



ANNUAL SECURITY & FIRE SAFETY REPORT 2022



Containing information for the 2022-2023 Academic Year.
Includes crime statistics for 2019, 2020, and 2021

Prepared by the Office of Risk Management & Public Safety

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Notre Dame of Maryland University Notice of Non-Discrimination

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, color, creed, disability, genetic information, marital status, national or ethnic origin or ancestry, race, religion, sex (including pregnancy, sexual orientation, or gender identity or expression) or protected veteran status or any other characteristic protected 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, etc.

Inquiries or concerns regarding the application of this statement and related policies may be referred to:

Greg FitzGerald, Title IX/504/ADA Coordinator
Notre Dame of Maryland University
4701 N. Charles Street
Caroline Hall, Room 106
Baltimore, MD 21210
(410) 532-5109
TitleIX@ndm.edu

Office for Civil Rights – Regional Office
U.S. Department of Education
The Wanamaker Building
100 Penn Square, East-Suite 515
Philadelphia, PA 19107
Telephone: (215) 656-8541

Office for Civil Rights – National Office
U.S. Department of Education
LBJ Dept. of Education Bldg.
400 Maryland Ave, SW
Washington, DC 20202
Telephone: (800) 421-3481

ANNUAL SECURITY REPORT

Preparation of the Annual Security Report and Disclosure of Crime Statistics

The NDMU Office of Public Safety prepares this report annually to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act* (the *Clery Act*). The report is compiled using information maintained by the Office of Public Safety and other campus offices such as Student Life, Residence Life, Human Resources, Title IX, 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 misconduct, 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 access this report online at <https://www.ndm.edu/public-safety> or obtain a paper copy of this report by contacting the Office of Public Safety at 410-435-0100.

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 Risk Management, Emergency Management, Community Safety and Security Education, 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
- 1 Manager (Lieutenant)
- 3 Shift Supervisors (Sergeants)
- 9 Security Officers
- 8 On-call Security Officers
- 5 Student Public Safety Aids

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.

All Public Safety Officers are required to complete mandatory training during employee orientation and are required to attend additional annual trainings to stay abreast of University practices. Examples of trainings include first aid, emergency response, crisis intervention, sexual assault, heroin and opioid awareness and overdose prevention, etc.

Safety is Our Priority

The University takes great pride in our 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, and work, 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, working, visiting campus. There is 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 or (410) 532-6666 by cell.
- 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 found propped open.
- Know the campus location of the Blue Light Emergency Notification System
- Pay attention to Campus Public Safety alerts 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.

Escort Services

The Office of Public Safety maintains an escort service that operates 24-hours a day, seven days per week for NDMU students. The service is offered by walking or riding escorts that provide point-to-point service on campus. Please contact (410) 532-5360 to arrange for service, or contact Public Safety from a blue light on campus.

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 were reported near the campus. The University has enacted a Memorandum of Understanding (MOU) with Baltimore Police with regard to the investigation of alleged sexual assault 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 non-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 Case Management and Community Standards, 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:

<https://www.ndm.edu/student-handbook>

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 timely warning or emergency notification.

Voluntary, Confidential Reporting

If crimes are never reported, little can be done to help 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. In most cases, it is possible for you to file a report with a campus security authority 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. Confidential reports allow NDMU to compile accurate records on the number and types of incidents occurring on campus and to help determine if there is a serious or continuing threat to the safety of the campus community that would require an alert. Reports filed in this manner are counted and disclosed in the Annual Security and Fire Safety 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 Risk Management & 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 twenty-four hours a day at Caroline Hall, Room 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 public safety concerns and inform the community if there is a significant threat to the campus community.

Emergency Phones

As a part of the University's campus-wide security and response efforts, the University maintains 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 non-emergency 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/about-us/find-peopleoffices/public-safety> to learn more about your Office of Public Safety resources.

