be reviewed by the Vice President and Chief Administrative Officer (VP&CAO) or

Commented [A22]: Note: A separate Senate proposal will be submitted with respect to this proposed procedural change.

designee. The VP&CAO or designee may appoint trained staff members available to serve as an Appellate Hearing Officer. Appeals involving staff or third-party Respondents may be assigned to one such Appellate Hearing Officer on a rotating case basis.

- iii. Appeals involving a faculty Respondent shall be reviewed by the Senior Vice President and Provost (Provost) or designee. The Provost or designee may appoint trained faculty members available to serve as an Appellate Hearing Officer. Appeals involving faculty Respondents may be assigned to one such Appellate Hearing Officer on a rotating case basis.

c. **Appellate Process**

Commented [A23]: Proposed revisions in this section are to clarify basic aspects of the appeals process.

The appellate process following a *Written Notice of Designation* or *Written Notice of Determination* will proceed as follows:

- i. Appeals will be in writing only. There will be no Hearing.
- ii. Parties will have five (5) Days from receipt of a *Written Notice of Designation* or *Written Notice of Determination* to submit a written appeal statement challenging the decision.

iii. A written appeal shall consist of a plain, concise and complete written statement outlining the basis for appeal and all relevant information to substantiate the appeal. Dissatisfaction with the outcome is not sufficient grounds for appeal. The appeal will be narrowly tailored to the stated appeal grounds.

iii. iv. Parties will be notified if the other Party files a written appeal statement and given notice in writing of the general grounds for the appeal. The other Party will be given five (5) Days from receipt of the other Party's written appeal statement to submit a written appeal statement in support of the designation or written determination. All appeals and responses to appeals will be shared with the Party.

iii. v. The Title IX Officer or designee shall coordinate the scheduling of the Appellate Hearing Officer(s) and notify the Parties of the date of the appeal deliberation.

v. The appeal deliberation is closed to the parties.

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- vi. The Appellate Hearing Officer(s) will issue a written decision including its rationale, which decision shall be shared with both Parties, within ten (10) Days of the Appellate Hearing Officer's receipt of the appeal

~~materials~~deliberations.

- vii. The Appellate Hearing Officer~~(s)~~ may:
- a) affirm the designation or written determination;
 - b) overturn the designation or written determination;
 - c) affirm the determination of responsibility and modify the sanction if it is found to be substantially disproportionate; or
 - d) remand the case to remedy procedural errors, remedy a conflict of interest or bias, or consider new evidence. A decision to remand shall include instructions narrowly tailored to remedy the identified issue(s).

viii. If a case is remanded, the case will be remanded to the original Hearing Officer if feasible, except in exceptional circumstances where the Appellate Hearing Officer determines that the case should be remanded to a new Hearing Officer due to the nature of the identified issue. If there is an appeal following a remand, the case will be reviewed by the original Appellate Hearing Officer on appeal if feasible.

Commented [A24]: This revision is recommended to clarify process in this scenario.

~~viii-ix.~~ ix. The written decision by the Appellate Hearing Officer~~(s)~~ is final and is not subject to further appeal.

~~ix-x.~~ x. After the appeal process is concluded or when the time for filing an appeal has expired and neither Party has submitted an appeal, the Title IX Officer or designee shall notify the Parties simultaneously of the final outcome of the adjudication process.

~~x-xi.~~ xi. The determination regarding responsibility for a violation of the Policy becomes final either on the date that the University provides the Parties with the written decision of the result of the appeal if an appeal is filed, or if an appeal is not filed, after the five (5) Day period for filing an appeal has lapsed. In cases that are remanded by the Appellate Hearing Officer~~(s)~~, the determination will not become final until all remanded proceedings are completed.

10. Academic Transcripts and Effect of Withdrawal on Student Respondents

Following completion of all appeals processes, Sanctions of expulsion and suspension are permanently noted on a student Respondent's academic transcript. In the event a Respondent chooses to withdraw from the University prior to the resolution of a Formal Complaint, or where the Respondent declines to participate in the University proceedings under this Policy and Procedures, the University will continue the resolution process in accordance with these Procedures. When a

Respondent withdraws before the conclusion of the resolution process, the Respondent is ineligible to return to the University until the resolution process has concluded.

11. Post-Resolution Follow-Up

After any Sanction 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 Sanction and/or Remedies that have been imposed. Any violation by a Respondent of the intent and purpose of any Sanction and/or Remedies imposed under the Policy, or a failure by a University employee to provide specified Sanctions or Remedies should be reported to the OCRSM. OCRSM will take appropriate steps to address any such violation or failure, or will refer it to appropriate University offices for review under other disciplinary procedures.

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 this Policy and Procedures.



Policy Number: VI-1.60(A)

UNIVERSITY OF MARYLAND POLICY AND PROCEDURES ON SEXUAL HARASSMENT AND OTHER SEXUAL MISCONDUCT

(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 June 24, 2019; Amended and approved by the President on December 12, 2019; Amended and approved on an interim basis effective August 14, 2020; Amended May 10, 2021; Amended and approved on an interim basis by the President August 23, 2021)

Policy Index

- I. Introduction
- II. Purpose
- III. Scope and Applicability
- IV. Jurisdiction
- V. Reporting
- VI. Amnesty for Students Who Report Prohibited Conduct
- VII. Definitions
- VIII. Prohibited Conduct
- IX. Sanctions
- X. Confidential Resources
- XI. Co-Occurring Criminal Action
- XII. Rights of Parties
- XIII. False Statements
- XIV. Legal Representation Fund for Title IX Proceedings (Students Only)
- XV. Emergency Removals and Other Interim Measures
- XVI. Consensual Relationships and Professional Conduct
- XVII. Training
- XVIII. Records Retention

Procedures Index

I. Applicability

II. Anticipated Timelines

III. Right to Support Person and Advisor

IV. Notification of Meetings, Interviews, and Hearing

V. Report Intake and Formal Complaint

VI. Resolution Processes

I. Introduction

The mission of the University of Maryland (“the University”) is to cultivate a transformative educational, scholarly, and professional experience for all members of its campus community while safeguarding their personal health and well-being. The University is committed to creating a collaborative environment open to the free exchange of ideas, where scholarship, creativity, innovation, and entrepreneurship can flourish and where individuals can achieve their full potential. The University affirms that commitment by striving to maintain an academic and work environment that empowers all to work, study, innovate, and perform without fear of sexual misconduct, sexual violence, and power-based violence. Such misconduct and violence diminish individual dignity, are contrary to the values of the University, and are a barrier to the fulfillment of the University’s mission. It is incumbent upon every member of the University community to foster an environment free from sexual misconduct by upholding the University’s core mission and values, and by working together to avoid harmful situations through a shared understanding of how to prevent sexual misconduct and how to address it if it occurs.

II. Purpose

Prohibited Conduct undermines the character and purpose of the University and the University will take appropriate prompt and effective action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The purpose of this Policy and Procedures is to describe the Prohibited Conduct; describe how to report or file a complaint; provide resources for counseling, safety, emotional support, and advocacy; articulate the procedures for investigating and resolving complaints; and articulate awareness and educational training objectives.

The University acknowledges its commitment to a working and learning environment free from sexual misconduct through training, education, prevention programs, and policies and procedures that promote prompt reporting and response, provide support to persons alleged to be victimized, prohibit retaliation, and implement timely, fair, and impartial investigations and resolutions that ensure due process and remedy Policy violations. Sexual Harassment, Other Sexual Misconduct, and Retaliation are Prohibited Conduct and will not be tolerated in any form. This Prohibited Conduct corrupts the integrity of the educational process and work environment and violates the core mission and values of the University, and the University will address such conduct in accordance with this Policy.

Nothing in this Policy and Procedures should be interpreted to abridge academic freedom or principles of free speech. The University will not condone behavior that violates the freedom of speech, choice, assembly, or movement of other individuals or organizations. In short, responsible dissent carries with it sensitivity for the civil rights of others.

III. Scope and Applicability

This Policy prohibits Sexual Harassment, Other Sexual Misconduct, and Retaliation. This Prohibited Conduct may be a form of sex discrimination prohibited by federal and Maryland State discrimination laws, including Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act of 1964 (Title VII). This Policy also is in compliance with the University’s obligations under Maryland law and University System of Maryland Policy VI-1.60.

This Policy addresses the University's obligations under Title IX. Title IX provides, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." The University, under this Policy, goes beyond Title IX to include in its Prohibited Conduct other forms of sexual misconduct that are antithetical to the University's core mission and values. This Policy also addresses allegations of Other Sexual Misconduct, which includes Sexual Harassment that occurred against a person outside of the United States or not within an Education Program or Activity; Sexual Coercion; Sexual Exploitation; Sexual Intimidation; Attempted Sexual Assault; and Other Sex-Based Offenses. Retaliation is also addressed.

Federal regulations implementing Title IX require that the University follow certain procedures when the University obtains Actual Knowledge of Sexual Harassment in its Education Program or Activity against a person in the United States. The University of Maryland fulfills those requirements through these Procedures. This Policy and Procedures govern all forms of Prohibited Conduct that is alleged to be in violation of Title IX and this Policy.

This Policy applies to all members of the University community, including students, faculty, and staff. It also applies to contractors and other third parties who are engaged in any University Education Program or Activity, or who are otherwise interacting with the University, including, but not limited to volunteers, vendors, guests, and visitors. All University members are prohibited from engaging in, or assisting or abetting another's engagement in Sexual Harassment, Other Sexual Misconduct, or Retaliation.

This Policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the alleged Prohibited Conduct precedes the effective date of this Policy, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The Procedures under this Policy, however, will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the alleged incident(s) occurred.

To the extent any provision of this Policy conflicts with any other University policy, this Policy controls. Prohibited Conduct under this Policy may also be sex discrimination in violation of *VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures*. However, this Policy and Procedures supersedes *VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures* with respect to allegations of Prohibited Conduct addressed by this Policy. The University will respond to reports and complaints of Prohibited Conduct in accordance with this Policy and Procedures.

IV. Jurisdiction

A. This Policy applies to reported acts of Prohibited Conduct committed by or against students, faculty, staff, and third parties when:

1. Conduct occurs on University premises, in any University facility, or on property owned or controlled by the University;
2. Conduct occurs in the context of a University Education Program or Activity, including, but not limited to, University-sponsored academic, athletic, extracurricular, study abroad, research, online or internship programs or activities;
3. Conduct occurs outside the context of a University Education Program or Activity, but has continuing adverse effects on or creates a hostile environment for students, employees or third parties while on University premises or other property owned or controlled by the University or in any University Education Program or Activity; or
4. Conduct otherwise threatens the health and/or safety of University members.

B. The University does not have jurisdiction to investigate reported incidents involving members of the University community that occurred prior to the individual being enrolled at or employed by the University when the incident did not occur on campus or otherwise in connection with a University Education Program or Activity.

V. Reporting

A. General

All persons are encouraged to report Prohibited Conduct promptly, in order to ensure that all Parties affected by the alleged Prohibited Conduct are provided with support and connected with available resources. Prompt reporting is also critical for the preservation of physical and other evidence, which may be important in the University's administrative process and/or to prove criminal conduct or to obtain a civil or criminal

order of protection. In addition to reporting Prohibited Conduct, individuals may also speak with a confidential resource at any time, as detailed in Section X of this Policy.

B. Reporting to the Office of Civil Rights & Sexual Misconduct

Any person may report Prohibited Conduct at any time by contacting the Title IX Coordinator/Officer (Title IX Officer) or to the Office of Civil Rights & Sexual Misconduct (OCRSM), listed below, regardless of whether the reporting person is the Complainant.

Grace C. Karmiol, Esq., Angela Nastase, JD OCRSM Director and Title IX Coordinator/Officer

University of Maryland

Office of Civil Rights & Sexual Misconduct (OCRSM)

3101 Susquehanna Hall

4200 Lehigh Road

College Park, MD 20742-5025

E-mail: ~~gkarmiol@umd.edu~~(mailto:~~gkarmiol@umd.edu~~) anastase@umd.edu | - titleixcoordinator@umd.edu

Telephone: 301-405-1142

Website: <http://www.ocrsm.umd.edu>

An online reporting form is accessible on the OCRSM website 24 hours/7 days a week unless there is scheduled maintenance.

Prompt reporting to OCRSM maximizes 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 Prohibited Conduct, 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.

The Title IX Officer is responsible for coordinating the University's efforts to comply with Title IX and this Policy. The Title IX Officer leads, coordinates, and oversees OCRSM, including OCRSM's efforts regarding compliance training, prevention programming, and educational programs. The Title IX Officer is available to meet with any student, employee, or third party to answer any questions about this Policy.

C. Reporting to a Responsible University Employee

Any person may also report Prohibited Conduct to a Responsible University Employee (RUE) including but not limited to the University of Maryland Police Department (UMPD). A Responsible University Employee, as defined in Section VII, must promptly notify the Title IX Officer of any report of Prohibited Conduct brought to their attention¹. The Title IX Officer works collaboratively with the reporting party or entity, making every effort to operate with discretion and maintain the privacy of the individuals involved. No employee (other than UMPD) is authorized to investigate or resolve reports of Prohibited Conduct without the involvement of the Title IX Officer.

D. Reporting to the Police

Prohibited Conduct, particularly Sexual Assault, may be a crime. The University will assist Complainants who wish to report Prohibited Conduct to law enforcement authorities, including UMPD 24 hours a day/7 days a week. Representatives of the OCRSM, the Office of Student Conduct (OSC), the Department of Resident Life's Office of Rights and Responsibilities (R&R), and Campus Advocates Respond and Educate (CARE) to Stop Violence Office in the University Health Center are available to assist students with reporting to UMPD.

UMPD are Responsible University Employees under this Policy and are required to notify the Title IX Officer of any report of Prohibited Conduct. UMPD will also assist Complainants in notifying other law enforcement authorities in other jurisdictions, as appropriate. To report to UMPD, please call 301-405-3333 or 911. Callers may also dial 301-405-3555 or via mobile phone #3333. Regardless of where the incident occurred **Call 911** in an emergency.

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

E. Clery Act Timely Warnings

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

VI. Amnesty for Students Who Report Prohibited Conduct

A. The University recognizes that a student who is under the influence of alcohol and/or drugs when an incident of Prohibited Conduct occurs may be reluctant to report the Prohibited Conduct out of concern that the student may face disciplinary actions for engaging in prohibited alcohol or drug use. As such, a student who reports Prohibited Conduct to the University or law enforcement, or who participates in an investigation either as a Complainant or witness, will not face disciplinary action for violating University drug and alcohol policies.

B. This Amnesty provision applies only when the University determines that:

1. The drug/alcohol violation occurred during or near the time of the reported Prohibited Conduct;
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.

VII. Definitions

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

- A. **“Actual Knowledge”** means notice of Sexual Harassment or allegations of Sexual Harassment to the Title IX Officer or any University official who has authority to institute corrective measures on behalf of the University.
- B. **“Advisor”** means a person chosen by a Party to provide advice and consultation to that Party, in accordance with this Policy and Procedures. An Advisor may be an attorney or another individual. A Party’s Advisor also conducts cross-examination on behalf of that Party at a Hearing, if applicable, in accordance with this Policy and Procedures. An Advisor shall not be an active participant or speak on behalf of a Party except for the purpose of providing cross-examination at a Hearing. If a Party does not have an Advisor, the University will provide without fee or charge to that Party, an Advisor of the University’s choice, to conduct cross-examination on behalf of that Party; an Advisor appointed by the University acts in a confidential capacity on behalf of the Party and is not otherwise involved in the proceedings.
- C. **“Appellate Hearing Officer”** means an individual designated to review decisions concerning responsibility and sanctions, based on the Respondent’s status as a student, staff member, faculty member, or third party. Appellate Hearing Officers shall have had no previous involvement with the substance of the Formal Complaint.
- D. **“Complainant”** means the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.
- E. **“Consent”** means a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Only a person who has the ability and capacity to exercise free will and make a rational, reasonable judgment can give Consent. Consent may be expressed either by words and/or actions, as long as those words and/or actions create a mutually understandable agreement to engage in specific sexual activity. It is the responsibility of the person who wants to engage in sexual activity to ensure that the person has Consent from the other party, and that the other party is capable of providing Consent.
1. Lack of protest or resistance is not Consent. Nor may silence, in and of itself, be interpreted as Consent.
 2. Previous relationships, including past sexual relationships, do not imply Consent to future sexual acts.

3. Consent to one form of sexual activity cannot automatically imply Consent to other forms of sexual activity.
4. 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.
5. Consent cannot be obtained by use of physical force or Sexual Coercion.
6. An individual who is Incapacitated is unable to give Consent.

F. **“Day”** means a business weekday when the University is not closed.

G. **“Education Program or Activity”** means all of the University’s operations (including but not limited to employment); locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the Prohibited Conduct occurs; and also includes any building owned or controlled by a student organization that is officially recognized by the University.

H. **“Formal Complaint”** means a Document filed by a Complainant or signed by the Title IX Officer alleging Prohibited Conduct against a Respondent and requesting that the University proceed with the resolution process. A Formal Complaint may be filed with the Title IX Officer in person, by mail, by e-mail, or any additional method designated by the University in accordance with these Procedures.

1. **“Document filed by a Complainant”** means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Officer signs a Formal Complaint, the Title IX Officer is not a Complainant or otherwise a Party.

I. **“Hearing”** means a live, formal proceeding attended by the Parties in person or by video conference in which evidence is presented, witnesses are heard, and cross-examination occurs, prior to the Hearing Officer’s decision concerning responsibility and Sanctions, if applicable.

J. **“Hearing Officer”** means an individual designated to preside over the Hearing and has decision-making and sanctioning authority within the adjudication process.

K. **“Incapacitated”** means an individual’s decision-making ability is impaired such that the individual lacks the capacity to understand the “who, what, where, why, or how” of their sexual interaction. Incapacitation may result from sleep, unconsciousness, intermittent consciousness, physical restraint, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a temporary or permanent mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the primary causes of Incapacitation. 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:

1. Making decisions about the potential consequences of sexual contact;
2. Appraising the nature of one’s own conduct;
3. Communicating Consent to sexual contact; or
4. Communicating unwillingness to engage in sexual contact.

L. **“Informal Resolution”** means a broad range of conflict resolution strategies, including, but not limited to, mediation, Respondent acknowledgement of responsibility, and/or negotiated interventions and remedies.

M. **“Investigator”** means a professionally trained University staff member or third-party contractor designated to conduct an impartial, fair, and unbiased investigation into an alleged violation of this Policy.

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

O. **“Party”** means the Complainant or the Respondent (collectively, the “Parties”).

P. **“Preponderance of the Evidence”** means that it is more likely than not that a Policy violation has occurred.

Q. **“Remedies”** means actions designed to restore or preserve the Complainant’s equal access to the University’s Education Program or Activity. Remedies are similar to Supportive Measures but may be punitive and burden the Respondent.

R. **“Respondent”** means the individual alleged to have engaged in Prohibited Conduct under this Policy.

S. **“Responsible University Employee”** means all University administrators, supervisors, faculty members, graduate assistants, UMPD, athletic coaches, athletic trainers, resident assistants, and first responders, who are not confidential resources. Responsible University Employee is a term of art for purposes of this Policy only and for no other purposes.

T. **“Sanctions”** means disciplinary and other consequences imposed on a Respondent who is found to have violated this Policy.

U. **“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.

V. **“Supportive Measures”** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent to restore or preserve equal access to Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or to deter Prohibited Conduct under this Policy.

VIII. Prohibited Conduct

This Policy prohibits Sexual Harassment, Other Sexual Misconduct, and Retaliation as set forth below. Prohibited Conduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Prohibited Conduct 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.

A. **Sexual Harassment**² means conduct on the basis of sex that satisfies one or more of the following:

1. **Quid Pro Quo:** An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct.
2. **Hostile Environment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity.
3. **Sexual Assault:** An offense classified as a sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sex offenses are any sexual acts directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent (Nonconsensual Sexual Penetration or Fondling); also, unlawful sexual intercourse (Incest or Statutory Rape).
 - a. **Non-Consensual Sexual Penetration:** Penetration, no matter how slight, of the genital or anal opening of the body of another person with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.³
 - b. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.

c. **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

d. **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.⁴

4. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the following factors:

a. The length of the relationship;

b. The type of relationship; and

c. The frequency of interaction between the persons involved in the relationship.

5. **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Maryland, or by any other person against an adult or youth Complainant protected from that person's acts under the domestic or family violence laws of Maryland.

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

a. Fear for their own safety or the safety of others; or

b. Suffer substantial emotional distress.

B. **Other Sexual Misconduct** means the following conduct:

~~1. **Sexual Harassment** that occurred against a person outside of the United States or not within an Education Program or Activity, or otherwise does not fall under Title IX.~~

~~2. 1. **Sexual Coercion:** The use of unreasonable pressure in an effort to compel another individual to initiate or continue sexual activity against the individual's will. A person's words or conduct are sufficient to constitute Sexual Coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Sexual Coercion includes but is not limited to intimidation, manipulation, express or implied threats of emotional or physical harm, and/or blackmail. Examples of Sexual Coercion include but are not limited to causing the deliberate Incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal sensitive information if the other party does not engage in the sexual contact.~~

~~3. 2. **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.~~

~~4. 3. **Sexual Intimidation:** Threatening behavior of a sexual nature directed at another person, such as threatening to sexually assault another person or engaging in indecent exposure.~~

~~5. 4. **Attempted Sexual Assault:** An attempt to commit Sexual Assault.~~

~~6. 5. **Other Sex-Based Offenses:** Unwelcome sexual advances, unwelcome requests for sexual favors, or other ~~conduct behavior~~ of a sexual nature or ~~gender-~~ based on ~~sex nature~~ where:~~

a. 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;

- b. 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~~
- c. Such conduct has the 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; ~~or~~
- d. Based on the totality of the circumstances, the conduct, which need not be severe or pervasive, unreasonably creates a working environment for the worker that a reasonable person would perceive to be abusive or hostile.

C. **Retaliation** means intimidating, threatening, coercing, or discriminating against, or otherwise taking an adverse action against an individual for the purpose of interfering with any right or privilege secured by law or University policy relating to Prohibited Conduct, or because an individual has made a report, filed a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Prohibited Conduct. Adverse actions include but are not limited to impeding an individual's academic advancement; terminating, refusing to hire, or refusing to promote an individual; or transferring or assigning an individual to a lesser position in terms of wages, hours, job classification, or job security. Retaliation includes retaliatory harassment. Adverse actions, including charges against an individual for violations of other University policies that do not involve sex discrimination or Prohibited Conduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of Prohibited Conduct, for the purpose of interfering with any right or privilege secured by law, constitutes Retaliation. However, charging an individual with a violation of other University policies for making a materially false statement in bad faith in the course of a proceeding does not constitute Retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith. The exercise of rights protected under the First Amendment does not constitute Retaliation. The University will keep confidential, to the extent permitted by the Family Educational Rights and Privacy Act (FERPA), the identity of any individual who has made a report of Prohibited Conduct.

IX. Sanctions

A. As further explained in the Procedures, Sanctions for Respondents determined to have violated this Policy include, but are not limited to, the following:

1. Students. Students found in violation of this Policy are subject to Sanctions such as dismissal from the University (suspension or expulsion), removal from University housing, disciplinary probation, and other sanctions such as community service and mandatory and continuing participation in training on Prohibited Conduct and education programming, depending on the circumstances and nature of the violation.
2. Employees. Employees found in violation of this Policy are subject to Sanctions ranging from a written reprimand up to and including separation from employment, depending on the circumstances and nature of the violation.

X. Confidential Resources

Confidential resources on and off campus assist Parties in navigating potential advocacy, therapy, counseling, and emotional support services. If a person desires to keep an incident of Prohibited Conduct confidential, the person should speak with confidential resources.

Disclosures or reports made to individuals or entities other than confidential resources may not be confidential. For instance, should a member of the University community discuss an incident of Prohibited Conduct with a University administrator, supervisor, faculty member, graduate assistant, UMPD, athletic coach, athletic trainer, resident assistant, or first responder who is not a confidential resource, those persons are deemed Responsible University Employees and, as such, are obligated pursuant to this Policy to report the Prohibited Conduct to the Title IX Officer.

Unless there is a lawful basis for disclosure, such as reported child abuse or an imminent risk to health or safety, confidentiality applies when persons seek services from the following resources:

A. University Confidential Resources

Campus Advocates Respond and Educate (CARE) to Stop Violence

University Health Center

3983 Campus Drive
College Park, MD 20742

Telephone: 301-314-2222

24/7 Crisis Line (call) 301-741-3442

Website: <http://www.health.umd.edu/care>

Email: 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 Prohibited Conduct. Its mission is to respond to incidents of Sexual Harassment and Other Sexual Misconduct.

Faculty Staff Assistance Program (FSAP)

University Health Center

3983 Campus Drive

College Park, MD 20742

Telephone: 301-314-8170 or 301-314-8099

Website: health.umd.edu/fsap

Email: ~~Tom Ruggieri~~ Tonya Phillips tphilli6@umd.edu ~~J. Ruggieri~~ ruggieri@umd.edu (<mailto:ruggieri@umd.edu>) or ~~Joan Bellsey~~ Tania DeBarros tdebarro@umd.edu ~~J. Bellsey~~ jbellesey@umd.edu (<mailto:jbellesey@umd.edu>)

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

University Counseling Center

1101 Shoemaker Building

4281 Chapel Lane

College Park, MD 20742

Telephone: 301-314-7651

After Hours Crisis Support: 301-314-7651

Website: www.counseling.umd.edu

The University 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 (UHC)

Medical & Behavioral Health

3983 Campus Drive

College Park, MD 20742

Telephone: 301-314-8106

Website: <https://health.umd.edu/behavioral-health>

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

Telephone: 301-405-8450 or 301-314-9866

Website: http://thestamp.umd.edu/memorial_chapel/chaplains

The Campus Chaplains represent faith communities and work collectively to serve the spiritual needs of all members of the University community. Contact information for Chaplains is listed on the website referenced above.

