



NOTRE DAME OF MARYLAND UNIVERSITY

2016 ANNUAL FIRE SAFETY
AND SECURITY REPORT



TABLE OF CONTENTS

MESSAGE FROM THE PRESIDENT	1	CAMPUS SECURITY POLICIES, CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS	31
MESSAGE FROM THE DIRECTOR OF PUBLIC SAFETY	2	<i>Behavioral Intervention Team</i>	31
NOTICE OF NON-DISCRIMINATION	2	<i>Weapons Policy</i>	31
ANNUAL SECURITY REPORT.....	3	<i>Victim Rights</i>	31
PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS	3	<i>Student Conduct</i>	31
REPORTING CRIMES AND OTHER EMERGENCIES	3	<i>Missing Student Notification Policy</i>	32
<i>Voluntary, Confidential Reporting</i>	3	<i>Daily Crime and Fire Log</i>	32
<i>Reporting to the NDMU Office of Public Safety</i>	3	<i>Crime Prevention and Safety Awareness Programs</i>	32
<i>Emergency Phones</i>	3	<i>NDMU Alcohol and Drug Policy</i>	33
<i>Reporting to Other Campus Security Authorities (CSAs)</i> ...	4	ANNUAL DISCLOSURE OF CRIME STATISTICS.....	36
ABOUT THE OFFICE OF PUBLIC SAFETY	4	<i>Crime Statistics</i>	39
<i>Role, Authority and Training</i>	4	ANNUAL FIRE SAFETY REPORT.....	41
<i>Safety, Our Number One Priority</i>	4	<i>Definitions</i>	41
TIMELY WARNING REPORTS – CRIME ALERTS.....	5	<i>The following terms are used within this report. Definitions have been obtained from the Higher Education Opportunity Act:</i>	41
EMERGENCY RESPONSE AND EVACUATION PROCEDURES	6	<i>On-Campus Housing Fire Safety Equipment</i>	41
<i>Emergency Management at NDMU</i>	6	<i>Residence Hall Fire Safety System Description</i>	41
<i>Evacuation Procedures</i>	6	<i>Supervised Fire Drills</i>	41
<i>Emergency Management Plan</i>	6	<i>Fire Safety Violations and Prohibitions</i>	41
<i>Drills, Exercises and Training</i>	6	<i>Fire Safety Education and Training Programs</i>	41
<i>Emergency Notification</i>	7	<i>Reporting</i>	41
SECURITY OF AND ACCESS TO NDMU FACILITIES.....	8	<i>Evacuation Procedures</i>	42
<i>Special Considerations for Residence Hall Access</i>	8	CRIME PREVENTION TIPS	42
<i>Security Considerations for the Maintenance of Campus Facilities</i>	8	<i>Theft</i>	42
NDMU’S RESPONSE TO SEXUAL AND GENDER VIOLENCE	8	<i>Identity Theft</i>	42
<i>Sexual Misconduct Policy</i>	9		
<i>Sexual Misconduct Procedures</i>	19		
<i>Sex Offenses, Dating Violence, Domestic Violence and Stalking Awareness and Prevention Programming</i>	29		
<i>Procedures for Victims of Sexual Assault, Dating Violence, Domestic Violence or Stalking</i>	30		
<i>Prohibition on Retaliation</i>	31		
<i>Sex Offender Registration – Campus Sex Crimes Prevention Act</i>	31		



MESSAGE FROM THE PRESIDENT

To the Notre Dame of Maryland University community—

It is up to each one of us to help foster a secure and supportive environment at Notre Dame of Maryland University (NDMU)—an environment where individuals can feel safe to visit, learn, work and live. Primary to this goal are the principles of responsibility and respect. These values are essential to any community and serve as the foundation for the success and productivity of our students, faculty and staff. Safety on campus is one of our highest concerns. A truly safe campus can only be achieved through the cooperation of everyone. This publication contains information about campus safety measures and reports statistics about crime in our NDMU community. It also describes our efforts to combat alcohol and drug abuse. Please take the time to read it and help foster a caring and safe environment.

Mary Lou Yam, President

MESSAGE FROM THE DIRECTOR OF PUBLIC SAFETY

To the Notre Dame of Maryland University Community—

On behalf of the members of the Notre Dame of Maryland University Office of Public Safety, I want to thank you for your interest in our Annual Fire Safety and Security Report. We publish this report because it contains valuable information for our campus community and to comply with important provisions of the Clery Act. Campus safety and security and compliance with the Clery Act should be a part of everyone's responsibility at Notre Dame of Maryland University. You will find information about our organization including descriptions of certain services that we provide. You will also become familiar with our strong commitment to victims of crimes and the specific services available to crime victims. Lastly, you will find important information about security policies and procedures on our campus, crime data and crime prevention information. We join President Yam in the commitment to foster a secure and supportive environment at Notre Dame of Maryland University. Campus safety and security is a collaborative effort at Notre Dame of Maryland University. We partner with the many departments at Notre Dame of Maryland University that have a critical role in fostering campus safety. The men and women of the Notre Dame of Maryland University Office of Public Safety Department are committed to making Notre Dame of Maryland University campus a safe place in which to live, work and study.

Jeff Munchel, Director of Public Safety

NOTICE OF NON-DISCRIMINATION

ACCESSIBILITY TO INFORMATION AND NON-DISCRIMINATION STATEMENT

Notre Dame of Maryland University ("University" or "NDMU") values safety, cultural and ethnic diversity, social responsibility, lifelong learning, equity and civic engagement. Consistent with these principles, the University does not discriminate in offering equal access to its educational programs and activities or with respect to employment terms and conditions on the basis of age, ancestry, color, creed, disability, gender, gender identity, genetic information, marital status, national origin, race, religion, sex, sexual orientation or protected veteran's status in accordance with applicable federal, state and local laws and regulations including, but not limited to, Title IX of the Education Amendments of 1972 as amended (Title IX), Title VI of the Civil Rights Act of 1964 as amended (Title VI), Title VII of the Civil Rights Act of 1964 as amended (Title VII), Section 504 of the Rehabilitation Act of 1973 (Section 504), Americans with Disabilities Act of 1990 as amended (ADA) and Age Discrimination in Employment Act of 1967 as amended.

The University's associated compliance responsibilities and the administration of the University's non-discrimination and sexual misconduct policies are managed through the Title IX coordinator. Inquiries or concerns may be referred to Greg FitzGerald, Title IX Coordinator, Gibbons Hall, Room 106, 4701 North Charles Street, Baltimore, MD 21210, 410-532-5109, gfitzgerald@ndm.edu. Inquiries or concerns regarding compliance with Section 504, ADA, and/or other civil rights laws regarding disabilities, may be referred to Arber Winn, ADA/Section 504 Coordinator, Theresa Hall, Room 009, 4701 North Charles Street, Baltimore, MD 21210, 410-532-5401, awinn@ndm.edu.

NDMU seeks to foster and maintain an atmosphere of mutual respect and concern for all members of the University community. As such, the University does not discriminate against students, faculty or staff based on sex in offering equal access to its educational programs and activities or with respect to employment terms and conditions. Sexual- and gender-based harassment and misconduct, including sexual violence, are a kind of sex discrimination and are prohibited by Title IX and the University.

The University is committed to maintaining a campus environment that is free from discrimination based on sex and maintains that commitment by responding promptly and effectively when it learns of any form of possible discrimination based on sex. The University responds to reports of sexual harassment, including sexual violence, as part of its efforts to stop the misconduct, prevent its recurrence and remedy its effects. In compliance with Title IX, the University has sexual misconduct and sexual harassment policies.

ANNUAL SECURITY REPORT

PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

The NDMU Office of Public Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using information maintained by the office of public safety; information provided by other campus offices, such as student life, residence life and other campus security authorities (CSAs); and information provided by local law enforcement agencies surrounding the main campus. Each of these offices provides updated policy information and crime data.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased or controlled by NDMU. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol and other drugs.

NDMU distributes a notice of the availability of this Annual Fire Safety and Security Report by October 1 of each year to every student and employee member of the campus community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting the Office of Public Safety at 410-532-5360.

REPORTING CRIMES AND OTHER EMERGENCIES

NDMU has a number of ways for campus community members and visitors to report crimes, serious incidents and other emergencies to appropriate University officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire campus community that you immediately report all incidents to the Office of Public Safety at 410-532-5360 to ensure an effective investigation and appropriate follow-up actions, including issuing a crime alert or emergency notification.

VOLUNTARY, CONFIDENTIAL REPORTING

If crimes are never reported, little can be done to prevent other members of the community from also being victims. We encourage campus community members to report crimes promptly and to participate in, and support, crime prevention efforts. The NDMU community will be much safer when all community members participate in safety and security initiatives.

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the University or criminal justice system, we ask that you consider filing a voluntary, confidential report. Depending upon the circumstances of the crime you are reporting, you may be able file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety and the safety of others. The confidential reports allow NDMU to compile accurate



records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Fire Safety and Security Report. In limited circumstances, the department may not be able to assure confidentiality and will inform you in those cases. For more information, please contact the director of Public Safety at 410-532-5360.

Anyone may call the Office of Public Safety at 410-532-5360 to report concerning information. Callers may remain anonymous.

REPORTING TO THE NDMU OFFICE OF PUBLIC SAFETY

We encourage all members of the campus community to report all crimes and other emergencies to the NDMU Office of Public Safety in a timely manner. The Office of Public Safety has a dispatch center that is available by phone at 410-532-5360 or in person 24 hours a day at Gibbons 101. Though there are many resources available, the Office of Public Safety should be notified of any crime, whether or not an investigation continues, to assure NDMU can assess any security concerns and inform the community if there is a significant threat to the campus community.

EMERGENCY PHONES

In order to improve security and the quality of campus life, the University installed a Blue Light Emergency Notification System. With the push of a button, you are in immediate contact with the office of public safety. When the button at the blue light station is depressed, the strobe light at the top of the station is activated, a security operator will be in immediate voice contact and a public safety officer will be dispatched.

The telephone keypad on the station may also be used for nonemergency on-campus contacts, including requesting a security escort, asking for directions or contacting any office or

residence hall on campus. The lights are along the library path, in front of Meletia Hall, behind Fourier Hall and near the soccer field

There are phones located in public areas of buildings, including elevators, residence hall complexes and administration buildings. These phones provide direct emergency communications to the Office of Public Safety Dispatch Center by dialing 6666. Please visit <http://www.ndm.edu/offices-and-services/public-safety/> to learn more about your Office of Public Safety resources.

REPORTING TO OTHER CAMPUS SECURITY AUTHORITIES (CSAS)

While NDMU prefers that community members promptly report all crimes and other emergencies directly to the office of public safety at 410-532-5360, the on-campus emergency number 6666 or 911, we also recognize that some may prefer to report to other individuals or University offices. The Clery Act recognizes certain campus officials and offices as CSAs. The Act defines these individuals as “official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

While the University has identified many CSAs, we officially designate the following offices as places where campus community members should report crimes:

OFFICIAL	CAMPUS ADDRESS	PHONE NUMBER
Office of Public Safety	Gibbons Hall rm. 002	410-532-5360
Interim Associate Vice President for Student Life	MBK rm. 224	401-532-3586
All Resident Life Staff	Theresa Hall rm. 022	410-532-3174
Director of Athletics	MBK rm. 228	410-532-5388
Coaches and Assistant Coaches	MBK rm. 222	410-532-5388
All Faculty Serving as Advisors to Student Groups or Organizations		

PASTORAL AND PROFESSIONAL COUNSELORS

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by NDMU to serve in a counseling role are not considered CSAs when they are acting in the counseling role. As a matter of policy, the University encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them.

ABOUT THE OFFICE OF PUBLIC SAFETY

ROLE, AUTHORITY AND TRAINING

The NDMU Office of Public Safety protects and serves our campus community 24 hours a day, 365 days a year. The department is responsible for a number of campus safety and security programs, including emergency management; community safety and security education; and physical security, including security technology, behavioral threat assessment and special event management. The Office of Public Safety works hand-in-hand with all University departments in an effort to provide a safe environment in which to live and learn.

The department is comprised of:

- 1 director
- 3 shift supervisors
- 12 security officers
- 6 on-call security officers

The officers conduct foot and vehicle patrols on campus and are charged with the enforcement of federal, state and local laws, as well as University policies and regulations. Public safety officers do not make arrests, and their jurisdiction to enforce University rules is limited to property owned by NDMU.

SAFETY, OUR NUMBER ONE PRIORITY

The University takes great pride in the community and offers students and employees many advantages. The Office of Public Safety has your safety as its first priority and ensures this with constant foot and vehicle patrols 24 hours a day, seven days a week. This community is a great place to live, learn, work and study; however, this does not mean that the campus community is immune from all of the other unfortunate circumstances that arise in other communities. With that in mind, NDMU has taken progressive measures to create and maintain a reasonably safe environment on campus.

Though NDMU is progressive with its policies, programs and education, it is up to each one of us to live with a sense of awareness and use reasonable judgment when living or working on, or visiting campus. There's a lot you can do yourself to make our campus even safer:

- Report any suspicious behavior, criminal activity or emergency to Public Safety right away by dialing extension 6666 on campus.
- Not an emergency? Call 410-435-0100 or dial extension 5360 from a University phone.
- Take responsibility for your safety; walk in pairs at night.
- Keep your residence hall room door locked at all times. Keep all valuables out of sight in your car.
- Report any unescorted strangers, male or female.

- Do not prop open any exterior doors, and report any find propped open.
- Know the campus location of the Blue Light Emergency Notification System.
- Pay attention to Office of Public Safety bulletins and updates.

We strongly encourage prompt and accurate reporting of crimes. This is critical for many reasons (e.g., evidence preservation or issuance of timely warnings) to enhance community safety. We also encourage adherence to all Notre Dame rules of conduct, as well as local, state and federal laws—and common sense!—to keep our campus safe.

Victims of, or witnesses to, criminal activity in which there is no immediate danger may report an incident by calling the communications center at 410-435-0100. You may also dial extension 5360 from a University phone. An officer will make a report and follow up on your incident.

WORKING RELATIONSHIP WITH LOCAL, STATE AND FEDERAL LAW ENFORCEMENT AGENCIES

The Office of Public Safety maintains a working relationship with the Baltimore City Police Department. Public Safety receives daily reports from the Baltimore City Police Department listing all major crime that was reported in the vicinity of the campus. The University is in the final stages of formalizing its relationship with the Baltimore City Police with a Memorandum of Understanding (MOU) regarding the investigation of alleged offenses occurring on campus. We also cooperate with state and federal law enforcement agencies as appropriate when called upon.

CRIMES INVOLVING STUDENT ORGANIZATIONS AT OFF-CAMPUS LOCATIONS

NDMU off-campus locations are patrolled by, and crimes are reported to, the respective law enforcement agency of that jurisdiction. The Office of Public Safety communicates with, and receives crime reports from, these other law enforcement agencies. The University relies on its close working relationships with local law enforcement agencies to receive information about incidents involving NDMU students and recognized student organizations, on and off campus. In coordination with local law enforcement agencies, the Office of Public Safety will actively investigate certain crimes occurring on or near campus. If the Office of Public Safety learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency to forward information about the situation to the Office of Student Rights and Responsibilities, as appropriate.