Reporting to Other Campus Security Authorities (CSAs)

The Clery Act mandates that institutions must disclose statistics for crimes reported to local police agencies and Campus Security Authorities (CSAs). While NDMU recommends that community members promptly report all crimes and other emergencies directly to the Office of Public Safety at 410-532-5360, on campus emergency number 6666, or to local law enforcement at 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 CSAs as:

1. A campus police department or a campus security department of an institution.
2. Any individual or individuals who have responsibility for campus security but do not constitute a campus police department or a campus security department (e.g. an individual who is responsible for monitoring the entrance into institutional property).
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. **An 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.**

For reporting purposes at NDMU, Campus Security Authorities at NDMU are identified as:

- I. Director of Risk Management & Public Safety
 - a. Public safety lieutenant, sergeants, and officers
- II. Provost & Vice President of Academic Affairs
- III. Associate Vice President of Student Life & Dean of Students

- IV. Director of Housing and Residence Life
 - a. All resident assistants and desk assistants
 - b. Graduate residence coordinator(s)
- V. Associate Dean for Case Management and Community Standards
- VI. Director of Student Engagement and Community Programs
- VII. Director of Athletics
 - a. All athletic coaches
- VIII. Title IX Coordinator
- IX. Director of Human Resources
- X. Assistant Director of Human Resources
- XI. Sexual Violence Resource Coordinator
- XII. Faculty Advisors to Student Groups/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.

TIMELY WARNING REPORTS – CRIME ALERTS

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 “Timely Warnings” (i.e. Crime Alerts). The Office of Public Safety will may issue a Timely Warning for the following crimes: arson; aggravated assault; criminal homicide; domestic violence, dating violence, robbery, burglary, motor vehicle theft, sexual assault, hate crimes, and stalking.

Timely warnings will be distributed via a variety of methods reasonably likely to reach the entire campus community. This is typically accomplished via email but may also include notifications via: emergency text message; campus telephone system; notices on the University webpage and social media; 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.

The purpose of a Timely Warning is to notify the campus community of the incident and to provide information that may enable the community to take steps to protect themselves from similar situations. 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. One of the above listed crimes, occurring within the institution’s Clery geography, has been reported to campus security authorities or local law enforcement; and

2. The crime is considered by the institution to represent a serious or continuing threat to students and employees.

An institution is not required to provide a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

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.

Campus Community members can register for the e2 Campus Text Alert System at:

<http://www.ndm.edu/public-safety/e2campus>

Additionally, the University may, in some circumstances, issue a Crime Alert when there is a pattern of crimes against persons or property. At NDMU, the Director of Risk Management & 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 Timely Warnings. 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 Public Safety confirms an emergency or a dangerous situation, an emergency notification will be initiated immediately 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 non-criminal 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, e-mail alerts, social media, campus telephone system, posted 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 Risk Management & Public Safety, or designee, in consultation with the Senior Director of

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 Risk Management & 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.

Campus Community members can register for the e2 Campus Text Alert System at:

<http://www.ndm.edu/public-safety/e2campus>

Evacuation Procedures

Evacuation exercises prepare building occupants for an organized evacuation in case of an emergency. During the exercise, occupants practice emergency procedures and familiarize themselves with the location of exits and the sound of the fire or other alarms. 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.

Campus Emergency Procedures are located on the University web site at:

<http://www.ndm.edu/about-us/find-people-offices/public-safety/emergency-crisis-information-guide>

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 that includes planning, mitigation, response, and recovery actions.

Our priorities are to:

- 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/aboutus/find-people-offices/public-safety/emergency-crisis-information-guide>.

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

To ensure the University's emergency management plans remain current and actionable, NDMU conducts annual exercises of its Emergency Management Plan. These exercises may include a variety of tabletop, drill, and full-scale emergency exercises. The University conducts after-action reviews of all emergency management exercises. The Director of Risk Management & Public Safety and the Emergency Management Team work with campus officials to develop scenarios. Outreach to local, state, and federal agencies and other stakeholders is conducted in order to create and implement the Emergency Management Plan and training 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/about-us/find-peopleoffices/public-safety/emergency-crisis-information-guide>).