B. Confidential Resources Off-Campus include, but are not limited to:

**Domestic Violence and Sexual Assault Center at UM ~~Prince George's Hospital~~
Capital Region Medical Center**

901 Harry S. Truman Drive North
Largo, MD 20774

~~3001 Hospital Drive, Cheverly, MD 20785~~

Help Hotline: 240-677-2337 ~~301-618-3154~~ – 24-hour Hotline or 24 hours/7 days a week

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

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 Capital Region Medical ~~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 Helpline: 1-800-983-RAPE (4673)

Website: <https://mcasa.org>

MCASA is a statewide coalition of 17 rape crisis and recovery centers that serve all Maryland 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 (MNADV)

4601 Presidents Drive, Suite 300

Lanham, MD 20706

Statewide Helpline: 1-800-MD-HELPS (43577) (Monday-Friday, 9:00 a.m. – 5:00 p.m.)

MNADV Office: 301-429-3601

Email: info@mnadv.org

Website: <https://mnadv.org/>

The Maryland Network Against Domestic Violence (MNADV or Network) 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.

RAINN National Sexual Assault Crisis Hotline

Help Hotline: 800-656-HOPE (4673) – 24-hour Hotline or 24 hours/7 days a week

Website: <https://www.rainn.org/>

[RAINN](https://www.rainn.org/) (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization.

XI. Co-Occurring Criminal Action

Proceeding with a University resolution of Prohibited Conduct under this Policy and Procedures is independent of any criminal investigation or proceeding. Reporting to law enforcement does not preclude a person from proceeding with a report or Formal Complaint of Prohibited Conduct under this Policy. The 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 Supportive 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 by UMPD, then UMPD 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 UMPD, Prince George's County Police, or the local prosecutor's office, the Title IX Officer will work collaboratively and supportively with each respective agency within the parameters outlined above. The Title IX Officer will communicate any necessary delays in the University's investigative process to both parties in the event of a deferral.

XII. Rights of Parties

Parties will be treated with dignity, respect, and sensitivity by University officials during all phases of the process. The process for investigating and resolving reports and complaints must be free from conflict of interest or bias. Any individual designated by the University as a Title IX Officer,

Investigator, Hearing Officer, Appellate Hearing Officer, or Informal Resolution facilitator must not have a conflict of interest or bias for or against Complainants or Respondents, generally, or for or against an individual Complainant or Respondent. To raise any concern involving bias or conflict of interest by the Title IX Officer, the Parties should contact the Vice President for Diversity and Inclusion, Georgina Dodge, Ph.D., via email at gdodge1@umd.edu upon discovery of the bias or conflict of interest. Concerns of bias or a potential conflict of interest by any other individual involved in the resolution process should be raised with the Title IX Officer upon discovery. The accompanying Procedures provide further guidance on concerns related to conflicts of interest and bias.

A. 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 Parties to be heard.

B. Parties will be given timely written notice of:

1. 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;
2. Their rights and responsibilities under this Policy and information regarding other civil and criminal options;
3. The date, time, location, participants, and purpose of each Hearing, meeting, or interview that the Party is invited or expected to attend, with sufficient time for the Party to prepare to participate;
4. The final determination made by the Hearing Officer regarding whether a Policy violation occurred and the basis for the determination;
5. Any Sanction imposed, as required by law; and
6. The rights to appeal and a description of the appeal process.

C. Parties will be entitled to participate in the investigation and adjudication of the Formal Complaint in accordance with the Procedures. Parties will be provided with:

1. Access to the case file and evidence regarding the incident obtained by the University during the investigation or considered by the Hearing Officer, with personally identifiable or other information redacted as required by applicable law;
2. An opportunity to be heard through the process;
3. An opportunity to offer testimony at a Hearing;
4. An opportunity to submit evidence, witness lists, and suggest specific questions to be posed to the other Party during the investigation, or to the other Party at a Hearing through the Party's Advisor;
5. An opportunity to review testimony electronically or in a way in which the Parties are not required to be in the physical presence of one another;
6. An opportunity to review and provide written responses to draft and final investigation reports;
7. An opportunity to participate at a Hearing without being required to be in the physical presence of the other Party;
8. An opportunity to appeal a determination and/or Sanction; and
9. Notice, presented in an appropriate and sensitive format, before the start of the resolution process, of:
 - a. The Party's right to the assistance of an Advisor, including an attorney or advocate;
 - b. The legal service organizations and referral services available to the Party; and

c. The Party's right to have a Support Person of the Party's choice at any Hearing, meeting, or interview.

XIII. False Statements

Knowingly making false statements or knowingly submitting false information under this Policy and Procedures is prohibited.

XIV. 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 or former students in retaining an attorney to serve as an Advisor at no or low cost to the student. MHEC provides 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. More information is available on MHEC's website.

XV. Emergency Removals

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

1. Undertakes an individualized safety and risk analysis;
2. Concludes that ~~there is~~ an immediate threat to the physical health or safety of any student or other individual arising from the alleged Prohibited Conduct ~~justifies removal~~; and
3. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

B. Nothing herein prohibits the University from implementing Supportive Measures in accordance with this Policy and Procedures.

C. Student Respondents

A student Respondent will be offered an opportunity to meet with the Director of Student Conduct or the Title IX Officer or designee to review the reliability of the information and challenge the decision within five (5) Days from the effective date of the emergency removal.

The University may impose an interim disciplinary suspension on a student Respondent in accordance with the *Code of Student Conduct* for reasons not arising from the alleged Prohibited Conduct.

D. Other Respondents

Other Respondents will be offered an opportunity to meet with the Title IX Officer or designee to review the reliability of the information and challenge the decision within five (5) Days from the effective date of the emergency removal.

For staff and faculty Respondents, the University in consultation with the Title IX Officer, UMPD, an employee's supervisor and applicable campus or departmental Human Resource office may implement emergency removals from the University's Education Program or Activity, such as changing a Respondent's work responsibilities or work location or placing the Respondent on leave during the resolution process, following the process described above. The University ~~also~~ re-tains the authority to implement Supportive Measures as appropriate.

XVI. 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.

Because of the potential conflicts of interest, persons involved in consensual sexual relationships with anyone over whom the person has 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. *Such relationships may also be prohibited by or otherwise subject to II-3.10(D) University of Maryland Policy on Consensual Relationship Between Faculty and Students.*

XVII. Training

A. Prevention and Awareness Education

The University will develop and implement preventive education, directed toward both employees and students, to help reduce the occurrence of Prohibited Conduct. At a minimum, these educational initiatives must contain information regarding what constitutes Sexual Harassment, definitions of consent and Prohibited Conduct, the University's Procedures, bystander intervention, risk reduction, and the consequences of engaging in Prohibited Conduct. These educational initiatives shall be for all incoming students and new employees. The University will also develop ongoing prevention and awareness campaigns for all students and employees addressing, at a minimum, the same information. Educational initiatives for employees shall comply with Md. Code Ann., State Pers. & Pens. § 2-203.1.

B. Training for Personnel Involved in Response and Resolution

All persons involved in responding to or resolving Prohibited Conduct reports will participate in training in handling complaints of Prohibited Conduct under this Policy. The University will make these training materials publicly available on its website.

The University will ensure that Title IX Officers, Investigators, Hearing Officers, Appellate Hearing Officers, and any person who facilitates an Informal Resolution process, receive training on the following: the definition of Prohibited Conduct; the scope of the University's Education Program or Activity; how to conduct a resolution process including investigation, hearings, appeals, and Informal Resolution, as applicable; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; technology to be used at a live hearing; and issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant. Any materials used to train Investigators will not rely on sex stereotypes and will promote impartial resolutions of Formal Complaints under this Policy.

XVIII. Records Retention

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

1. **Investigations and Determinations.** Each Sexual Harassment investigation, including any determination regarding responsibility;
2. **Recordings and Transcripts.** Any audio or audiovisual recording or transcript required;
3. **Sanctions.** Any Sanctions imposed on the Respondent;
4. **Remedies.** Any Remedies provided to the Complainant designed to restore or preserve equal access to the Education Program or Activity;
5. **Appeals.** Any appeal and the result thereof;
6. **Informal Resolutions.** Any Informal Resolution and the result therefrom;
7. **Training Materials.** All materials used to train Title IX Officers, Investigators, Hearing Officers, and any person who facilitates an Informal Resolution process; and
8. **Supportive Measures.** Any Supportive Measures, taken in response to a report or Formal Complaint of Prohibited Conduct. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its Education Program or Activity. If the University does not provide a Complainant with Supportive Measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing

additional explanations or detailing additional measures taken.

XIX. External Government Agencies

Employee complaints relating to Prohibited Conduct may be directed to:

Equal Employment Opportunity Commission (EEOC)

GH Fallon Federal Building 31 Hopkins Plaza, Suite 1432

Baltimore, MD 21201

Telephone: 1-800-669-4000

Fax: ~~443-992-7880~~ ~~410-209-2221~~

TTY: 1-800-669-6820

Website: <https://www.eeoc.gov/> ~~<https://egov.eeoc.gov/eas/>~~ ~~<https://egov.eeoc.gov/eas/>~~

Maryland Commission on Civil Rights (MCCR)

William Donald Schaefer Tower

6 Saint Paul Street, Suite 900

~~Ninth Floor~~ Baltimore, MD

21202-1631

Telephone: 410-767-8600

Fax: 410-333-1841

TTY: 410-333-1737

Website: <http://mccr.maryland.gov/>

E-mail: mccr@maryland.gov

Student or employee complaints relating to Prohibited Conduct may be directed to:

U.S. Department of Education, Office for Civil Rights (OCR)

~~U.S. Department of Education~~

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Telephone: 215-656-8541

Fax: 215-656-8605

TDD: 800-877-8339

Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

~~http://www2.ed.gov/about/offices/list/ocr/does/tix_dis.html~~ (~~http://www2.ed.gov/about/offices/list/ocr/does/tix_dis.html~~)

E-mail: OCR.Philadelphia@ed.gov

UNIVERSITY OF MARYLAND PROCEDURES FOR INVESTIGATING AND RESOLVING ALLEGATIONS OF SEXUAL HARASSMENT AND OTHER SEXUAL MISCONDUCT

I. Applicability

These Procedures are part of the *VI-1.60(A) University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct* and are the exclusive procedures that govern the handling of all reports or complaints of Prohibited Conduct under this Policy. These Procedures apply to all members of the University community, including students, faculty, and staff. They also apply to contractors and other third parties who are engaged in any University Education Program or Activity, or who are otherwise interacting with the University, including but not limited to volunteers, vendors, guests, and visitors.

Processes for handling reports and complaints of Prohibited Conduct may recognize the various roles the Parties play at the institution for the purposes of considering Supportive Measures, Remedies, Sanctions and Disciplinary Actions, and appeal procedures. The Office of Civil Rights & Sexual Misconduct (OCRSM) will assess the role of the Parties on a case by case basis for this purpose. In cases where the Parties exist in multiple roles at the institution, the process may impact them in any and all roles in which they operate, for the purposes of determining appropriate Supportive Measures, Remedies, and Sanctions.

II. Anticipated Timelines

The University's goals are to provide equal educational opportunities, promote campus safety, and remedy the effects of Prohibited Conduct. Good faith efforts will be made to complete Informal Resolutions, investigations and the adjudication process, if any, in a prompt, fair, and impartial manner. The OCRSM will conduct any investigation as promptly as possible under the circumstances, taking into account the complexity of the allegations, the complexity of the investigation and resolution, the severity and extent of the alleged misconduct, the number and availability of witnesses, the University's calendar, and/or other unforeseen circumstances. The University seeks to take appropriate action, including investigation and resolution of Formal Complaints, generally within one hundred twenty (120) Days from when the Formal Complaint is filed, by balancing principles of thoroughness and fundamental fairness. An extension of the timeframe may be necessary or granted for good cause in order to ensure the integrity and thoroughness of the investigation.

The Title IX Officer or designee may extend the timeframes set forth in this Policy and Procedures for good cause, with written notice of the extension to both Parties and the reason(s) for the delay. Written requests for delays by Parties may be considered. Factors considered in granting or denying an extension may include considerations such as, but not limited to, the following: the absence of a Party, a Party's Advisor, or a witness and/or the need for language assistance or accommodations of disabilities.

III. Right to Support Person and Advisor

A Party may be accompanied at any meeting held by the Title IX Officer or designee under these Procedures by up to two (2) people, including one (1) Support Person, and/or one (1) Advisor. When a Party wishes to be accompanied by a Support Person or Advisor to a meeting, the Party must notify the OCRSM or the Title IX Officer or designee in advance. Parties may select a Support Person or Advisor at any point before the conclusion of the resolution process. If a Party does not have an Advisor prior to a Hearing, the University will provide an Advisor of the University's choice to conduct cross-examination on behalf of that Party. In such cases, the Party has the right to request a change in their University-provided Advisor; the Title IX Officer or designee will determine whether such a request can be accommodated given the constraints of the Hearing process.

Throughout the process, the Title IX Officer or designee will communicate and correspond directly with the Parties, not indirectly through a Support Person or Advisor.

Prior to meetings and hearings, all Support Persons and Advisors must review non-Party participation requirements, which define their respective roles, appropriate decorum, and confidentiality obligations relative to the proceedings. These requirements may be viewed on the OCRSM website and may be obtained from the Title IX Officer or designee. Parties must ensure that Support Persons and Advisors follow these non-Party participation requirements.

In addition to the right to a Support Person and an Advisor, if the OCRSM or the Title IX Officer determines that a Party needs language assistance in order to fully engage in the process, accommodations will be made to allow for language assistance throughout the investigation and resolution process. Other similar accommodations including accommodations provided or arranged through the University's Accessibility and Disability Service (ADS) may be requested and considered throughout the process.

IV. Notification of Meetings, Interviews, and Hearings

Throughout the resolution process, the University will provide Parties and witnesses with written notification of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings to which they are invited or expected to participate. The written notification will be provided with sufficient time for the individual to prepare.

V. Report Intake and Formal Complaint

A. Receipt of Report of Prohibited Conduct

Upon receipt of a report alleging Prohibited Conduct from a Complainant, OCRSM will provide written acknowledgement of receipt of the report to the Complainant, if known, and include: a copy of this Policy and Procedures, options under the resolution process, and the Notice of Rights and Responsibilities.

The Complainant will be informed of available community and campus resources and services; available Supportive Measures as specified in Section V.C of these Procedures; 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.

If the report is received from someone who is not the Complainant or the Respondent, OCRSM will provide written acknowledgement of receipt of the report and take appropriate action as the information provided allows.

Receipt of a report alleging Prohibited Conduct shall not constitute the filing of a Formal Complaint under this Policy.

As explained more fully below, the Complainant may ask OCRSM to take no further action beyond offering Supportive Measures, or they may file a Formal Complaint. Requests to take no further action will be assessed by the Title IX Officer or designee in alignment with Section V.E below.

B. Intake and Initial Assessment

OCRSM will contact the Complainant to conduct an intake and initial assessment, which will determine whether the reported conduct, if substantiated, would constitute a potential violation of this Policy. The Complainant can choose whether or not to participate with the intake and initial assessment process. If the Complainant opts not to participate, OCRSM may be limited in its ability to assess the report. The Complainant will have an opportunity to ask questions about options and resources and seek additional information. OCRSM will attempt to gather information that will enable OCRSM, in consultation with other appropriate University offices, to:

1. Assess a Complainant's request for Supportive Measures;
2. Assess the nature and circumstances reported;
3. Assess jurisdictional concerns regarding each Party;
4. Assess the safety of the Complainant and of the University community;
5. Implement any appropriate Supportive Measures;
6. Assess for pattern evidence or other similar conduct by the Respondent as relevant to the safety assessment;
7. Assess the Complainant's expressed preference regarding resolution, including any request that no further action be taken;
8. Assess any request by the Complainant for confidentiality or anonymity; and
9. Assess the reported conduct for possible referral to UMPD for a timely warning under the Clery Act.

When the initial assessment determines the alleged conduct would not constitute a potential violation under this Policy if substantiated, the Title IX Officer may try to resolve an issue without the filing of a Formal Complaint. The alleged conduct may also violate other University policies, and the report may be referred to another University process and/or office, including but not limited to the following: *VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures, V-1.00(B) University of Maryland Code of Student Conduct*, the Office of Student Conduct, University Human Resources, and/or the Office of Faculty Affairs, as appropriate.

C. Supportive Measures

OCRSM, in consultation with other appropriate University officials, facilitates Supportive Measures, which are available to the Parties upon receiving a report or Formal Complaint alleging Prohibited Conduct. OCRSM will consider the Parties' wishes with respect to planning and implementing the Supportive Measures. OCRSM will maintain the reasonable confidentiality of the Supportive Measures, provided that this does not impair the ability to provide the Supportive Measures. OCRSM will act to ensure as minimal an academic and employment impact on the Parties as possible and implement Supportive Measures in a way that does not unreasonably burden either Party.

Supportive Measures include, but are not limited to:

1. Academic Accommodations
 - a. Assistance in transferring to another section of a lecture or laboratory

- b. Assistance in arranging for incompletes
- c. Assistance with leave of absence
- d. Assistance with withdrawal from coursework
- e. Assistance with withdrawal from campus
- f. Assistance with communicating with faculty
- g. Rearranging class schedules
- h. Re-scheduling exams
- i. Extensions of academic deadlines
- j. Re-taking a course
- k. Dropping a course
- l. Academic support such as tutoring or other course/program related adjustments
- m. Facilitating adjustments so complainants and respondents do not share same classes

2. Housing Accommodations

- a. Facilitating changes in on-campus housing location to alternate housing
- b. Assistance in exploring alternative housing off-campus

3. Employment Accommodations

- a. Arranging for alternate University employment
- b. Arranging different work shifts temporary assignment, if appropriate, to other work duties and responsibilities, or other work locations, or other work groups/teams or alternative supervision/management; and
- c. Extensions of work deadlines.

4. Care and Support

- a. Facilitating assistance for an individual to obtain medical, healthcare, advocacy, and therapy services;
- b. Referral to the Faculty Staff Assistance Program (FSAP);
- c. Referral to Campus Advocates Respond and Educate (CARE) to Stop Violence; and
- d. Referral to community-based providers.

5. Community Education

- a. Education to the community or community subgroup(s);
- b. Training; and

c. Bystander Intervention Program

6. Safety

- a. Providing campus safety escorts;
- b. Providing transportation accommodations;
- c. Increased security and monitoring of certain areas of the campus;
- d. Transportation and parking arrangements;
- e. Assistance in making a report to law enforcement or obtaining a protective order;
- f. Safety planning, and
- g. Assisting a person in requesting that directory information be removed from public sources

7. University Referrals

- a. Referral to Visa and Immigration assistance
- b. Assistance in arranging appointments with University resources
- c. Assistance with exploring changes in class and extra-curricular schedules
- d. Referral to student financial aid counseling

8. Other

- a. No Contact Order; and
- b. Denial of Access to campus grounds and/or buildings

OCRSM will promptly inform the Respondent of any Supportive Measures that will directly impact the Respondent.

The Title IX Officer or designee retains discretion to provide and/or modify any Supportive Measures based on all available information. Supportive Measures will remain in effect as necessary.

D. Filing of a Formal Complaint

A Formal Complaint alleging Prohibited Conduct against a Respondent may be filed with the Title IX Officer in person, by mail, or by electronic mail, by using the contact information listed in Section IV of the Policy.

Should the Complainant decide to file a Formal Complaint, the Title IX Officer will review the Formal Complaint and determine whether it should be dismissed or move into the resolution process (see Section III.F of these Procedures).

E. Special Considerations: Requests for Anonymity and to Not Proceed

If a Complainant does not wish to disclose their personally identifiable information (i.e. wishes to remain anonymous) and/or does not wish to file a Formal Complaint, the Complainant may make such a request to the Title IX Officer or designee. Regardless of their choice, the Title IX Officer or designee will still offer Supportive Measures to the Complainant as appropriate. The Complainant retains the ability to file a Formal Complaint at any time.

The Title IX Officer has ultimate discretion over whether the University proceeds, and the Title IX Officer may sign a Formal Complaint to initiate the resolution process when appropriate. The Title IX Officer's decision to sign a Formal Complaint will be based on whether:

1. An investigation is needed to comply with legal anti-discrimination requirements or is otherwise the most appropriate and effective response;
2. The effect that non-participation by the Complainant may have on the availability of evidence and the ability to pursue the resolution process fairly and effectively; and/or
3. A violence risk assessment shows a compelling risk to health and/or safety which requires the University to pursue formal action to protect the University community. A compelling risk to health and/or safety may result from any combination of the following:
 - a. Evidence of patterns of misconduct;
 - b. Predatory conduct, threats, abuse of minors;
 - c. Allegations that the Prohibited Conduct was committed by multiple persons; and/or
 - d. Use of weapons and/or violence.

When the Title IX Officer signs the Formal Complaint, the Title IX Officer does not become the Complainant and is not otherwise a Party.

Overall, the University's ability to remedy and respond to the Formal Complaint may be limited if the Complainant does not want the University to proceed with the resolution process. The goal is to provide the Complainant with the opportunity to file a Formal Complaint and participate while balancing the University's obligation to protect its community.

F. Designation of Prohibited Conduct and Dismissal of Formal Complaint

As indicated above in Section V.B of this Policy, the Title IX Officer or designee will gather information to assess whether the reported conduct, if substantiated, would constitute a potential violation of the Policy. Title IX requires the University to determine whether the reported conduct is designated as Title IX-based Prohibited Conduct. A decision not to designate the alleged conduct as Title IX-based Prohibited Conduct constitutes a mandatory dismissal of the case for Title IX purposes⁵. However, this dismissal does not prevent the University from investigating and resolving the Formal Complaint through these Procedures if the reported conduct would meet the definition of ~~Other Sexual Misconduct or Retaliation in Sections VIII.B and VIII.C of this Policy~~, Prohibited Conduct and fall within the University's jurisdiction, if substantiated. The University will investigate and adjudicate these non-Title IX-based forms of Prohibited Conduct using these same Procedures. Dismissal under this Policy and Procedures also does not preclude a referral to another University process and/or office as indicated in Section V.B, as may be appropriate in cases where the reported conduct may violate other University policies.

Upon receipt of a Formal Complaint, the Title IX Officer or designee will promptly send simultaneously to both Parties the *Written Notice of Formal Complaint* described in Section VI.C.3 of these Procedures, and a *Written Notice of Designation* of:

1. The decision about whether to designate the alleged conduct as Title IX-based Prohibited Conduct, and the reasons for this decision; and
2. The decision to proceed with the resolution process or to dismiss the Formal Complaint as described below; and
- ~~3. The Parties' rights to appeal the designation and/or dismissal decision.~~

Title IX-based Prohibited Conduct

The Title IX Officer or designee **must** designate the alleged conduct as Title IX-based Prohibited Conduct if:

1. The alleged conduct would constitute Sexual Harassment within an Education Program or Activity against a person in the United States

if substantiated; and

2. The Complainant is participating or attempting to participate in an Education Program or Activity at the time the Complainant files a Formal Complaint or when the Title IX Officer files a Formal Complaint because the alleged conduct meets the above definition.

Mandatory Dismissal

The Title IX Officer or designee **must** dismiss a Formal Complaint or any allegations therein if at any time during the Resolution Processes it is determined that:

1. The conduct alleged in the Formal Complaint, if substantiated, would not constitute Prohibited Conduct; or
2. The allegations in the Formal Complaint do not fall within the University's jurisdiction.

Permissive Dismissal

The Title IX Officer or designee **may** dismiss a Formal Complaint or any allegations therein if at any time during the Resolution Processes:

1. A Complainant notifies the Title IX Officer or designee in writing that the Complainant requests to withdraw the Formal Complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by the University; or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Respondent is not a member of the campus community or if they withdraw or leave during the process, the Title IX Officer or designee will determine whether the case should be dismissed or whether it should continue to be pursued in the absence of the Respondent.

Decisions on whether to dismiss a case in these instances will be considered carefully. The Title IX Officer or designee will assess the effect that non-participation by the Respondent may have on the availability of evidence and the ability to pursue the resolution process fairly and effectively. If the Title IX Officer or designee determines that the case should be dismissed, the Title IX Officer or designee will still offer Supportive Measures to the Complainant as appropriate.

G. Appeal of Designation and/or Dismissal

Either Party may appeal the *Written Notice of Designation* if there is a decision to: (1) dismiss the Formal Complaint; or (2) not designate the alleged conduct as Title IX-based Prohibited Conduct. The bases for appeal are limited to procedural irregularity, new evidence, and conflict of interest as explained in Section VI.D.9.a of these Procedures. The process for the appeal is set forth in Section VI.D.9.c of these Procedures.

VI. Resolution Processes

A. Consolidation of Complaints

At the discretion of the Title IX Officer or designee, multiple reports may be consolidated ~~into one Informal Resolution and/or investigation during the Resolution Processes, including into a single investigation and/or hearing, if the information related to each incident is relevant in reaching a resolution~~ allegations arise out of the same facts or circumstances. Matters may be consolidated where the matters involve multiple Complainants, multiple Respondents, or ~~related facts and circumstances involving multiple reports between~~ the same Parties., ~~including those arising out of the same or different events(s).~~

B. Informal Resolution Process

Informal Resolution may serve to address the alleged Prohibited Conduct as an alternative to proceeding to an investigation and Hearing. Informal Resolution can encompass a variety of approaches agreed to by the Parties including, but not limited to, mediation, Respondent acknowledgement of responsibility, and/or negotiated interventions and Remedies facilitated by the Title IX Officer or designee.

The purpose of Informal Resolution is to take appropriate action by imposing individual and community interventions and remedies designed to

maximize the equal access to the Education Program or Activity, as well as to address the effects of the conduct on the larger University community.

1. Request for Informal Resolution

Either Party may request Informal Resolution, including their preferred approach of reaching a resolution, such as mediation, Respondent acknowledgement of responsibility, and/or negotiated interventions and Remedies. Both Parties and the Title IX Officer or designee must agree to the process in writing. Either Party may terminate an ongoing Informal Resolution at any time prior to reaching an agreement.

The Title IX Officer or designee has the discretion to determine whether a Formal Complaint is appropriate for Informal Resolution and which resolution approach is best utilized given the specifics of the Formal Complaint. The Title IX Officer or designee retains discretion to terminate an ongoing Informal Resolution process at any time, at which point the Title IX Officer or designee will determine appropriate next steps. The Title IX Officer or designee will inform both Parties simultaneously in writing of the reason(s) for terminating an Informal Resolution process.

2. Informal Resolution Not Permitted

Although the Title IX Officer or designee retains discretion to determine whether a Formal Complaint is appropriate for Informal Resolution in other cases, Informal Resolution is not permitted under the following circumstances:

- a. Formal Complaints by a student alleging Sexual Harassment against an employee (staff or faculty); or
- b. Formal Complaints alleging Sexual Assault or Sexual Coercion.