NDMU requires all recognized student organizations to abide by federal, state and local laws, and the University's regulations. NDMU may become involved in the off-campus conduct of recognized student organizations when such conduct is determined to affect a substantial University interest (as defined in the Off-Campus

Misconduct Policy in the Student Handbook, located at <http://www.ndm.edu/files/resources/ndmu-student-handbook-16-17-2.pdf>)

TIMELY WARNING REPORTS – CRIME ALERTS

As soon as pertinent information is available, the Office of Public Safety, in consultation with the Office of University Communications, will evaluate the need to issue a timely warning based upon the following conditions: 1. A Clery Act crime, occurring within the institution's Clery geography, has been reported to campus security authorities or police; and 2. The crime is considered by the institution to represent a serious or continuing threat to students and employees. In determining whether to issue a timely warning, on a case-by-case basis, the institution will consider all the facts surrounding the crime including factors such as: the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. The intent in issuing a timely warning is to enable members of the campus community to protect themselves and to aid in the prevention of similar crimes. Timely warnings will be distributed via methods reasonably likely to reach the entire campus community. This is typically accomplished via email but may also include: emergency text message notification and/or bulletins posted on building entrances and exits. Once the decision has been made to issue a timely warning, the Office of Public Safety is responsible for distributing the warning. In accordance with federal law, the institution will withhold the names of victims as confidential in any timely warning.

In an effort to provide timely notice to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community, the Office of Public Safety issues "crime alerts." The Office of Public Safety will generally issue crime alerts for the following crimes: arson, aggravated assault, criminal homicide, robbery, burglary, sex assaults and hate crimes. The Office of Public Safety will post these warnings through a variety of ways, including, but not limited to, posters, emails and media. NDMU also has the ability to send text message alerts to those who register their cell phone numbers. The text messaging can be a very effective way to send important information to the campus community. Visit: <http://www.ndm.edu/offices-and-services/public-safety/e2campus/>.

Additionally, the University may, in some circumstances, issue crime alerts when there is a pattern of crimes against persons or property. At NDMU, the director of Public Safety will generally make the determination, in consultation with other University offices, if a crime alert is required. However, in emergency situations, any Office of Public Safety supervisor may authorize a crime alert. For incidents involving off-campus crimes, The University may issue a crime alert if the crime occurred in a location used and frequented by the NDMU community.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

EMERGENCY MANAGEMENT AT NDMU

The Office of Public Safety will issue an emergency notification in order to immediately notify the campus community, or segment(s) of the community, when there is confirmation of a significant emergency or dangerous situation that involves an immediate threat to the health or safety of students or employees and is currently occurring on the campus or immediately threatening the campus. Public Safety will utilize all information resources at their disposal to confirm there is an emergency and to determine which segments of the campus community must be warned.

Once an emergency or a dangerous situation is confirmed by Public Safety, an emergency notification will be initiated without delay unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. An emergency notification may apply to both criminal and noncriminal incidents and can include but is not limited to: weather or natural disaster events, public health emergencies, hazardous materials spills or gas leaks, civil unrest or rioting, armed intruders, bomb threats or terrorist incidents.

The method and content of the emergency notification may vary based upon the circumstances but may include: text message alerts, press releases, email alerts, campus telephone system, posted crime advisories in residence halls and campus common areas and notices on the Web page. Depending on the circumstances, it may be appropriate to alert only a specific segment or segments of the campus. The director of Public Safety, or designee, in consultation with the director of University Communications, is responsible for determining the content of the notification and appropriate segment(s) of the campus community to receive the notification. Likewise, the director of Public Safety, or designee, is responsible for initiating all emergency notifications. Information will be provided to the larger community through website postings and local media. As needed, follow-up information will be provided to the community utilizing the same systems as the initial emergency notification. Such alerts may include, but are not limited to:

- A campus-wide mass notification via the e2Campus Text Alert System to notify students, faculty and staff of the emergency situation. This is limited to those who have signed up for this free service. This system sends text messages and emails to subscribers.
- Patrol vehicles may be used to drive through the campus, sounding sirens and making appropriate public address announcements. In some situations, this method may not be desirable.
- The campus communications network may also be used to send out an email and/or voicemail messages to the entire campus community. Campus Community members can register for the [e2Campus Text Alert System](#).

EVACUATION PROCEDURES

Evacuation exercises prepare building occupants for an organized evacuation in case of an emergency. During an exercise, occupants practice emergency procedures and familiarize themselves with the location of exits and the sound of the fire alarm. These exercises also provide an opportunity to test the operation of fire alarm system components.

Evacuation exercises are monitored and coordinated by the Office of Public Safety to evaluate egress and behavioral patterns. These exercises may be announced or unannounced. Public Safety documents, for each test, a description of the exercise, the date, time and whether it was announced or unannounced. At least once per year, the institution also publicizes its emergency response and evacuation procedures in conjunction with an exercise.

EMERGENCY MANAGEMENT PLAN

The Emergency Management Team is responsible for the Emergency Management Plan. This plan is designed to be an all-hazards disaster response and emergency management plan that complies with FEMA guidelines for Higher Education and includes planning, mitigation, response and recovery actions.

Our priorities are:

- Focus on life safety, infrastructure integrity and environmental protection during an emergency.
- Coordinate with NDMU departments to write, maintain, test and exercise the Emergency Management Plan.
- Develop cooperation, integration and mutual aid with local, state and federal planning, response and public safety agencies, and their Emergency Management Plans.

A summary of the University's emergency response procedures is located at <http://www.ndm.edu/offices-and-services/public-safety/emergency-information/>. Included at this Web page is detailed information regarding NDMU's emergency notification policy, including how to enroll in the emergency notification system to ensure you receive emergency notices on University and cellular telephones.

DRILLS, EXERCISES AND TRAINING

Annually, NDMU conducts an emergency management exercise to test emergency procedures. The scenarios for these exercises change from year to year and include several departments from across the campus.

To ensure the University's emergency management plans remain current and actionable, NDMU will conduct an emergency management exercise once yearly, at a minimum. These exercises may include tabletop drills, emergency operations center exercises or full-scale emergency response exercises. The University conducts after-action reviews of all emergency management exercises.

In conjunction with at least one emergency management exercise each year, NDMU will notify the community of the exercise and remind the community of the information included in its publicly available information regarding emergency response procedures: (<http://www.ndm.edu/offices-and-services/public-safety/emergency-information/>).

EMERGENCY NOTIFICATION

The University is committed to ensuring the campus community receives timely, accurate and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members. NDMU uses the emergency notification system through a text alert message. **e2Campus** is an emergency notification service available to students, staff and anyone in the University community who wants to subscribe. e2Campus can be used to send emergency messages within minutes of the occurrence of an incident. Subscribers to e2Campus may also option to have a simultaneous message sent to an email account.

NDMU performs a University-wide annual test of the system. The following procedures outline the process NDMU uses when issuing emergency notifications.

Procedures Used to Notify the Campus Community

In the event of a situation that poses an immediate threat to members of the campus community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of emergency notification to all or a segment of the campus community. These methods of communication include the mass notification system e2Campus, the University's email system, voice messaging via University telephone system, and verbal announcement within a building and public address system on the Office of Public Safety patrol vehicles. The University will post updates during a critical incident on the homepage. If the situation warrants, NDMU will establish a telephone call-in center to communicate with the campus community during an emergency situation.

Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System

The Office of Public Safety and/or other campus first responders may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to the Office of Public Safety switchboard or upon discovery during patrol or other assignments.

Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, first

responders will notify the director of Public Safety or a designee to issue an emergency notification.

The director of Public Safety or designee will immediately initiate all or some portions of the University's emergency notification system. If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency, NDMU may elect to delay issuing an emergency notifications. As soon as the condition that may compromise efforts is no longer present, the University (usually the director of Public Safety or designee) will issue the emergency notification to the campus community.

Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification

The University and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of campus community should receive the notification. Generally, campus community members in the immediate area of the dangerous situation (e.g., the building, adjacent buildings or surrounding area) will receive the emergency notification first. The University may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued via the campus mass notification system, NDMU will also post applicable messages about the dangerous condition on its homepage to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, officials will distribute the notification to the entire campus community.

Determining the Contents of the Emergency Notification

The office responsible for issuing the emergency notification (usually the Office of Public Safety) in concert with NDMU leaders and local first responders, will determine the contents of the notification. NDMU has developed a wide range of template messages addressing several different emergencies. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases where there are no pre-determined template messages in the system, the individual authorizing the alert will develop the most succinct message to convey the appropriate information to the community. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

Procedures for Disseminating Emergency Information to the Larger Community

The University will notify the larger community through local media outlets working through the local public safety agencies' public information officers, and by providing information on social media sites (e.g., <https://www.facebook.com/>

NotreDameOfMaryland/?fref=ts, etc.) and the University homepage (<http://www.ndm.edu/>).

Enrolling in NDMU's Emergency Notification System

We encourage members of the campus community to enroll in the e2Campus mass notification system by visiting <http://www.ndm.edu/offices-and-services/public-safety/e2campus/>. We encourage NDMU community members to regularly update their information at the same site.

SECURITY OF AND ACCESS TO NDMU FACILITIES

The Notre Dame campus is an extremely safe place to live and study. A truly safe campus, however, can only be achieved through cooperation of all students and employees, and the responsible decisions they make every day.

The majority of campus buildings are open and accessible during normal business hours. Access to student residential areas is restricted and is accessible only by swipe card or an authorized escort. All campus buildings are locked and secured overnight.

Public Safety and Facilities Management collaborate to provide ongoing maintenance and physical security enhancements on campus. This includes routine inspections of locks, elevators, cameras and lighting systems

At the University campus, administrative buildings are open from 8 a.m. to 5 p.m., Monday through Friday, and academic buildings generally are open from 7 a.m. to 11 p.m. Academic buildings are scheduled to be open on weekends only as needed. Access to individual classrooms and laboratories is limited to those enrolled in the courses meeting there. Likewise, access to most programs is limited to those enrolled in the program or otherwise authorized access.

Many cultural and athletic events held in campus facilities are open to the public. Other facilities such as the Triangle Bookstore, Loyola/Notre Dame Library and Copeland Theatre are likewise open to the public. Only those who have demonstrated a need are issued keys to a building.

SPECIAL CONSIDERATIONS FOR RESIDENCE HALL ACCESS

At NDMU, all residence halls operate under a computerized Access Control and Security Monitoring System. Identification cards are coded so that only students who are residents in a particular hall are authorized electronic access entry to that hall; the system denies entry to all unauthorized persons. When any exterior door is left ajar, an audible alarm is activated. Public Safety officers are responsible for checking and securing doors, when needed. When a door is malfunctioning, personnel are summoned for immediate repair.

All residence hall and apartment exterior doors are equipped with locks and with crash bars to ensure a quick emergency exit.

Only residents and their invited guests are permitted in the living areas of the residence halls. It is the residents' responsibility to ensure that guests are aware of University and residence hall policies. Guests are not provided with room keys or door access cards. Residents must escort guests must at all times. All exterior doors are locked 24 hours a day. It is the responsibility of residents and staff members to challenge or report individuals who cannot be identified as residents or the guests of residents. When the Office of Public Safety receives a report of an unescorted person in a residence hall, a Public Safety officer is dispatched to identify that person. During the summer, when groups who are not regularly associated with NDMU are using its residence halls, exterior doors are locked 24 hours a day. Guests are issued identification cards that allow them to gain access to their assigned building via the electronic access control system. Office of Public Safety personnel also conduct regular checks of residence hall areas.

SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF CAMPUS FACILITIES

NDMU is committed to campus safety and security. On campus, locks, landscaping and outdoor lighting are designed for safety and security. Sidewalks and building entrances are illuminated to provide well-traveled, lighted routes from parking areas to buildings and from building to building. The Office of Public Safety routinely surveys the campus and campus buildings for lighting and other safety concerns. Working in conjunction with Facilities Management, the need for repairs is documented and submitted for prompt action.

We encourage community members to promptly report any security concern, including concerns about locking mechanism, lighting or landscaping to the Office of Public Safety.

NDMU'S RESPONSE TO SEXUAL AND GENDER VIOLENCE

All members of the University community who learn of instances of sexual misconduct are encouraged to report this behavior immediately to the appropriate University officials in order to help the University provide a fair, prompt and impartial proceeding that includes an investigation and disciplinary hearing through the final results into these matters. University officials conducting these proceedings will receive annual training into how to conduct an investigation and a hearing process that protects the safety of victims and promotes accountability.



**REMEMBER TO LOCK YOUR
DOORS AND WINDOWS.**



SEXUAL MISCONDUCT POLICY

I. POLICY STATEMENT

Notre Dame of Maryland University seeks to foster and maintain an atmosphere of mutual respect and concern for all members of the University community, including students, faculty, staff, interns, employees, volunteers, contractors, guests and others who are within the University's control (the "University community"). The University is committed to providing an academic and work environment free from all forms of sexual- and gender-based harassment, discrimination and misconduct, examples of which can include acts of sexual violence, including sexual assault, domestic or partnership violence, exploitation, intimidation and stalking. In keeping with this commitment, the University maintains a strict policy prohibiting all forms of sexual and gender-based misconduct and unlawful discrimination and discouraging conduct that, while not unlawful, could reasonably be considered sexual misconduct and/or unlawful discrimination. All members of the University community share responsibility for fostering this environment by adhering to the standards of conduct outlined in this policy.

This policy applies to all members of the University community and prohibits unlawful sexual and gender-based misconduct and/or harassment in any form. It also prohibits retaliation of any kind against individuals who file complaints or who assist in a University investigation.

This policy applies to behavior on campus, off campus, at university-sponsored events and activities (including academic, educational, extracurricular, athletic or other programs), and

may apply to behavior that takes place fully off campus at other University events and activities. Under federal law, campus officials who receive a report of misconduct, regardless of the source of the information, must share that information with the appropriate University authorities for investigation and follow-up. The University is obligated under the law to investigate the complaint and to take action to eliminate sexual misconduct, prevent its recurrence and address its effects. All members of the University community who learn of instances of sexual misconduct are encouraged to report this behavior immediately to the appropriate University officials in order to ensure prompt, proper investigation into these matters.

The University also recognizes the centrality of its academic mission. In the event that instructional materials for scholarly purposes are involved in a sexual misconduct complaint, the University will review the materials, recognizing the importance of academic freedom and balancing the need to keep the University environment free of sexual misconduct.

II. PROHIBITED CONDUCT AND DEFINITIONS

A. Sexual Misconduct

Sexual misconduct (sometimes referred to as "prohibited conduct"), as defined below in this policy, is prohibited. For the purposes of this policy, sexual misconduct is defined as a form of sex discrimination, which includes sexual and gender-based harassment, sexual violence, relationship violence, domestic violence, sexual exploitation, sexual intimidation and sex- and gender-based stalking, as defined below. This policy applies to instances where the accused party (the "Responding Party") is a

current or past student, an employee and/or a third-party doing business with the University. This policy also prohibits acts of retaliation against anyone who files a complaint under this policy or participates in the investigation of a complaint. Further, this policy prohibits bringing false allegations of sexual misconduct.

Sexual misconduct can occur between strangers or acquaintances, including people involved in intimate or sexual relationships. Sexual misconduct can be committed by men or women and can occur between people of the same or different sex.

1. Sexual and Gender-Based Harassment

For the purposes of this policy, sexual and gender-based harassment includes quid pro quo harassment and hostile environment harassment.

a. Quid Pro Quo Harassment

Quid pro quo harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature by a person with power or authority over a member of the University community based on the member's protected status, where submission to, or rejection of, such unwelcome conduct is used, explicitly or implicitly, as the basis for any decision affecting a University community member's education, employment or participation in a University sponsored, recognized or approved program, visit or activity.

b. Hostile Environment Sexual and Gender-Based Harassment

Hostile environment sexual and gender-based harassment is defined as any unwelcome sexual advance; unwelcome request for sexual favors; or unwelcome verbal, physical, electronic or other conduct of a sexual nature that targets a University community member because of their protected status, when such conduct is sufficiently severe or pervasive that it alters the conditions of education, employment or participation in a University sponsored, recognized or approved program, visit or activity and creates an environment that a reasonable person in similar circumstances would find intimidating, hostile, humiliating, demeaning or sexually offensive. An isolated incident, unless sufficiently severe, does not amount to hostile environment sexual and gender-based harassment.