In 2021, NDMU conducted a campus-wide lockdown exercise in which all campus entrances controlled by the University's electronic door control system entered into lockdown mode to prevent access to most University buildings, including a simulation of "Run, Hide, Fight" protocols. NDMU's Office of Public Safety coordinated the exercise with several University stakeholders, including the Offices of Student Life (including Residence Life), Admissions, Schools of Pharmacy and Nursing, etc.

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. The University will immediately notify the campus community upon confirmation of an emergency or dangerous situation. 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.

[Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System](#)

The Office of Public Safety and/or other University officials may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally, University officials become aware of these situations when they are reported to the Office of Public Safety or directly to a University employee.

Once first responders confirm that there is 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 Risk Management & Public Safety or a designee to issue an emergency notification.

The Director of Risk Management & Public Safety or designee will immediately initiate all or some portions of the University's emergency notification system. If, in the professional judgment of the Director of Risk Management & Public Safety or University officials, 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 notification. As soon as the condition that may compromise efforts is no longer present, the University, (usually the Director of Risk Management & 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

University officials, in conjunction with Public Safety will determine the appropriate segment or segments of campus community that should receive the notification. Generally, campus community members in the immediate area of the dangerous situation (i.e. 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 and social media 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

Speed and accuracy of the information are of the utmost importance in issuing emergency notifications. To expedite this process and ensure each message contains essential information, NDMU has developed a wide range of template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the on-going situation and modify it to address the specifics of the present incident. In those cases, where there are no predetermined 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 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 e-mail 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 and social media. If the situation warrants, NDMU will establish a telephone call-in center to communicate with the campus community during an emergency situation.

Procedures for Disseminating Emergency Information to the Larger Community

The University will notify the larger community through the local media outlets, coordinating with local public safety agencies' public information officers, and by providing information on social media sites (e.g. [Facebook](#) and [Twitter](#), 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/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 a very safe place to live and study. A truly safe campus, however, can only be achieved only through cooperation of all students, and employees, and the responsible decisions they make every day.

The majority of campus buildings are generally open and accessible from 7:00am to 11:00pm, Monday through Friday. Academic buildings are scheduled to be open on weekends 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. Access to student residential areas is generally restricted and are accessible only by swipe card or an authorized escort. All campus buildings are locked and secured overnight.

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

Public Safety, Facilities Management, and Information Technology collaborate to provide ongoing maintenance and physical and technological security enhancements on campus. This includes routine inspections of physical locks, door control system, CCTV cameras, and lighting systems.

As a part of NDMU's 2020-2025 Strategic Plan – *Going Beyond: Vision 2025* – NDMU has embarked on an expansion of its campus CCTV camera system with a goal of increasing its camera coverage by installing between five and ten new cameras annually. By the close of 2021, NDMU had approximately 40 camera locations throughout the campus which are monitored 24/7 by the Office of Public Safety.

Special Considerations for Residence Hall Access

At NDMU, all residence halls entrances operate under a computerized access control system, and are monitored by residence life staff and via CCTV cameras. 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, facility 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 accompany guests 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 remain 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. Staff from the Offices of Public Safety and Housing & Residence Life also conduct routine checks of residence hall areas.

Security Considerations for the Maintenance of Campus Facilities

NDMU is committed to campus safety and security. On campus, landscaping and outdoor lighting are designed for safety and security. Sidewalks and building entrances are illuminated to provide well-lit travel, routes between buildings and parking lots. The Office of Public Safety, often in collaboration with the Offices of Student Life, Facilities, Title IX, and student organizations, routinely survey the campus grounds and buildings for lighting and other safety concerns. Working in conjunction with Facilities Management and Information Technology, the need for repairs are 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-BASED VIOLENCE

All members of the University community who learn of instances of sexual misconduct are encouraged to report this behavior immediately to Title IX Coordinator in order to help the University provide a fair, prompt, and impartial proceeding that includes an investigation and resolution. University officials conducting these proceedings receive annual training regarding investigation and adjudication best practices in alignment with University policy.