3. Informal Resolution Permitted

When Informal Resolution is utilized, the process is voluntary and is not a requirement or condition of continued enrollment or employment at the University.

In such case, Parties will receive a written *Notice of Informal Resolution* containing the following:

- a. Summary of the allegations;
- b. Notice that neither Party is required to accept responsibility for the alleged Prohibited Conduct, unless a Respondent chooses to do so;
- c. Notice that there is no finding of a Policy violation or Sanction unless agreed to by the Respondent;
- d. Notice that agreement to Informal Resolution is not a waiver of right to proceed with an investigation and Hearing;
- e. Notice that until an Informal Resolution agreement is finalized, the Parties may, at any time, opt out of Informal Resolution, at which point the Formal Complaint would proceed or resume to investigation and Hearing, as appropriate;
- f. Notice of any potential consequences resulting from participating in the Informal Resolution process, including whether records will be maintained or could be shared;
- g. Notice that the reasonable confidentiality restrictions of the Informal Resolution process mean that information shared or obtained during this process cannot be used in an investigation and adjudication under these Procedures, if Informal Resolution fails;
- h. Notice that if an Informal Resolution agreement is finalized and implemented, it precludes the Parties from resuming investigation and adjudication of a Formal Complaint arising from the same allegations; and
- i. Notice that the results of Informal Resolution are not eligible for appeal.

4. Mediation and Other Informal Resolution

Informal Resolution, including mediation, must be conducted by a trained facilitator who guides the Parties in a confidential dialogue to reach an effective resolution, if possible. Information shared or obtained during this process cannot be used in an investigation and adjudication under these Procedures, if Informal Resolution fails. The trained facilitator may be internal or external to the University depending on the needs of the specific case as determined by the Title IX Officer or designee. Sanctions are not possible as a result of Informal Resolution unless the Parties agree to accept Sanctions and/or appropriate Remedies.

5. Negotiated Informal Resolution Interventions and Remedies

If agreed to by the Parties and determined appropriate by the Title IX Officer or designee, the following Informal Resolution interventions and Remedies may be utilized, including but not limited to:

- a. Increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur;
- b. Targeted or broad-based educational programming or training for relevant individuals or groups;
- c. Academic and/or housing modifications for either Party;
- d. Workplace modifications for either Party;
- e. 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;
- f. Compliance with a No Contact Order;
- g. Compliance with a Denial of Access;
- h. Completion of community service hours over a specific period of time; and
- i. Separation from the University.

The Title IX Officer or designee will work with the Offices of Student Conduct, Human Resources, and/or Provost/Faculty Affairs as needed to facilitate such negotiated interventions and Remedies.

6. Completion of Informal Resolution

When an Informal Resolution agreement is reached and the terms of the agreement are implemented, the matter is resolved and closed. Appeals by either Party are not permitted. The Title IX Officer or designee is responsible for ensuring compliance with the agreement.

In cases where an agreement is not reached and the Title IX Officer or designee determines that further action is necessary, or if either Party fails to comply with the terms of the Informal Resolution, the matter may be referred for an investigation and adjudication under these Procedures, as appropriate.

The Parties will be provided with a written copy of the terms of the Informal Resolution agreement. The Title IX Officer or designee will maintain all records regarding Informal Resolution.

7. Respondent Acceptance of Responsibility

The Respondent may accept responsibility for all or part of the alleged Policy violation(s) at any point during the resolution process. If the Respondent wishes to accept responsibility and Informal Resolution is not prohibited under Section VI.B.2 above, the Title IX Officer may initiate the Informal Resolution process, after obtaining both Parties' voluntary, written consent, and after providing the required *Notice of Informal Resolution* if it has not already been provided.

Any remaining allegations that are not resolved through the Informal Resolution process may proceed to investigation or Hearing, as appropriate.

C. Investigation Process

When investigating a Formal Complaint, the below procedures will be utilized. However, at any time prior to reaching a determination regarding responsibility, an Informal Resolution may occur if appropriate conditions are satisfied (see Section VI.B of these Procedures).

1. Presumption of Not Responsible

Respondents are presumed not responsible for any and all allegations until the conclusion of the investigation and adjudication process. At the conclusion of the process, the University provides the Parties with the written determination of the final outcome following any appeal if an appeal is filed, or after the date by which an appeal must be filed has passed under Section VI.D.9.c.ii of these Procedures.

2. Notice of Rights and Responsibilities

The Complainant and Respondent are required to review and sign their *Notice of Rights and Responsibilities*. The Investigator will verify that the Parties have received, reviewed, and signed their *Notice of Rights and Responsibilities* and have been provided with a copy of this Policy and Procedures to ensure the Parties have adequate information about the investigation and adjudication. The Investigator will also ensure that both Parties have had an opportunity to ask and receive answers to any questions. ~~For staff, faculty, and third parties, The notice will be provided by the Title IX Officer or designee. For students, the notice will be provided by the Office of Student Conduct (OSC).~~

The *Notice of Rights and Responsibilities* will include but is not limited to the following:

- a. Right to be treated with dignity and respect by all University officials;
- b. Right for information to only be shared with others on a need-to-know basis in order to facilitate a resolution;
- c. Right to be informed of available Supportive Measures;
- d. Right to be informed of available community and campus resources and services;
- e. Right to a Support Person and/or an Advisor;
- f. Right to regular updates on the status of the investigation and/or resolution; and
- g. Prohibition against Retaliation and guidance about reporting any retaliatory conduct.

3. Written Notice of Formal Complaint

After a Formal Complaint is filed, the Parties will be provided a Written *Notice of Formal Complaint*. ~~The notice will be provided by the Title IX Officer or designee, which~~ and will include the following:

- a. The University's complete Policy and Procedures as set forth herein;
- b. The allegations of Prohibited Conduct as defined by this Policy;
- c. The identities of the Parties involved, if known;
- d. The date(s), location(s), and time(s) of the alleged incident(s), if known;
- e. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the adjudication process;

- f. Information indicating that the Parties may have an Advisor of their choice, who may be an attorney and who may inspect and review evidence;
- g. Notice that if the Parties do not select an Advisor of their choice, the University will provide a trained Advisor prior to the pre-hearing meeting for purposes of performing cross-examination on behalf of that Party at the Hearing;
- h. Information indicating that the Parties may have a Support Person of their choice;
- i. Advisement that knowingly making false statements or knowingly submitting false information during the investigation and adjudication process is prohibited under Section XIII of this Policy;
- j. Notice that if the University decides to investigate additional allegations about either Party that are not in the original notice, the Parties will receive an amended notice containing the additional allegations; and
- k. The range of potential Sanctions associated with the alleged Prohibited Conduct.

4. Role of the Investigator

The Title IX Officer or designee will designate an Investigator(s) from OCRSM and/or an external Investigator to conduct a prompt, thorough, fair, and impartial investigation. The Investigator is responsible for conducting an objective investigation, including objectively evaluating all inculpatory and exculpatory evidence. The Investigator will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness.

5. Overview of the Investigation

a. Standard of Proof

The standard of proof for a determination of responsibility under this Policy is Preponderance of the Evidence. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility remain with the University and not with the Parties.

b. Evidence

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 Formal Complaint. During the investigation, the Investigator will speak separately with both Parties and any other individuals who may have relevant information. No audio or video recording of any kind is permitted during such interviews. The Parties will each have an equal opportunity to present witnesses (including fact and expert witnesses, at their own expense) and any other relevant evidence.

Evidentiary materials, regardless of relevance, may be provided by a Party; however, the Investigator will determine whether and how the evidence and witnesses submitted by the Parties is directly related to the allegations and whether and how that information will be factored into the investigation. 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.

The University does not restrict the ability of Parties to discuss allegations that have been reported or to gather and present evidence. However, the University has a compelling interest in protecting the integrity of the resolution process, protecting the privacy of Parties and witnesses, and protecting Parties and witnesses from harassment, intimidation, or Retaliation during the resolution process. To further these goals, witnesses and Parties are encouraged to limit their sharing of information about a matter (including the allegations, the identities of the Parties and witnesses, and the questions asked in interviews) while the resolution process is ongoing. Parties and witnesses are also cautioned not to discuss the allegations in a manner that constitutes Retaliation or unlawful conduct.

c. 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. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to show Consent as defined in Section VII of this Policy. 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.

The University cannot access, consider, disclose, or otherwise use a Party's record(s) that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the capacity thereof or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party. However, a Party can provide voluntary, written consent to use the above-mentioned material for the investigation and adjudication. Such consent shall be specifically limited to the information provided. At no time shall consent be construed as consent to access any other information in the Party's records. If a Party provides consent to use such material during the investigation stage, and the evidence is directly related to the Formal Complaint, the material will be shared with the other Party as part of the evidence made available for their inspection and review.

The Investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

d. Draft Investigation Report

At the conclusion of the investigation, the Investigator will provide a written investigation report (the *Draft Investigation Report*) that provides a case timeline, appropriately summarizes the information gathered (including, but not limited to, the names of witnesses and summaries of their statements), and outlines evidence that is directly related to the Formal Complaint.

e. Notice of Opportunity to Review the Draft Investigation Report

Before the investigation report is finalized, the Parties will be given an equal opportunity to review and meaningfully respond to the *Draft Investigation Report*. The Investigator will also send to the Party, and the Party's Advisor, if any, all evidence obtained that is directly related to the Formal Complaint, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from a Party or other source, for inspection and review. This evidence may be provided using electronic means that precludes downloading, forwarding, or otherwise sharing. Parties will have ten (10) Days to review the *Draft Investigation Report* and submit a written response, including 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. Any and all information for consideration by the Hearing Officer must be provided to the Investigator during the investigation phase of the process and otherwise will not be allowed during the Hearing. If a Party requests that additional information be considered during the Hearing, the Party must clearly demonstrate that such information was not reasonably available to the Parties at the time of the investigation, or that the evidence has significant relevance to a material fact at issue in the investigation. If a Party provides or identifies evidence after the Final Investigation Report is issued, and the Hearing Officer determines that it was reasonably available to them during the investigation process, the Hearing Officer has the discretion to choose to consider such information, and may draw a negative inference from the Party's delay in providing or identifying the evidence. The Hearing Officer may, at their discretion, instruct that the investigation be re-opened to consider the evidence. In such cases, the evidence will be made available to the Parties for their review and comment prior to the Hearing.

If further investigation is warranted based on the Parties' written responses, the Investigator will continue the investigation, as

needed. The Investigator will consider the Parties' written responses prior to completing the *Final Investigation Report*.

f. Final Investigation Report

Upon timely receipt of the Parties' written responses, or after the ten (10) Day review period has lapsed with no written responses, the investigation ends. The Investigator will complete the *Final Investigation Report*. The *Final Investigation Report* will contain summaries of all relevant information obtained throughout the course of the investigation and may contain an analysis of fact.

The *Final Investigation Report* will be submitted to the Hearing Officer.

D. Adjudication Process

1. Review of Final Investigation Report

- a. Following completion of the *Final Investigation Report*, the Title IX Officer or designee will provide each Party and Party's Advisor, if any, with a confidential copy of the *Final Investigation Report*, including all attachments, and explain the next steps in the process. The *Final Investigation Report* may be provided using electronic means that precludes downloading, forwarding, or otherwise sharing. ~~meet separately with each Party and their Advisor, if applicable.~~ If a Party does not identify their Advisor at this time, the University will provide an Advisor for purposes of the pre-hearing meeting and Hearing.

~~At the meeting, the Title IX Officer or designee will provide each Party and each Party's Advisor, if any, with a confidential copy of the *Final Investigation Report*, including all attachments, and explain the next steps in the process. The *Final Investigation Report* may be provided using electronic means that precludes downloading, forwarding, or otherwise sharing. If a Party does not have an Advisor present at this meeting, a confidential copy of the *Final Investigation Report* will be provided to the Party's Advisor prior to the pre-hearing meeting.~~

- b. Each Party will be notified that they have ten (10) Days to submit a written response to the *Final Investigation Report* to the Title IX Officer or designee, which will be shared with and considered by the Hearing Officer. Exceptions to the 10-Day timeframe may be granted by the Title IX Officer or designee during times when the University is not in session or in other circumstances. After ten (10) Days have elapsed with no response and no request for an extension, the process will move forward without a written response. All written responses will be shared with the other Party prior to the Hearing.
- c. 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.

2. Hearing Case File

Before the pre-hearing meeting and Hearing, the Title IX Officer or designee will provide the Parties, their Advisors, and the Hearing Officer with access to the complete hearing case file. The hearing case file will include:

- a. The complete *Final Investigation Report*;
- b. All directly related evidence subject to the Parties' inspection and review as explained in Section VI.C.5.e of these Procedures; and
- c. The Parties' written responses to the *Final Investigation Report*.

3. Role of the Hearing Officer

- a. The Hearing Officer is responsible for maintaining an orderly, fair, and respectful Hearing. The Hearing Officer has broad authority to respond to disruptive behaviors, including adjourning the Hearing or excluding disruptive persons, and will ensure efficient administration of the Hearing. The Hearing Officer will have discretion to determine the structure of the Hearing and how questioning is conducted, including but not limited to the order of witnesses to be questioned, if any, consistent with these Procedures.

- b. The Hearing Officer will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness.
- c. The Hearing Officer is the decision maker responsible for determining whether or not the Policy was violated. The Hearing Officer is also the decision maker responsible for determining any appropriate Sanctions and other responsive actions imposed on the Respondent, if any, upon a finding of responsibility.

4. Pre-Hearing Meeting

- a. The Hearing Officer will convene a separate meeting with each Party and their Advisor and Support Person, if applicable, to:
 - i. Plan for the Hearing;
 - ii. Identify their Advisor and, if applicable, Support Person;
 - iii. Review the Procedures to be followed at the Hearing;
 - iv. Discuss the process of raising a concern that the Hearing Officer has an impermissible bias or conflict of interest as set forth in Section VI.D.5.b.v, below;
 - v. Review the complete list of witnesses that will be asked to appear in accordance with paragraph (c), below;
 - vi. Discuss any technology that will be used at the Hearing and how to operate such technology;
 - vii. Discuss the time allotted for the Hearing and any time limitations; and
 - viii. Answer any other questions or remaining concerns prior to the Hearing.
- b. Attendance at the pre-hearing meeting is strongly encouraged for each Party. A Party's decision not to participate may result in decisions regarding witnesses and procedural matters being made without their input. If neither Party attends the pre-hearing meeting, the Hearing Officer will determine all procedural matters in advance of the Hearing.
- c. Generally, the University will request that all witnesses interviewed during the investigation attend the Hearing for questioning. However, the Hearing Officer, only with full agreement of the Parties, may decide through the pre-hearing meeting(s) that certain witnesses do not need to be invited to the Hearing if their testimony can be adequately summarized by the Investigator(s) in the Final Investigation Report or during the Hearing. Any such agreement will be confirmed in writing by both Parties. The Hearing Officer has the discretion to request the attendance of other witnesses in accordance with Section VI.D.6.h.

5. Written Notice of Hearing

- a. The Title IX Officer or designee will use reasonable efforts to consult with all involved individuals, including the Complainant, Respondent, Support Persons, Advisors, and witnesses, in order to schedule the Hearing.
- b. Parties will receive a *Written Notice of Hearing* at least ten (10) Days in advance of the Hearing. The Notice will include pertinent information about the Hearing, its procedures, and the rights and responsibilities of the Parties, and will include the information below.
 - i. The Notice will include a description of the charges of Policy violation(s), a copy of the applicable Hearing procedures, and a statement of the potential Sanctions/responsive actions that could result.
 - ii. The Hearing date, time, location, purpose, and the list of participants, including the complete list of witnesses requested to attend the Hearing for questioning, will be provided.

- iii. The Hearing Officer may reschedule the Hearing if necessary to facilitate the participation of Parties and witnesses, or for other reasons that they deem to be compelling.
- iv. Each Party must have an Advisor present at the Hearing, without exception. If a Party does not have an Advisor present at the Hearing, the University will provide one free of charge for the purpose of conducting cross-examination on behalf of that Party at the Hearing.
- v. The Parties may object to the Hearing Officer on the basis of demonstrated bias or conflict of interest for or against Complainants or Respondents, generally, or for or against the individual Complainant or Respondent. Objections must be raised with the Title IX Officer or designee at least two (2) Days prior to the Hearing.
- vi. A Party's participation is voluntary and a Party may choose not to appear at the Hearing. However, if any Party does not appear at the scheduled Hearing after receiving appropriate notice, the Hearing will be held in their absence, unless there are extenuating circumstances as determined by the Hearing Officer. ~~Any statements given by the Party prior to the Hearing will not be considered by the Hearing Officer (though the Hearing Officer may continue to consider and rely on alleged verbal conduct that constitutes all or part of the underlying alleged Prohibited Conduct itself).~~ The Hearing Officer will make a determination regarding responsibility and any sanctions, if appropriate, without the participation of the absent Party.
- vii. The hearing case file, including all directly related evidence subject to the Parties' inspection and review as explained in Section VI.D.2 of these Procedures, will be available at the Hearing to give each Party equal opportunity to refer to evidence during the Hearing, including for purposes of cross-examination.
- viii. A copy of all the materials provided to the Hearing Officer about the matter will be shared with the Parties, unless they have been provided already.
- ix. The Parties may contact the Title IX Officer or designee to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the Hearing. Such accommodations must be requested at least seven (7) Days prior to the Hearing.
- x. The Notice will indicate whether the Parties may bring mobile phones or other devices into the Hearing, and any related restrictions.
- xi. The Hearing Officer may conduct the Hearing with all Parties and witnesses physically present in the same geographic location or with any or all Parties, witnesses, and other participants virtually present at the Hearing. Technology enabling virtual participation must allow participants simultaneously to see and hear each other.
- xii. At either Party's request, the University will provide the Parties with separate rooms or separate virtual rooms. The University will use technology enabling the Hearing Officer and Parties to simultaneously see and hear the Party or the witness who is answering a question.
- xiii. The Hearing is closed to the public.
- xiv. The Hearing will be recorded by the University (either audio or audio-visual). No other recordings are permitted. Recordings are maintained by the University. Parties may submit a written request to the Title IX Officer to inspect and review the recording after the Hearing.

6. Hearing Procedures

- a. The Hearing does not take place within a court of law and is not bound by formal rules of evidence that apply to court proceedings.
- b. The Hearing Officer will preside over the Hearing.
- c. The Investigator will summarize the *Final Investigation Report* and clarify any information in the Final Investigation Report.

- d. Each Party may provide a brief opening statement.
- e. Each Party's Advisor will be provided an opportunity to cross-examine the other Party and any witnesses. Questioning will be conducted directly, orally, and in real time by the Party's Advisor only. Parties may not question each other or witnesses directly.
- f. The hearing case file and all directly related evidence subject to the Parties' inspection and review as explained in Section VI.D.2 of these Procedures will be available at the Hearing to give each Party equal opportunity to refer to evidence during the Hearing, including for purposes of cross-examination.
- g. Any and all information for consideration by the Hearing Officer must be provided to the Investigator during the investigation phase of the process and otherwise will not be allowed during the Hearing.
 - i. If a Party requests that additional information be considered during the Hearing, the Party must clearly demonstrate that such information was not reasonably available to the Parties at the time of the investigation, or that the evidence has significant relevance to a material fact at issue in the investigation.
 - ii. If a Party provides or identifies evidence after the Final Investigation Report is issued, and the Hearing Officer determines that it was reasonably available to them during the investigation process, the Hearing Officer has the discretion to choose to consider such information, and may draw a negative inference from the Party's delay in providing or identifying the evidence.
 - iii. The Hearing Officer may, at their discretion, instruct that the investigation be re-opened to consider the evidence. In such cases, the evidence will be made available to the Parties for their review and comment prior to the Hearing.
- h. The Hearing Officer will generally exclude from the Hearing any witnesses who were not previously identified during the investigation and requested to attend by the University.
 - i. If a Party wishes to present another witness, they must clearly demonstrate that the witness was not reasonably available or not reasonably known to the Parties at the time of the investigation, or that the witness is likely to have information that has significant relevance to a material fact at issue in the investigation.
 - ii. The Hearing Officer may, at their discretion, choose to consider information from such witnesses and may draw a negative inference from the Party's delay in identifying the witness.
 - iii. The Hearing Officer may, at their discretion, instruct that the investigation be re-opened to allow that witness to be interviewed. In such cases, the interview will generally be conducted by the Investigator and a summary of information provided by the witness will be made available to the Parties for their review and comment prior to the Hearing.
- i. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. All relevant questions and follow-up questions, including those challenging the credibility of Parties and witnesses, will be allowed. Consistent with the foregoing, the Hearing Officer may also exercise their discretion to exclude any questions they deem to be harassing or unnecessarily repetitive, and will explain any decision to exclude a question on these grounds.
- j. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence:
 - i. Are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or
 - ii. Concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove whether Consent was present.
- k. Questions and evidence about the Respondent's prior sexual history with an individual other than a Party to the proceedings may only be considered if the evidence:

- i. Proves prior sexual misconduct;
 - ii. Supports a claim that a Party has an ulterior motive; or
 - iii. Impeaches a Party's credibility after that Party has put their own prior sexual conduct in issue.
- l. The Hearing Officer may not consider a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent to provide that information for consideration.
 - m. The Hearing Officer may not consider any questions or evidence about a student's history of mental health counseling, treatment, or diagnosis, unless the student consents to providing that information for consideration.
 - n. The Hearing Officer may not consider questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
 - ~~o. If a Party or witness does not answer the cross-examination questions that are deemed relevant by the Hearing Officer, if any, then the Hearing Officer must not rely on any statement by that Party or witness in reaching a determination regarding responsibility.~~
 - ~~i. This prohibition applies to statements made by the Party or witness at the Hearing, in the investigative report, and in evidence, such as in a police report, medical report, or other record.~~
 - ~~ii. The Hearing Officer may continue to consider and rely on alleged verbal conduct that constitutes all or part of the underlying alleged Prohibited Conduct itself.~~
 - ~~iii. The Party or witness's reason for refusing to answer a relevant question does not matter.~~
 - ~~p. o. A Party's or witness's failure to answer a question posed by the Hearing Officer does not trigger a prohibition against relying on that Party's or witness's other statements. However, t~~The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the Hearing or refusal to answer cross-examination or other questions.
 - ~~q. p.~~ During the Hearing, the Hearing Officer may call for or grant requests for recesses as needed, and the Hearing Officer retains the discretion to balance recesses with the need to conduct the Hearing in an orderly and timely fashion. Each Party may request recesses if needed to speak privately with an Advisor or Support Person, or for other reasons. The Hearing Officer may suggest recesses if they feel it may be helpful to a Party, particularly during cross-examination.
 - ~~r. q.~~ Each Party will have the opportunity to make a brief closing statement.
 - ~~s. r.~~ The Hearing Officer may determine that multiple sessions or a pause in the continuation of the Hearing until a later date or time is needed to complete the Hearing. If so, the Hearing Officer or Title IX Officer or designee will notify all participants and will endeavor to accommodate all participants' schedules to complete the Hearing as promptly as practicable.

7. Written Notice of Determination

The Hearing Officer will provide the Parties with a *Written Notice of Determination* at the same time. The *Written Notice of Determination* will include:

- a. Identification of the allegations at issue;
- b. A description of the procedural steps taken throughout the case;
- c. Findings of fact supporting the determination;

- d. Conclusions regarding application of the Policy to the facts;
- e. A statement of, and rationale for, the determination for each allegation;
- f. A statement of, and rationale for, any Sanctions imposed on the Respondent, and whether any Remedies will be provided to the Complainant, as set forth in more detail below; and
- g. A description of the procedures and permissible grounds for appeal.

8. Disciplinary Sanctions, Remedies, and Other Responsive Actions

The University may take responsive action based on a determination of responsibility for a violation of the Policy. Responsive action is intended to eliminate Prohibited Conduct, prevent its recurrence, and promote accountability while supporting the University's educational mission and legal obligations. Responsive action may include Sanctions, Remedies, or other responsive action including rehabilitation, educational, restorative, or monitoring components.

- a. Prior to issuing the Written Notice of Determination, the following will occur:

~~i. Parties will have the option to provide written impact statements to the Hearing Officer within three (3) Days of completion of the Hearing.~~

~~ii.~~ i. The Hearing Officer shall confer with the Title IX Officer or designee, and shall confer with other University administrators as appropriate, prior to issuing the written determination.

- a. Other University administrators may include UHR/Staff Relations and department/unit heads and supervisors for staff, and the Provost's Office/Faculty Affairs and department/unit heads and supervisors for faculty.

- b. In determining an appropriate sanction for staff Respondents, the Hearing Officer shall consult with UHR/Staff Relations prior to issuing the Written Notice of Determination.

- c. If termination and/or removal of tenure may be an appropriate sanction for faculty Respondents, the Hearing Officer shall consult with the Provost, who shall consult with other administrators, as deemed appropriate by the Provost.

~~iii.~~ ii. Although the Hearing Officer shall confer with University officials as described above, the Hearing Officer is the decision maker responsible for issuing the *Written Notice of Determination*.

~~iv.~~ iii. The Title IX Officer or designee and other University administrators will provide input with respect to any recommended Sanction and other responsive action to the Hearing Officer.

~~v.~~ iv. The University will not publicly disclose personally identifiable information about the Parties or the written determination (including any Sanctions) except as required by law.

- b. The range of Sanctions and other responsive actions that may be imposed upon the Respondent include, but are not limited to, the following:

- i. For students:

- a. Degree revocation: Rescinding a degree previously awarded by the University. A permanent notation will appear on the student's transcript.