Hostile environment sexual and gender-based harassment is also defined as harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex or gender or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the individual's actual or perceived sex, gender, sexual orientation or gender identity or expression. Sexual harassment may include, but is not limited to, any or all of the following behaviors, if pervasive and continuous:

- Making offensive conversation, remarks, slurs, commentaries or epithets of a sexual nature; sexual jokes; sexual comments about appearance, clothing, body; comments concerning sexual relations; sexual flirtations; propositions; vulgar talk;
- Leering, making sexual gestures;
- Displaying offensive sexually oriented objects, pictures, cartoons, posters or electronic programs or email outside of a scholarly context and purpose; and
- Engaging in offensive conversation, remarks, slurs, and commentaries based on a person exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical notions of masculinity or femininity.

Some examples of possible sexual harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually-oriented jokes around on an email list they created, even when asked to stop, causing one recipient to avoid the sender on campus and/or in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door.
- Two supervisors frequently "rate" several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- Male students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, "sexual relations" and Weight Watchers.

- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

2. Sexual Violence

For the purposes of this policy, sexual violence includes physical sexual acts that are performed without consent or in instances when a person cannot give consent. Nonconsensual sexual violence can occur between members of the University community and between members and non-members of the University community. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery and sexual coercion. Sexual violence, in any form, is a criminal act and may include the following:

a. Sexual Assault I

Sexual Assault I is defined as any act of nonconsensual sexual intercourse without consent. Nonconsensual sexual intercourse means any sexual intercourse (however slight) with any object by a person upon another person that is without consent and/or by force. Sexual intercourse includes vaginal or anal penetration by a penis, object, tongue, finger, oral copulation (mouth to genital contact) or other body part; no matter how slight the penetration or contact.

b. Sexual Assault II

Sexual Assault II is defined as any act of nonconsensual sexual contact without consent. Nonconsensual sexual contact means any intentional sexual touching (however slight) with any object by a person upon another person without consent and/or by force. Sexual contact includes intentional contact of the intimate body parts of another person, causing another person to touch someone's intimate body parts, or disrobing or exposure of another person. Intimate body parts may include genitalia, groin, breast, buttocks, or clothing covering them, or any other body part that is touched in a sexual manner. Nonconsensual sexual contact also includes attempted nonconsensual sexual intercourse.

3. Sexual Exploitation

Sexual exploitation is defined as nonconsensual or abusive sexual advantage of another person for the purpose of one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited. Sexual exploitation may take many forms; it may be subtle and indirect, or blatant and overt.

Examples of sexual exploitation may include, but are not limited to, the following:

- Invasion of sexual privacy;
- Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person;
- Causing the prostitution of another person;
- Nonconsensual digital, video or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Allowing third parties to observe private sexual acts of a participant without the participant's consent;
- Voyeurism (spying on others who are in intimate or sexual situations);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person; and
- Intentionally or recklessly exposing one's genitals in nonconsensual circumstances; inducing another to expose their genitals.

4. Domestic Violence

Domestic violence is defined as physical violence, coercion, threats, intimidation, isolation, stalking or other forms of emotional, sexual or economic abuse committed by the victim's current or former spouse, current or former intimate partner, person similarly situated under domestic or family violence law or anyone else protected under domestic or family violence law. Domestic violence includes behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound another person. Domestic violence can be a single act or a pattern of behavior.

5. Dating/Relationship Violence

Dating/relationship violence is defined as physical violence, coercion, threats, intimidation, isolation, stalking or other forms of emotional, sexual or economic abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating/relationship violence includes behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound another person. Dating/relationship violence can be a single act or a pattern of behavior.

6. Sexual Intimidation

Sexual intimidation is defined as threatening to sexually assault another person; sex and gender-based stalking, including cyber stalking; or engaging in indecent exposure.

7. Sex- and Gender-Based Stalking

Stalking is defined as a form of sexual intimidation, when there is a course of conduct that is directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear.

Examples of stalking can include, but are not limited to, the perpetrator:

- Repeatedly sending unwanted, intrusive and frightening communications to the victim by phone, mail and/or email;
- Repeatedly leaving or sending the victim unwanted items, presents or flowers;
- Following or laying in wait for the victim at places, such as home, school, work or a recreation place;
- Making direct or indirect threats to harm the victim, the victim's children, relatives, friends or pets;
- Damaging or threatening to damage the victim's property;
- Harassing the victim through the Internet;
- Posting information or spreading rumors about the victim on the Internet, in a public place or by word of mouth; or
- Obtaining personal information about the victim by accessing public records, using Internet search services, hiring private investigators, going through the victim's garbage, following the victim or contacting victim's friends, family, work, neighbors, etc.

A. Retaliation

This policy prohibits retaliation. For the purposes of this policy, retaliation is defined as intimidating, threatening, coercive or discriminatory action, inaction, conduct or words, taken against a University community member, for the purpose of interfering with any right or privilege secured by law or this policy that is intended to discourage a reasonable person from engaging in a protected activity. Retaliation does not include petty slights and annoyances.

Protected activity includes a University community member's: good faith participation in filing, reporting, investigating or resolving an alleged violation of this policy; opposition to policies, practices or actions that a University community member has a good faith and reasonable belief are in violation of this policy; providing assistance to another University community member in filing or reporting an

alleged violation of this policy; or participation as a witness in an investigation of an alleged violation of this policy. Protected activity does not include unlawful activities, such as acts or threats of violence.

A Reporting Party, Responding Party or witness who is threatened in any way should immediately report these concerns to the Title IX coordinator, deputy Title IX coordinator for human resources and/or deputy Title IX coordinator for Student Life.

B. False Allegations

False accusations of sexual misconduct can seriously injure innocent people. It is a violation of this policy, therefore, for anyone knowingly to make false accusations of harassment or discrimination. A determination that a complaint is not meritorious, however, is not necessarily equivalent to a false allegation. A finding for the Responding Party does not constitute a finding that the complaint was in bad faith.

C. Related Concepts Used in this Policy

1. Coercion

Coercion is defined as unreasonable pressure to persuade or compel a person to engage in any conduct or behavior, including sexual activity.

2. Confidentiality

In all instances and to the extent possible, the University will protect the privacy of all parties to a report of sexual misconduct. Under federal law, campus officials (with the exception of those listed under confidential/quasi-confidential resources) who receive a report of misconduct, regardless of the source of the information, must share that information with the appropriate University authorities for investigation and follow-up. The University is obligated under the law to investigate the complaint and to take action to eliminate sexual misconduct, prevent its recurrence and address its effects.

Confidentiality will be maintained to the extent possible. The University will take steps to protect the identity of a person making a report, but the University may be obligated to conduct an investigation regardless of the Reporting Party's requests. In the course of the administrative investigation, information will be shared as necessary with people who need to know, such as investigators, witnesses and the Responding Party. Any response by the University may be limited by the Reporting Party's requests for anonymity and/or inaction.

Under Maryland law, if a student wishes the details of an incident to be kept strictly confidential, they can speak with a pastoral or professional counselor, a health provider or an off-campus rape crisis resource, such as

TurnAround Inc., the rape crisis center for Baltimore City and County. In accordance with Maryland law, these individuals will honor confidentiality unless there is an imminent danger to the student or to others. See Article III, Section A below for more details.

3. Consent

Consent is defined as knowing, voluntary and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. Consent must be given by a person with the ability and capacity to exercise freewill and make a rational and reasonable judgment. Consent may be expressed either by affirmative words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity or behavior. It is the responsibility of the person who wants to engage in the sexual activity or behavior to ensure that he/she has consent of the other to engage in the activity or behavior. Conducting sexual activity or behavior with someone you know or should know is incapacitated is a violation of this policy.

- Consent cannot be inferred from silence, passivity or a lack of resistance.
- Consent must be present throughout the entire sexual activity or behavior and may be withdrawn at any time. Once consent is withdrawn, the sexual activity or behavior must cease immediately.
- Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation or through the use of one's mental or physical helplessness or incapacity. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the sexual activity or behavior cease until the confusion is resolved.
- Consent cannot be implied based upon the mere fact of a previous or existing consensual dating or sexual relationship. In the context of a current relationship, consent for future sexual activity or behavior cannot be implied.
- Consent to one form of sexual activity or behavior cannot automatically imply consent to engage in other forms of sexual activity or behavior.
- In order to give consent, one must be of legal age.

4. Employees

Employees refer to any person currently or previously employed by the University. Employees include faculty

and staff regardless of the nature of the employment relationship.

5. Amnesty

At times, students and/or employees may be hesitant to report the occurrence of sexual misconduct because they are concerned that they themselves, or witnesses to the misconduct, may be charged with other policy violations, e.g., alcohol or drug violations. These behaviors are not condoned by the University, but the importance of dealing with alleged sexual misconduct outweighs the University's interest in addressing lesser violations. Accordingly, in these cases, the University may choose not to pursue disciplinary action against a student and/or employee who advises the University of sexual misconduct and/or against students/employees named as witnesses to the incident.

6. Incapacitation

Incapacitation is a state in which a person's decision-making ability is impaired such that the person lacks the ability to understand the "who, what, where, why or how" of their sexual activity or behavior. Incapacitation may result from sleep or unconsciousness; temporary or permanent mental or physical disability; the influence of alcohol, drugs and other substances used to facilitate date rape or sexual misconduct; or legally prescribed medication. Incapacitation may also occur when a person is physically restrained, without their consent, so the person is physically unable to resist sexual activity or behavior.

7. Interim Protective Measures

Interim protective measures are defined as reasonably available steps the University may take to protect the University community members in response to an allegation of prohibited conduct under this Policy. See Article V.

8. Students

Students refer to any current or past students of the University and may include students currently enrolled and/or enrolled within the past year.

9. Responsible University Employee

A responsible University employee includes any university administrator, supervisor, faculty member, coach or trainer. See Article III.

10. Reporting Party

The Reporting Party is defined as the party who has been subjected to conduct that constitutes a Prohibited

Conduct under this policy, regardless of whether the Reporting Party makes a report or seeks redress under this policy. In instances when the University receives notice of a potential sexual misconduct violation but no one has filed a complaint, the University may investigate without a reporting party.

11. Responding Party

The Responding Party is defined as the party, organization, team or individuals acting collusively, alleged to have committed an act that constitutes prohibited conduct under this policy.

12. Third-Parties

Third-parties refer to individuals whose relationship with the University is based on a contractual relationship with third-parties doing business with the University and other University partners.

III. UNIVERSITY EMPLOYEE REPORTING OBLIGATIONS

The University values the privacy of its students, faculty and staff and will make every effort to respect and safeguard the information they share. Information related to a report made under this policy will only be shared with others on a limited need-to-know basis. However, pursuant to federal and state law, in some circumstances, certain University community members have specific reporting obligations.

A. Confidential Resources

The University understands that some individuals may not be prepared to make a report to law enforcement or to the University. Therefore, the University has confidential resources available to provide confidential counseling, crisis support, medical care and/or advocacy services for University community members affected by an incident of prohibited conduct.

Pastoral Counseling: Professional, licensed, ordained clergy, who provide pastoral counseling to members of the University community at the University, are confidential resources.

Professional Licensed Mental Health Providers: Professional, licensed mental health providers who provide mental-health counseling to members of the University community, and also those who act in roles under the supervision of a licensed counselor, through the Counseling Center (for students) and the Employee Assistance Program (for employees), are confidential resources.

All of the above employees will maintain confidentiality except in the extreme case of immediate threat or danger, abuse or neglect of a minor or dependent adult or there is a legal obligation to reveal such information under an enforceable

court order. Notification to any of the confidential resources identified above does not constitute notice to the University nor does it trigger an obligation on the part of the University to investigate the alleged prohibited conduct.

B. Quasi-Confidential Resources

Non-licensed counselors and/or advocates who work or volunteer at the Counseling Center, Campus Ministry or as the sexual assault resource coordinator, are quasi-confidential resources. Conversations with these quasi-confidential resources can remain **confidential unless** there is a continuing threat of harm, as determined at the sole discretion of the University, or there is a legal obligation to reveal such information (e.g., in cases of mandatory reporting related to abuse or neglect of minors or dependent adults, or in response to a legally sufficient subpoena).

In order to identify patterns or systemic problems related to sexual misconduct and for Clery Act purposes, quasi-confidential resources will report incidents of prohibited conduct under this policy, without any identifying information, to the University's Title IX coordinator.

C. Responsible Employees

The University recognizes that some University community members may be most comfortable disclosing information about an incident of prohibited conduct to someone they know. Many University employees have been designated as responsible employees. For purposes of this policy, a responsible employee is defined as including any University community member who (1) has the authority to take action regarding prohibited conduct covered under this policy; (2) is an employee who has been given the duty of reporting prohibited conduct under this policy; or (3) is someone another University community member could reasonably believe has this authority or duty. **Responsible Employees** are **nonconfidential**, which means they will safeguard the University community member's privacy; however, they are required to immediately share the known details of an incident of prohibited conduct (date, time, location, names of parties involved, description of the incident, etc.), with the Title IX Coordinator and other need-to-know University officials.

Responsible employees will try to ensure that any University community member making a disclosure to a responsible employee understands the responsible employee's reporting obligations. Those identified below have been designated as responsible employees:

- Title IX coordinator
- All Title IX team members (excluding confidential resources)

- All employees in human resources
- All Public Safety personnel
- All NDMU administrators (president, provost, vice presidents, associate vice presidents, deans, associate deans, directors, department chairs)
- All NDMU supervisors
- All NDMU faculty (including adjuncts)
- All NDMU graduate assistants
- All NDMU academic advisors
- All NDMU athletic coaches (including volunteer coaches), trainers and advisors
- All NDMU community assistants

Failure of a nonconfidential employee, as described in this section, to report an incident or incidents of prohibited conduct of which they become aware, is a violation of university policy and can be subject to disciplinary action for failure to comply with university policy.

D. Disclosures to Others on Campus Not Designated as Confidential or Quasi-Confidential Resources or Responsible Employees

All members of the University community are strongly encouraged to forward all information received about an incident of prohibited conduct to the Title IX coordinator and/or other designated responsible employees. However, if a University community member receives information about a child being abused or neglected, this information must be immediately reported to Public Safety and local police.

IV. REPORTING ALLEGATIONS OF MISCONDUCT

The University has a variety of ways for University community members to raise concerns and report instances of prohibited conduct. While there are multiple reporting options available across the University, the University recognizes that centralized reporting is an important tool in addressing, ending and preventing prohibited conduct under this policy. The University encourages University community members to report and/or seek support, regardless of when or where an incident occurred.

The University understands that at the time a report is made, the Reporting Party may only want to seek resources and support and may not be prepared to decide what steps in the process they want to take. Choosing to make a report and informing the University of the Reporting Party's preferred method of addressing the report, can unfold over time as the process proceeds. The University recognizes that the decision whether or not to make a report of prohibited conduct is personal and that there may be barriers and influences, both individual and societal, to reporting.

A Reporting Party can choose to pursue both a report under this policy and a criminal investigation at the same time.

A. Making a Report to a Designated Responsible Employee

Under the policy, a Reporting Party can make a report to the University by contacting and informing a **designated responsible employee**. Designated responsible employees are **nonconfidential**, which means they will disclose the details of the incident to the Title IX coordinator and other need-to-know University administrators.

REPORTS OF INCIDENTS OF PROHIBITED CONDUCT CAN BE MADE TO ANY OF THE DESIGNATED RESPONSIBLE EMPLOYEES IDENTIFIED BELOW:

Title IX Coordinator / Gregory FitzGerald / Chief of Staff / Gibbons 106A / 410-532-5109 / gfitzgerald@ndm.edu

Acting Deputy Title IX Coordinator for Student Life / Erin Foley / Interim Associate Vice President for Student Life / MBK 224 / 410-532-3586 / efoley@ndm.edu

Deputy Title IX Coordinator for Human Resources / Terri Arrove / Director of Human Resources / Theresa 207 / 410-532-5155 / TArrove@ndm.edu

Public Safety / Jeffrey Munchel / Director of Public Safety / Gibbons 002 / 410-532-5324 / jmunchel@ndm.edu

Please note—since these positions may change from time to time, Reporting Party is advised to check the University website for the current list.

