

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

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

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

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

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

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

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

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

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

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

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

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



**Review of the Interim Sexual Misconduct Staff Procedures
(Senate Document #19-20-06)
Staff Affairs Committee | Chair: Jane Hirshberg**

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

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

The Staff Affairs Committee should:

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

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