- b. Expulsion: Permanent separation of the student from the University. A permanent notation will appear on the student's transcript. The student will also be barred from University premises (grounds and buildings). ~~Pursuant to delegated authority, the Vice President for Student Affairs shall administratively approve expulsions.~~

- c. Suspension: Separation of the student 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 (grounds and buildings) during the period of suspension. Suspended time will not count against any time limits required by the Graduate School for completion of a degree. A sanction of suspension may be withheld. ~~Pursuant to delegated authority, the Vice President for Student Affairs shall administratively approve suspensions.~~
 - d. Disciplinary Probation: The student is prohibited from representing the University in any extracurricular activity or from running for or holding office in any student or University organization. Additional restrictions or conditions may also be imposed.
 - e. Disciplinary Reprimand: Warning to the student that further misconduct may result in a more severe disciplinary action.
 - f. Educational Sanctions: In addition to Sanctions specified above, educational Sanctions that provide the student with learning, assistive or growth opportunities, research or reflective assignments, community services, values/ethics-based activities or other learning-based sanctions.
 - g. Housing Sanctions which may include, but are not limited to: University Housing Termination, Denial of Recontracting with University Housing, Administrative Room Moves, and Housing Probation. Students who are terminated from Housing or are Denied the ability to Recontract with University Housing are rendered ineligible to lease space in the Courtyards at Maryland and South Campus Commons apartment communities, as well as some University-owned Fraternity and Sorority houses.
 - h. No Contact Order.
 - i. Denial of Access to campus grounds and/or buildings.
- ii. For staff:
- a. Separation from employment, up to and including termination;
 - b. Suspension without pay;
 - c. Reassignment;
 - d. Written reprimand;
 - e. Education and training
 - f. No Contact Order; and
 - g. Denial of Access to campus grounds and/or buildings.
- iii. For faculty:
- a. Separation from employment, up to and including termination and loss of tenure;
 - b. Suspension without pay;
 - c. Reassignment;
 - d. Written reprimand;
 - e. Education and training;

f. No Contact Order; and

g. Denial of Access to campus grounds and/or buildings.

iv. For third parties:

a. Restrictions on participation in University programs or activities, attendance at University events, or ability to enter campus grounds and/or buildings.

c. The following factors will be considered before imposing Sanctions and other responsive actions on a Respondent:

i. The nature and degree of violence involved in the conduct at issue.

ii. The impact of the conduct on the Complainant.

iii. The impact of the conduct on the community and/or the University.

iv. Prior relevant misconduct by the Respondent.

v. Maintenance of a safe and respectful environment conducive to working and learning.

vi. Protection of the University community.

vii. Any other mitigating, aggravating or compelling circumstances appropriate to reaching a just and appropriate resolution.

d. The range of Remedies that may be provided to a Complainant:

The University may provide reasonable Remedies to a Complainant based on a determination of responsibility for a violation of the Policy. The range of Remedies that may be provided to a Complainant include, but are not limited to:

i. For students:

a. Supportive measures: such as extended classwork deadlines, flexible deadlines on course deliverables, change of venue for taking a test or exam, change in test or exam date and/or retaking of a test or exam.

b. Academic accommodations: such as retroactive drop from a particular class, retroactive withdrawal from a semester, policy exemption requests and/or tuition reimbursement.

c. Additional accommodations: such as a No Contact Order, Denial of Access for the Respondent, housing accommodation, course schedule changes, counseling, referral to University resources including CARE to Stop Violence, and/or referral to outside agencies.

ii. For staff:

a. Supportive measures: such as reassignment to a different shift, location, supervisor or work unit.

b. Additional accommodations: such as counseling, referral to University resources including CARE to Stop Violence, and/or referral to outside agencies.

iii. For faculty:

a. Supportive measures: such as reassignment of duties, change in work location, change in service assignments, change in reporting structure.

- b. Additional accommodations: such as counseling, referral to University resources including CARE to Stop Violence, and/or referral to outside agencies.
 - iv. For third parties:
 - a. Referral to outside agencies/resources.
 - b. Connection with another institution's Title IX Coordinator, if applicable.
- e. In the event of a written determination that the Respondent violated the Policy and that Remedies provided to the Complainant are warranted, the following will occur:
 - i. Remedies will be provided to the Complainant on a confidential basis.
 - ii. The written determination issued by the Hearing Officer will not include specific Remedies provided to the Complainant but will state whether Remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided.
 - iii. Remedies are considered confidential and the Respondent will not have access to specific information about what Remedies will be provided except to the extent that the Remedies are punitive and burden the Respondent.
 - iv. Remedies may not be appealed by either Party.
 - v. The University will not publicly disclose personally identifiable information about the Parties, the written determination, or the Sanctions, except as required by law.

9. Appeals

a. Bases for Appeals

Either Party may initiate this appeal process when the Party receives a *Written Notice of Designation* or a *Written Notice of Determination*. Appeals of a *Written Notice of Designation* are limited to where there is a decision to: (1) dismiss the Formal Complaint; or (2) not designate the alleged conduct as Title IX-based Prohibited Conduct. Appeals must be submitted in writing to the Title IX Officer within five (5) days of receipt of the Written Notice of Designation or the Written Notice of Determination. Appeals are limited to the bases listed below.

i. Procedural Irregularity

- a. In all cases, the procedural irregularity must be one that affects the ultimate outcome of the designation or the written determination.
- b. A procedural irregularity affecting the designation or the written determination may include: a failure to follow the University's procedures; a failure to objectively evaluate all relevant evidence, including inculpatory or exculpatory evidence; or a determination regarding what evidence was excluded as irrelevant.

ii. New Evidence

- a. New Evidence is evidence that was not reasonably available at the time the designation or written determination was made, and that is significant and relevant enough that it could affect the outcome.
- b. Evidence presented prior to the time the designation or written determination is issued does not qualify as new evidence, as it was reasonably available at the time.

iii. Conflict of Interest or Bias

- a. The Title IX Officer or designee, Investigator, or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the designation or written determination.
- b. Appeals submitted on the grounds of conflict of interest or bias should be based on the current case and process in question and will be assessed accordingly.

iv. Substantially Disproportionate Sanction as given within the *Written Notice of Determination*

- a. The Sanction set forth in the written determination is substantially disproportionate to the offense, which means it is unreasonable given the facts or circumstances of the particular Policy violation.

b. Appellate Hearing Officer

Appeals will be reviewed by the designated Appellate Hearing Officer(s) for all appeals of designations or written determinations under these Procedures. The Appellate Hearing Officer(s) will be determined in accordance with the Respondent's status, as explained below. The Appellate Hearing Officer(s) shall be free from conflict of interest or bias and shall not be the same person who reached the determination regarding the designation or the written determination, the Investigator, or the Title IX Officer. All Appellate Hearing Officers will have had no previous involvement with the case that the Appellate Hearing Officer(s) are assigned to review.

- i. Appeals involving a student Respondent shall be reviewed by a panel of trained Appellate Hearing Officers known as the University Senate Student Conduct Committee.
- ii. Appeals involving a staff or third-party Respondent shall be reviewed by the Vice President and Chief Administrative Officer (VP&CAO) or designee. The VP&CAO or designee may appoint trained staff members available to serve as an Appellate Hearing Officer. Appeals involving staff or third-party Respondents may be assigned to one such Appellate Hearing Officer on a rotating case basis.
- iii. Appeals involving a faculty Respondent shall be reviewed by the Senior Vice President and Provost (Provost) or designee. The Provost or designee may appoint trained faculty members available to serve as an Appellate Hearing Officer. Appeals involving faculty Respondents may be assigned to one such Appellate Hearing Officer on a rotating case basis.

c. Appellate Process

The appellate process following a *Written Notice of Designation* or *Written Notice of Determination* will proceed as follows:

- i. Appeals will be in writing only. There will be no Hearing.
- ii. Parties will have five (5) Days from receipt of a *Written Notice of Designation* or *Written Notice of Determination* to submit a written appeal statement challenging the decision.
- iii. Parties will be notified if the other Party files a written appeal statement and given notice in writing of the general grounds for the appeal. The other Party will be given five (5) Days from receipt of the other Party's written appeal statement to submit a written appeal statement in support of the designation or written determination.
- iv. The Title IX Officer or designee shall coordinate the scheduling of the Appellate Hearing Officer(s) and notify the Parties of the date of the appeal deliberation.
- v. The appeal deliberation is closed to the parties.
- vi. The Appellate Hearing Officer(s) will issue a written decision including its rationale, which decision shall be shared with both Parties, within ten (10) Days of the deliberations.

vii. The Appellate Hearing Officer(s) may:

- a. affirm the designation or written determination;
- b. overturn the designation or written determination;
- c. affirm the determination of responsibility and modify the sanction if it is found to be disproportionate; or
- d. remand the case to remedy procedural errors, remedy a conflict of interest or bias, or consider new evidence.

viii. The written decision by the Appellate Hearing Officer(s) is final and is not subject to further appeal.

ix. After the appeal process is concluded or when the time for filing an appeal has expired and neither Party has submitted an appeal, the Title IX Officer or designee shall notify the Parties simultaneously of the final outcome of the adjudication process.

x. The determination regarding responsibility for a violation of the Policy becomes final either on the date that the University provides the Parties with the written decision of the result of the appeal if an appeal is filed, or if an appeal is not filed, after the five (5) Day period for filing an appeal has lapsed. In cases that are remanded by the Appellate Hearing Officer(s), the determination will not become final until all remanded proceedings are completed.

10. Academic Transcripts and Effect of Withdrawal on Student Respondents

Following completion of all appeals processes, Sanctions of expulsion and suspension are permanently noted on a student Respondent's academic transcript. In the event a Respondent chooses to withdraw from the University prior to the resolution of a Formal Complaint, or where the Respondent declines to participate in the University proceedings under this Policy and Procedures, the University will continue the resolution process in accordance with these Procedures. When a Respondent withdraws before the conclusion of the resolution process, the Respondent is ineligible to return to the University until the resolution process has concluded.

11. Post-Resolution Follow-Up

After any Sanction 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 Sanction and/or Remedies that have been imposed. Any violation by a Respondent of the intent and purpose of any Sanction and/or Remedies imposed under the Policy, or a failure by a University employee to provide specified Sanctions or Remedies should be reported to the OCRSM. OCRSM will take appropriate steps to address any such violation or failure, or will refer it to appropriate University offices for review under other disciplinary procedures.

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 this Policy and Procedures.

¹ University employees may have additional reporting obligations under VI-1.50(A) University of Maryland Policy on the Reporting of Suspected Child Abuse and Neglect.

² See 34 C.F.R. § 106.30 (defining "Sexual Harassment" under Title IX).

³ This definition encompasses the FBI uniform crime reporting system offenses required by Title IX.

⁴ The statutory age of consent in Maryland is 16. See Md. Code Ann., Crim. Law §§ 3-301 to -307.

⁵ This mandatory dismissal is required by 34 C.F.R. § 106.45(b)(3)(i).



Establish a Master of Science in Information (PCC 23000)

PRESENTED BY Wendy Stickle, Chair, Senate Programs, Curricula, and Courses Committee

REVIEW DATES SEC – January 22, 2025 | SENATE – February 5, 2025

VOTING METHOD In a single vote

**RELEVANT
POLICY/DOCUMENT**

**NECESSARY
APPROVALS** Senate, President, USM Board of Regents, and the Maryland Higher Education Commission

ISSUE

The College of Information proposes to establish a Master of Science in Information. This program will only be available to students in the Information Studies Ph.D. program. The M.S. in Information will enable students to earn a Master’s degree upon completing 30 credits of coursework. The M.S. degree will primarily be an exit option for doctoral students who are not able to complete the doctoral program. This degree may also, on a request-only basis, be awarded to doctoral students in good academic standing who desire to receive additional credentialing.

Like the Ph.D. program, the M.S. in Information is grounded in the core values of information studies, including justice, inclusion, and access. Students gain expertise in research methodology and design, interdisciplinary theory, a comprehensive understanding of prior research in their field, and the ability to synthesize and apply this knowledge effectively. Additionally, they learn to create and disseminate original research. The program offers opportunities to focus on diverse areas of information science research, such as online communities, information systems, information policy, human-computer interaction, and digital cultural heritage.

Following the Ph.D. curriculum, students will be required to take three foundational courses, nine additional credits of research methods courses, nine credits of electives in a specialization area, and a three-credit summative assessment.

There will be no additional resources necessary for this program, as it will serve students in the already established Ph.D. program.

The proposal was approved by the Graduate School PCC committee on November 20, 2024, and the Senate Programs, Curricula, and Courses committee on December 6, 2024.

RECOMMENDATION(S)

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

COMMITTEE WORK

The committee considered this proposal at its meeting on December 6, 2024. Jeff Waters, from the College of Information, presented the proposal and answered questions from the committee. The committee approved the proposal.

ALTERNATIVES

The Senate could decline to approve this new academic program.

RISKS

If the Senate does not approve this new program, the university will forgo an essentially cost-free opportunity to award a degree to students who have successfully completed 30 graduate-level credits within the field of information studies.

FINANCIAL IMPLICATIONS

There are no financial implications with this program as it will not require any new instruction, facilities, or equipment. There will be no recruitment costs and the college's current administrative infrastructure is sufficient to support the students who will choose this option.

918: INFORMATION

In Workflow

1. INFO Curriculum Manager (jwaters4@umd.edu; tbezbabn@umd.edu)
2. INFO PCC Chair (vdiker@umd.edu)
3. INFO Dean (kworboys@umd.edu)
4. Academic Affairs Curriculum Manager (mcolson@umd.edu)
5. Graduate School Curriculum Manager (jfarman@umd.edu; rlong12@umd.edu)
6. Graduate PCC Chair (jfarman@umd.edu; rlong12@umd.edu)
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14. Graduate Catalog Manager (bhernand@umd.edu; fantsao@umd.edu)

Approval Path

1. Thu, 20 Apr 2023 15:28:31 GMT
Katherine Izsak (kworboys): Approved for INFO Curriculum Manager
2. Thu, 20 Apr 2023 15:38:46 GMT
Katherine Izsak (kworboys): Approved for INFO PCC Chair
3. Thu, 20 Apr 2023 15:39:00 GMT
Katherine Izsak (kworboys): Approved for INFO Dean
4. Wed, 13 Mar 2024 15:37:00 GMT
Michael Colson (mcolson): Approved for Academic Affairs Curriculum Manager
5. Thu, 17 Oct 2024 18:51:56 GMT
Ryan Long (rlong12): Rollback to Initiator
6. Thu, 17 Oct 2024 19:20:52 GMT
Tetyana Bezbabna (tbezbabn): Approved for INFO Curriculum Manager
7. Thu, 17 Oct 2024 19:45:44 GMT
Vedat Diker (vdiker): Approved for INFO PCC Chair
8. Thu, 17 Oct 2024 19:46:22 GMT
Katherine Izsak (kworboys): Approved for INFO Dean
9. Mon, 11 Nov 2024 16:57:49 GMT
Michael Colson (mcolson): Approved for Academic Affairs Curriculum Manager
10. Mon, 13 Jan 2025 19:26:52 GMT
Jason Farman (jfarman): Approved for Graduate School Curriculum Manager
11. Mon, 13 Jan 2025 19:27:33 GMT
Jason Farman (jfarman): Approved for Graduate PCC Chair
12. Tue, 14 Jan 2025 14:52:03 GMT
Stephen Roth (sroth1): Approved for Dean of the Graduate School
13. Wed, 15 Jan 2025 22:49:32 GMT
Wendy Stickle (wstickle): Approved for Senate PCC Chair

New Program Proposal

Date Submitted: Thu, 17 Oct 2024 19:13:20 GMT

Viewing: 918 : Information

Last edit: Tue, 03 Dec 2024 17:01:22 GMT

Changes proposed by: Jeff Waters (jwaters4)

Program Name

Information

Program Status

Proposed

Effective Term

Spring 2024

Catalog Year

2023-2024

Program Level

Graduate Program

Program Type

Master's

Delivery Method

On Campus

Departments**Department**

Information Studies

Colleges**College**

Information

Degree(s) Awarded**Degree Awarded**

Master of Science

Proposal Contact

Jeff Waters

Proposal Summary

We are proposing an "along the way" Master's program so that our doctoral students in the Information Studies PhD program (INFS) can earn a Master's degree if they complete significant time in the program but are not able to complete their program.

(PCC Log Number 23000)

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 M.S. in Information is an "along-the-way" masters degree program available only to our admitted Information Studies PhD students. This program will allow students to earn a Master's degree if they have completed all of their coursework and integrative paper (our college's version of the comprehensive exam.) This program will therefore share many aspects of the PhD program, which prepares students to address social and technical problems of today and tomorrow. The program draws on core values of information studies, including justice, inclusion, and access, and trains students to use these principles to facilitate the discovery of new knowledge. Students also master research methodology/design, interdisciplinary theory, knowledge of previous research in their area, the ability to synthesize and apply this knowledge, and how to create and disseminate original research. Students focus on diverse information science research areas, such as online communities, information systems, information policy, human-computer interaction, and digital cultural heritage.

Catalog Program Requirements. Please click on the help bubble for more specific information about formatting requirements.

This is a 30-credit non-thesis master's degree, with no thesis option. Degree requirements are categorized into four distinct sections: Information Studies coursework (9 credits), Research Methods & Design coursework (9 credits), Specialized Area Courses (9 credits), and the Integrative Paper / Summative Assessment (3 credits).

Course	Title	Credits
Information Studies		
INST800	The Engaged Intellectual: An Introduction to Research and Academic Work	3
INST801	Theoretical and Epistemological Foundations in Information Studies	3
INST802	Pragmatic and Methodological Foundations for Information Studies	3
Research Methods and Design		
		9
INST627	Data Analytics for Information Professionals	
INST633	Analyzing Social Networks and Social Media	
INST710	User Experience Research Methods	
INST725	Legal Research for Information Professionals	
INST735	Natural Language Processing	
INST737	Introduction to Data Science	
INST808	Seminar in Research Methods and Data Analysis	
Specialized Area		
		9
INFM600	Information Environments	
INFM603	Information Technology and Organizational Context	
INFM605	Users and Use Context	
INFM612	Management Concepts and Principles for Information Professionals	
INFM620	Introduction to Strategic Information Management	
INFM700	Information Architecture	
INFM711	Financial Management of Information Projects	
INFM714	Principles of Competitive Intelligence	
INFM718	Selected Topics in Information Management	
INFM732	Information Audits and Environmental Scans	
INFM735	Internship in Information Management	
INFM747	Web-Enabled Databases	
INFM757	Organizational and Business Process Modeling	
INST600	Foundations for Librarians and Information Professionals	
INST603	Systems Analysis and Design	
INST604	Introduction to Archives and Digital Curation	
INST607	Government Information	
INST608	Special Topics in Information Studies	
INST610	Information Ethics	
INST611	Privacy and Security in a Networked World	
INST612	Information Policy	
INST613	Information and Human Rights	
INST614	Literacy and Inclusion	
INST615	Information Professionals and the Law	
INST616	Open Source Intelligence	
INST617	Computational Journalism	
INST620	Diverse Populations, Inclusion, and Information	
INST621	Managing Digital Innovations in Organizations	
INST622	Information and Universal Usability	
INST630	Programming Human-Centered Interfaces	
INST632	Human-Computer Interaction Design Methods	
INST638	HCI Professional Preparation Seminar	
INST639	Practical Skills in HCI	
INST640	Principles of Digital Curation	
INST641	Policy and Ethics in Digital Curation	
INST643	Curation in Cultural Institutions	
INST644	Introduction to Digital Humanities	
INST645	Personal Digital Curation	

INST646	Principles of Records and Information Management
INST647	Management of Electronic Records & Information
INST650	Facilitating Youth Learning in Formal and Informal Environments
INST651	Promoting Rich Learning with Technology
INST652	Design Thinking and Youth
INST653	Introduction to Museum Scholarship
INST660	Strategic Leadership
INST661	Introduction to Game, Entertainment, and Media Analytics
INST670	Introduction to Javascript Programming
INST671	Introduction to Web Programming
INST673	Hands On Machine Learning with Weka
INST680	Health Informatics
INST681	Health Information Behavior
INST682	Personal Health Informatics & Visualization
INST701	Introduction to Research Methods
INST702	Advanced Usability Testing
INST703	Visual Design Studio
INST704	Inclusive Design in HCI
INST705	Game Design Studio
INST706	Project Management
INST711	Interaction Design Studio
INST713	Futures of Work
INST714	Information for Decision-Making
INST715	Knowledge Management
INST716	Information, Technology, and Society
INST726	Information Governance
INST728	Special Topics in Information Studies
INST729	International Opportunities in Information Studies
INST730	Games as Emergent Experiences
INST732	Entertainment Theory
INST733	Database Design
INST734	Information Retrieval Systems
INST736	Computational Linguistics II
INST741	Social Computing Technologies and Applications
INST742	Implementing Digital Curation
INST745	Introduction to Digital Arts Curation
INST746	Digitization of Legacy Holdings
INST747	Research in Advanced Digital Curation
INST750	Advanced Data Science
INST751	IoT and Streaming Data Analytics
INST752	Location Intelligence
INST753	Data Governance and Data Quality
INST754	Data Integration and Preparation for Analytics
INST755	eGovernment for Smart Cities
INST756	Information Risk Management
INST760	Data Visualization
INST762	Visual Analytics
INST764	Data Literacy for Arts and Entertainment Management
INST765	Programming on the Web
INST767	Big Data Infrastructure
INST771	Foundations of Cybersecurity
INST772	Policy and Practice of Ethical Hacking

INST773	Cyber Intelligence Fundamentals	
INST779	Readings Seminar	
INST782	Arrangement, Description, and Access for Archives	
INST784	Digital Preservation	
INST785	Documentation, Collection, and Appraisal of Records	
INST786	Museum Research Seminar	
INST811	Pedagogy and Curriculum Development	
INST878	Special Topics in Information Studies	
LBSC611	History of the Book	
LBSC641	Selecting and Evaluating of Resources for Learning	
LBSC644	Collection Development	
LBSC645	Literature and Materials for Children	
LBSC646	Literature and Materials for Young Adults	
LBSC647	Children's Services in the Public Library	
LBSC702	User Instruction	
LBSC706	Seminar in International and Comparative Librarianship and Information Science	
LBSC708	Special Topics in Library and Information Science	
LBSC709	Independent Study	
LBSC713	Planning and Evaluating Library and Information Services	
LBSC723	Advocacy and Support for Information Services	
LBSC724	Public Library Seminar	
LBSC731	Special Collections	
LBSC734	Seminar in the Academic Library	
LBSC741	Seminar in School Library Administration	
LBSC742	Collaborative Instructional Design and Evaluation	
LBSC745	Storytelling Materials and Techniques	
LBSC748	Advanced Seminar in Children's Literature	
LBSC753	Information Access in the Social Sciences	
LBSC770	Metadata and Tools for Information Professionals	
LBSC773	Classification Theory	
LBSC774	Seminar in Linguistic Topics	
LBSC775	Indexing, Abstracting and Thesaurus Construction	
LBSC786	Library and Archives Preservation	
LBSC789	Special Topics in Contemporary Archives	
Summative Assessment		3
INST789	Course INST789 Not Found (Non-Thesis Research)	

Total Credits **30**

Other courses may also count towards the specialized area course requirement as long as they are approved by the college and the student's advisor prior to registration. Any courses from outside the college will require approval from the home department/college.

Students who advance to candidacy but choose this degree option must petition the Graduate School to have INST898 credits count toward INST789.

****The material below is for the proposal but will not be included in the catalog in this format****

This program uses the existing courses and course structure of the existing PhD program. Students must complete a minimum of 30 graduate credit hours while matriculated at the University of Maryland. Course work is taken in three areas: Information Studies (9 credit hours- INST800, INST801, INST802); Research Methods and Design (9 credit hours, to be determined with their faculty advisor, including courses listed above) and specialized area(s) (9 credit hours, to be determined with their faculty advisor, including courses listed above). Students must also complete INST789 or have successfully completed comparable work. Any substitutions, such as work completed in INST898, would need to be approved by the Graduate School.

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 - 1st year

INST800 (3 credits, core course)

INST801 (3 credits, core course)

INSTXXX (3 credits, methods course)

Spring semester - 1st year

INST802 (3 credits, core course)

INSTXXX (3 credits, methods course)

INSTXXX (3 credits, specialized area course)

Fall semester - 2nd year

INSTXXX (3 credits - methods course)

INSTXXX (3 credits, specialized area course)

INSTXXX (3 credits, specialized area course)

Spring semester - 2nd year

INST789 - (3 credits)

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

Learning Outcomes

Synthesize concepts, ideas, and literatures foundational to the study of information;

Describe the diversity of theoretical and methodological frameworks in information studies;

Develop a collection of scholarly workflows, heuristics, and practices to produce high quality research in information studies;

Apply best practices in scholarly communication, including clear and succinct synthesis of prior literature, critical commentary, and compelling presentation of your own ideas;

Articulate an epistemological stance by recognizing what counts as data, evidence, and knowledge in the student's own work; and

Develop a personal philosophy about professional life which includes trajectories in research, teaching, service, and/or public engagement.

New Program Information**Mission and Purpose**

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

In line with UMD's mission of fostering a climate of intellectual growth that advances knowledge and that offers innovative instruction and scholarship, the INFO college envisions a world "where information and technology can be fully leveraged to solve real world problems and foster a culture of trust and respect." The iSchool's mission is to use groundbreaking research and innovative academic programs to strengthen information institutions, foster responsible information use, and harness data and technology for social, economic, and environmental good. The curriculum proposed for the M.S. in Information will provide students with crucial and foundational tools to broaden their understanding of the information field. This degree is intended to credential the difficult work that PhD students do as pre-candidates, to master advanced concepts around research, methodology, and scholarship.

Program Characteristics

What are the educational objectives of the program?

We seek to create this program in order to allow doctoral students who elect not to complete a dissertation to leave the program with a graduate degree, in order to reflect their years of coursework and research. In addition, we believe it will be valuable to PhD students who continue through the program to receive the master's degree upon completion of the first phase of their doctoral education.

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

The program will be available exclusively to students in the INFS doctoral program. Students will not be admitted to the program who are not already enrolled in this program. The M.S. in Information degree will primarily be an exit option for doctoral students who do not complete the doctoral program for a number of reasons including, but not limited to, those who fail to defend their dissertation. In addition to being an exit option for doctoral students, this degree may, on a request-only basis, also be awarded to doctoral students in good academic standing who desire to receive additional credentialing.

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.).

Pursuing a doctorate is a substantial undertaking, and students leave PhD programs for a variety of reasons, such as financial constraints, major life events, or an inability to conduct quality research at the highest level. We wish to provide an option for students who are unable to complete the doctorate to have their work officially recognized by the University through conferral of a Master's degree. While the exit option is the primary goal for this program, we also acknowledge that some doctoral students in good academic standing may benefit from the along-the-way credentialing that this degree would provide. Students who are in good academic standing and who meet the criteria may request the awarding of this degree. In a survey of all current INFO PhD students, 100% of respondents supported the need for an "along-the-way" Master's degree. Indeed, other academic units across campus offer such degrees, including, but not limited to: Linguistics; Animal Sciences; and Women's Studies. The M.S. in Information is designed to reward the preparatory work that doctoral students undertake prior to writing a dissertation.