Individuals may also report an incident of sexual misconduct to any responsible University employee (See Article III, Section 3). The responsible University employee will promptly refer the matter to the Title IX coordinator and/or deputy Title IX coordinators.

B. Making a Report to a Quasi-Confidential Resource

Under the policy, a Reporting Party can make a report to the University by contacting and informing a quasi-confidential resource. Quasi-confidential resources will report incidents of prohibited conduct under this policy, without sharing any identifying information to the University's Title IX coordinator.

REPORTS OF INCIDENTS OF PROHIBITED CONDUCT CAN BE MADE TO EITHER OF THE FOLLOWING QUASI-CONFIDENTIAL RESOURCES IDENTIFIED BELOW:

Sexual Assault Resource Coordinator / Jessie Sell / Theresa 006 / 410-532-5303 / jsell@ndm.edu

Director of Campus Ministry and Service / Lindsay Radice / MBK 219 / 410-532-3172 / lradice@ndm.edu

C. Anonymous Reporting

Any University community member may make an anonymous report of prohibited conduct to the University without disclosing names and without identifying the Responding Party or requesting any action. Based upon the amount of information provided about the incident and the University community members involved, the University's response to an anonymous report may be limited.

D. Initial Complaint

When a matter is referred to the Title IX coordinator and/or deputy Title IX coordinators, information will be gathered to understand the nature of the complaint. Matters must be filed within one year of the date of the incident. The University may, at its discretion, investigate matters brought to its attention that took place outside of this limitation period. Because the investigation of these matters may be negatively impacted by the passage of time and the availability of witnesses and other evidence, individuals are encouraged to report matters of sexual misconduct as soon as possible.

In each instance, the University will still provide any fair and reasonable support and resources to a Reporting Party designed to end the prohibited conduct, prevent its recurrence and address its effects.

The initial complaint may include:

- Name, address and telephone number of the Reporting Party;
- Nature of the complaint;
- Date(s) and location(s) of the alleged occurrence(s);
- Names and contact information of any witnesses;
- Evidence on which the complaint is based; and
- The resolution or redress sought by the Reporting Party.

Upon receipt of the complaint, the Title IX coordinator will refer the matter to the appropriate Title IX deputy coordinator, or other trained designee(s) as appropriate, to initiate an investigation and determine appropriate interim protective measures, if applicable (see Article V). For matters involving a Responding Party who is a student, the deputy Title IX coordinator for Student Life will initiate the investigation. For matters involving a Responding Party who is an employee or third-party, the deputy Title IX coordinator for human resources will initiate the investigation.

E. Time Frame for Resolution

The University will seek to resolve every report of prohibited conduct within 60 calendar days after receiving the report. The time frame may be extended for good cause, as determined on a case-by-case basis, as necessary to ensure the integrity and completeness of an investigation, comply with a request by law enforcement, reasonably accommodate the availability of witnesses, reasonably accommodate delays by the parties, account for University closures or address other legitimate reasons, including the complexity of the investigation (e.g., the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged prohibited conduct. The University will notify both parties simultaneously in writing (email) of any delay.

F. Criminal Charges Reporting Process

The University shall inform the Reporting Party of the right to file criminal charges with the appropriate law enforcement officials. The University may also report such incidents to the Baltimore City Police when the safety of the campus is in jeopardy or the Reporting Party/potential Reporting Party cannot do so themselves. Information obtained through the criminal investigation may be used for consideration in the University disciplinary process.



G. Simultaneous Process

The filing of a report of prohibited conduct that constitutes sexual misconduct under this policy is independent of any criminal investigation or proceeding, which means a report made to law enforcement does not preclude a person from proceeding with a complaint of sexual misconduct under this policy. The University is required to conduct an investigation in a timely manner, which means, in most cases, the University will not wait until a criminal investigation or proceeding is concluded before conducting its own investigation or implementing interim protective measures to protect the safety of the Reporting Party and/or the entire University community, if necessary. However, at the request of law enforcement, the University's investigation may be delayed temporarily, during the initial evidence gathering stage of the criminal investigation, as long as the delay does not inhibit the University's ability to respond to the prohibited conduct in a prompt manner. If such a request is made, appropriate law enforcement will submit the request in writing to the Title IX coordinator, and the Reporting Party and Responding Party will be notified. In addition, when possible, in cases where there is a co-occurring criminal investigation by municipal or state police or the local prosecutor's office, the University will work collaboratively and supportively with each respective agency within the parameters outlined above.

V. INTERIM PROTECTIVE MEASURES

Interim protective measures are temporary actions taken by the University prior to concluding the investigation that may be applied to the Reporting Party, Responding Party and other involved University community members, as appropriate, to ensure their safety and well-being and to limit unnecessary campus access. Interim protective measures may be requested by the Reporting Party or the Responding Party; or, the University can initiate the interim protective measures in the absence of a request at any time during the process. Individuals can make a request for interim protective measures in person or in writing to the Title IX coordinator or appropriate deputy coordinator.

When a report is received, the appropriate deputy coordinator, in consultation with the Title IX coordinator, can impose reasonable and appropriate interim protective measures.

Interim protective measures are taken based on the information available at the time and are not intended to be permanent resolutions. Interim protective measures may be withdrawn or amended as additional information is discovered. The University will take appropriate, responsive and prompt action to enforce interim protective measures and to respond to any reports about the inadequacy or failure of another University community member to abide by the interim protective measures. The range of interim protective measures can include, but is not limited to:

- Guaranteeing access to counseling and medical service and assistance in setting up initial appointments;
- Imposing a campus no contact order, which serves as notice to both parties that they must not have verbal, electronic, written or third-party communication with one another;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Changing class schedule(s), including the ability to drop a course without penalty or to transfer sections;
- Changing work schedule or job assignment;
- Arranging for class incompletes, a leave of absence or withdrawal;
- Allowing for a change in campus housing assignment or housing agreement;
- Granting assistance from University support staff in completing University housing relocation;
- Restricting access to certain University facilities, resources or activities pending resolution of the report;
- Preserving eligibility, to the extent practicable, for academic, athletic or other scholarships; institution-based financial aid; or program eligibility;
- Providing academic support services, such as tutoring; and
- Imposing University-mandated leave or suspension for the Responding Party.

Assignment of Sexual Assault Resources Coordinator (SARC) or Campus Advocate

Whenever the University receives a report of sexual misconduct, the Reporting Party will be referred to a sexual assault resource coordinator (SARC), who will serve as a resource person to the Reporting Party to identify, explain and navigate the Reporting Party's reporting options and available support services. This can include referrals to counseling, educational support, pastoral care, medical treatment and information about the University and legal processes. **Notre Dame of Maryland University's SARC is Jessie Sell; she can be reached by calling 410-532-5303 or via email at jsell@ndm.edu.**

VI. DISCIPLINARY ACTIONS OR SANCTIONS

This policy prohibits a broad range of conduct that is serious in nature. In keeping with the University's commitment to fostering an environment that is safe, respectful, inclusive and free of prohibited conduct, this policy allows for wide latitude in the imposition of disciplinary actions or sanctions tailored to the facts and circumstances of each report, the impact of the prohibited conduct on the Reporting Party and surrounding University

community members and accountability for the Responding Party. The imposition of disciplinary actions (in employment context) or sanctions (in educational context) are designed to eliminate prohibited conduct under the policy, prevent its recurrence and remedy its effects, while supporting the University's mission and federal obligations. Disciplinary actions or sanctions may include educational, restorative, rehabilitative and punitive components. Some conduct, however, is so egregious in nature, so harmful to the individuals involved and the entire University Community or so deleterious to the educational or working environment, that it requires severe disciplinary action, up to and including termination from the University, for faculty and staff, or severe sanctions, up to and including dismissal from the University, for students.

Disciplinary actions that may be imposed on faculty, staff and student employees in the employment context can include, but are not limited to, the following: no contact orders, a letter of reprimand, censure, service to the University, counseling, retraining, transfer, demotion, suspension and/or termination.

Sanctions which may be imposed on students in the academic context can include, but are not limited to, the following: no contact orders, housing restrictions (including removal from on-campus housing), community service, educational requirements, written warning, reprimand, probation, suspension and/or dismissal.

Individuals who commit certain prohibited conduct in violation of federal, state or local law may also be subject to criminal charges and penalties.

VII. ADDITIONAL RESOURCES

A. Resources for Confidential Medical, Counseling and Pastoral Care

It is especially important for people who have been sexually assaulted to seek immediate and appropriate medical treatment. **Mercy Medical Center** (345 St. Paul Place, Baltimore, MD 21202) has a specially trained sexual assault team available 24 hours a day, seven days a week to assist victims on a confidential basis. Under Maryland law, the tests and procedures at the hospital are free of charge if treatment is sought within 96 hours of the assault. Emergency room staff may ask if the student wishes to speak to the police; this decision is up to the student. The University will ensure the student or employee has transportation to medical care when a Title IX coordinator, the sexual assault resource coordinator or a pastoral or professional counselor is notified that the student requests medical attention.

The confidential resources listed below are available to all Notre Dame of Maryland University students, including accused students and witnesses in sexual misconduct and sexual violence cases:

- University Counseling Center is staffed by trained professionals who can provide specialized support

and assistance to students who have been assaulted. Current students may seek counseling at any time, whether it is days, months or years after the incident. The confidential services are available to the student who was assaulted and their friends who may need support in assisting the student. Counseling Center can be reached at 410-532-5384.

- TurnAround Inc. is the sexual assault/domestic violence center for Baltimore. TurnAround Inc. is staffed by trained professionals and volunteer advocates who are available 24 hours a day. Free and confidential counseling is also available. They have a 24-hour helpline, which can be reached at 443-279-0379.
- The staff members(s) in Campus Ministry are trained to provide confidential pastoral counseling and quasi-confidential support to students who have been sexually assaulted, or to friends who wish to support and assist them. Campus Ministry can be reached at 410-532-3172.

B. Additional Resources on Campus

Office of Public Safety
410-532-5360

Student Life, Professional On Duty
443-202-3990

C. Off-Campus Resources

TurnAround Inc. (Sexual Assault & Domestic Violence Ctr.)
410-377-8111

Baltimore County/Baltimore City/State Police
911

Maryland Coalition Against Sexual Assault
800-983-RAPE (7273)

RAINN-Rape, Abuse & Incest National Network
800-656-HOPE (4673)

Sexual Assault Legal Institute
301-565-2277

D. Educational Programs and Risk Reduction Resources

- Sexual Assault Education: The Title IX coordinator has been designated as the central repository for all campus-based education and prevention programming materials, information, policies and procedures.
- Distribution of Sexual Assault Policy and Procedures: This policy will be published each year in the appropriate University publications, the University Catalog and the University's website.

E. Preservation of Evidence by Sexual Assault Victims

If you are a victim of sexual assault, the following is a list of recommended actions to take in order to preserve evidence. If you believe that you may at any time choose to pursue a legal remedy related to the assault, please request that the hospital perform a free Sexual Assault Forensic Examination (SAFE). Agencies vary as to the exact length of time, but physical evidence is most effectively obtained within 48 to 72 hours of a sexual assault. Maryland law allows a hospital to provide the SAFE exam free of charge, and there is no requirement for you to report an attack to the police; you can remain anonymous and the evidence will be held for a time with no identification. Mercy Hospital (at 301 St. Paul Place in Baltimore; ER 410-332-9477) is the designated hospital in Baltimore City that performs SAFE exams.

If you are planning to have a SAFE examination, please preserve all physical evidence of the assault. The recommended process requests that victims do not bathe, shower, douche, brush their teeth, eat or drink. Please do not wash or throw away any articles of clothing worn during the assault.

VIII. CLERY ACT COMPLIANCE AND RELEASE OF INFORMATION

In handling reports related to prohibited conduct, the University remains responsible for complying with requirements of the Crime Awareness and Campus Security Act of 1990 (“Clery Act”) and its amendments. The University will comply with Clery Act requirements, including crime recording and reporting requirements, where compliance is not otherwise reached by actions under this policy.

Pursuant to the Clery Act, anonymous statistical information regarding reported criminal incidents must be shared in real time with the NDMU Office of Public Safety for inclusion in the daily crime log, and for consideration for timely warnings and/or emergency notifications. This information will be included in the University’s Annual Security Report and the University may also share aggregate and non-personally identifiable data about reports, outcomes and sanctions.

IX. UNIVERSITY SEXUAL ASSAULT CLIMATE SURVEY

On or before March 1, 2016, and at least every two years thereafter, the University will: (1) develop an appropriate sexual assault campus climate survey using nationally recognized best practices for research and climate surveys; and (2) administer the sexual assault campus climate survey to students in accordance with the procedures set by the Maryland Higher Education Commission (MHEC). On or before June 1, 2016, and at least every two (2) years thereafter, each institution shall submit to MHEC a report in accordance with the requirements set forth in Md. Code Annotated, Education Article, Section 11-601(g).

X. IMPORTANT CONTACT INFORMATION

Title IX Coordinator / Gregory Fitzgerald / Chief of Staff / Gibbons 106A / 410-532-5109 / gfitzgerald@ndm.edu

Acting Deputy Title IX Coordinator for Student Life / Erin Foley / Interim Associate Vice President for Student Life / MBK 224 / 410-532-3586 / efoley@ndm.edu

Deputy Title IX Coordinator for Faculty and Staff / Terri Arnové / Director of Human Resources / Theresa 207 / 410-532-5155 / TArnové@ndm.edu

Public Safety / Jeffrey Munchel / Director of Public Safety / Gibbons 002 / 410-532-5324 / jmunchel@ndm.edu

Sexual Assault Resource Coordinator (Quasi-Confidential) / Jessie Sell / Theresa 006F / 410-532-5303 / jsell@ndm.edu

Please note—since these positions may change from time to time, Reporting Party is advised to check the University website for the current list.

External Reporting Agencies:

In addition to, or as an alternative to, the University’s procedures for reporting prohibited conduct, reports of prohibited conduct may be filed with the following agencies:

Office for Civil Rights / U.S. Department of Education / The Wanamaker Building / 100 Penn Square East, Suite 515 / Philadelphia, PA 19107-3323 / 215-656-8541 / <http://www2.ed.gov/about/offices/list/ocr/index.html>

Equal Employment Opportunity Commission (EEOC) / City Crescent Building / 10 South Howard Street, Third Floor / Baltimore, Maryland 21201 / 1-800-669-4000 / www.eeoc.gov

Maryland Commission on Civil Rights (MCCR) / 19 William Donald Schaefer Tower / Baltimore, Maryland 21202 / 410-767-8600 / www.mccr.maryland.gov

SEXUAL MISCONDUCT PROCEDURES

I. OVERVIEW

Notre Dame of Maryland University seeks to foster and maintain an atmosphere of mutual respect and concern for all members of the University community, including students, faculty, staff, interns, employees, volunteers, contractors, guests and others who are within the University’s control (the “University community”). The University is committed to providing an academic and work environment free from all forms of sexual- and gender-based harassment, discrimination and misconduct, examples of which can include acts of sexual violence, including sexual assault, domestic or partnership violence, exploitation, intimidation and stalking. In keeping with this commitment, the University maintains a strict policy prohibiting all forms of sexual and gender-based misconduct and unlawful discrimination and discouraging conduct that, while not unlawful, could reasonably be considered sexual misconduct and/or unlawful discrimination. Please refer to the University Policy

on Sexual Misconduct and Other Related Misconduct (“policy”) for applicable definitions as well as key terms and obligations.

These procedures are designed to comply with federal, state and local law prohibiting discrimination based on sex (including pregnancy), sexual orientation, gender and gender identity. Specifically, these procedures set forth a process for reporting, investigating, responding to and adjudicating complaints of sexual misconduct (sometimes referred to as “prohibited conduct”).

This process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the non-discrimination policy has been violated. If so, the University will initiate an investigation that is thorough, reliable, impartial, prompt and fair. This investigation determines whether the University’s non-discrimination policy has been violated. If so, the University will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

II. REPORTING PROHIBITED CONDUCT

Any person, including, but not limited to, a student, faculty, staff, visitor or guest to the campus community, local police or a family member, alleging prohibited conduct against a student, faculty, staff or third-party doing business with the University may file a complaint or report against such person(s) with the University as set forth herein. The University, on its own, may also initiate, investigate and adjudicate complaints of prohibited conduct under these procedures. The procedures also address complaints or reports of retaliation in connection with any prohibited conduct.

There are multiple reporting options available across the University, and the University recognizes that central reporting is an important tool in addressing, ending and preventing prohibited conduct. A Reporting Party can make a report to the University by contacting and informing a designated responsible employee. Designated responsible employees are nonconfidential, which means they will disclose the known details of the incident (date, time, location, names of parties involved, description of the incident etc.) to the Title IX Coordinator and other need-to-know University administrators. The University strongly encourages prompt reporting of incidents of prohibited conduct to any of the designated responsible employees, identified below:

Title IX Coordinator / Gregory Fitzgerald / Chief of Staff / Gibbons 106A / 410-532-5109 / gfitzgerald@ndm.edu

Acting Deputy Title IX Coordinator for Student Life / Erin Foley / Interim Associate Vice President for Student Life / MBK 224 / 410-532-3586 / efoley@ndm.edu

Deputy Title IX Coordinator for Human Resources / Terri Arnove / Director of Human Resources / Theresa 207 / 410-532-5155 / TArnove@ndm.edu

Public Safety / Jeffrey Munchel / Director of Public Safety / Gibbons 002 / 410-532-5324 / jmunchel@ndm.edu



Please note—since these positions may change from time to time, Reporting Party is advised to check the University website for the current list.

Individuals may also report an incident of sexual misconduct to any responsible University employee (See Article III, Section 3). The responsible University employee will promptly refer the matter to the Title IX coordinator and/or deputy Title IX coordinators.

A Reporting Party can also make a report to the University by contacting and informing a quasi-confidential resource. Quasi-confidential resources will report incidents of prohibited conduct under these procedures, without sharing any identifying information to the University’s Title IX coordinator. Reports of incidents of prohibited conduct can be made to any of the following quasi-confidential resources identified below:

Sexual Assault Resource Coordinator / Jessie Sell / Theresa 006 / 410-532-5303 / jsell@ndm.edu

Director of Campus Ministry and Service / Lindsay Radice / MBK 219 / 410-532-3172 / lradice@ndm.edu

A Reporting Party can choose to pursue both a report under these procedures and a criminal investigation at the same time.

The University understands that, at the time a report is made, the Reporting Party may only want to seek resources and support

and may not be prepared to decide what steps in the process they want to take. Choosing to make a report and informing the University of the Reporting Party's preferred method of addressing the report, can unfold over time as the process proceeds. The University recognizes that the decision of whether or not to make a report of prohibited conduct is personal, and that there may be barriers and influences, both individual and societal, to reporting.

III. TIME FRAME FOR REPORTING PROHIBITED CONDUCT

Matters must be filed within one year of the date of the incident. The University may in its discretion investigate matters brought to its attention that took place outside of this limitation period. Because the investigation of these matters may be negatively impacted by the passage of time and the availability of witnesses and other evidence, individuals are encouraged to report matters of Prohibited Conduct as soon as possible.

In each instance, the University will still provide any fair and reasonable support and resources to a Reporting Party designed to end the prohibited conduct, prevent its recurrence and address its effects.

IV. INTERIM PROTECTIVE MEASURES

Interim protective measures are temporary actions taken by the University prior to concluding the investigation, which may be applied to the Reporting Party, Responding Party and other involved University Community members, as appropriate, to ensure their safety and well-being and to limit unnecessary campus access. Interim protective measures may be requested by the Reporting Party or the Responding Party; or, the University can initiate the interim protective measures in the absence of a request at any time during the process. Individuals can make a request for interim protective measures in person or in writing to the Title IX coordinator or appropriate deputy coordinator. The measures may be effected confidentially by the University to further the protection of a victim.

When a report is received, the appropriate deputy coordinator, in consultation with the Title IX Coordinator, can impose reasonable and appropriate interim protective Measures.

Interim protective measures are taken based on the information available at the time and are not intended to be permanent resolutions. Interim protective measures may be withdrawn or amended as additional information is discovered. The University will take appropriate, responsive and prompt action to enforce interim protective measures and to respond to any reports about the inadequacy or failure of another University community member to abide by the interim protective measures. The range of interim protective measures can include, but is not limited to:

- Guaranteeing access to counseling and medical service and assistance in setting up initial appointments;
- Imposition of a campus no contact order serving as notice to both parties that they must not have verbal, electronic, written or third-party communication with one another;

- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Changing in class schedule(s), including the ability to drop a course without penalty or to transfer sections;
- Changing in work schedule or job assignment;
- Arranging for class incompletes, a leave of absence or withdrawal;
- Allowing for a change in campus housing assignment or housing agreement;
- Granting assistance from University support staff in completing University housing relocation;
- Restricting access to certain University facilities, resources or activities pending resolution of the report;
- Preserving eligibility, to the extent practicable, for academic, athletic or other scholarships; institution-based financial aid; or program eligibility;
- Providing academic support services, such as tutoring; and
- Imposing University-mandated leave or suspension for the Responding Party.

The University may interim suspend a student or student organization or impose administrative leave on an employee pending the completion of an investigation and resolution, particularly when, in the judgment of the appropriate deputy Title IX coordinator, the safety or well-being of any member(s) of the University community may be jeopardized by the Responding Party's presence on campus, or the ongoing activity of a student organization whose behavior is in question.

In all cases in which an interim suspension or administrative leave is imposed, the student, employee or student organization will be given the opportunity to meet with the appropriate deputy Title IX coordinator prior to such suspension or administrative leave being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension or administrative leave should not be implemented. The appropriate deputy Title IX coordinator, in consultation with the Title IX coordinator, has sole discretion to implement or stay an interim suspension, and to determine its conditions and duration. Violation of an interim suspension or administrative leave under this policy is grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to University housing and/or the University campus/facilities/events. As determined by the appropriate deputy Title IX coordinator, or designee, this restriction can include classes and/or all other University activities or privileges for which the student or employee might otherwise be eligible. At the discretion of the appropriate deputy Title IX coordinator, alternative coursework options may be pursued to ensure as minimal an impact as possible on the Responding Party.

The University will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the University's ability to provide the accommodations or protective measures.

V. TIME FRAME FOR RESOLUTION

The University will seek to resolve every report of prohibited conduct within 60 calendar days after receiving the report. The time frame may be extended for good cause, as determined on a case-by-case basis, as necessary to ensure the integrity and completeness of an investigation, comply with a request by law enforcement, reasonably accommodate the availability of witnesses, reasonably accommodate delays by the parties, account for University closures or address other legitimate reasons, including the complexity of the investigation (e.g., the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged prohibited conduct. The Title IX investigator, or designee, will share with the Reporting Party and Responding Party, in writing, any extension of the timeframes, and the reason for the extension. The University will strive to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

VI. THE PROCESS

This procedure is to be used by all Reporting Parties and applies to any member of the University community who engages in sexual- or gender-based prohibited conduct. Any person can report alleged harassment or discrimination, including but not limited to faculty, students, staff, guests, visitors, third-parties, family members, etc. All allegations of misconduct not involving harassment or discrimination will be addressed through the procedures elaborated in the respective student, faculty and employee handbooks.

A. Rights of the Reporting and the Responding Party

In order to provide accessible, prompt and fair methods for reporting, investigating and responding to complaints of Prohibited Conduct, the University has developed these procedures. Throughout this process, both the Reporting Party and the Responding Party have the following rights:

- To a prompt, fair and thorough investigation;
- To be treated with respect by University officials;
- To have the choice to be accompanied by a support person, attorney or non-attorney advisor of choice throughout the process;
- To be informed of available University and non-University resources and supports;
- To participate or decline to participate in the process, with the knowledge and understanding that the University may proceed with the process, despite a decision to refrain from participating;

- To have an equal opportunity to present relevant witnesses and evidence throughout the investigative and adjudicative process, and to have similar and timely access to information to be used during any process; and
- To receive notification in writing, at the same time as the other party, of any decision, resolution and/or outcome.

B. Preliminary Review

When a report is received, an investigator who has specialized training, experience and neutrality in investigating claims of prohibited conduct (the "investigator") will be appointed by the Title IX coordinator. The investigator will conduct a preliminary review (the "Preliminary Review") within five business days. This time frame may be extended on a case-by-case basis. The investigator may consult with the Title IX coordinator when conducting the preliminary review. The investigation is designed to provide an adequate, reliable, prompt and impartial gathering of facts and information. The preliminary review will determine whether the alleged conduct, if proven, would or would not constitute prohibited conduct in violation of the policy, as well as the appropriate route to resolve the report.

Based upon the information/facts gathered during the preliminary review, if it is determined that the alleged conduct, even if proven by a preponderance of the evidence, would not constitute prohibited conduct in violation of the policy, the investigator will immediately notify the Reporting Party, in writing, of the "no action warranted" determination. The investigator will provide the Reporting Party with the "no action warranted" notice, within five business days after the conclusion of the preliminary review. The Reporting Party will be advised of external reporting options, and, if available, other University offices that may be able to address the report.

C. Reporting Party Requests for Confidentiality or No Formal Action

When a Reporting Party requests that his or her name or other identifiable information not be shared with the Responding Party or that no formal action be taken, the investigator, in consultation with the Title IX coordinator, will balance the request against factors, such as:

- The nature and scope of the alleged prohibited conduct, including, but not limited to, whether the reported prohibited conduct involved the use of a weapon or force;
- The roles of the Reporting and Responding Parties;

- The risk posed to any individual or to members of the University community by not proceeding, including the risk of additional violence;
- Whether there have been other reports of misconduct, including, but not limited to, reports of prohibited misconduct filed against the Responding Party;
- Whether the report reveals a pattern of misconduct, including, but not limited to, prohibited conduct, at a given location or by a particular group
- The Reporting Party's wish to pursue disciplinary action;
- Whether the University possesses other means to obtain relevant evidence;
- Considerations of fundamental fairness and due process with respect to the Responding Party should the course of action include disciplinary action against the Responding Party; and
- The University's obligation to provide a safe and non-discriminatory environment.

Where possible, based on the facts and circumstances, the investigator will seek action consistent with the Reporting Party's expressed preference for the manner of resolution. However, in certain cases, the University must move forward as it sees appropriate. Where the University has an obligation to move forward, for example, where there appears to be a continuing threat to an individual or the University community, as determined at the sole discretion of the University. The University's ability to fully investigate and respond to a report may be limited if the Reporting Party makes a request, and it is granted by the University, that his or her name not be disclosed to the Responding Party or where a Reporting Party declines to participate in an investigation.

D. Manners of Resolution

1. Informal Resolution

If the investigator determines that, based upon the information/facts gathered, the alleged conduct, if proven by the preponderance of evidence, would constitute a violation of the policy, the investigator will notify the Reporting Party and discuss, in more detail, the option for voluntary informal resolution. At the option of the Reporting Party and with the subsequent agreement by the Responding Party, it may be possible to resolve a misconduct complaint through an informal resolution process. Informal resolution procedures are not appropriate for all forms of prohibited conduct and are not available in matters that allege sexual violence under this policy.

The Reporting Party may make a request to the investigator for voluntary informal resolution. If the Reporting Party requests voluntary informal resolution, the appropriate deputy Title IX coordinator, in consultation with the Title IX coordinator, will determine if it is an appropriate mechanism to address the prohibited conduct, prevent its recurrence and remedy its effects, and will determine whether the voluntary informal resolution is consistent with maintaining the safety and welfare of the entire University community. The University retains the sole discretion in determining, when selected by the Reporting Party, whether a case is appropriate for voluntary informal resolution.

The Reporting Party and the Responding Party may agree to meet and discuss the conduct as a way to resolve the issue. This voluntary conversation between the Reporting Party and Responding Party will be facilitated by the appropriate deputy Title IX coordinator or designee. The Reporting Party and Responding Party will not meet alone with each other during this process. If the Reporting Party and the Responding Party feel that a resolution has been achieved through this informal procedure, then the conversation may remain confidential and no further action need be taken. Written results of any informal resolution prepared by the deputy Title IX coordinator or designee and shall be signed by the Reporting Party and the Responding Party. Copies of the informal resolution will be placed in the personnel/student files of the Reporting Party and the Responding Party and kept on record with the Title IX coordinator. Either party has the right to end the informal process and begin the formal process at any time prior to resolution.

Regardless of the manner of resolution, the Responding Party may choose to accept responsibility at any time during the process.

2. Investigation and Formal Resolution

The investigator will send the Reporting Party and the Responding Party written notice of investigation (NOI). The NOI will contain a summary of the allegation(s) or conduct at issue, the range of potential violations under the policy and the range of potential sanctions under the policy. Furthermore, the investigator will send the Reporting Party and Responding Party a written notice of their rights and responsibilities.

Upon receipt of the NOI, or at any stage in the process, the Responding Party may choose to accept responsibility for the Policy violation. Once the NOI has been delivered to the parties, the investigation begins.

All investigations will be thorough, reliable and impartial. The investigation will include written statements obtained from the Reporting Party and Responding Party, notes of any interviews with both parties and any witnesses, the collection of relevant documentary evidence and any other information that is relevant to the allegations against the Responding Party. Both parties may present documents, names of witnesses, suggested questions and other relevant information to the investigator.

Information gathered during the investigation will be used to evaluate the appropriate course of action, provide for individual and campus safety, and identify the need for interim protective measures and other remedies, as necessary, to eliminate the prohibited conduct, prevent its recurrence and to address its effects.

All individuals, including the Reporting Party, the Responding Party and any third- party witnesses, will be treated with appropriate sensitivity and respect throughout the investigation. The investigation will safeguard the privacy of the individuals involved in a manner consistent with the law and University policy. Throughout the investigative process, any participant may have a support person, subject to the provisions contained in XII below.

The investigator will take the following steps (not necessarily in order):

- In coordination with campus partners (e.g., the campus Title IX coordinator), initiate any necessary interim or final remedial actions;
- Determine the identity and contact information of the Reporting Party;
- Identify the exact policies allegedly violated;
- Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the Responding Party, and what policy violations should be alleged as part of the report; if there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;
- Meet with the Reporting Party to finalize their statement;
- Prepare the notice of investigation on the basis of the initial inquiry;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe and order of interviews for all witnesses and the Responding Party, who may be given notice prior to, or at the time of, the interview;
- Complete the investigation promptly and without unreasonable deviation from the intended timeline of 10 to 15 business days;



- Provide regular updates to both the Reporting and Responding Parties, as appropriate, throughout the investigation;
- Make an investigative finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Share the draft report and notice of opportunity to review with the parties and allow them a period of comment before the report is finalized;
- Present the final investigative report and, if applicable, notice of charges to the Responding Party, who may accept the findings, accept the findings in part and reject them in part, or reject all findings; and
- Share the final investigative report and update the reporting party on the status of the investigation and the outcome.

At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Title IX coordinator has authority to terminate the investigation and end resolution proceedings.

E. Standard of Review

The standard of review is the preponderance of the evidence. A preponderance of the evidence means that it is more likely than not that the prohibited conduct occurred.

F. Notices to the Reporting Party and Responding Party

All written notices/communication issued to the Reporting Party and Responding Party under these procedures will be hand-delivered, emailed or mailed by certified, return receipt requested first class mail.

G. Relevance and Special Considerations

The investigator has the discretion to determine the relevance of any witness or other evidence and may exclude information in preparing the investigation report if the information is irrelevant, immaterial or more prejudicial than informative.