Select the academic calendar type for this program (calendar types with dates can be found on the Academic Calendar). Please click on the help bubble for more specific information.

Traditional Semester

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

The proposed Master's in Information program will only have a non-thesis option. The summative assessment requirement will be met by successfully completing INST789, Non-Thesis Research, or by completing work in a comparable course (i.e. INST898, the INFO college's equivalent to comprehensive exams) pending individual approval by the Graduate School.

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

This takes place within the doctoral program, in which individual faculty members select students for admission based on a holistic review of their applications, which includes consideration of diversity, equity, and inclusion. We also address diversity, equity, and inclusion through funding programs aimed at converting high-quality, diverse admits into matriculations. Some of these include:

The Flagship Fellowship: awarded by the Graduate School. The iSchool can nominate up to 3 incoming students for the award. The Graduate School does not have any specific diversity guidelines or anything like that, but we look at diversity/ demographics as a program when choosing nominations. Faculty nominate students as they're going through applications, and then the Doctoral Committee makes final decisions. The award is for \$60K over 4 or 5 years.

The President's Fellowship: awarded by the Graduate School. The iSchool can nominate up to 3 incoming students for the award. The goal of the program is to increase doctoral program diversity. Faculty members nominate students as they review applications, and then the Doctoral Committee makes final decisions. The award is for \$40K over 4 or 5 years.

The Spectrum Doctoral Fellowship: awarded by a consortium. The Spectrum Fellowship is a collaboration between the American Library Association, the University of South Carolina, the University of Maryland, the University of Washington, Syracuse University, and Emporia State University. The goal of the fellowship is to develop future LIS faculty committed to fostering racial equity through teaching and research while also building capacity and cooperation amongst partnering LIS degree programs to expand social justice curricula and increase support for doctoral students and faculty in the field who are Black, Indigenous, and people of color. Spectrum Fellows receive a fellowship stipend plus summer salary and conference travel support.

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.

N/A

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.

N/A

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

N/A

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. Please click on the help bubble for a template to use for adding faculty information.

Academic direction and oversight for the program will be provided by the Doctoral Program Director. Decisions about the program will be handled in the Doctoral Program Committee, followed by the INFO Programs, Curricula, and Courses (PCC) Committee, using standard INFO procedures for curricular change.

Indicate who will provide the administrative coordination for the program

Administrative coordination for the program will be provided by the Doctoral Program Coordinator in collaboration with the Director of Graduate Operations.

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.

No new assessment should be needed given the structure of this along-the-way program and no new courses are being proposed as part of it. No additional resources should be required.

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

N/A

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.

All courses are part of the doctoral program, so no additional resources are required. Students in the existing doctoral program can take courses outside of the college with approval (see Catalog Program Requirements section above) but because this degree program is part of an existing program, there would be no additional effects on enrollment for non-INFO courses beyond what has already been agreed upon.

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

No additional resources for administration and advising will be required for the program, as these resources currently exist for the PhD program.

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. Please click on the help bubble for financial table templates.

No new resources are required for this program. We are working with the Provost's Office to develop the MHEC budget tables to reflect the cost of running the program.

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. Please click on the help bubble for more specific information.

The compelling need for the program comes from our Information Studies PhD cohorts—we want our students to know that leaving a PhD program is a viable option for them and that leaving is not a failure on their part. We have students leave the PhD program at various points in their time here, including some who have spent nearly a decade in the program. Currently, these students leave the program with no degree, meaning that we are now sending students into the workforce who are highly educated but who do not have the credentials necessary (a graduate degree) for many jobs for which they are academically prepared.

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.) Please click on the help bubble for specific resources for finding this information.

Approximately 10-20 students matriculate the PhD program each year. We hope that most of these students will persist far enough in the program to complete the M.S. As such, we do not believe that this program will flood the job market with new graduates.

The PhD in Information Studies is highly variable and individualized, as will be the MS in Information. As a result, graduates of the MS may go in a number of different directions, depending on how they constructed their coursework. The following areas are all possible and represent employment sectors that are projected to experience growth in both the short- and long-term, according to the State of Maryland:

Arts, design, entertainment, sports, and media occupations

Short-term growth: 4.6%

Long-term growth: 9.92%

Computer and information research scientists

Short-term growth: 5%

Long-term growth: 16.78%

Computer occupations

Short-term growth: 4.2%

Long-term growth: 15.4%

Data science and mathematical science occupations

Short-term growth: 7.7%

Long-term growth: 30.46%

Databases administrators and architects

Short-term growth: 2.7%

Long-term growth: 9.73%

Education administrators, postsecondary

Short-term growth: 4.2%

Long-term growth: 13.76%

Instructional coordinators

Short-term growth: 5.7%

Long-term growth: 10.59%

Librarians and media collections specialists*

Short-term growth: 4.3%

Long-term growth: 12.17%

Librarians, curators, and archivists*

Short-term growth: 3.3%

Long-term growth: 9.37%

Management occupations

Short-term growth: 4%

Long-term growth: 11.95%

Statisticians

Short-term growth: 6.7%

Long-term growth: 25.57%

Social scientists and related workers

Short-term growth: 2.8%

Long-term growth: 5.26%

Teachers and instructors

Short-term growth: 4.7%

Long-term growth: 1.34%

Web developers and digital interface designers

Short-term growth: 3.1%

Long-term growth: 12.98%

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. Please click on the help bubble for specific information on finding similar programs within the state.

The doctoral program is unique within the state, and this degree will be part of the doctoral 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?

There are no masters or doctoral programs in Information Studies at a Maryland HBI. We do not anticipate any overlap.

Reviewer Comments

Ryan Long (rlong12) (Thu, 17 Oct 2024 18:51:56 GMT): Rollback: Returning to proposal initiator upon his request.

Key: 918

REPORT OF THE UNIVERSITY OF MARYLAND

Joint President-Senate Task Force on Antisemitism and Islamophobia



FALL 2024

CONTENTS

- 1 **Introduction: Task Force Mandate**
- 4 **The Task Force Path**
- 6 **Campus Experiences**
- 9 **Instances of Campus Tension**
- 15 **Campus Police Reports**
- 16 **Putting Incidents in Wider Context: Campus Belonging & Community Survey Findings**
- 25 **Existing University Rules, Programs, and Guidelines**
- 27 **Balancing Free Speech with Safety and a Culture of Understanding**
- 28 **Recommendations**
- 32 **Appendix 1 Joint Presidential-Senate Task Force on Antisemitism and Islamophobia Charge**
- 35 **Appendix 2 University of Maryland Campus-Level Policies and Procedures Relevant to Antisemitism and Islamophobia**
- 38 **Appendix 3 University of Maryland Campus-Level Resources for Safety and Security on Campus**
- 40 **Appendix 4 Joint Task Force on Antisemitism and Islamophobia MEMO**

INTRODUCTION: Task Force Mandate

The past year has been difficult and painful for many on our campus, as members of the University of Maryland (UMD) community have watched from a distance the massive scale of casualties and suffering in Israel, Gaza, and beyond that continue to mount to the present moment. The traumatic loss of life and human agony caused by the attacks in Israel on October 7, 2023, and by the subsequent war in Gaza, coupled with the expansion of violence more broadly through the Middle East have caused distress and stimulated deep sympathy among many members of the campus community, whether they have personal relationships to people who are directly or indirectly impacted, or simply have felt moved by the depth of the tragedy. For some Arabs, Israelis, Jews, Muslims, and Palestinians on our campus,¹ these responses have been deepened by concern, sometimes accompanied by fear and feelings of helplessness, that current tensions could cause deep polarization, hostility, or outright violence on our campus.

In the context of these challenges, the President of the University of Maryland and the University Senate created the Joint Task Force (JTF) on Antisemitism and Islamophobia. The mandate of this Task Force is to address and assess the impact of antisemitic and Islamophobic acts and events on campus. It was made clear from the outset that the focus of our work is not on universal definitions of concepts but on the practical issues impacting our campus community, especially Jews (as well as Israelis, including those who may not be Jewish); and Muslims (as well as Arabs, including Palestinians, some of whom may not be Muslim).

In his charge to the JTF, University President Darryll J. Pines emphasized the focus of this mandate (See Appendix 1): “Recognizing the importance of fostering an environment of diversity, equity, inclusion and combating unlawful discrimination and harassment, the Joint President–University Senate Task Force on Antisemitism and Islamophobia **will examine applicable university policies and practices to identify areas for improvement. It will recommend actionable strategies to address and mitigate future hate-bias incidents of antisemitism and Islamophobia.**”

The focus on our campus and the policies and practices of the University of Maryland in particular has provided the JTF with a clarifying perspective, one that is shaped by our awareness of the diversity of the UMD community. Home to about 6,000 Jewish undergraduates and 4,500 Muslim undergraduates (as well as many Arab students who are not Muslim and Israeli students who are not Jewish), the UMD campus has a responsibility to create a safe and welcoming space for learning and student development. This diversity is paralleled in the faculty, staff, graduate students, and other community members who are Arab, Israeli, Jewish, Muslim, and Palestinian, and who wish to live, work, and learn in a space that is safe for religious, ethnic, and cultural minorities, and also safe for free speech and a pluralistic outlook. But the diversity of our University community goes well beyond Arab, Israeli, Jewish, Muslim, or Palestinian, and the tensions of the current conflict affect us all: faculty members who teach related topics at a time when national polls

¹ This report pays particular attention to the experiences of Arabs, Israelis, Jews, Muslims, and Palestinians at the University of Maryland. After thoughtful discussion, the members of the Joint Task Force decided to use alphabetical listings to refer to these social groups. The choice to refer to antisemitism (lowercase and without a hyphen) and Islamophobia (uppercase) similarly resulted from a discussion of Task Force members in light of common convention.

have documented significant self-censorship on the part of scholars of Israeli-Palestinian subjects; graduate student instructors attempting to balance their responsibilities in the classroom and the limits on their personal expression; people in positions of responsibility who are thrust into a high-stress environment on issues they do not deal with regularly and with few resources to support them; and the many caring members of our University community who have been appalled and moved by the horrific loss of life and immense suffering in Gaza and Israel, regardless of their personal sympathies with either side of the conflict.

Universities are not islands. They are greatly impacted by the broader national and international environments around them. Our campus indeed has been impacted by a national conversation that is both polarized and political, colored by regular news reports of violent clashes at other institutions of higher education, concerns about a significant increase in [hate crimes](#) against Jews, Muslims, and Arab Americans, as well as high-profile congressional hearings that emphasize antisemitism on college campuses. Disagreements on international political issues also contribute to polarization on campus, especially given the United States government's significant military, financial, and diplomatic role on the Israeli-Palestinian issue and the Middle East more broadly.

On all sides of the conflict, many members of our campus community have loved ones who have suffered severely. Many have strong religious, ethnic, and ideational attachment to one side or the other. Each member and community at UMD must be equally protected, the rights of each member guarded in a manner that does not at the same time undermine the rights of another. It is especially in this spirit that our Task Force has appreciated the dual aim of understanding the climate on campus for both Muslims and Jews. Consideration of both communities, in conversation with one another, has shed greater light on each while generating insights that would have been unlikely under more limited circumstances. It has especially revealed the extent to which the issues are inevitably interconnected, and the need for our campus to assure that defending the rights of one community does not come at the expense of another.

University Mission and Character

Our work as a Task Force was guided by the University's [mission statement](#), which states that

to continue to realize its aspirations and fulfill its mandates, UMD nourishes a climate of intellectual growth and mutual respect, advances knowledge, and provides outstanding and innovative instruction in a broad range of academic disciplines and interdisciplinary fields. It strives for excellence in all of its activities, including academics, the performing arts, and intercollegiate athletics. UMD strives to support a healthy, diverse, and united student community that is committed to common values of scholarship, service, and philanthropy and that actively combats toxic cultures marked by unfair exclusion and abuse.

The diversity of UMD is a celebrated part of campus character. The lodestar of any academic community, and certainly ours, is a commitment to free speech, which is essential for protecting its vibrant diversity. It is with this value in mind that the University has chosen not to create or impose a

speech code on campus (Office of General Counsel, “[Freedom of Speech on Campus](#)”), observing that, “History shows that marginalized communities have successfully promoted their interests because of the right to express their views. In fact, marginalized communities have been silenced by speech codes and other regulations against ‘offensive’ speech.”

At the same time,

while free speech and expression is a constitutional right, it is not boundless and should be weighed with its impact on others. [University policy](#) does not allow for individuals to obstruct, disrupt, interrupt, or attempt to force the cancellation of any program, event, lecture, or seminar hosted by the university or those authorized to use our spaces. No one is permitted to disrupt campus operations or our ability to move about, or engage in unlawfully harassing, physically abusive, threatening, or lewd or obscene conduct toward any person. In the state of Maryland, disruptive activities and behavior may also be subject to criminal charges (Darryll J. Pines, “[Valuing Freedom of Expression](#)”).

Rules intended to guard the rights of every member of our community must be followed and violators must be held accountable. At the same time, the principal mission of universities is one of advancing knowledge, fostering intellectual curiosity, and supporting the development of critical thinking. Universities are entrusted with young people at critical stages of their lives, at a time when they are exploring possibilities far beyond what they may have experienced before. Some will occasionally err, as mistakes are an inevitable part of learning. Except in extreme cases of crime, they deserve compassion and guidance, not stigmatization that leaves them exposed and vulnerable, undermining their future.

Grasping the Moment

We must start with understanding, both emotional and intellectual. Times of crisis create highly polarized environments, especially with one or both sides perceiving the threat they or their communities face to be existential, as has been the case in the war in Israel and Gaza in recent months. This entrenchment is further intensified when both sides have decades-old histories of struggle and bloodshed, which have resulted in traumas that exacerbate the fear of the moment. In the face of death and destruction, it is natural to focus on one’s own suffering, as hearts harden, and demonization of others becomes commonplace. Dialogue and mutual understanding are part and parcel of the culture we aspire to cultivate, especially in the face of painful discord. At the same time, we understand that, especially in the heat of a crisis, such dialogue may not be easy or even possible. Understanding starts by giving those in pain the space, the time, the right, to mourn those they love, to empathize with those with whom they identify, to be who they are.

The Task Force Path

ON JANUARY 31, 2024, the Joint Task Force (JTF) – made up of 26 members of the University community, including faculty, staff, undergraduates, and graduate students, including two co-chairs, all selected by the University President and Senate – was charged by President Pines (see Appendix 1). He encouraged the Task Force to work under the broader umbrella of the University’s TerrapinSTRONG initiative and requested that all members be in fellowship around the confidentiality of the work process.

The chairs of the JTF created four subcommittees whose members met in person the following week to outline the work that they would be undertaking. These subcommittees were tasked with addressing four aspects, respectively: UMD policies and procedures; campus safety and security; the current climate on campus; and campus engagement. The subcommittees created their own work schedules, which included weekly discussions, interviews with relevant members of the campus community, and analysis of the data they collected.

ON FEBRUARY 16, the members of the Joint Task Force met and discussed their own experiences on campus in light of the events of the past semester. Members expressed concern about tensions on campus and articulated the desire to create an atmosphere in which all members of the community could feel safe and learn from one another. Multiple participants emphasized the need for support of students, especially noting the fear felt by Israeli and Jewish students and the erasure experienced by Arab, Muslim, and Palestinian students on campus. The needs of staff and faculty across campus units were also highlighted. While this discussion was grounded in the events of the past six months, several longer-term concerns arose: the ongoing mental health crisis among students and other members of the campus community, and the need for attention to religious, ethnic, and cultural identity as facets of diversity on campus.

ON MARCH 1, the Task Force met with three campus chaplains: Rabbi Ari Israel (UMD Hillel), Father Conrad Murphy (Catholic Student Center, UMD), and Imam Tarif Shraim (Center for Muslim Life at Maryland). In addition to highlighting the need for empathy – and a greater respect for religion on campus – this discussion introduced the Task Force to the useful distinction between experiences of being uncomfortable, unwelcome, and unsafe. Experiences of intellectual discomfort are intrinsic to the nature of a college campus, and personal discomfort, too, is a necessary aspect of living in a community that values free speech. For members of the community to feel unwelcome or indeed unsafe, in contrast, raises concerns.

At the MARCH 13 meeting, the Task Force subcommittees provided an initial report on their work, which included identifying current policies and structures relevant to campus safety, diversity, antisemitism, and Islamophobia. The findings of the subcommittees are discussed at length below.

The MARCH 29 AND APRIL 8 Task Force meetings focused on student experience, with presentations by Patty Perillo (vice president for student affairs) and multiple student speakers. This session emphasized for Task Force members the extremely high stakes and high tension of the current moment, as well as the importance of recognizing the range and depth of distinct experiences and views on campus. The Task Force took away from this session a new focus on the need to think in terms of competing truths and fundamentally conflicting narratives, rather than viewing ongoing conflicts as a matter of misunderstanding or ignorance.

The **APRIL 8** meeting also included discussions of faculty experiences on campus. While the general sense was that faculty experiences at UMD are better than those at some other campuses, faculty spoke of the need to self-censor, of feelings of walking on eggshells, and of a cooling of relationships with longtime colleagues around responses to the current conflict. Some Jewish and Muslim faculty members expressed concern about their own visibility (for example, in terms of wearing religious or cultural symbols on campus). A major source of tension among faculty centered on the publication of letters and statements (discussed further below). Other concerns centered on organized protests by parents, alumni, or others off campus.

The **APRIL 26** meeting was held during the period of active sit-ins on campus, which provided the Task Force with an opportunity to think about the immediate and practical implications of our work, while engaging with reports from the subcommittees on their work. As in earlier meetings, members of the Task Force were impressed with the choices of students and the University administration, while recognizing a level of tension on campus that is unprecedented in recent history.

At the **MAY 8** meeting of the task force, Dean Susan Rivera (College of Behavioral and Social Sciences) and Dean Stephanie Shonekan (College of Arts and Humanities) discussed the current campus atmosphere from the perspective of the academic administration. They noted that their faculty members, many of whom engage in scholarship on topics relevant to the current conflict, are feeling intense stresses in light of current circumstances.

The **MAY 24** meeting comprised presentations on Islamophobia by Professor Sahar Aziz (Rutgers University Law School) and on antisemitism by Associate Professor Maxine Grossman (director of the Joseph and Rebecca Meyerhoff Program and Center for Jewish Studies at UMD and co-chair of the JTF). Elements of their presentations are discussed at greater length below, but certain observations were common to both presentations. Chief among these was the need to recognize the generational trauma experienced not only by Jews and Israelis on campus but also by Arabs (including Palestinians) and Muslims. Task Force members emphasized that disagreements need to be acknowledged and cannot be reduced to a common denominator, which in turn requires addressing the question of how to hold discourse together while allowing for quite painful and uncomfortable conflict.

On **JUNE 6**, the Task Force welcomed Frederick Lawrence, former president of Brandeis University, who spoke on the nuances of free speech in academic settings. Like other speakers, he engaged with the concept of safety on campus, while urging the Task Force to highlight the nuance of this concept: intellectual safety is not something to be sought, but community members need to be physically safe to benefit from being intellectually challenged. We also heard from Jen Gartner, deputy general counsel at UMD (and a member of the JTF) about University policies regarding free speech.

Separately, the subcommittees held regular meetings – on their own, sometimes with the JTF co-chairs, and also with each other – to coordinate and report their findings. Lead members of each subcommittee served as part of the JTF drafting committee.

The work of the Task Force after June 6, including both formal meetings and informal discussions, focused on an assessment of campus climate and structures of support for religious, cultural, and ethnic diversity, as

we anticipated access to preliminary data from the University climate survey. The co-chairs continued to meet at least once weekly, including during the summer, and to hold follow-up meetings with University faith leaders.

In what follows, we present our findings and recommendations to the University community.

Campus Experiences

The responsibilities of the Joint Task Force included understanding, assessment, and recommendation. The first, and perhaps most difficult responsibility was to gain an understanding of the experiences of the campus community – individuals, groups, and the campus as a whole -- in response to the ongoing war in Israel and Gaza. The focus of this understanding was not on the larger geopolitical conflict but rather on the experience of people on campus and especially their ability to speak freely about the sadness, anger, and frustration that they were feeling. Focusing on campus experiences allowed the Joint Task Force to think in practical and meaningful ways about the challenge of giving space to one another and respecting differences among members of the campus community, even in cases where those differences seem intractable and potentially hostile. The assessment of the current state of affairs on campus showed that protests on campus have been within the standards of free speech and communal norms, and counter-protests have also been within those boundaries. This does not mean that the experience has been easy. Many community members have felt alienated, disrespected, and fearful at times over the past year, and others have felt unseen and unheard as they attempted to carve out a meaningful response to extraordinary suffering that has sometimes been presented as comprehensively binary. Following a discussion of the atmosphere on campus and the events that have contributed to it, this report will conclude with recommendations for future actions.

Pain and Grief, Discomfort Versus Safety

The testimony provided to the Task Force by students, faith leaders, subject experts, and other guests reflected a notable degree of pain and grief. If Task Force members came away from this testimony with one overarching message, it was a reminder of the suffering that many members of the campus community have felt for the past year and continue to feel for friends, family members, and people far outside their own everyday circles.

One of the important distinctions that became clear to the Task Force, both from expert testimony and our own discussions, was between the experience of feeling uncomfortable and that of feeling physically threatened and unsafe. The University has a responsibility to keep all members of the campus community safe from harm or imminent threats of any kind. Indeed, as one of our free speech experts framed it, “you need to be physically safe to be intellectually challenged.” At the same time, as an institution whose mission encompasses intellectual growth for all participants, a commitment to engaging with unsettling or uncomfortable facts and ideas is necessary. To address conflicts without making others feel unsafe requires

high standards of collegiality and pluralism. In return, community members must expect and be willing to feel uncomfortable and to see their fundamental assumptions challenged.

In our meetings, the JTF heard about broader sources of concern that go well beyond our campus, elevating the fears especially of many Jews and Muslims in times of pain and crisis, as we have all witnessed over much of the past year. These reports and viewpoints came from the testimony of and conversations with University faith leaders; presentations from members of our community; and expert talks on Jewish and Muslim perceptions of antisemitism and Islamophobia. The testimony we heard was detailed and powerful, and it made apparent that neither Jewish/Israeli nor Muslim/Arab members of our community, or beyond, are monolithic in the way they define themselves, view antisemitism and Islamophobia, or take positions on conflicts in Gaza, the West Bank, and Israel.

The Context of Fear Goes Beyond the Ongoing War

The JTF heard a presentation on antisemitism that noted that many Jewish members of the UMD community experienced the attacks of October 7 in the context of larger fears about rising antisemitic incidents in the United States. Over the last decade, American Jewish communities have been shaken by a series of shocking antisemitic events, including the “Unite the Right” rally in Charlottesville, VA (August 2017), the fatal attacks at the Tree of Life synagogue in Pittsburgh (October 2018), and a similar attack in Poway, California, exactly six months later. Random attacks on Jewish people – or people perceived to be Jewish – have also caused fear and distress among American Jews. Organized responses to these attacks – including a massive and costly effort to increase security in synagogues and other communal buildings – were accompanied by disappointment and disbelief that such responses were even necessary.

The events of October 7 were also experienced by many Jews in the context of a shared history of trauma. Both on campus and beyond, Jewish community members saw in the violence of October 7 an example of Jewish death and suffering unmatched since – and consequently evocative of – the Nazi Holocaust.

The interconnections that many Jewish Americans make between controversies over Zionism and threats to Israel was also an important aspect of this presentation. The concept of “Israel” is central to many modern Jews, and the modern state of Israel is only one facet of that larger relationship. The term itself can be a religious reference to an ancient people (“the children of Israel,” “the Israelites”) but also serves as a collective religious designation for many Jews today. For some of our Jewish speakers, this understanding of Israel is the basis for a theological or communal appeal to Zionism, which they define as “the enduring desire of the Jewish people to live safely in their ancestral homeland.” This in turn can make anti-Zionism feel to many Jewish people like a larger threat to Jews and their well-being. American Jews vary widely in their tolerance for criticism of the state of Israel, but most share a desire that Israel’s existence as a Jewish state be acknowledged and not be challenged.

This fear of antisemitism and its consequences has shaped the way many Jews understand the war in Gaza and its implications on the American national conversation. Many Jewish Americans, on campus

and elsewhere, are experiencing a lingering fear that the deep anger expressed toward Israel over its Gaza actions may harbor or turn into a hatred of Jews or violence against Jews more generally, even if that may not be the intent of those protesting Israeli military actions.

The JTF also heard testimony, as well as member interventions, about the broader context of fears experienced by many Arab and Muslim Americans. The historical context for the experience of Arab, Muslim, and Palestinian students is important for an understanding of their experience on campus today. The majority of today's undergraduates were born after 2001 and have lived their entire lives in a legal, cultural, and societal frame that has the capacity to paint Arabs and Muslims as variously foreign, unwelcome, or potentially dangerous. Numerous students shared experiences of being labeled terrorists or terrorist sympathizers and experiencing ridicule for their religion, culture, or national origin. As explained by some of our speakers, having developed a relatively high tolerance for such behavior, these students are less likely to report hostile incidents or demand redress, as they have come to see their predicaments as a fact of life or fear their complaints would go unheard or result in backlash or sanctioning.

A related concern raised by one expert speaker was the assumption by some people that Arabs, Muslims, and Palestinians are likely antisemitic, especially when they defend the rights of Palestinians or comment on the humanitarian crises that are offshoots of the current war. This implied accusation, the speaker argued, is in itself an Islamophobic generalization and creates a starting point of distrust rather than respect. The requirement that academic supporters of Palestine begin with the acknowledgment that "Israel has a right to exist," the speaker noted, is a limit on intellectual freedom, grounded in unfair assumptions. In addition, it was noted, it is not accompanied by a parallel demand to begin by acknowledging Palestinian indigeneity and rights to a Palestinian state in their land, even as some variants of Zionism reject that Palestinians belong or are entitled to equal rights.

The discussion of national legitimacy reveals deep undercurrents of fear and anxiety on all sides of the current conflict; recognizing the convictions and fears expressed by the different segments of our community is central to nurturing an environment of intellectual and emotional understanding even while recognizing that issues of sovereignty and territorial claims in international relations are normally arbitrated through international organizations, especially the United Nations Security Council.