The investigator may also exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not exclude direct observations or reasonable inferences drawn from the facts.

1. Character Evidence

Character evidence is defined as information that does not directly relate to the facts at issue, but, instead, reflects upon the reputation, personality, qualities or

habits of an individual. In general, information regarding the character, or lack thereof, of the Reporting Party, the Responding Party or any witness, is not relevant to the determination of a policy violation.

2. Pattern Evidence

Where there is evidence of a pattern of similar conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a policy violation against either party, this information may be deemed relevant to the determination of a policy violation or assigning of a disciplinary action. The determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially similar to the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern. Where there is a prior finding of a policy violation against the Responding Party for a similar act of prohibited conduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and assigning of a disciplinary action.

3. Prior Sexual History Between the Parties

Where there was a prior or ongoing relationship between the Reporting Party and the Responding Party, and the Responding Party asserts that consent was sought and given, the prior sexual history between the parties may be relevant only under very limited circumstances to assess the manner and nature of communications between the parties. As specified in the policy, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

4. Prior Sexual History with Other Parties

A party's sexual history with anyone other than the Reporting Party or Responding Party may be relevant only under very limited circumstances to prove intent, motive, absence of mistake or to explain an injury or physical finding.

H. Review of Draft Investigative Report

At the conclusion of the investigation, the investigator will prepare a written draft investigative report that summarizes the information gathered, synthesizes the areas of agreement and disagreement between the parties with any supporting information or accounts and includes an investigative finding regarding whether, based upon the preponderance of the evidence, a policy violation has occurred. Before the report is finalized, the Reporting Party and the Responding Party will be given an opportunity to review the draft investigative report, which will include the investigative finding(s), and may be presented in redacted form. The investigator's

personal notes are not considered a formal part of the case file. The investigator will send a simultaneous written notice for opportunity to review and the draft investigative report to both parties.

The Reporting Party and Responding Party may submit comments or additional information to the investigator within seven calendar days of the date the notice for opportunity to review is sent. Either party may make a request to the investigator for a limited extension of time to submit their comments or additional information. Requests for extension of time will be determined on a case-by-case basis; however, reasonable requests for extension of time will not be withheld. This submission is the final opportunity for both parties to identify any additional information or witnesses, before the report is finalized and the investigative finding is issued. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator at this point will not be considered by the investigator or placed in the investigator's file.

I. Final Investigative Report

After receiving the parties' comments and/or additional information regarding the draft investigative report, the investigator will determine whether or not any additional investigation is needed. If the investigation is deemed complete, the investigator will finalize the report and make an investigative finding, by the preponderance of the evidence, whether a policy violation occurred. The report will also include the resulting sanction(s) and rationale for the decision(s). The investigator will issue the final investigative report simultaneously, via electronic mail, to the Reporting Party and the Responding Party. If the final investigative report finds, via the preponderance of the evidence, that a Policy violation has occurred, a charging letter to the Responding Party will also be issued and sent to both parties.

Where the Responding Party is found not responsible for the alleged violation(s), the investigation will be closed.

Where the Responding Party accepts the finding of the investigation, the appropriate deputy Title IX coordinator will impose appropriate sanctions for the violation, in consultation with the Title IX coordinator, when applicable. The University will act to end the discrimination, prevent its recurrence and remedy its effects on the victim and the University Community.

In the event that the Responding or Reporting Party rejects the investigative findings in whole or in part, the Party shall alert the appropriate Deputy Title IX coordinator within five business days of receiving the charging letter.

VII. CONSOLIDATION OF REPORTS

At the discretion of the University, multiple reports may be consolidated in one investigation if the information related to each incident would be relevant and probative in reaching a determination on the other incident. This includes matters where the determination has been made that there is relevant pattern evidence or where the evidence of the other conduct is inextricably intertwined with the alleged prohibited conduct under the policy. Matters may be consolidated where they involve multiple Reporting Parties, multiple Responding Parties or related conduct involving the same parties that would otherwise have been heard under the University's Code of Conduct (provided that it does not delay the prompt resolution of the matter).

VIII. AD HOC COMMITTEE REVIEW

Upon a request from the Reporting Party or the Responding Party, the appropriate deputy Title IX coordinator will issue a notice of review by an ad hoc committee to the Reporting Party and the Responding Party, identifying the ad hoc committee members, and will forward the final investigative report (with supporting documentation) to the ad hoc committee. During the course of the ad hoc committee's review, the findings of the investigation will be admitted, but are not binding on the ad hoc committee. The investigator may give evidence. The ad hoc committee will determine whether it is more likely than not that the Responding Party violated the policies forming the basis of the charge. The goal of the review is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

A. Composition of the Ad Hoc Committee

The University has selected and trained a pool of University faculty and staff for service on ad hoc committees. A quorum will be comprised of a minimum of three personnel, randomly selected by the appropriate deputy Title IX coordinator from the pool of trained Honor Board faculty and staff. However, when the Responding Party is a faculty member, the three-member committee shall include at least one faculty member; and, when the matter involves a staff member, the ad hoc committee shall include at least one staff member. The ad hoc committee shall strive at all times to maintain the confidentiality of the allegations and the investigation. In the absence of an ad hoc committee quorum, the University may designate an alternative means of adjudication, such as designating an individual(s) to act in the place of the ad hoc committee. A University student may not serve as an ad hoc committee member under these procedures. The Reporting Party and the Responding Party will be informed of the ad hoc committee membership before the review process begins.

B. Review Procedures

The ad hoc committee shall review all of the investigation materials that have been collected and are in the investigator's file, along with any other information or evidence that has been collected at the committee's request by the investigator, after which it will prepare a committee report. The committee report must summarize the investigation and must also include:

1. A summary of the facts of the matter;
2. All the material considered in making the determination, including, but not limited to, the complaint, response to the complaint, witness statements, etc.;
3. A determination of whether a violation of the policy occurred or did not occur and the rationale for the decision; and
4. Recommended sanctions, if necessary.

A majority vote of the committee is needed to reach a conclusion that a violation of this policy occurred.

Upon completion of the committee report, the appropriate deputy Title IX coordinator will supply the committee report to the Reporting Party, the Responding Party and the investigator. The committee report may be redacted when necessary to protect privileged or confidential information, to protect the safety or well-being of individuals involved in the investigation or to comply with the provisions of the Family Educational Rights and Privacy Act (FERPA) and any other confidentiality requirements. Additionally, the committee report shall be sent to the appropriate vice president in the Responding Party's reporting line in the case of faculty or staff, or the associate vice president for Student Life in the case of a student, for a final determination.

IX. FINAL DETERMINATION

Within five business days of receipt of the committee report, the appropriate vice president or associate vice president for Student Life, as the case may be, will review the committee's report and, in consultation with the Title IX coordinator, make a final determination as to the finding of whether a violation of the sexual misconduct policy occurred and the imposition of sanctions and/or other administrative action. Barring unforeseen circumstances and/or intervening University holidays, the final determination will be completed within 60 days of the filing of the complaint.

The appropriate vice president or associate vice president for Student Life, as the case may be, may consult with the Office of Human Resources or Division of Student Life about any prior disciplinary actions or sanctions regarding the Responding Party and about sanctions imposed in similar cases in the past. Consistency in sanctions of similar cases is important; however,

similar offenses may result in different sanctions where there are distinguishing facts and circumstances.

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of and circumstances surrounding the violation;
- An individual's disciplinary history;
- Previous allegations or allegations involving similar conduct;
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation;
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community; and
- Any other mitigating, aggravating or compelling circumstances to reach a just and appropriate resolution in each case.

The final determination will be distributed to both parties, without significant time delay between notifications. The final determination is the final decision of the University, and no administrative process otherwise available to the members of the University community may be used to further appeal this decision, except in instances where the decision has been made to terminate the faculty member. Records of the final determination will be kept in the parties' personnel/student files and on record with the Title IX coordinator. If the final determination is made to terminate a faculty member, the faculty member may avail himself/herself of the faculty appeal process outlined in the Faculty Handbook.

X. DISCIPLINARY ACTIONS OR SANCTIONS

The NDMU Sexual Misconduct Policy prohibits a broad range of conduct, which is serious in nature. In keeping with the University's commitment to foster an environment that is safe, respectful, inclusive and free of prohibited conduct, this policy allows for wide latitude in the imposition of disciplinary actions or sanctions tailored to the facts and circumstances of each report, the impact of the prohibited conduct on the Reporting Party and surrounding University community members and accountability of the Responding Party. The imposition of disciplinary actions (in employment context) or sanctions (in educational context) are designed to eliminate prohibited conduct under the policy, prevent its recurrence and remedy its effects, while supporting the University's mission and federal and other legal obligations. Disciplinary actions or sanctions may include educational, restorative, rehabilitative and punitive components. Some conduct, however, is so egregious in nature, so harmful to the individuals involved and the entire University Community or so deleterious to the educational or working environment, that it requires severe disciplinary action, up to and including termination or dismissal from the University.

Disciplinary actions that may be imposed on faculty, staff and student employees in the employment context, can include, but are not limited to, the following: no contact orders, a letter of reprimand, censure, service to the University, counseling, retraining, transfer, demotion, suspension and/or termination.

Sanctions which may be imposed on students in the academic context, can include, but are not limited to, the following: no contact orders, housing restrictions (including removal from on-campus housing), community service, educational requirements, written warning, reprimand, probation, suspension and/or dismissal.

Individuals who commit certain prohibited conduct in violation of federal, state or local law may also be subject to criminal charges and penalties.

XI. INVESTIGATION PROCESS FOR CERTAIN UNIVERSITY ADMINISTRATORS

When allegations of Sexual Misconduct involve the president or the Title IX coordinator, the investigation process for each of these individuals will follow the investigation process with the exceptions set forth below:

Matters involving the Title IX coordinator may be reported to the president. The investigation will be conducted by an independent, external investigator designated by the president. The recommendation of the ad hoc committee will be presented to the president for final determination.

Matters involving the president may be reported to the chair of the Board of Trustees and the Title IX coordinator. The investigation will be conducted by an independent, external investigator designated by the chair, and the ad hoc committee will include three members of the Board of Trustees designated by the chair. The recommendation of the ad hoc committee will be presented to the chair for final determination.

XII. PARTICIPATION OF ADVISORS IN THE RESOLUTION PROCESS

All parties are entitled to an advisor of their choosing, to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise and/ or support them who is both eligible and available. People who will be called as witnesses may not serve as advisors.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is required to be present, including intake, interviews and hearings. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not select, or cannot afford, an attorney, the University is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not present or examine witnesses

on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the University an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the University investigation and resolution. Any advisor who steps out of his/her role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor being present. Subsequently, the Title IX coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor or whether the party will forfeit the right to an advisor for the remainder of the process.

The University expects that the parties will wish the University to share documentation related to the allegations with their advisors. The University provides a consent form that authorizes such sharing. The parties must complete this form before the University is able to share records with an advisor. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advisors are expected to maintain the privacy of the records shared with them by the University. These records may not be shared with third-parties, disclosed publicly or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The University expects an advisor to adjust his or her schedule to allow attendance at University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. However, the University will make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies, as may be convenient and available.

A party may elect to change advisors during the process, and is not required to use the same advisor throughout.

The parties must advise the investigators of the identity of their advisor at least 48 hours before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advisors at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.

XIII. CONFLICT OF INTEREST

The University is committed to ensuring that its resolution processes (e.g., investigation, ad hoc committee and final determination) are free from an actual or perceived conflict of interest. A conflict of interest may arise when any of those persons involved in the resolution process, has been a participant or related to a participant in the matter being investigated or reviewed, is related to or has had past association with the Reporting Party or Responding Party, is biased and/or lacks impartiality. A Reporting Party or Responding Party who feels that there is actual or perceived conflict of interest that would materially impact the outcome must submit a written request, detailing with specificity the alleged conflict of interest, to the University's Title IX coordinator (or to the University president in the event that the potential conflict or bias involves the Title IX coordinator) within five business days after being notified of the individual(s) participation in the resolution process. The Title IX coordinator will determine whether a conflict exists and what action should be taken to ensure a fair and impartial process including making any substitutions that may be necessary to avoid a conflict of interest.

XIV. EXTERNAL REPORTING AGENCIES:

In addition to, or as an alternative to, the University's procedures for reporting prohibited conduct, reports of prohibited conduct may be filed with the following agencies:

Office for Civil Rights / U.S. Department of Education / The Wanamaker Building / 100 Penn Square East, Suite 515 / Philadelphia, PA 19107-3323 / 215-656-8541 / <http://www2.ed.gov/about/offices/list/ocr/index.html>

Equal Employment Opportunity Commission (EEOC) / City Crescent Building / 10 S. Howard Street, Third Floor / Baltimore, Maryland 21201 / 800-669-4000 / www.eeoc.gov

Maryland Commission on Civil Rights (MCCR) / 19 William Donald Schaefer Tower / 6 St. Paul Street, Ninth Floor / Baltimore, Maryland 21202 / 410-767-8600 / www.mccr.maryland.gov



SEX OFFENSES, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING AWARENESS AND PREVENTION PROGRAMMING

At the beginning of each academic year, every new student to the University is orientated about the risks of dating violence, domestic violence, sexual assault and stalking through a series of mandatory in-person and online programs. On an annual basis, the University's Sexual Misconduct and Other Related Misconduct (Title IX) Policy and Procedures are distributed to the entire campus community. Each year, the University utilizes an online training platform, WeComply, to provide all new students with an interactive and informative training about the University's Title IX obligations and the related policies and procedures. Faculty and staff are required to complete the training in the first two weeks of their University employment. The University also has a running partnership with the One Love Foundation to provide an interactive and inclusive student facilitated discussion to all new Women's College freshmen and transfer students on dating and domestic violence. One of the primary features of the program centers on identifying and preventing situations of dating and domestic violence through bystander interventions and seeking assistance early from appropriate campus authorities or law enforcement. Additionally, throughout the year and on an as-needed basis, the University also conducts a series of mandatory population specific trainings to raise awareness of dating violence, domestic violence, sexual assault and stalking. Specific populations, including athletes, athletic coaches, English language learner (ELL) students, community assistants and the University's Honor Board, all receive specialized trainings on the University's Title IX policies and procedures, including the University's Amnesty Policy, from the sexual assault resource coordinator, Title IX coordinator and/or deputy Title IX coordinator.

The University also holds a series of awareness programs throughout the year. Each spring, in April, the University observes and holds awareness events for students, faculty, staff and other members of the community for Sexual Assault Awareness Month (SAAM). As a part of SAAM, University faculty direct the Clothesline Project to educate students about violence against women and work with inmates at the Maryland Correctional Institute for Women to create T-shirts for the Clothesline Project, which bears witness to experiences of domestic violence. Students help hang the shirts on Doyle Lawn and organize events relating to domestic violence awareness. Furthermore, the University will conduct a biennial Campus Climate Survey to solicit feedback on the University's initiatives and identify areas of strength and areas in need of address or improvement.



PROCEDURES FOR VICTIMS OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE OR STALKING.

If you are a victim of sexual assault, dating violence, domestic violence or stalking, the following is a list of recommended actions to take in order to preserve evidence. If you believe that you may at any time choose to pursue a legal remedy related to the assault, please request that the hospital perform a free Sexual Assault Forensic Examination (SAFE). Agencies vary as to the exact length of time, but physical evidence is most effectively obtained within 48 to 72 hours of a sexual assault. Maryland law allows a hospital to provide the SAFE exam free of charge, and there is no requirement for you to report an attack to the police; you can remain anonymous and the evidence will be held for a time with no identification. Mercy Hospital (at 301 St. Paul Place in Baltimore; ER 410-332-9477) is the designated hospital in Baltimore City that performs SAFE exams.

If you are planning to have a SAFE examination, please preserve all physical evidence of the assault. Please do not wash or throw away any articles of clothing worn during the assault. If an incident of sexual assault, domestic violence, dating violence or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order. The victim of a sexual assault should not brush their teeth, eat or drink, wash, douche, use the toilet or change clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries, following a sexual assault, an incident of domestic or dating violence, should be documented, including through the preservation of photographic evidence. Evidence of stalking or any

of the other crimes of interpersonal violence listed above, including any communication, such as written notes, voice mail or other electronic communications should be saved and not altered in any way.

The University will assist victims with notifying local law enforcement if they wish to, although we support the victim's right not to report the crime to law enforcement and we shall not condition any service on the victim's decision whether or not to file either a campus disciplinary complaint or file a report with law enforcement.

As provided earlier, the University has several interim steps available including University issued no contact orders. Additionally, the University will work with victims to support them obtaining court issued orders of protection, known in Maryland as peace orders, protective orders and ex parte orders.

WRITTEN NOTICE OF RIGHTS AND OPTIONS FOR VICTIMS OF INTERPERSONAL VIOLENCE

Any student or employee who reports an incident of sexual or gender violence, including sexual assault, domestic violence, dating violence or stalking, whether the offense occurred on or off campus, shall receive a written explanation of their rights and options. This written explanation identifies existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services available for victims, both within the institution and in the community, and describes options for available assistance in, and how to request changes to, academic, living, transportation and working situations or protective measures.

PROHIBITION ON RETALIATION

NDMU does not condone retaliation either directly or indirectly by any member of our campus community and will deal swiftly with such violations of policy and federal laws that prohibit it.

SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT

As the Clery Act requires, the University directs anyone seeking information on registered sex offenders to the website maintained by the Maryland Department of Public Safety and Correctional Services at <http://www.dpscs.state.md.us/onlineservs/socem/default.shtml>

CAMPUS SECURITY POLICIES, CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS

In addition to the many programs offered by the Office of Public Safety and other NDMU offices, the University has established a number of policies and procedures related to ensuring a reasonably safe campus community. These policies include:

BEHAVIORAL INTERVENTION TEAM

In order to extend our efforts on emergency preparedness and prevention, NDMU has established a behavioral intervention team. The objective of the behavioral intervention team (BIT) is to put in place a structured process for evaluating potentially threatening situations that occur at the University. The multi-disciplinary team is comprised of members from around the NDMU community.

WEAPONS POLICY

The possession, carrying and use of weapons, ammunition or explosives is prohibited on NDMU owned or controlled property. The only exception to this policy is for authorized law enforcement officers or others specifically authorized by the University. Failure to comply with the weapons policy will result in disciplinary action against violators.

VICTIM RIGHTS

YOUR RIGHTS AS A CRIME VICTIM:

As a victim of crime, you have rights. Also, you can expect to receive information, practical and emotional support and be able to participate in the criminal justice process. These standards were created to make sure that you are treated with dignity and respect at all times, regardless of your gender, age, marital status, race, ethnic origin, sexual orientation, disability or religion.

You have the right to be told ...

- About basic services available to you in your county
- About certain court events, including information on bail, escape of offender, release of an offender
- About the details of the final disposition of a case

You have the right to receive ...

- Notice of the arrest of the offender
- Information about restitution and assistance with compensation
- Accompaniment to all criminal proceedings by a family member, a victim advocate or a support person

You have the right to provide input ...

- Into the sentencing decision and to receive help in preparing an oral and/or written victim impact statement
- Into post-sentencing decisions

Please see the resource list for local victim assistance options.

For more information about your detailed rights or to file a complaint if you believe your rights have been violated, please contact: The Governor's Office of Crime Control & Prevention at <http://gocccp.maryland.gov>.

STUDENT CONDUCT

THE OFFICE OF STUDENT RIGHTS AND RESPONSIBILITIES

The mission of the Office of Student Rights and Responsibilities is to promote a safe, orderly and civil NDMU community and to encourage and inspire students to become good citizens by engaging in personal responsibility, ethical decision making and demonstrating respect for the rights and safety of others.

THE STUDENT CODE OF CONDUCT

The Office of Student Rights and Responsibilities is responsible for administering the Code of Conduct for Students, which articulates the behavioral standards and the equitable procedures employed by NDMU to respond to allegations of student misconduct.

The Code of Conduct for Students is administered at all NDMU campuses and on NDMU property and may also address off-campus student misconduct when a student's behavior affects a substantial University interest.

Students who are found responsible for violations may be subject to sanctions ranging from disciplinary warning or disciplinary probation, and up to suspension or expulsion from the University. Students residing in campus housing may also lose the privilege of living on campus for violating NDMU rules and regulations or conditions of the housing contract.

In most cases, the office of student rights and responsibilities will also assign developmental and educational interventions designed to promote greater awareness and improved decision-making for students and to further deter future misconduct.

In instances where there is reasonable cause to believe a student is an immediate threat to the safety of himself/herself or other persons or property, or is an immediate threat to disrupt essential campus operations, the office of student rights and responsibilities may assign an interim suspension and/or other actions, designed

to protect the health and safety of the community and members therein.

Any individual or entity may submit reports alleging student misconduct to the office of student rights and responsibilities or designee at the campus where the incident occurred.

The Office of Student Rights and Responsibilities also provides outreach programming designed to inform and educate students and to promote NDMU principles. Please visit the Student Conduct homepage at <http://www.ndm.edu/student-life/honor-code/>, where you will find the Student Code of Conduct, Student Records Policy and links to all policy and procedural guidelines related to the student conduct process.

ADDITIONAL INFORMATION REGARDING THE STUDENT CODE OF CONDUCT

The University is obligated to provide all students with regulations, policies and procedures governing student conduct. NDMU policies and procedures, including the Student Code of Conduct are published on the student conduct website <http://www.ndm.edu/student-life/honor-code>. If you have additional questions, special needs or wish to request a hard copy of this information, please contact the office of student rights and responsibilities. This publication, as well as NDMU regulations and policies and procedures governing student conduct, is available at <http://www.ndm.edu/files/resources/ndm-student-handbook-2015-16.pdf>.

MISSING STUDENT NOTIFICATION POLICY

In compliance with the Missing Student Notification Policy of the Higher Education Opportunity Act of 2008, the Office of Public Safety and Residence Life actively investigate any report of a missing student who is enrolled at the University as a resident student.

Each resident will be notified of the missing students policy and procedures.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted by NDMU in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Public Safety will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so through the office of residence life website or via the Housing Intent Form (returning students) or New Student housing Application (new students). A student's confidential contact information will be accessible only by authorized campus officials and law enforcement to investigate the missing person report only. For any resident younger than 18, and not an emancipated individual, the University is required to notify a custodial parent or guardian no later than 24 hours after the time that the resident is determined to be missing by Public Safety and Residence Life staff.

If a member of the campus community has reason to believe

that a resident student is missing, he or she should immediately notify NDMU Public Safety at 410-532-5360. All efforts will be made immediately (no waiting period) to locate the student and to determine their state of health and well-being. These efforts include, but are not limited to, checking the resident's room, class schedule, friends, ID card access, contacting public safety, locating the resident's vehicle and calling their cell phone number.

If, upon investigation by Public Safety and Residence Life staff, the resident is determined to be missing for at least 24 hours, Residence Life will contact the resident's designated emergency contact or custodial parent or legal guardian, if the student is younger than 18 or the student has failed to designate an emergency contact.

Public safety will continue to investigate, using established investigative procedures and in collaboration with staff from Residence Life.

Public safety will also report and coordinate its efforts with the appropriate law enforcement agencies within 24 hours, in full compliance with the requirements of this statute.

DAILY CRIME AND FIRE LOG

The Office of Public Safety maintains a combined Daily Crime and Fire Log of all crime and fire incidents reported to the department. The Office of Public Safety publishes the Daily Crime and Fire Log Monday to Friday, when the University is opened. The log is available 24 hours per day to members of the public. This log identifies the type, location and time of each criminal incident reported to the Office of Public Safety.

The most current 60 days of information is available at the Office of Public Safety, located at Gibbons 002. Upon request, a copy of any maintained Daily Crime and Fire Log will be made available for viewing, within 48 hours of notice.

CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS

In an effort to promote safety awareness, NDMU Office of Public Safety maintains a strong working relationship with the community. This relationship includes offering a variety of safety and security programs and services and crime prevention programming. Below are some of the programs and services available:

- Orientation programs in safety awareness and public safety services
- Campus security authority
- Title IX
- Crisis response
- Impact of intoxication on decision making
- National Collegiate Alcohol Awareness Week



NDMU ALCOHOL AND DRUG POLICY

ALCOHOL AND ILLEGAL DRUGS—STUDENTS

Students and their guests are expected to follow the laws of Maryland, specifically Criminal Law Article 10 of the Annotated Code of Maryland, which states that no individual under the age of 21 may buy, consume or possess alcoholic beverages of any kind, and individuals over 21 may not sell or provide alcohol to minors on University property or as part of any University activity, either on or off campus.

1. Students over the age of 21 may consume alcohol in their residence hall rooms, but not in public areas of the University, including, but not limited to, hallways, lounges, bathrooms and common areas. In the residence halls, those who are 21 years of age or older may not consume alcohol in the presence of anyone under the age of 21.
2. Those under 21 are not permitted to possess, distribute or consume alcohol anywhere on campus, including their residence hall rooms.
3. For those of legal drinking age, containers of alcoholic beverages larger than three liters, including kegs, are not permitted in the residence halls.
4. Students may not possess, distribute, sell, manufacture, dispense or use illegal drugs on or off campus. Those who decide to drink or abuse drugs are accountable for their behavior while under the influence, just as if they had not been abusing drugs or alcohol.
5. The University will not hire anyone who is known to currently use illegal drugs or abuse substances. Compliance with this policy is a condition of employment. Employees must report to work mentally and physically fit to perform their duties.
6. The following activities are prohibited while student employees are on the University's premises or otherwise engaged in University business: (1) the consumption of

alcoholic beverages, except at University-sponsored events, where authorized; (2) being under the influence of alcohol or illegal drugs during business hours; (3) performance of duties while under the influence of alcohol or illegal drugs whether on or off University premises; and (4) the manufacture, possession, use, sale, distribution, dispensation, receipt or transportation of any controlled substance or illegal drug.

7. Alleged violations may be reported to the director of student rights and responsibilities.

ALCOHOL BEVERAGES (FOR EVENTS WHERE ALCOHOL WILL BE SERVED)

Alcoholic beverages may be sold, served or consumed if (1) it is in compliance with the law, and (2) it is done at gatherings in locations approved by the vice president for student life. This applies to events sponsored by University offices.

The vice president for student life may approve alcoholic beverages for use at campus gatherings if all of the following conditions are met:

1. The event is held in a special use location, facility or building, on or off campus;
2. The event is requested by a faculty member, staff, administrator or student organization, or University department;
3. Those in attendance will be at least 21 years of age;
4. Those over the age of 21 will be identified by the use of a wristband, hand stamp, etc.;
5. Food and nonalcoholic beverages will be served;
6. The sale/serving of alcoholic beverages will be discontinued at least one hour before the event ends;
7. Proper campus supervision is provided in areas where alcohol is served/sold.

iii. Alcohol permit forms are available in the office of the vice president for student life and must be submitted at least 10 working days prior to the event.

SANCTIONS FOR STUDENTS VIOLATING THIS POLICY

Sanctions of the NDMU Substance Abuse Policy will be determined by the severity of the violations and their impact on the community for first, second and third violations. Students who violate the NDMU Substance Abuse Policy may be subject, but are not limited to, the following sanctions:

1. First Offense Alcohol Misuse: Possible sanctions include, but are not limited to, an alcohol-related health assessment, participation in an alcohol education program and other appropriate conduct sanctions, including, but not limited to, probation, visitation restriction, etc.
2. Second Offense Alcohol Misuse: Required alcohol-related assessment, mandatory attendance at an alcohol education program, notification of parents or legal guardians of students under 21 and other conduct sanctions as deemed appropriate, including, but not limited to, restitution, fines, probation, residence hall suspension, etc.
3. Third Offense Alcohol Misuse: Required attendance at the six-session alcohol education program or other community-based alcohol education program, notification of parents or legal guardians of students under 21 and other conduct sanctions as may be deemed appropriate, including, but not limited to, restrictions, probation, suspension or expulsion.

Controlled or Illegal Drugs

A student who has violated the Substance Abuse Policy through the illegal possession, use, sale, manufacture, dispensation or distribution of any drug, narcotic or controlled substance, whether on or off campus, is subject to immediate suspension or expulsion.

ASSISTANCE PROGRAM REFERRALS

The University recommends that individuals who have a drug or alcohol abuse problem seek professional help. The Counseling Center provides education, assessment, individual counseling and behavioral methods to address problem areas, and can assist individuals in identifying referrals, treatment programs and other community services.

The following agencies may be contacted to identify assistance programs offered in the community:

Addict Referral & Counseling Center, Inc.
21 West 25th Street
Baltimore, Maryland 21218
410-366-1717

Narcotics Anonymous
217 North Warwick Avenue
Baltimore, Maryland 21223
410-468-0060
Email: baltoareana@gmail.com

EDUCATION

The University provides educational programs, including an online alcohol assessment through eCheckUpToGo, designed to promote lawful and responsible use of alcohol and prevent the use of illicit drugs. These programs include information on this policy, as well as on alcohol and illegal drugs, the consequences of the use and abuse of these substances, including the role of individual responsibility and personal liability.

These programs are available to any member of the University community and are primarily offered through the division of student life.

Drug-Free Awareness Program will inform employees annually of (a) the dangers of drug or alcohol abuse in the workplace; (b) the University's policy of maintaining a drug-free workplace; (c) available drug counseling and rehabilitation; and (d) penalties that may be imposed upon employees for violations.

EMPLOYEE SUBSTANCE ABUSE POLICY

It is the goal of Notre Dame of Maryland University to protect the health and environment of faculty and staff by observing a drug-free environment in keeping with the Drug-Free Workplace Act of 1988, the Drug Free Schools and Campus Act of 1989 and the policies of the Maryland Higher Education Commission Concerning Drug and Alcohol Abuse Control. This policy applies not only to faculty and staff of the University, but also to all student employees and employees of contractors and subcontractors, as well as food service employees.

STANDARDS OF CONDUCT AND DISCIPLINARY ACTION

All faculty and staff are prohibited from the abuse of alcohol and the unlawful manufacture, distribution, possession or use of illicit drugs or alcoholic beverages on University property or as part of any college activity, both on or off campus. Alcohol abuse is the singular or repeated use of alcohol that violates local, state or federal law, or University policy.

All NDMU employees are required to comply with the University's Substance Abuse Policy. This policy covers the following substances:

- Alcoholic beverages of any kind. Alcohol means ethyl alcohol or ethanol.
- Controlled or illegal drugs or substances, which include all forms of narcotics, hallucinogens, depressants, stimulants and designer drugs whose use, possession, transfer, sale, manufacture, distribution and dispensation are restricted or prohibited by law.

The University will not hire anyone who is known to currently use illegal drugs or abuse substances. Compliance with this policy is a condition of employment. Employees must report to work mentally and physically fit to perform their duties.

The following activities are prohibited while an employee is on the University's premises or otherwise engaged in college business: (1) the consumption of alcoholic beverages except at University-sponsored events, where authorized; (2) being under the influence of alcohol or illegal drugs during business hours; (3) performance of duties while under the influence of alcohol or controlled and/or illegal substance whether on or off University premises; and (4) the manufacture, possession, use, sale, distribution, dispensation, receipt or transportation of any controlled substance or illegal drug.

Alleged violations may be reported to the director of human resources for staff and the vice president for academic affairs for faculty. For employees, violations are subject to disciplinary action, up to and including immediate dismissal, or, as a condition of continued employment, they may be required to successfully complete drug or alcohol abuse counseling or rehabilitation. Criminal or civil action does not preclude campus action. Other sanctions may include verbal counseling, written warning, suspension with or without pay, rehabilitation/counseling or referral for prosecution.