For Arabs, Muslims, and Palestinians in the UMD community, fears of physical violence have been equally concerning. In light of the current conflict and the large-scale humanitarian crisis in Gaza that has gone unchecked, many on campus worry about a dehumanization of Palestinians, Arabs, and Muslims here in America as well. Violent attacks on Palestinian Americans have included the shooting of three Palestinian students walking home from a Thanksgiving dinner in Burlington, Vermont (November 2023) as well as the murder of a six-year-old boy in Illinois in October 2023 and the attempted murder of a three-year-old girl in Texas in May 2024.

Instances of Campus Tension

We begin by describing some instances of tension on campus that have been reported either publicly or directly to us. We recognize that this is by no means a comprehensive treatment. The purpose of this section is to provide a sample of the issues and behavior that have led to discomfort or tension among segments of the campus community. To gain a more accurate measure of the prevalence of discomfort among our entire campus community, including students, staff, and faculty, we will follow with analysis of data from a campus-wide survey, which will enable us to place these reports in a broader context.

Campus Housing

For the 11,500 undergraduates living on campus and in campus-partnership housing, the University is not only a place of learning but in fact a home. Numerous students have reported experiencing tension and conflicts with fellow students in university housing, in contexts that are often anonymous and asynchronous. Residence Hall “whiteboards” (dry-erase boards hung on many students’ doors) are ready targets for hostile graffiti, back-and-forth arguments, and even harassment. Such behavior creates discomfort, but it also has the potential to make some students feel unsafe. Police reported at least one hate bias incident of a swastika being posted on a whiteboard in the past year. Because such incidents have also occurred in previous years, it is unclear whether these incidents were directly related to the war in Gaza.

Off-campus students have also experienced tension with neighbors and passersby. In one incident this past April, a group of about seven people walking on a street south of campus passed an upper-story apartment with an Israeli flag hung from its balcony. On a video recorded from the apartment, members of the group can be heard shouting, “Ceasefire, Now!” and “Free Palestine!” but also – once – “F--- Jews!”

Classroom Climate

Academic classrooms have also been a place of tension in the past year, as faculty and students negotiate discussions of challenging topics in light of sometimes contradictory expectations. Some tensions should not be surprising: students in classes whose subject matter directly relates to Jewish or Islamic Studies, Israel Studies, Middle East Studies, or other similar fields must expect to confront data, interpretations, and arguments that are unfamiliar and which they might find challenging, hostile, or even unfair. In classes on topics of less direct focus, students and faculty alike experienced challenges around the questions of relevance and appropriateness. Should faculty speak out about current circumstances in their classes, even if their subject matter is not directly related? The issue is especially sensitive for instructors whose fields embrace a professional model of scholar-activism. In late October, the College of Arts and Humanities sponsored a graduate student Zoom forum, “Teaching During Challenging Times,” in which instructors explored precisely these challenges and discussed some ideas for managing them in the classroom.

A particular concern for some faculty members is the worry that support for Palestine could impact their careers, given numerous past and current documented cases of censure and sanctioning of faculty by U.S. universities, as well as doxing and intimidation by outside groups for faculty who are perceived to express pro-Palestinian views at U.S. universities. Nationwide, faculty self-censorship on the Israeli Palestinian issue has been documented on both sides, and we have heard such concerns expressed by UMD faculty with a variety of political perspectives.

Over the course of the academic year, the University received a handful of complaints related to the classroom, including several complaints about instructor comments in class, the content of PowerPoint slides, or matters related to attendance and extra credit assignments for attendance at a pro-Israel rally. All reported incidents were investigated and addressed by UMD in accordance with its applicable policies and procedures.

Professional Atmosphere

The University is a space for education but also a place of employment, and the experience of campus staff members deserves our unique focus. Staff and administrators, whose role on campus is usually not measured in credit hours or even semesters, come to the University each day to do their jobs, develop their professional careers, and be part of a fulfilling workplace environment. Their needs and interests are not always the same as those of faculty and students, and their tenure on campus can last much longer.

The JTF has heard ubiquitous concerns about “silencing” in campus professional spaces. Supporters of both Israeli and Palestinian causes as well as some people who identify as Arab, Israeli, Jewish, Muslim, or Palestinian have felt a distinct “cooling” in their workplace communities. Faculty and staff across academic departments and in the libraries have spoken to a sense of tension with long-time colleagues and a general difficulty in discussing facts, opinions, or interpretations of ongoing events. In some cases, the pain is too great. In others, the trust is not there. Still others find the entire discussion uncomfortable.

Another challenge for university staff, especially those in high-profile administrative positions, is the sudden burden of unfamiliar pressures for which they are unprepared. Campus offices have been inundated with thousands of communications from all sides, on issues that are complex and may be completely unrelated to staff members’ regular responsibilities. The added stress and time commitment that result from such experiences can impact both staff morale and the professional atmosphere in which they work.

Campus Activism and Sharing Public Spaces

Campus activism on the Palestinian-Israeli issue has a history that long precedes October 7, as the conflict has been ongoing for decades. Pro-Palestinian groups, for example, have engaged in a Boycott Israel Fest each year in response to the annual Israel Fest event, which celebrates Israeli culture and the founding of the state of Israel. But the past year witnessed new levels of intensity by both pro-Israeli and pro-Palestinian groups.

Throughout the past year, and especially during the period of intense public tension in the last months of the spring semester, the University of Maryland has been a model for public civility. Civility has not meant an absence of tensions, or even an atmosphere of quiet, but rather a management of those tensions and a generalized commitment to civil engagement and avoidance of conflict whenever possible.

In the period following October 7 and the start of the war in Gaza, the University saw a number of formal and informal public gatherings. A memorial vigil for the victims of the October 7 assault was attended by about 1,000 people, including President Pines, who spoke at the event (October 9, 2023; [“UMD community members gather”](#)). A similar vigil in support of Palestine drew about 200 people to McKeldin Mall later the same week (October 12, 2023, [“UMD students hold vigil”](#)). A walkout organized by Students for Justice in Palestine (SJP) later in the month drew more than 300 people, who participated in both a march at McKeldin Mall and a subsequent campus rally (October 31, 2023; [“Hundreds protest”](#)). Terps for Israel hosted a “Day of Kindness” event on Hornbake Plaza the same day ([“Hundreds protest”](#)).

Public discourse in the form of letters and statements also drew attention on campus this year. Multiple letters by groups of faculty members (e.g., [“On the Israel and Palestine Issue”](#); [“Letter to the Editor”](#)), and additional public statements by academic units, argued variously for the support of Palestine, Israel, and the right to engage in public critique ([“UMD community members author multiple letters”](#)). Tension arose among some faculty members about the tone of these letters and their potential impact on the campus atmosphere. Student supporters of Palestine also expressed worries that they might be graded unfairly if they took classes with professors who signed one pro-Israel letter.

The first SJP sit-in took place in Hornbake Plaza (November 9, 2023; [“UMD community members call”](#)), which was the site of multiple pro-Palestine demonstrations from November 2023 until late spring 2024. Hornbake Plaza and McKeldin Mall have been designated by University administration as the two free-speech areas on campus.

This first sit-in attracted public attention not only for its crowd of 350 participants, but also because of two brief moments captured and shared widely on social media. The first of these concerned a brief conversation between supporters of Israel and supporters of Palestine, who met after the rally and chatted briefly together. A photo of the exchange, widely spread across social media, highlighted the potential for civility in times of conflict.

The other image, which was spread equally widely, created a different impression. At the rally, whose chants included “Free, free Palestine!” and “Ceasefire Now,” students chalked messages in support of Palestinians, including the phrase “Holocaust 2.0.” The Holocaust message – which was written by one protestor and shortly afterward erased by leaders of the protest – was understood by protestors and many on campus to refer to Palestinians as victims and not as a threatening gesture toward Jewish people. Others on campus, however, viewed the statement as a reference to the Nazi Holocaust, and it was widely distributed on social media through early 2024, where it was often understood in this way.

One measure of campus tension is the increase in reports to the University’s Bias Incident Support Service office. BISS had received 112 incident reports by the end of November 2023 (in contrast with only 30

incidents in the same period the previous year; “[UMD sees 46 hate bias incident reports](#)”). None of these reports reflected open violent clashes.

Another measure of the campus atmosphere is the level of criticism of some campus policies. Pro-Palestine activists, in particular, expressed frustration during the spring semester with policies designed to limit the location of protest actions and especially the permissible location for chalking messages on campus (reduced during the year to two specific spots on campus). The JTF also heard complaints that reports about pro-Palestine chalking led to premature erasure of chalked messages.

Early 2024 saw more events and protests on campus, including a January 24 vigil in which 3,000 white flags were placed on McKeldin Mall to commemorate the Palestinians killed in the war in Gaza (“[UMD student groups](#)”). By late February, Hornbake Mall became a regular site for pro-Palestinian demonstrations, hosted by SJP, Jewish Voice for Peace (JVP), and a coalition of student organizations calling for an end to violence in Gaza and the University’s divestment from corporations that are benefiting from what they believe to be the oppression and indiscriminate killing of Palestinians.

The events on Hornbake Mall complied with University policies regarding location and type of protest. However, for students whose spring semester classes met in the buildings on that quad, there was no alternative path to class. When asked about their experiences, some Jewish and Israeli students expressed discomfort, and some expressed distress. All were clear that the situation did not reflect an imminent danger to them physically, but a significant number found the experience unwelcome and disturbing.

The period of greatest tension on campuses across the country began in mid-April, with a national movement of pro-Palestine encampments and sit-ins. University of Maryland’s sit-in began on Monday, April 22 (“[UMD community members](#)”), with a rally and march on McKeldin Mall. Unlike encampments at schools including UCLA, Columbia University, and neighboring GWU, the sit-in at the University of Maryland followed University regulations regarding time, location, and manner of protest and took the form of daytime sit-ins, rather than overnight encampments. The implications of this choice are worth noting: the UMD sit-in had a safer atmosphere, required less security support, and was less attractive to non-campus participants. Students predominated at the sit-ins, which included both active rallies and periods when participants simply sat and spent time together.

The sit-ins continued through early May, largely on the lower portion of McKeldin Mall, opposite the Miller Administration Building. An exception was on May 7, when pro-Israel supporters had reserved the lower portion of McKeldin Mall for their annual Israel Fest. Members of the pro-Palestine sit-in moved to the public space in front of McKeldin Library that day, for their annual Boycott Israel Fest event. Some sit-in participants expressed frustration about the need to move and also about the tight quarters available to them. Both groups experienced heavy security, with bag checks and screenings required for entry to each area.

A source of tension among protestors on both sides was the use of language that was perceived as knowingly hurtful. On many instances, including while protesting, student supporters of Palestine have been called “terrorist” or other similar epithets. There were also instances where pro-Palestine protestors encountered dismissal of mass Palestinian civilian casualties.

One of the contested expressions was the phrase, “From the River to the Sea,” (often accompanied by “Palestine will be free” when used by pro-Palestinian protesters) to refer to the entirety of the West Bank, Gaza, and Israel. This phrase is used by different people in quite different ways: sometimes simply as a description of the entirety of the territory, sometimes as a call for freedom for Palestinians within that territory, and sometimes – in statements made by both Palestinians and Israelis -- to refer to aspirations of exclusive Palestinian or Jewish sovereignty over the territory. What was clear from the presentations we heard was that, regardless of these potential interpretations, for many supporters of Israel, the phrase is seen as calling for exclusive Palestinian sovereignty, with Israel ceasing to exist as a Jewish state.

Beyond protests, pro-Palestinian students also pursued a University divestment proposal this year; although it should be noted that similar proposals have been made long before the fighting of the past year. In late spring 2024, the University of Maryland SGA considered a divestment proposal calling upon the University System of Maryland Foundation to divest from “companies engaged in human rights violations” (“[UMD SGA fails to advance](#)”). The general body meeting where the proposal was discussed included two hours of public comment, with more than 50 student testimonies, according to *The Diamondback* (“[UMD SGA fails to advance](#)”). The proposal, initially defeated in committee, did not go up for a full vote at the time. Instead, the resolution was defeated by a vote to uphold the initial unfavorable report (18–17, with one abstention).

A variety of educational programs provided space for academic and intellectual discussion of the current crisis. The Joseph and Alma Gildenhorn Institute for Israel Studies sponsored eight events related to the war over the course of the past two semesters, including “The Israel Hamas War: A Special Webinar” (October 16, 2023) and events exploring education, the media, culture, and the environment in light of the war. The History Department, the Harriet Tubman Department of Women, Gender, and Sexuality Studies, the Anwar Sadat Chair for Peace and Development, and the Bahai Chair for World Peace, among other units on campus, sponsored events on related topics. In addition, a non-departmental faculty-sponsored “Palestine teach-in” included a series of film events, lectures, and reading groups that took place during the Spring 2024 semester. These events took place without reported incidents.

A notable exception to the general pattern occurred on March 28 in a context ostensibly unrelated to Palestine, Israel, or the war (“Student protestors interrupt”). Invited by the Department of Physics to give the 2024 Irving and Renee Milchberg Endowed Lecture, U.S. Representative Jamie Raskin (D-Md.) was shouted down by protestors in the audience critical of his position on U.S. support for Israel. Raskin initially abandoned his speech and offered to hold a question-and-answer session, but after continued protests the event was canceled.

As classes resumed in Fall 2024, pro-Palestinian and pro-Israeli student groups planned events for October 7, the anniversary of the attack on Israel and the start of the current war. The University’s authorization of a pro-Palestinian vigil on McKeldin Mall on October 7 was met with significant opposition from supporters of Israel on campus, who found the choice of date offensive. A significant volume of criticism also came from outside the University and included apparent threats to the safety of the event. In response to the situation, the University president, together with the University System of Maryland chancellor, decided to disallow any events on that day, except official university events, invoking security fears. A U.S. court found

that the decision violated the students' constitutional rights and [ordered the University to allow the pro-Palestinian events](#), as long as they followed specific guidelines. [Both pro-Palestinian and pro-Israeli events](#) were ultimately [held](#) on October 7. No security incidents resulted.

Our general sense is that the University has been active in its prevention of violence and firm in stating the rules of protest, while engaging with student groups on all sides of the issues in an effort to be responsive to their legitimate requests. The University of Maryland Police Department (UMPD) has taken a central role in this process, as has the administration of the Stamp Student Union, who created a protocol for student demonstrations in response to current circumstances and who field a volunteer Free Expression Response Team at all major protests. Nonetheless, some students and faculty members, especially faculty of color, have expressed discomfort and apprehension about visible police presence on campus, especially when accompanied by unclear messaging about the reason and duration of their presence. In addition, the University has incurred substantial additional costs to provide security for protests and other related events on campus.

External Pressures

As discussed later in this report, recent campus surveys provide evidence for an important insight: although faculty, staff, and students across campus generally feel comfortable within their departments, classes, or campus communities, they express greater discomfort when thinking about campus "at large." This concern about outer social circles and spaces of greater anonymity is both interesting and relevant to our experiences at UMD in the past year. To a great extent, it is pressure from off campus that has brought the greatest tension into the campus community.

The feelings of deep concern that have troubled many people on our campus in the past year are in part the product of violence and conflicts grounded in other places. The war in Gaza and Israel itself has traumatized some members of the UMD community, and generated understandable fears. But another cause of tension on our campus is a general concern about how *other* campuses are responding to the situation. UMD faculty and administrators regularly receive emails and phone calls from people whose concerns about UMD are largely rooted in the stories they have heard about other campuses, other protests, and violence and tensions in other circles, or as a result of isolated but highly reported episodes on our own campus. UMD is not immune to such challenges, but neither has our campus seen the kinds of crises that some others have famously experienced.

Keeping in mind the vast diversity of the Jewish and Muslim populations on campus, we have nevertheless heard of specific worries that predominate among some members of the campus community. Many Jewish students and supporters of Israel have expressed fears that anti-Israel sentiment may really be a coded message of antisemitism, and that criticisms of Israel are the start of a path that poses an existential threat to Israel. Some pro-Palestine students fear being silenced for stating that what is happening in Gaza amounts to genocide against Palestinians, and believe that the accusation of antisemitism is intended to silence them when defending Palestinian rights and criticizing Israeli policies. To some, this silencing too feels personal and deeply threatening. Accounts of doxing, harassment, and job loss at other institutions create a deep and

real fear among supporters of Palestine that they may be the next to be harassed, assaulted, or find their careers ruined.

An example of precisely this tension was evident at the pro-Palestine sit-ins in April and May of this year, including on one occasion when a message passed through the crowd, alerting participants to the presence of someone walking around and filming on a smartphone. Several organizers passed out KN-95 masks, which some but not all of the protestors took. Those who chose to mask did so out of an explicit concern that their image would be broadcast to an audience that might in turn do them personal or professional harm.

Fear may also be the driving component for the groups of parents, alumni, and University supporters who form groups on social media, over email, and through WhatsApp to inform one another about what they perceive to be antisemitic threats on campus and beyond. A representative Facebook group with more than 60,000 members routinely calls upon members to write or call specific universities to respond to incidents of antisemitism. The outcomes of their actions are mixed: while the University has taken such writing or calling campaigns seriously, the rush of correspondence can easily overwhelm University staff and administrators.

Campus Police Reports

The campus police reported nine pro-Israel and 12 pro-Palestine events between October 7, 2023, and October 28, 2024 (see Appendix 4). “To date, both pro-Israel and pro-Palestine organizations have remained generally compliant with agreed upon guidelines relating to time, space, sound, as well as other conduct-related requirements for scheduled events on campus. Absent any intervention by the Free Expression Team, UMPD has not referred any individuals or organizations to the UMD Office of Student Conduct or witnessed any criminal violations requiring enforcement at these free-expression events. Frequently, individuals with opposing views have expressed themselves at scheduled events, with none rising to the level of criminal violations or requiring remarkable actions by UMPD.”

UMPD also shared the number and nature of hate/bias reports or reports with hate/bias indicators as determined by the State of Maryland and reported to the state by UMPD records manager. For comparison, there were two anti-Jewish hate/bias reports in 2022, one involving a swastika on a bulletin board and one involving “no Jews” written on a restaurant sign. In 2023 there was one incident of the “n”-word and a swastika written on a whiteboard, and four incidents involving taking down stickers of pro-Israel groups. In 2024, there was one incident of a swastika etched in a stall, and another incident of tiles arranged to look like a swastika. The UMPD report also shared data on calls they received about possible anti-Muslim and anti-Jewish incidents that, after investigations by patrol and/or detectives, were not found to meet the definitions of hate/bias cases (See Appendix 4).

PUTTING INCIDENTS IN WIDER CONTEXT: **Campus Belonging & Community Survey Findings**

Besides hearing directly from members and representatives of our University community, the JTF sought to learn more about the broader climate on campus, especially about the attitudes of those members who are Jewish and Muslim, in a comparative, methodical way, and with a larger sample than meetings and forums could provide. The university had already planned a major “Belonging and Community” survey² of the entire campus to gain insight into the university climate as seen by all of our community, students, faculty, and staff. The survey – which was fielded from April 3 to May 3, 2024 and netted 12,233 respondents (23% of the entire UMD community) – assessed the level of comfort of community members overall as well as in different university settings. It also included religious/spiritual³ self-identification, with 675 respondents identifying as Jewish and 418 identifying as Muslim. This enabled a degree of comparison across our sub-communities. Before the executive summary was published this fall, the relevant preliminary data was made available to us to analyze for this report.

It is important to note that during the period of the fielding of the survey, protests over the war in Gaza and Israel were already in full force nationally and internationally, including on American campuses. The level of civilian casualties both in Hamas’ attack on Israel on October 7, 2023, and the subsequent Israeli war in Gaza drew considerable outrage from large segments of society that went well beyond Arabs, Israelis, Jews, and Muslims. While protests on American campuses, including on our campus, have been overwhelmingly peaceful, there were high-profile cases of violence that generated fear and concern elsewhere.

Incidents of hate and prejudice against Jews and Muslims, including violent ones, have increased nationally in the past year. According to the FBI, from 2022 to 2023, there was a 55% increase in anti-Jewish hate crimes, a 51% increase in anti-Islamic hate crimes, and a 34% increase in anti-Arab hate crimes. A University of Maryland Critical Issues Poll conducted in February 2024 found that Americans report observing more incidents of prejudice against Jews and Muslims than against other groups, compared to five years ago. Some national polls indicated disturbing trends on American campuses and outside. A January University of Chicago study – based on a survey of 5,000 college students, representing over 600 academic institutions and an additional 5,000 American adults as a companion set – found that 56% of Jewish students and 52% of Muslim students nationally reported feeling threatened, compared to 19% of all students surveyed, when asked if they felt in personal danger “because of their support for either Israelis or Palestinians in the current war between Israel and Hamas.”

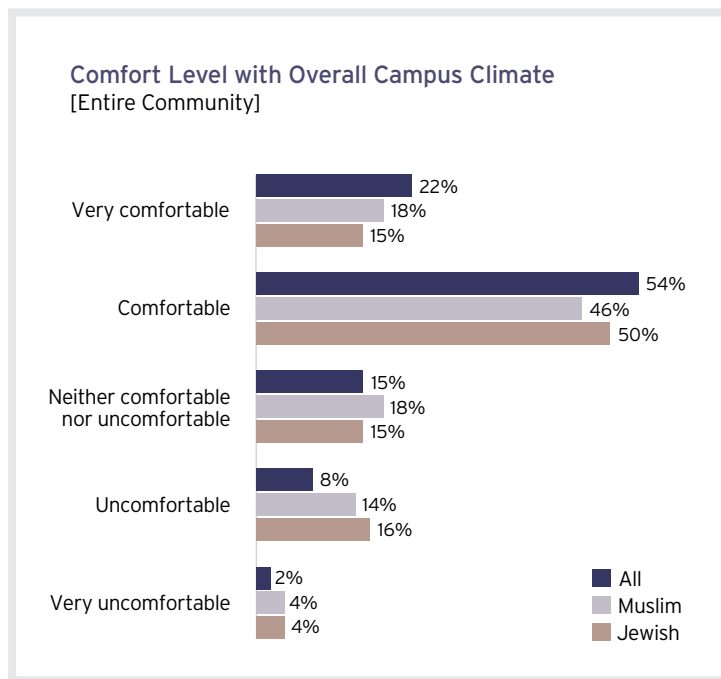
2 The Belonging and Community at UMD Survey was administered to University of Maryland students, faculty, and staff from April 3 to May 3, 2024. The survey was conducted by Rankin Climate and supported by a Climate Survey Working Group co-chaired by Stephanie H. Chang, assistant vice president for diversity and inclusion, and Dawn Culpepper, director of the ADVANCE program for inclusive excellence.

3 Note that not all Jewish and Muslim members of the university community necessarily identified themselves religiously.

This was the context during which the University of Maryland’s climate survey took place: an emotionally trying period for many members of our community, especially Arab, Israeli, Jewish, Muslim, and Palestinian members. The devastating reality in the Middle East was highly polarizing on our campus, as it has been nationally. Given this context, the findings of the university’s survey were illuminating.

Overall Comfort Level

The key question asked in the survey was about the level of comfort members of the University community feel across different settings, with the options given: “very comfortable,” “comfortable,” “neither comfortable nor uncomfortable,” “uncomfortable,” and “very uncomfortable.” At some level, a degree of discomfort in a diverse and intellectually vibrant institution is not only expected but may even be desirable, as students often confront issues and ideas that challenge their pre-college paradigms. Staff and faculty may also experience new environments in a large highly diverse institution like our own campus. But differences across segments of the population could still tell a story, and those who express feeling “very uncomfortable” could be indicating something more problematic.

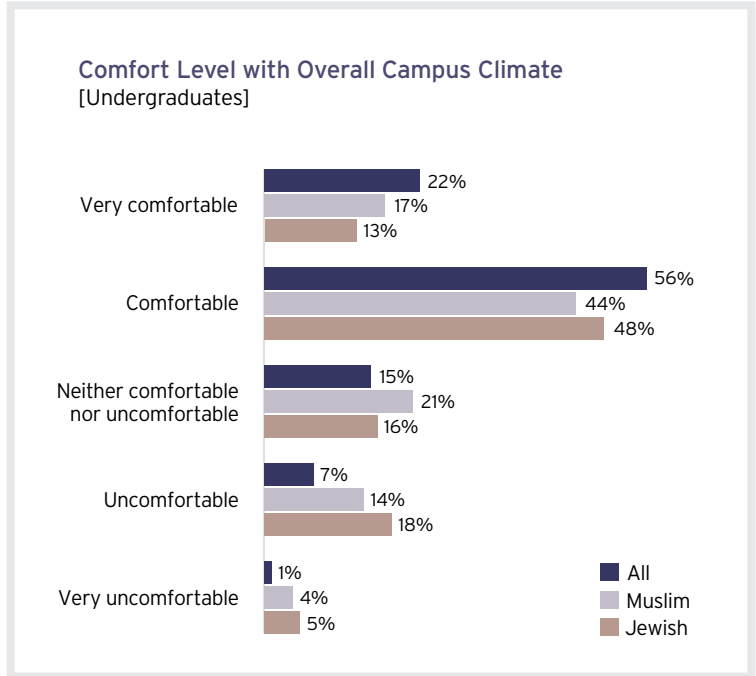


Findings

Overall, 65% and 64% of Jewish and Muslim Terps respectively said they were “comfortable” or “very comfortable” with the overall campus climate (including 15% of Jews and 18% of Muslims who said they were “very comfortable” on campus.) Comparatively, 76% of the overall campus population said they were “comfortable” or “very comfortable” on campus (with 22% saying they were “very comfortable”).

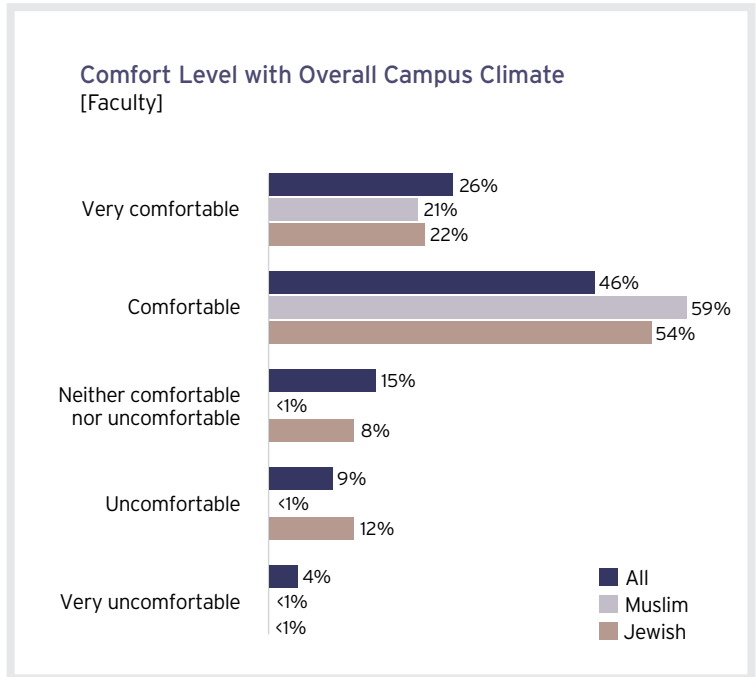
Comfort Level Among Undergraduate Students

51% of both Muslim and Jewish undergraduates said they were “comfortable” or “very comfortable” with the overall campus climate (including 17% of Muslims and 13% of Jews who described themselves as “very comfortable”), compared to 78% of the general undergraduate population that was “comfortable” or “very comfortable” on campus (including 22% who said they were “very comfortable”).