Employees will not be terminated for voluntarily seeking assistance for a substance or alcohol abuse problem; however, performance, attendance or behavioral problems may result in disciplinary action up to and including termination. Any employee who wishes to receive information about counseling and rehabilitation may request the information from the human resources department.

Where available evidence warrants, the University will bring matters of illegal drug or alcohol use to the attention of appropriate law enforcement authorities.

Employees convicted for off-the-job drug or alcohol involvement may be considered to be in violation of University policy. Employees who are convicted of controlled substances-related violations under state or federal law or who plead guilty or nolo contendere (i.e., no contest) to such charges must inform the University in writing within five days of the conviction or plea. Failure to do so will result in disciplinary action, up to and including termination from employment.

Within 30 days after receiving such notice, the University will take appropriate personnel action, up to and including termination, or require satisfactory participation in a drug abuse assistance or rehabilitation program by the convicted employee.

ASSISTANCE PROGRAM REFERRALS

The University recommends that individuals who have a drug or alcohol abuse problem seek professional help. In addition to coverage provided by the University's health plan, the Employee Assistance Program (EAP) is available to help. The contact information for the EAP is 1-877-757-7587, and can be called 24

hours a day, seven days a week. Faculty and staff need not be enrolled in the University's health plan to use the EAP.

The Counseling Center (410-532-5384) provides education, assessment, individual counseling and behavioral methods to address problem areas. The following agencies may be contacted to identify assistance programs offered in the community:

Addictions Counseling Services
17 Warren Road
Pikesville, Maryland 21208
410-484-3333

Narcotics Anonymous
217 North Warwick Avenue
Baltimore, Maryland 21223
410-566-4022 Hotline: 1-800-317-3222

Alcoholics Anonymous
8635 Loch Raven Blvd
Baltimore, Maryland 21286
410-663-1922

EDUCATION

In accordance with federal legislation, there will be an annual distribution, in writing, to each employee and student of:

1. The dangers of drug abuse in the workplace;
2. The institution's policy of maintaining a drug-free workplace and drug-free campus;
3. The standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on University property or as part of any University activities;
4. A description of applicable legal sanctions under local, state or federal law;
5. A description of health risks associated with the use of illicit drugs and abuse of alcohol;
6. A description of available drug or alcohol counseling, treatment or rehabilitation and/or reentry programs; and

A clear statement of the disciplinary sanctions that the University will impose on students and employees.

Applicable State Laws Relating to Unlawful Use, Possession and Distribution of Illicit Drugs and Alcohol

University Policies Relating to Unlawful Use, Possession and Distribution Of Illicit Drugs And Alcohol

Health Risks Associated With the Abuse of Alcohol or Use of Illegal Drugs

A. Policy Review

This policy will be reviewed biennially by the Substance Abuse Policy Review Committee, comprised of representatives from the office of the vice president for student development, the chief

financial officer, representatives of the Student Government Association, faculty, the Office of Human Resources and the Office of Public Safety, to determine its effectiveness, make changes if necessary and to ensure that sanctions are consistently enforced.

Federal law requires NDMU to notify annually all faculty, staff and students of the following:

ANNUAL DISCLOSURE OF CRIME STATISTICS

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires institutions of higher learning to prepare, publish and distribute a report concerning campus crime statistics and security policies on an annual basis.

This publication contains the annual report concerning specific campus crime and arrest statistics, as well as information about campus policies and practices intended to promote crime awareness, campus safety and security.

The report also contains policies and practices pertaining to campus security, crime reporting, alcohol and drugs, victims' assistance programs, student discipline, campus resources, community safety alerts, crime prevention, access to campus facilities and personal safety tips. The report encourages the reporting of all crime occurrences. The report describes how and to whom to report crimes. Copies of this report may be obtained from the NDMU Office of Public Safety and on the NDMU website at: http://www.ndm.edu/files/resources/annual_security_and_fire_safety_report_2016.pdf.

The Office of Public Safety collects the crime statistics disclosed in the charts through a number of methods. The Office of Public Safety records all reports of crime incidents made directly to the department through an incident report management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). In addition to the crime data that NDMU Office of Public Safety maintains, the statistics below also include crimes that are reported to various campus security authorities, as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the subcategories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

Definitions of Reportable Crimes

- Murder/Manslaughter—is defined as the willful killing of one human being by another.

- Negligent Manslaughter—is defined as the killing of another person through gross negligence.
- Sexual Assault—is defined as an offense that meets the definition of rape, fondling, incest or statutory rape.
- Rape—is defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling—is defined as 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 incapacity.
- Incest—is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape—is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.
- Robbery—is defined as taking or attempting to take anything of value from the car, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- Aggravated Assault—is defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- Burglary—is the unlawful entry of a structure to commit a felony or a theft.
- Motor Vehicle Theft—is the theft or attempted theft of a motor vehicle.
- Arson—is any willful or malicious burning, or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- Domestic Violence—is a felony or misdemeanor crime of violence committed—
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or



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

- Dating Violence—is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- Stalking—is engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.
- Hate Crimes—includes all of the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes:
 - Larceny/Theft—includes pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories and all other larceny;
 - Simple Assault—an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness;
 - Intimidation—to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack;

- Destruction/Damage/Vandalism or Property (except Arson)—to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Categories of Prejudice:

- Race—A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind.
- Religion—A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.
- Gender—A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- Gender Identity—A preformed negative opinion or attitude toward a group of persons because of a person’s internal sense of being male, female or a combination of both.
- Sexual Orientation—A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.
- Ethnicity—A preformed negative opinion or attitude toward a group of persons of the same race or cultural origin who share common or similar traits, languages, customs and traditions.

- National origin—A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions.
- Disability—A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Clery Act Geography Definitions

On Campus—

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and
- Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or other retail vendor).

On-Campus Student Housing Facility—

- Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.
- Student housing facilities are a subset of “on campus” as defined above.

Public Property—

- All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Noncampus Property—

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.



NOTRE DAME OF MARYLAND UNIVERSITY

Offense	Year	On Campus	Student Housing (subset of On Campus)	Noncampus Building or Property	Public Property	Unfounded
CRIMINAL HOMICIDE						
Murder and Nonnegligent Manslaughter	2013	0	0	0	0	NR
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Negligent Manslaughter	2013	0	0	0	0	NR
	2014	0	0	0	0	0
	2015	0	0	0	0	0
SEX OFFENSES						
Forcible Sex Offenses	2013	0	0	0	0	NR
Non-Forcible Sex Offenses	2013	0	0	0	0	NR
NEW SEX OFFENSE REPORTING CATEGORIES AS OF OCTOBER 20, 2014						
Rape	2014	0	0	0	0	0
Fondling		0	0	0	0	0
Incest		0	0	0	0	0
Statutory Rape		0	0	0	0	0
Rape	2015	0	0	0	0	0
Fondling		0	0	0	0	0
Incest		0	0	0	0	0
Statutory Rape		0	0	0	0	0
ROBBERY						
Robbery	2013	0	0	0	0	NR
	2014	0	0	0	0	0
	2015	0	0	0	0	0
AGGRAVATED ASSAULT						
Aggravated Assault	2013	0	0	0	0	NR
	2014	0	0	0	0	0
	2015	0	0	0	0	0
BURGLARY						
Burglary	2013	5	2	0	0	NR
	2014	0	0	0	0	0
	2015	2	0	0	0	0
MOTOR VEHICLE THEFT						
Motor Vehicle Theft	2013	0	0	0	0	NR
	2014	0	0	0	0	0
	2015	0	0	0	0	0
ARSON						
Arson	2013	0	0	0	0	NR
	2014	0	0	0	0	0
	2015	0	0	0	0	0

NOTRE DAME OF MARYLAND UNIVERSITY

Offense	Year	On Campus	Student Housing (subset of On Campus)	Noncampus Building or Property	Public Property	Unfounded
ADDITIONAL OFFENSES						
Dating Violence	2013	NR	NR	NR	NR	NR
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Domestic Violence	2013	NR	NR	NR	NR	NR
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Stalking	2013	NR	NR	NR	NR	NR
	2014	2	0	0	0	0
	2015	0	0	0	0	0

Other Offenses	Year	ARREST				REFERRED FOR DISCIPLINARY ACTION			
		On Campus	Student Housing	Noncampus Building or Property	Public Property	On Campus	Student Housing	Noncampus Building or Property	Public Property
Liquor Law Violations	2013	0	0	0	0	12	12	0	0
	2014	0	0	0	0	9	9	0	0
	2015	0	0	0	0	1	1	0	0
Drug Abuse Violations	2013	0	0	0	0	5	5	0	0
	2014	0	0	0	0	0	0	0	0
	2015	0	0	0	0	1	1	0	0
Illegal Weapons Possession	2013	0	0	0	0	1	1	0	0
	2014	0	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0	0

NOTES

NR means the statistic was not required by the Clery Act in a particular year or for a particular crime category

Notre Dame of Maryland University received no reports of hate crime during the three years of this report.

ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this act for NDMU.

DEFINITIONS

The following terms are used within this report. Definitions have been obtained from the Higher Education Opportunity Act:

On-Campus Student Housing—A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

Fire—Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

In compliance with the Higher Education Opportunity Act of 2008, the Office of Public Safety publishes the following information concerning student housing fire safety systems, fire drills, fire safety policies and education and training programs.

ON-CAMPUS HOUSING FIRE SAFETY EQUIPMENT

Notre Dame's residence halls have networked fire alarm systems and/or sprinkler systems as indicated below. In addition, fire extinguishers are on every floor in each residence hall.

When a networked fire alarm is activated, the alarm sounds on a panel at the Office of Public Safety, which is staffed 24 hours a day, 365 days a year. An officer will then respond to the building and determine the cause of the alarm.

The fire department is automatically notified and responds to all fire alarms in residence halls.

RESIDENCE HALL FIRE SAFETY SYSTEM DESCRIPTION

Mary Meletia Hall—Full sprinkler and networked alarm system

Doyle Hall—Networked alarm system and no sprinklers

SUPERVISED FIRE DRILLS

Mandatory supervised fire drills are conducted for each residence hall in the fall and spring semesters by officers from the Office of Public Safety. Additionally, each time new residents occupy a building during the summer for camp-related activities, a fire drill is conducted to ensure that temporary residents are familiar with evacuation routes and procedures. Every student must participate in these drills. Drills are conducted without notice. If a fire alarm sounds, everyone must exit. No one may re-enter the building until permission is given by a security officer or member of the Residence Life staff. Failure to evacuate a building during a fire alarm will result in judicial action.

In the calendar year 2015, two fire drills were conducted in each residence hall building.

FIRE SAFETY VIOLATIONS AND PROHIBITIONS

The Residence Life Handbook contains a section addressing prohibited fire safety violations. The cooperation of everyone is needed in order to avoid fire hazards. Please follow these rules to prevent fire damage and bodily harm.

The following items are prohibited in residence halls due to possible fire hazards:

- Hot Plates
- Halogen Lamps
- Space Heaters
- Incense
- Firearms
- Explosives
- Dangerous Chemicals
- Rice Cookers
- Electric Blankets
- Toaster Ovens
- Candles (lit or unlit)

SMOKING POLICY

Notre Dame of Maryland University is committed to providing a healthy, comfortable environment for students, faculty, staff and guests. All University buildings are smoke-free, including public spaces and residence halls. Individuals who wish to smoke or use other tobacco products, including e-cigarettes, must do so outdoors at least 30 feet away from any building or in any designated areas in a manner that does not block building entrances and minimizes others' exposure to the secondhand effects of tobacco use. Cigarette ashes and butts should be placed only in designated receptacles. Tobacco chew should not be expectorated onto the ground. Smoking is not permitted in any University vehicles.

FIRE SAFETY EDUCATION AND TRAINING PROGRAMS

All members of the Residence Life staff receive fire safety training at the beginning of the academic year. This training includes fire safety awareness, procedures for activating the fire alarm system, use of a fire extinguisher and emergency evacuation procedures.

REPORTING

In addition to the information listed above, the Office of Public Safety will maintain a log and publish an annual fire safety report that contains:

- The number and cause of any fire occurring in a residence hall;
- The number of injuries requiring medical care;
- The number of deaths; and
- The value of property damaged.

Please note—Both residential halls are located on the NDMU main campus / 4701 North Charles St. / Baltimore, Maryland 21210

There were no fires in either of the residential halls in the years 2013, 2014 and 2015.

A campus fire can be reported directly to 911, or to any member of Public Safety, including:

- Jeffrey Munchel, Director 410-532-5360
- Dan Warrenfelz, Sergeant 410-523-5360
- Helen Kucey, Sergeant 410-532-5360

EVACUATION PROCEDURES

In the event of fire or other evacuation emergency on campus, all persons in the affected premises must evacuate. You will be notified of a fire emergency by an audible alarm signal. Other emergency evacuation notifications may be issued by text alert, email and voice mail if appropriate.

When evacuating during a fire alarm, do not use the elevators. If you are on the first floor, exit the building via the nearest door. If you are above the first floor, use the nearest staircase to exit the building. Use another staircase if your first choice is blocked. Do not open the door if it is hot to the touch. Look for another exit. If you are unable to exit, contact the switchboard at the emergency extension 6666.

When notified to evacuate, leave the building and assemble in an area where you will not hinder the approaching emergency response personnel and apparatus. Depending on the nature of the emergency, you may be directed to proceed to a particular building or other area of safety.

Students and employees should attempt to account for individuals that are known to be in the building, including all visitors. Any missing individuals should be reported to the Office of Public Safety or emergency personnel. In addition, Public Safety personnel will conduct a sweep of all floors if sufficient personnel are available and if it is safe to do so.

Wait for campus Public Safety officers or emergency personnel to tell you when it is safe to return to the affected building. Even though the alarm may stop, the building may not be safe to re-enter.

CRIME PREVENTION TIPS

While the NDMU campus is a reasonably safe environment, crimes do occur. In addition to the Clery Act crimes, other common crimes that occur on campus are outlined below:

THEFT

Theft is a common occurrence on college campuses. Oftentimes this is due to the fact that theft is a crime of opportunity. Confined

living arrangements, recreation facilities and many open classrooms and laboratories provide thieves with effortless opportunities. Occupants of the residence halls often feel a sense of security and home atmosphere and become too trusting of their peers, while others leave classrooms and laboratories unlocked while unoccupied for short periods of time.

It is important to be very vigilant when it comes to suspicious persons. Never leave items and valuables lying around unsecured. Doors should be locked at all times. The following is a list of suggestions to help you not fall victim of theft:

- Keep doors to residence halls, labs and classrooms locked when not occupied;
- Don't provide access to unauthorized persons in the buildings or classrooms;
- Do not keep large amounts of money with you;
- Secure all valuables, money, jewelry and checkbooks in a lock box or locked drawer;
- Keep a list of all valuable possessions, including the makes, models and serial numbers;
- Take advantage of the engraving programs to have all valuables engraved with specific identifying marks;
- Don't leave laptop computers or textbooks unattended in labs or libraries, even if it is for a short period of time;
- Don't lend credit cards or identification cards to anyone; and
- Report loitering persons or suspicious persons to the Office of Public Safety immediately; don't take any chances.

IDENTITY THEFT

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involve fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account or credit card information.

Persons involved in identity theft often use computers or other forms of media to assist them.

There are measures you can take to prevent this from happening to you:

- Do not give anyone your personal information unless there is a reason to trust them and the release is for good reason.
- Never give your credit card information, date of birth, or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a credit check frequently to assure there is no suspicious activity.
- Examine financial information often to assure all transactions are authorized and accounted for.
- Use of computer security software on computers and installation of firewalls are good.



NOTRE DAME
OF MARYLAND
UNIVERSITY

2016 ANNUAL FIRE SAFETY
AND SECURITY REPORT