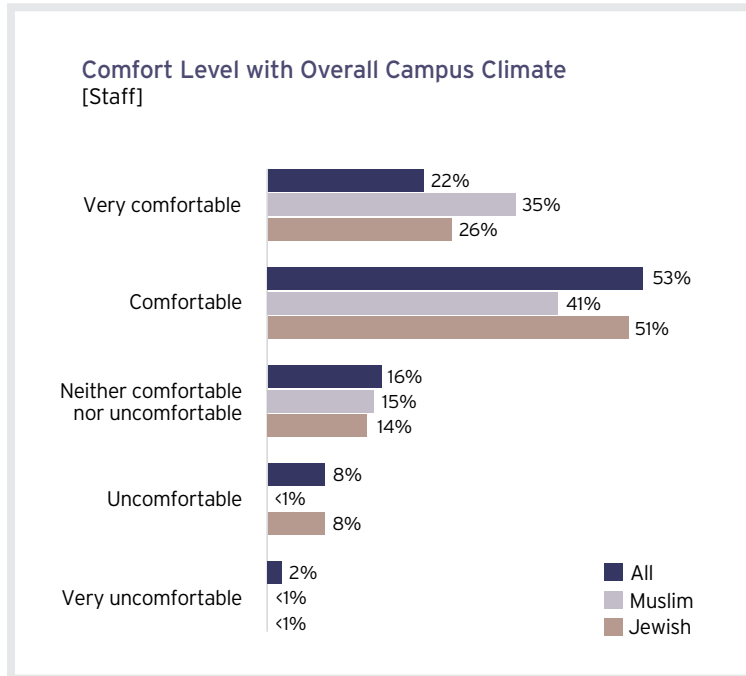
Comfort Level Among Faculty

76% of Jewish faculty and 81% of Muslim faculty said they felt “comfortable” or “very comfortable” with campus climate overall (including 22% and 21% respectively who said they were “very comfortable”). Overall, 72% of all faculty said they were “comfortable” or “very comfortable” with the climate on campus (including 26% who said they were “very comfortable”).



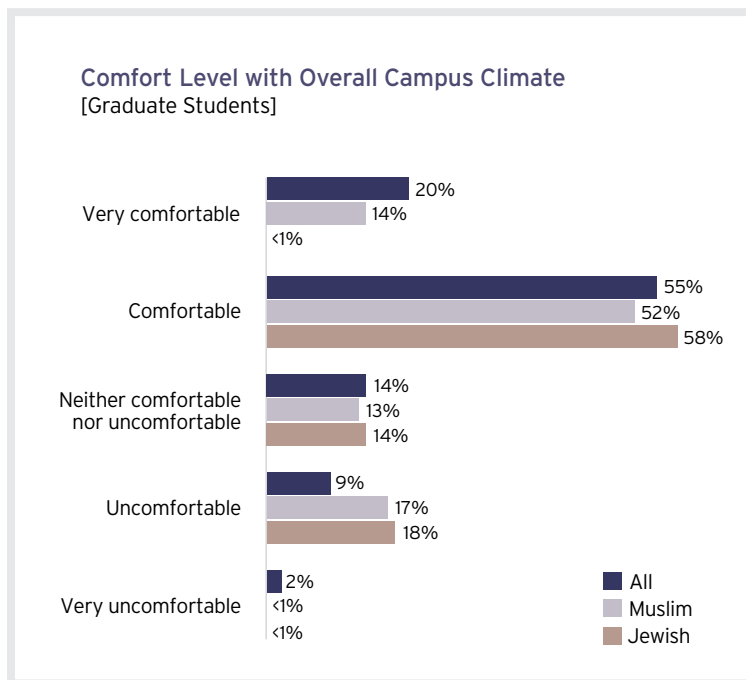
Comfort Level Among Staff

76% and 77% of Muslim and Jewish staff respectively described themselves as “comfortable” or “very comfortable” with the overall climate on campus (including 35% of Muslims and 26% of Jews who said they were “very comfortable”), compared to 75% of all staff (including 22% who said they were “very comfortable”).



Comfort Level Among Graduate Students

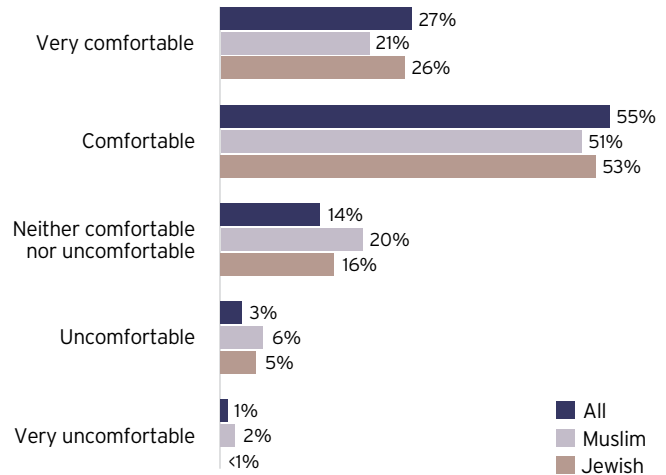
66% of Muslim and 58% of Jewish graduate students described themselves as “comfortable” or “very comfortable” with the overall climate on campus (including 14% of Muslim students and less than 1% of Jewish students who said they were “very comfortable”). Comparatively, 75% of all grad students said they were “comfortable” or “very comfortable” on campus (including 20% who said they were “very comfortable”).



Undergraduate Students' Comfort Level in Class

72% and 79% of Muslim and Jewish undergraduates, respectively, described themselves as “comfortable” or “very comfortable” in the classroom (including 21% of Muslims and 26% of Jews who said they were “very comfortable”), compared to 75% of all undergrads who said they were “comfortable” or “very comfortable” in class (including 27% who said they were “very comfortable”).

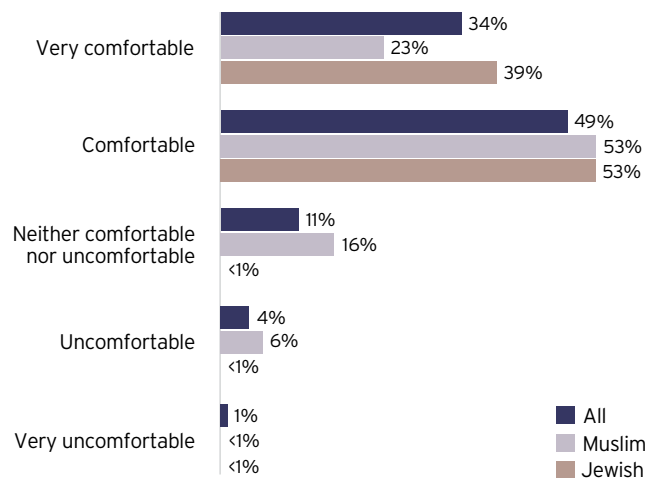
Comfort Level in the Classroom
 [Undergraduates]



Graduate Students' Comfort Level in Class

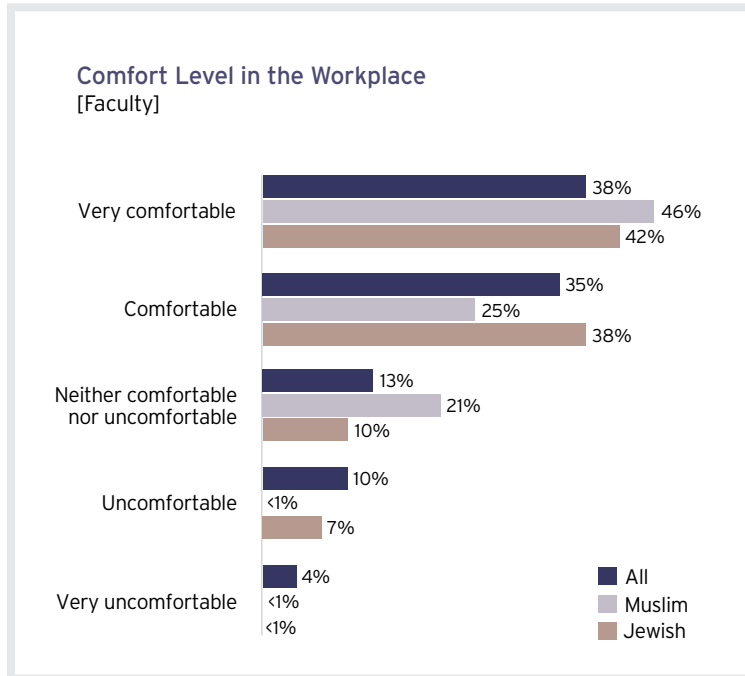
76% and 92% of Muslim and Jewish graduate students, respectively, described themselves as “comfortable” or “very comfortable” in the classroom (including 23% of Muslims and 39% of Jews, respectively, who said they were “very comfortable”), compared to 75% of all grad students who said they were “comfortable” or “very comfortable” (including 34% who said they were “very comfortable”).

Comfort Level in the Classroom
 [Graduate Students]



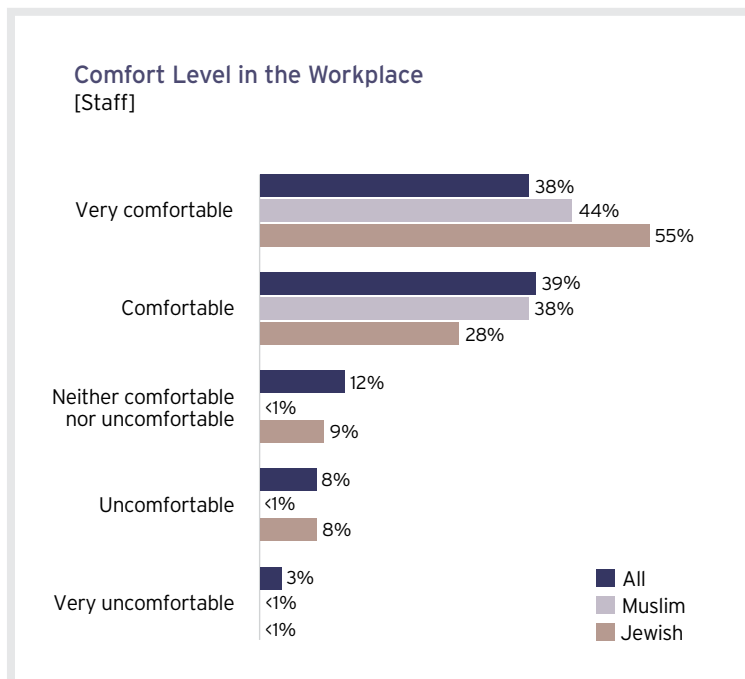
Faculty's Comfort Level in the Workplace

71% of Muslim faculty and 80% of Jewish faculty said that they were “comfortable” or “very comfortable” in their department, program or work unit, including 46% and 42% of Muslim and Jewish faculty who respectively described themselves as “very comfortable” with the climate in their workplace. Comparatively, 73% of all faculty described themselves as “comfortable” or “very comfortable” including 38% who described themselves as “very comfortable.”



Staff's Comfort Level in the Workplace

82% of Muslim staff and 83% of Jewish staff said that they were “comfortable” or “very comfortable” in their department, program or work unit, including 46% and 42% of Muslim and Jewish staff who respectively described themselves as “very comfortable” with the climate in their workplace. Comparatively, 77% of all staff described themselves as “comfortable” or “very comfortable” (including 38% who described themselves as “very comfortable”).

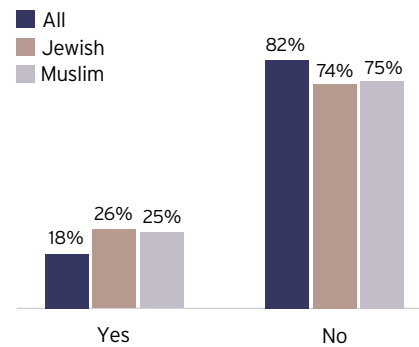


Overall Experiences of Negative Treatment

When asked whether they personally had experienced negative or unfair treatment in the past year, 26% of Jewish and 25% Muslim community members said that they had, compared to 18% of the general campus population.

In the past year, have you personally experienced any negative or unfair treatment?

[Entire Community]

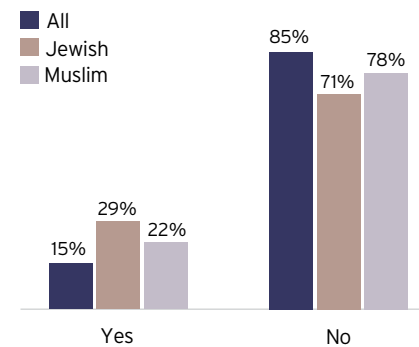


Undergraduates Students' Experiences of Negative Treatment

When asked whether they personally had experienced negative or unfair treatment in the past year, 29% of Jewish and 22% of Muslim undergraduates said that they had, compared to 15% of all undergraduate students.

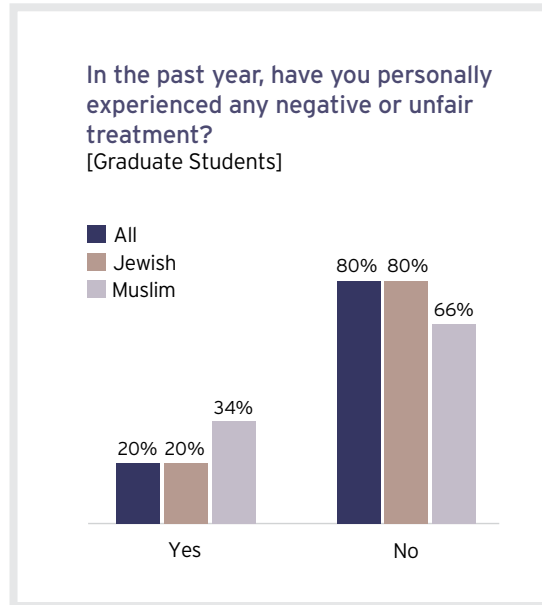
In the past year, have you personally experienced any negative or unfair treatment?

[Undergraduates]



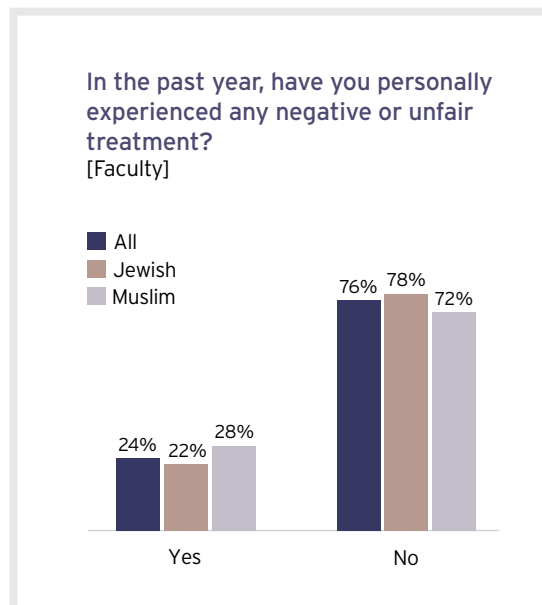
Graduate Students' Experiences of Negative Treatment

When asked whether they personally had experienced negative or unfair treatment in the past year, 20% of Jewish and 34% of Muslim graduate students said that they had, compared to 20% of all graduate students.



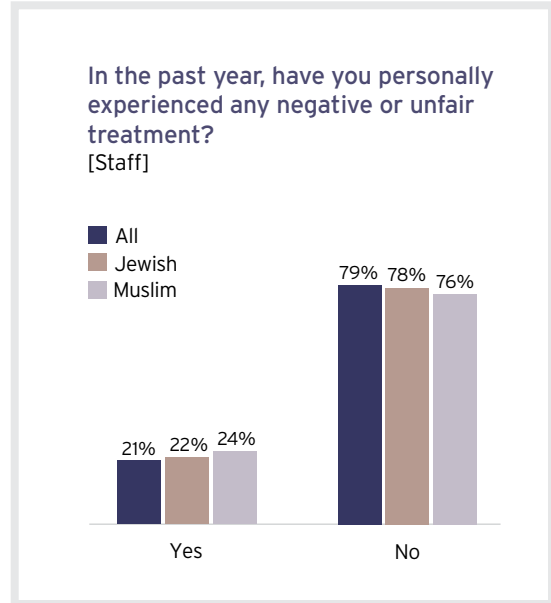
Faculty's Experiences of Negative Treatment

When asked whether they personally had experienced negative or unfair treatment in the past year, 22% of Jewish faculty and 28% of Muslim faculty said that they had, compared to 24% of all faculty.



Staff's Experiences of Negative Treatment

When asked whether they personally had experienced negative or unfair treatment in the past year, 22% of Jewish and 24% of Muslim staff said that they had, compared to 21% of all staff.



Summary of Survey Findings

While nearly two-thirds of self-identified Jewish and Muslim members of the University community expressed feeling “comfortable” or “very comfortable” on campus overall, that figure represents a lower level of comfort than that of the overall University community, which stood at about three-quarters of the entire community. In addition, 4% of both Jewish and Muslim respondents expressed feeling “very uncomfortable” compared to 2% of the university community overall.

The University’s subcommunities also provided evidence for some differences: undergraduate Jewish and Muslim students tended to express more discomfort than did graduate students, staff, and faculty. Jewish and Muslim faculty tended to express comfort levels similar to those of faculty overall, with only small differences. And Jewish and Muslim staff members who said they were either “comfortable” or “very comfortable” were roughly equal to those who said the same among the overall staff respondents.

Notably, both undergraduate and graduate Jewish and Muslim students express much less discomfort in the classroom than on campus overall. Similarly, Jewish and Muslim faculty report lower levels of discomfort in their department, program or workplace than they do overall on campus, and also lower than University faculty overall. Jewish and Muslim staff members too feel more comfortable in their work environment than on campus overall, and also more comfortable than overall staff, with 55% of Jewish staff members and 44% of Muslim ones reporting being “very comfortable” in their work environment, compared to 38% of all staff. This is an important finding indicating that the disproportionate discomfort that some Jewish and Muslim members of our community feel does not originate in their immediate working and learning environments but rather in their experience or perception of other outside environments.

One area of particular note is the number of Jewish and Muslim community members who reported experiencing “negative or unfair treatment in the past year.” Although the source of the treatment is unclear from the question, these numbers are interesting: 29% of Jewish undergraduate students reported experiencing such treatment, compared to 22% of Muslim undergraduates and 15% overall; meanwhile, 34% of Muslim graduate students reported such treatment, compared to 20% of Jewish graduate students and 20% overall.

Existing University Rules, Programs, and Guidelines

Policies and Procedures Relevant to Antisemitism and Islamophobia

Policies and procedures around free expression and campus climate have been a topic of administrative concern since at least 2017. In light of national tensions around the 2016 election, and in direct response to the racist murder of Lt. Richard Collins III on UMD's campus in May 2017, then-University President Wallace Loh charged a Joint Task Force on Inclusion and Respect. The 2018 report of this task force specifically addressed the tensions around “how to balance free speech that is protected by state and federal laws with speech that is considered conduct that can be punished as a crime or as a violation of University policies” (“[Inclusion and Respect at the University of Maryland](#)” 4).

The current campus policies that are relevant to antisemitism and Islamophobia include not only those related to free speech and free expression but also policies around matters of safety and security and processes for addressing violation of both (See Appendix 2). Specific policies address student, faculty, and staff conduct; threatening and intimidating conduct by any member of the campus community, and the use of campus facilities and outdoor spaces. Specific attention to protest activity on campus in the past year has also led the University to update its policies on locations for expressive activity, including both events and sidewalk chalking.

Other policies address campus climate more generally. These include standards for non-discrimination and equal employment opportunity, as well as a [Statement on University Values](#) that arose out of the Task Force on Inclusion and Respect. It states, in part, that UMD aspires “to become a community that is: United, Respectful, Secure and Safe, Inclusive, Accountable, and Empowered and Open to Growth.”

The JTF identified two important resources for increasing understanding about free expression and its limits on campus. The Office of General Counsel (OGC) has created a [Freedom of Speech on Campus](#) website that provides extensive information on the First Amendment and UMD's policies and perspectives on free expression in light of it. The Office of Faculty Affairs (OFA) provides a source focused on faculty and classroom expression in its *Academic Freedom and Free Speech* website. The OGC website also provides reporting resources and explicitly encourages members of the UMD community to report threatening or intimidating conduct, bias, discrimination, and/or harassment.

Safety and Security on Campus

In consultations with representatives of the University of Maryland Police Department (UMPD), the Department of Resident Life (ResLife), Bias Incident Support Services (BISS) of the Office of Diversity and Inclusion (ODI), the Adele H. Stamp Student Union (Stamp), and the University Counseling Center, members of the Joint Task Force received information on campus security structures and procedures,

protocols used during events and in response to antisemitic or Islamophobic incidents, and the processes associated with reporting and creating records of hate/bias incidents connected with the campus community.

Overall, respondents to JTF questions expressed satisfaction with the current system, which is committed to supporting free speech in the context of a consistently safe and secure campus atmosphere. The various units on campus consult with each other regularly and maintain open lines of communication, which facilitate collaborative responses when security issues arise.

Several challenges were brought to light in these meetings. Chief among these is the process associated with reporting hate/bias incidents, which would include antisemitic or Islamophobic events. Because such incidents might be reported to UMPD but can also be reported separately to BISS, ResLife, OCRSM, and/or Student Conduct, it can be difficult to create or obtain a clear picture of exactly how many incidents of what sort have occurred. In addition, although the BISS reporting system provides opportunities to indicate types of hate/bias incidents, those reporting can only choose one category (race or religion or sexuality, etc.), even as hate/bias incidents often involve more than one identity category.

Discussions with ODI and BISS revealed the opportunity for growth through greater attention to religious and ethnic diversity. Development and expansion of interfaith dialogue programs is one avenue forward in this area. Equally important would be efforts to establish affiliations with campus chaplains and religious/ethnic organizations, to promote direct outreach to and support for persons impacted by religious/ethnic bias. Creation of updated and expanded resource pages would be an added benefit of building this relationship.

Mental and emotional wellbeing are important aspects of building communities that are safe and secure. To that end, the University would benefit from focusing on the needs of Muslim and Jewish Students in the context of its support for [Cultural Centers](#), [Affinity Group Welcomes](#), and the [Counseling Center](#). The burden of care for Jewish, Muslim, and Arab students should not fall to non-UMD entities; rather students, faculty, and staff who are Muslim or Jewish must feel supported by UMD and a part of the UMD community.

Balancing Free Speech with Safety and a Culture of Understanding

The University of Maryland's commitment to free speech is essential to our academic community, but as the University statement and guidelines indicate, free speech must be balanced by strong and equal protections for the safety of all members of the campus community. Our findings indicate that the University has a strong set of rules, guidelines, and processes that have aided in assuring peace during a painful, stressful, and contentious period, especially given the size and diversity of our community, and the exceptional proportion of students who are either Jewish or Muslim. Still, as we suggest later, there is room for improvement.

Our suggestions begin with the reconfirmation of our core academic mission and our educational assets. As one expert on academic values and free speech put it to our JTF, "we are not punitive institutions; we are not investigative institutions. We are educational institutions. We educate and we counsel. You will never punish your way out of ignorance. We are dedicated to the prospect that you can educate your way out of ignorance, which is not the same as educating people out of their opinions."

Beyond the constitutional obligation to protect free speech and the established rules for campus safety, the University has significant latitude to advance a culture of diversity, toleration of difference, understanding, collegiality, and dialogue. We see this as an especially vital opportunity in light of our central educational mission and assets. We do not have to agree with each other to be sensitive to each other's fears and insecurities. Ideally, dialogue should be encouraged across the University community, with institutional encouragement, including among faculty. Dialogue, however, cannot be imposed. When it is not possible, such as in moments of deep personal loss and pain, it is crucial that each give space to the other, to grieve, to empathize with those they love, and to be who they are, however they define themselves. We believe that there are some important steps that the University can undertake – while emphasizing its educational mission – to advance these goals and to increase community sensitivity to the challenges that Muslim and Jewish community members face.

Recommendations

The University of Maryland has fortunately avoided an eruption of violence on campus or incidents that might have endangered the physical safety of its members during a tense year, even as a number of incidents have generated not only discomfort but also expressions of fear in segments of our community. Against hopes for a quick resolution, the ongoing Middle East conflict, the scale of the humanitarian disaster and destruction, and the threat of escalation to a regional war, in which the United States may indeed be a central player, ensure that tensions will not end anytime soon and may even increase. Our University will not be isolated from these national and global challenges, and we must remain vigilant with regard to campus climate in light of them.

Moving forward, we offer some recommendations to guide the University's efforts, based on what we have learned, especially regarding the advancement of a culture that values diversity and pluralism, seeks to advance mutual understanding, and leans heavily into its core educational mission to encourage avenues of dialogue across our campus. We remain guided by our lodestar of free speech for all, which includes the constitutionally protected right to peaceful protests, in a context that protects and values the safety of all members of our community equally.

Overall, we have been impressed with the standards and structures that determine campus safety, security, climate, and communication. In the recommendations that follow, we provide suggestions for enhancing their efficacy, while creating new opportunities for education, community-building, and ongoing protections of free speech and assembly. We see these recommendations as resources for the future, to create a more welcoming atmosphere for diversity and disagreement on campus, both in these times of heightened tensions and in better times, we might hope, in their eventual resolution.

Toward Advancing a Culture of Understanding

FIRST, the University should pursue and implement **an institutional structure for training the campus community about antisemitism and Islamophobia**. Such a structure is warranted by the large size of our Jewish and Muslim communities on campus, as well as by the rising number of national incidents of prejudice against both. The particular history and experiences of Arabs, Israelis, Jews, and Muslims, not only in the past decades but in a larger cultural, religious, and historical perspective, reveals as much about the diversity of our campus and our country as it does about these particular traditions and communities. At minimum, specific modules on Islamophobia and antisemitism, prepared by campus experts on the subjects, should be introduced into TerrapinSTRONG, the hallmark orientation to our campus for all its members.

SECOND, the University should pursue and implement **an institutional structure for specific education and training programs around Islamophobia and antisemitism that address the nuances of issues appropriate to particular unit responsibilities** (e.g., information sessions for academic advisors, the University Health Center, Department of Residential Life, the Office of Diversity

and Inclusion, Accessibility and Disability Service, and Dining Services administrators, among others). Relevant updates should also be included in existing and new orientation sessions, such as the annual New Faculty Orientation; new employee orientations; resident assistant and staff training; Training for Counseling Center staff; and University Health Center/behavioral health services training. Creation of the content of these trainings, again, should include the active contributions of campus experts on the relevant subjects.

THIRD, as an institution that prioritizes critical thinking, the University should seriously consider a **curricular requirement related to dialogue and understanding in environments of tension, difference, and conflict**. A possible avenue for implementation of this recommendation might be found in the newly developed Navigating Diverse Social Environments general education requirement for UMD undergraduates, or it might be fulfilled in other ways. At minimum, this one-credit course will include discussion of handling difficult conversations, mastering the principles of effective dialogue, and learning conflict-resolution skills. It might also provide training on free speech, academic freedom, democracy, religious differences, and Islamophobia/antisemitism, especially regarding student-to-student conduct. The University should provide funding for assessment and implementation of this recommendation.

FOURTH, the University should commit to an **increased engagement with the topics of prejudice against Muslims and Jews in educational and dialogic programming specifically related to campus diversity**. This programming can take place on campus at many levels and in many contexts, and these topics should be addressed, at minimum, in the programming of academic and administrative units, the Office of Diversity and Inclusion, the Department of Fraternity and Sorority Life, the Division of Student Affairs, Multicultural Involvement and Community Advocacy, the University Counseling Center, and the University Health Center among others across the campus. Diversity and inclusion programming may include events specifically addressing antisemitism or Islamophobia in isolation, both together, or in any other relevant combination. Specific attention should be paid to the intersections of experiences of religion, ethnicity, race, and national origin as they relate to other markers of diversity on campus, with subject area experts contributing to the content of this programming.

FIFTH, the University should take advantage of existing cultural programming and provide incentives to encourage creation of new **cultural programming that explores a rich understanding of diversities of religion, race, and ethnicity**. Ideally, incentives will support both campus-wide, intentional events and projects related to antisemitism and Islamophobia, as well as unit-specific programming. Examples of such programming might include conferences, film series, interdepartmental events, reading groups, and First Year Book selections, as well as programming created by and directed specifically toward student groups and organizations on campus.

Administrative Recommendations

SIXTH, the University administration must prioritize the vision and focus of the University itself and, especially in times of public crisis, resist asserting positions on socially and politically contentious issues. In times of crisis, University administrators come under enormous pressure to assert institutional positions on issues that may not be within their areas of expertise and over which their constituents may be divided.

University of Maryland administrators must resist such pressures, recognizing that times of crisis are exactly when scholars in institutions of higher learning are specifically called upon to engage in description, analysis, and thoughtful debate, unencumbered by institutional positions. Moreover, taking a position in one instance would inevitably increase pressure for staking out positions in other instances. Exceptions to this norm include occasions when the University is legally obligated to take a stance or in cases when an issue concerns core University functions. In support of this practice, the University should develop and announce **a policy that resists asserting University positions on divisive public issues, especially in times of crisis.**

SEVENTH, in times of crisis, the University administration must assess, engage with, and focus **attention on the needs of the on-campus community** – staff, students, faculty, and other community members – prioritizing their safety, well-being, and concerns, rather than focus on the pressure of outside forces or events on other campuses. To be sure, the University is not an island, and it is inevitably impacted by local, national, and international conversations. But the first priority in times of crisis must be the immediate and long-term needs and fears of the UMD community, rather than claims or critiques emanating from outside sources.

EIGHTH, the administration of a university the size of UMD is necessarily complex and multi-layered, and responsibilities for various facets of university life are spread widely across a variety of units on campus. Campus community members should have **ready access to the policies that affect them in times of tension**, including policies that address the nuances of free speech and assembly, student rights and responsibilities, and rules for visitors on campus. The University should assess its communications on these and other relevant issues as they relate to the classroom, residence halls, and the campus more generally, assuring that clear and coherent information is available when needed. Support for this process may come from centralization of university guidelines and resources or the creation of new points of access around specific themes, questions, or needs. The University should also make a specific effort to bring this information to the attention of the campus community.

NINTH, safety and security are central issues on any academic campus, but they are particular points of concern in times of tension. The University must ensure dynamics of open communication on campus around issues of safety and security, keeping the campus community aware of events and official responses as they arise. Such communication requires having relationships with a wide diversity of groups and organizations on campus. The University should assess and continue to build its relationships with local communities, including key Arab, Israeli, Jewish, Muslim, and Palestinian constituencies, to build **support structures to maintain relationships and prevent escalations in difficult times**. We would note that not all community members are reached by a single set of relationships. Administrative support needs to include the campus population in its broadest diversity, recognizing (for example) the need to maintain connections with communities that are built around religious affiliation, but also race, ethnicity, political identification, or academic commitments. The safety and well-being of the campus as a whole requires making connections across these lines of commitment and difference. The University should explore ways to enhance campus security for all members, while being sensitive to those who may feel alarmed by heavy security presence.

TENTH, the University boasts remarkable resources to support the well-being of students, faculty, and staff. In light of the compounding tensions of the past year, in which some campus community members have felt unprecedented distress about events both at home and away, the University must ensure that all campus community members know about the **mental health resources and support** available to them and must provide additional support if it becomes necessary. The University should leverage what it has learned from the recently released mental health report to actively reach out to affected students, staff, and faculty and potentially to cultivate new resources to provide additional support as needed.

APPENDIX 1

Joint Presidential-Senate Task Force on Antisemitism and Islamophobia

JANUARY 29, 2024

Charge

Background:

The recent events in the Middle East has unfortunately resulted on some university campuses in the United States, a rise in the number of hate incidents against particular religious, nationalities and cultural groups. Recognizing the importance of fostering an environment of diversity, equity, inclusion and belonging, and combating discrimination of all forms, the University of Maryland hereby establishes a *Joint Presidential-Senate Task Force on Antisemitism and Islamophobia*. This Joint Task Force will be charged with critically examining current policies, practices, safety and security measures, and campus culture to identify areas for improvement and recommend actionable strategies to address and prevent future incidents of antisemitism and Islamophobia, and for that matter all forms of hate on campus.

Purpose:

The primary purpose of the Task Force is to create a campus community that is welcoming, respectful, and inclusive of diverse religious and cultural backgrounds. The Task Force will work to understand the root causes of antisemitic and Islamophobic incidents, as well as other forms of hate, assess the effectiveness of existing preventive measures, and propose new initiatives to foster interfaith and cultural understanding, dialogue, and safety and support.

Scope of Work:

The Joint Presidential-Senate Task Force on Antisemitism and Islamophobia shall:

1. **Conduct a comprehensive review:** Examine existing university policies, procedures, and resources related to antisemitism and Islamophobia. Evaluate their effectiveness in preventing and addressing such incidents.
2. **Engage with the campus community:** Seek input from students, faculty, staff, and relevant stakeholders to understand their experiences, concerns, and suggestions regarding antisemitic and Islamophobic incidents on campus.
3. **Assess campus climate:** Analyze the current campus climate with a focus on identifying factors that contribute to or mitigate antisemitic and Islamophobic incidents. Consider external influences and prevailing societal attitudes that may impact the university community.
4. **Assess campus safety and security methods:** Analyze current campus safety and security methods with a desire to ensure that members from certain religious, and cultural backgrounds feel safe in and around our campus.

5. **Recommendations:** Develop a set of actionable recommendations based on the findings of the comprehensive review and community engagement. Prioritize short-term and long-term strategies that address prevention, education, reporting mechanisms, and support services. Identify relevant university offices and stakeholders to oversee the implementation of recommended strategies.

Task Force Composition

The Task Force shall be composed of diverse representatives from the university community, including students, faculty, staff, and administrators. It is essential that members bring a range of perspectives, including those from different religious and cultural backgrounds, to ensure a comprehensive and inclusive approach to addressing antisemitism and Islamophobia on campus.

Co-Chair: Maxine Grossman, Director and Associate Professor, Joseph and Rebecca Meyerhoff Program and Center for Jewish Studies

Co-Chair: Shibley Telhami, Anwar Sadat Chair for Peace and Development; Professor, Government & Politics

Task Force Members:

The full membership of the task force consists of diverse representatives from the university community, including students, faculty, staff and administrators, who bring a range of perspectives, including those from different religious, cultural and other backgrounds, to ensure a comprehensive and inclusive approach to addressing antisemitism and Islamophobia on campus.

James Bond, *Director, Office of Student Conduct*

***Kemi Abdurasaq Busari**, *Doctoral student, Philip Merrill College of Journalism*

Stephanie Chang, *Assistant Vice President, Office of Diversity and Inclusion*

Emily Devore, *Undergraduate student, School of Public Policy*

Jen Gartner, *Deputy General Counsel, Office of General Counsel*

Adam Ghannoum, *Undergraduate student, College of Information Studies and Robert H. Smith School of Business; President, Muslim Student Association*

Hassan Ibrahim, *Clinical Professor, Robert H. Smith School of Business*

Reni Kaza, *Undergraduate student, College of Computer, Mathematical, and Natural Sciences*

Sahar Mohammed Khamis, *Associate Professor, College of Arts and Humanities*

Arie Kruglanski, *Distinguished University Professor, College of Behavioral and Social Sciences*

Major Michael Leadbeter, *Commander of Support Services Bureau, Department of Public Safety*

Doron Levy, *Professor and Chair, College of Computer, Mathematical, and Natural Sciences*

Yelena Luckert, *Director of Research, Teaching and Learning, University Libraries*

Keira Martone, *Associate Director, Department of Resident Life*

James McShay, *Assistant Vice President for Engagement, Division of Student Affairs*

Ayala Nuriely-Kimel, *Lecturer, College of Computer, Mathematical, and Natural Sciences*

Korey Rothman, *Senior Lecturer and Director of Civic Engagement for Social Good, College of Behavioral and Social Sciences*

Daniel Satterthwaite, *Doctoral student, College of Behavioral and Social Sciences*

Stone Schwartz, *Undergraduate student, A. James Clark School of Engineering; President, Jewish Student Union*
Yasmeen Farooqi Shah, *Professor, College of Behavioral and Social Sciences*
Imaan Shikoh, *Undergraduate student, School of Public Policy*
***Saúl Sosnowski**, *Professor, College of Arts and Humanities*
Peter Wien, *Professor, College of Arts and Humanities*
Zeena Zakharia, *Assistant Professor, College of Education*

*Withdrew from the Task Force.

**Withdrew from the Task Force; replaced by UMD president with Ernesto Calvo, *Professor, College of Behavioral and Social Sciences*

Timeline:

The Task Force shall complete its work within six months and no later than June 30, 2024, providing regular updates and a final report to the university administration.

Reporting:

The Task Force shall submit regular progress reports to [relevant university body], with a final comprehensive report outlining its findings, recommendations, and proposed action plan.

This charge is effective as of January 29, 2024, and the Task Force is encouraged to begin its work promptly.

Merriam-Webster's Dictionary Definitions:

Anti-Semitism: hostility toward or discrimination against Jews as a religious, ethnic, or racial group.

Islamophobia: irrational fear of, aversion to, or discrimination against Islam or people who practice Islam

APPENDIX 2

University of Maryland Campus-Level Policies and Procedures Relevant to Antisemitism and Islamophobia

1. What kind of policies exist to materially or physically protect campus community?

Altogether, UMD has at least 18 policies, procedures, and guidance items directed towards protecting the physical, mental, and emotional health and well-being of members of the campus community.

UMD has numerous policies and procedures that protect the physical aspects of the campus community, including prohibitions on causing physical harm to individuals and prohibitions on causing property damage, including those set forth below.

[USM's V-8.o, Policy on Event-Related Student Misconduct](#), which is incorporated into UMD's V-1.00(B), *Code of Student Conduct*, addresses rioting, assault, theft, vandalism, fire-setting, or other misconduct that results in harm to persons or property.

[USM's VI-1.00, Policy on Non-Discrimination and Equal Opportunity](#) and UMD's VI-1.00(A), *Equal Employment Opportunity & Affirmative Action Statement of Policy* prohibit acts of violence and other harassment on the basis of any legally-protected characteristic (including religion and nationality).

[UMD's VI-1.00\(B\), Non-Discrimination Policies and Procedures](#), similarly prohibits any conduct (verbal, physical, written, graphic, or electronic) that threatens an individual or group.

[UMD's VI-1.00\(F\), Policy on Threatening and Intimidating Conduct](#), addresses expressions of intent to cause physical violence, damage property, or otherwise act in ways that endanger an individual's health and safety.

[USM's VI-4.10, Policy on the Use of the Physical Facilities of the University System of Maryland for Public Meetings](#), and [UMD's VI-4.10\(A\), Policy and Procedures for the Use of Facilities and Outdoor Spaces](#), address the appropriate use of physical facilities and require proper safeguards. UMD's policy notes that threats of physical violence are not protected by the First Amendment.

[UMD's VI-11.00\(A\), Faculty and Staff Workplace Violence Reporting and Risk Assessment Procedures](#), addresses physical violence, verbal threats, and menacing behavior.

[UMD's Guidelines on Demonstrations and Leafletting](#) prohibit physically abusive, harassing, threatening, or intimidating conduct.

[UMD's Statement on University Values](#) notes that UMD aspires "to become a community that is: United, Respectful, Secure and Safe, Inclusive, Accountable, and Empowered and Open to

Growth.” It asks the UMD community to refrain from violence and aggression, as well as slander, intimidation, and the “symbolic intimation of violence.”

2. What policies exist to protect the emotional safety or welfare of campus community?

The policies noted above in #1 also address non-physical safety, such as offensive, belittling, or denigrating conduct. UMD also has [VI-1.00\(C\), Policy on Inclusive Communication](#), designed to create a welcoming environment that is free from subtle and overt bias and discrimination. Numerous policies address the need to treat other individuals with respect and dignity.

3. Do existing policies account for matters of perception vs immediately actionable violations?

Yes, although people may not fully understand First Amendment protections that allow for speech that causes discomfort to the listener. The [Code of Student Conduct](#) prohibits intentionally causing physical harm *or creating a reasonable expectation of physical harm*. [USM’s VII-8.05, Policy on Professional Conduct and Workplace Bullying](#) (which applies to staff employees) prohibits staff from engaging in behavior that “*a reasonable employee would find malicious, degrading, intimidating, or threatening*. In August 2024, the University adopted a new Policy on Faculty Professional Conduct (II-10.00[A]), which intended to cover similar ground for faculty as VII-8.05 covers for staff.

4. Which policies or guidelines address hate speech and the nuance between uncomfortable/difficult speech and hate speech?

The Office of Faculty Affairs (OFA) has an [Academic Freedom and Free Speech](#) website, which notes that academic freedom is broad in scope but generally includes freedom of research and publication; freedom of teaching; freedom of internal criticism; and freedom to participate in public debate. It also notes that with freedom comes responsibility, including that:

- Faculty should not subject students, as a general matter, to discussion in the classroom that is not educationally relevant to the subject matter of what is being taught.
- Faculty should demonstrate respect for others as individuals, and show respect for the rights of others to express their views.
- Faculty should feel free to discuss subjects within their academic competencies, exercise intellectual honesty, and present opinions justified by the facts and standards of scholarship.
- Faculty should exercise caution not to speak on subjects not within their area(s) of expertise.

The OFA website also describes the [First Amendment rights](#) of faculty members.

The Office of General Counsel (OGC) has a [Freedom of Speech on Campus](#) website that addresses the First Amendment, UMD’s values, and the observation that it is “not the proper role of UMD to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.” That said, it also notes that UMD “unequivocally condemns speech that supports prejudice and discrimination” and notes that UMD’s “condemnation of hate” does not violate the First Amendment.

Addressed on the OGC Freedom of Speech website are explanations of:

- Hate speech;
- Unprotected speech (i.e., speech not protected by the First Amendment);
- Time, place, and manner restrictions that UMD may impose on speech;
- An explanation that UMD is not a “traditional public forum” and is thus able to designate where expressive activities can and cannot occur;
- Academic freedom and employee free speech;
- Free speech and assembly rights for student organizations;
- The appropriate manner in which to criticize speech, which does not include silencing the speech of others;
- Civility and respect, noting that just because there is a First Amendment right to say something, that does not mean it should be said; and
- Doxing.

The OGC website also provides reporting resources and explicitly encourages members of the UMD community to report threatening or intimidating conduct, bias, discrimination, and/or harassment.

APPENDIX 3

University of Maryland Campus-Level Resources for Safety and Security on Campus

1. What structures are in place to respond to safety and security issues on campus?

Safety and security on campus are the purview of the [University of Maryland Police Department](#) (UMPD), working in collaboration with the [Department of Resident Life](#) (ResLife), the [Adele H. Stamp Center for Campus Life](#) (Stamp), and other administrative units at the University.

The UMPD campus security system includes an information analysis unit with three full-time staff members, who track and monitor safety information. Approximately 500 security cameras on campus are monitored by student staff. UMPD is also responsible for event security. At major campus events, UMPD officers are commissioned, and cameras are zoomed in on the event premises. Standard security procedures at major events, including athletic events, include ID checks, bag checks and metal-detector wandering.

The Stamp Student Union oversees more than 800 student groups, most of which are identity-based, and works with [thirteen chaplains](#) to meet the spiritual needs of UMD students. Additionally, Stamp oversees the faith-based and interfaith space at the [University of Maryland Memorial Chapel](#). Since 2022, Stamp has provided support through a “free expression response team” at campus events. These Stamp-trained faculty and staff members, who currently number about 65 to 70, wear brightly-colored lanyards identifying themselves as support resources and are present at the frontline of monitoring major campus events.

ResLife works closely with UMPD to manage safety and security in campus residences. ResLife maintains onsite staff in campus residences on a 24-hour, 7-day basis.

[The Office of Student Conduct](#) (Student Conduct) investigates both academic and non-academic violations of student conduct. In addition to individual incidents, Student Conduct also investigates allegations of [hazing](#).

The [Office of Civil Rights and Sexual Misconduct](#) (OCRSM), sometimes referred to as the Title IX Office, addresses cases of discrimination and harassment related to members of the campus community, including but not limited to sexual harassment and assault and discrimination based on protected classes such as race, color, sexual orientation, national origin, and religion.

2. What structures are in place to prevent or respond to incidents of Islamophobia or antisemitism on campus?

UMPD follows a community policing approach to campus life and has ongoing connections with campus faith leaders, working closely with them to support students. UMPD patrols and monitors multiple campus

locations and places of worship, gathering, and residency including the Nyumburu Cultural Center on Fridays for Muslim congregational prayer and UMD Hillel and Chabad on Saturdays for Jewish Sabbath observances.

The [Office of Diversity and Inclusion](#) (ODI) provides resources for formal and informal diversity education, including training, consultations, and teaching materials. Their current training series includes a [Jewish Identities and Antisemitism Programming Series](#), and programming on Islamophobia is currently in the works.

ODI also provides support for people who have experienced a hate/bias incident. ODI's [Bias Incident Support Services](#) (BISS) collects reports on hate/bias incidents, which are shared on a campus [Bias Reporting Dashboard](#). BISS works one-on-one with individuals, providing referrals for personal support and facilitating reports to UMPD, the Office of Student Conduct, and the Office of Civil Rights and Sexual Misconduct, as relevant. BISS also sponsors hate/bias prevention programs and trainings.

The University has an [established policy](#) for responding to potential hate/bias incidents, including incidents that may reflect antisemitic or Islamophobic behavior. All reports of hate/bias incidents received by the UMPD are investigated. Those that rise to the level of criminal misconduct are handled according to UMPD policy. Those that do not may be referred to other campus entities (including the Office of Student Conduct, University Human Resources, and other relevant offices). Not all Hate Bias Incidents are reported to the UMPD, although they may be reported elsewhere, including to BISS.

ResLife oversees the protocol for suspected hate/bias incidents that happen in or around residence halls. Under this protocol, staff are expected to respond to the scene, secure the area, cover the area if there is any writing or other vandalism, and contact UMPD. ResLife staff are then expected to remain on the scene to provide support and resources. Impacted students are provided information and resources from ResLife, BISS, OCRSM, and the [UMD Counseling Center](#), and if it is deemed necessary, a temporary space is offered to impacted students. Additional follow-up is made on the next business day.

In residence hall cases where staff perceive a need for additional support, other responses may include floor or unit meetings, walking students to the Counseling Center to set appointments, referrals to other administrative offices, and helping students connect with affinity spaces and restorative circles.

The Counseling Center is the primary campus provider for psychological consultation services. While the center offers support for [student diversity](#) through walk-in hours for students of color, they offer no specific resources to meet unique needs of Muslim or Jewish students.

APPENDIX 4



UNIVERSITY OF MARYLAND

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DEPARTMENT OF PUBLIC SAFETY
Internationally Accredited

Major Michael Leadbeter
Commander, Support Services Bureau

MEMO

To: Dr. Shibley Telhami, Dr. Maxine Grossman
From: Major M. Leadbeter, UMPD
Date: October 28, 2024
Subject: Joint Task Force on Antisemitism and Islamophobia

The University of Maryland Police Department has actively participated in all scheduled free-expression and other related events on campus since October 7, 2023, specifically nine pro-Israel and (12) pro-Palestine events. The majority of the pro-Israel and pro-Palestine events were held on McKeldin Mall or Hornbake Plaza. The event spaces were reserved through the Stamp Student Union and required participating individuals and organizations to abide by prescribed rules. UMD's Free Expression Team, a campus wide team led by Stamp Student Union, participated in the management of these events. Members are typically the first to respond to (minor) incidents outside of the scope of, or in violation of the permit or contract.

To date, both pro-Israel and pro-Palestine organizations have remained generally compliant with agreed upon guidelines relating to time, space, sound, as well as other conduct-related requirements for scheduled events on campus. Absent any intervention by the Free Expression Team, UMPD has not referred any individuals or organizations to the UMD Office of Student Conduct or witnessed any criminal violations requiring enforcement at these free-expression events. Frequently, individuals with opposing views have expressed themselves at scheduled events, with none rising to the level of criminal violations or requiring remarkable actions by UMPD.

The following tables include calls and reports to UMPD only from January 2022 - August 2024. They do not include any reports to PGPD or other UMD offices.

This table includes hate/bias reports or reports with hate/bias indicators as determined by the State of Maryland and reported to the state by UMPD Records Manager.

Year	Bias Type	Type	Details
2022	anti-Jewish	Hate/Bias Incident	bulletin board swastika
2022	anti-Jewish	Hate/Bias Incident	"no Jews" written on restaurant sign
2023	anti-Jewish	Hate/Bias Incident	"n" word and swastika on white board
2023	anti-Jewish	Theft	stickers from pro-Israel group taken down
2023	anti-Jewish	Theft	stickers from pro-Israel group taken down
2023	anti-Jewish	Theft	stickers from pro-Israel group taken down
2023	anti-Jewish	Theft	stickers from pro-Israel group taken down
2024	anti-Jewish	Vandalism	swastika etched in stall
2024	anti-Jewish	Hate/Bias Incident	tiles arranged to look like swastika

This table includes calls for service when the initial call came in with a possible bias of some kind. After investigations by patrol and/or detectives, they did not meet the definitions of hate/bias cases.

A large variety of search terms were used in attempts to capture all relevant calls for service that fit the request. Additionally, several sources of records were cross checked. There was 1 anti-Muslim call that came in, but after investigation was unfounded.

Year	Type of call	Number
2023	Free Palestine on whiteboard	4
2023	Free Palestine on public space (outside)	3
2023	Chalking on ground	2
2023	Stickers	1
2024	Free Palestine on public space (inside)	4
2024	Flyers	1
2024	Verbal	1
2024	anti-Israel in stairwell	1
2024	Israeli flag removed from display	1





A Special Rule for a Right of First Reading for Items Requiring a Vote

NAME/TITLE	Senator Stevens Miller, Lecturer		
EMAIL	stevensm@umd.edu	PHONE	703-217-0862
UNIT	CMNS	CONSTITUENCY	Comp Sci, PTK

DESCRIPTION OF ISSUE

Recent senate meetings have included, as new business, proposed resolutions on important issues that are appropriate for senate consideration and public statement. The wording of those resolutions is critical to the process of each senator’s decision on whether or not to support the resolution. Thoughtful review and consideration would benefit from having the resolution in writing before the vote is taken, with time to make an informed decision, contemplate potential amendments, and discuss the item with a senator’s constituency.

DESCRIPTION OF CHANGE YOU WOULD LIKE TO SEE

The senate should adopt, under the relevant provision in Roberts Rules, a Special Rule allowing for the right of a first reading. This would call for any resolution or motion that will be put to a vote of the senate to be included in written form in the materials provided to senators before the meeting at which the vote will be taken.

SUGGESTION FOR HOW YOUR PROPOSAL WOULD BE PUT INTO PRACTICE

The senate could adopt this proposal by voting in favor of the following motion:

“The senate shall establish a Special Rule that items requiring a senate vote shall be provided in writing with the materials given to each senator before the meeting at which the vote will be taken. Any items brought as new business will be put over for action at the next meeting upon a call for deferral by any senator present, except that, if two-thirds of the senators present vote against such deferral, a vote may be taken on an item brought as new business at the same meeting where the item is brought as new business.”

ADDITIONAL INFORMATION

Special rules are a common practice under Roberts Rules (see Roberts Rules, 11th ed, pp. 15-17, and <https://jurassicparliament.com/special-rules-and-standing-rules-in-roberts-rules/>).

First (and sometimes even second) readings of substantial action are also a common practice in deliberative bodies that use parliamentary process (see <https://spu.edu/-/media/university-leadership/provost/documents/parliamentary-procedure-101-2022.ashx>).