Sexual Harassment & Other Sexual Misconduct Policy and Procedures

The University's Sexual Harassment & Other Sexual Misconduct Policy and Procedures are available in the Appendix to this Report and on the University's Title IX webpage (<http://www.ndm.edu/titleix>).

Sex Offenses, Dating Violence, Domestic Violence and Stalking Awareness and Prevention Programming

At the beginning of each academic semester, every new student to the University is orientated about the risks of sexual assault, dating violence, domestic violence, and stalking through a series of mandatory in-person and online programs. Each year the University utilizes an online training through Vector Solutions/SafeColleges entitled "Campus Save Act for Students – Sexual Violence Awareness" to provide all new students with an interactive and informative training about the University's Title IX obligations and the related policies and procedures. The following is an excerpt of the course description:

The goal of this course is to educate college and university students on proper identification, response, and handling of incidents of sexual violence. This course will look at sexual violence awareness, risk reduction, bystander intervention, what to do when sexual violence has happened, and disciplinary proceedings, victim protections, and sanctions.

All students receive an introduction to the training via email from the Associate Vice President of Student Life and Dean of Students (Deputy Title IX Coordinator for Student Life) with automatic email reminders to encourage timely completion. Additionally, the introductory email also contains a copy of the University's [Policies, Reporting, and Resources](#) guide on sexual misconduct, a copy of the University's [Reporting Workflow](#) and a link to the University Title IX page (<http://www.ndm.edu/titleix>) which contains information on the University's Sexual Misconduct and Other Related Misconduct (Title IX) Policy and Procedures. In addition, members of the University community (faculty, staff, and students) receive an annual reminder/notification via email regarding the University's Title IX obligations including a copy of the University's Title IX Policy and Procedures.

As a part of new student orientation, the University provides students with sexual misconduct awareness and response related programming. While the specific programming may vary year to year, the University has maintained 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 healthy relationships, and 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.

All new Women's College freshmen and transfer students also receive specific training in bystander intervention techniques (based on StepUp!) in their NDMU100 lab section. The training curriculum teaches students to recognize a variety of problematic behaviors, including sexual- and gender-based harassment and discrimination, and empowers them to intervene. Such trainings include examining case studies and roleplaying behavior intervention techniques including: 1) Notice the Event, 2) Recognize Problematic Behavior, 3) Assume Personal Responsibility, 4) Know How to Help, 5) Step Up!; and Direct, Delegate, or Distract (3Ds).

Throughout the year and on an as-needed basis, the University also conducts a series of mandatory population specific sexual misconduct trainings to raise awareness of sexual assault, dating violence, domestic violence, and stalking. Specific populations including Student Athletes, Athletic Coaches and Staff, Desk and Residence Assistants, Student Government Association, University Honor Board, and Bonner Leaders receive specialized trainings on the University's sexual misconduct policies and procedures, including the University's Amnesty Policy, from the Sexual Violence Resource Coordinator, Title IX Coordinator, Deputy Title IX Coordinator, or Title IX Investigator.

New faculty and staff are required to complete a web-based training through Vector Solutions/SafeColleges entitled "Title IX and Sexual Misconduct" in the first two (2) weeks of their University employment. Related modules, such as "Title IX: Role of Responsible Employees", "Sexual Violence Awareness for Employees (Campus SaVE Act)", "Clery Act Overview", and "Sexual Harassment: Staff to Staff" are available as additional resources and are assigned to certain staff, such as Public Safety Officers.

NDMU, in collaboration with the Baltimore-based BRAVE Consortium ("Bringing Respect and Violence Free Environments"), has also convened a Coordinated Community Response Team (CCRT) consisting of relevant departments and personnel on campus in order to "engage broadly with and across the NDMU community in an effort to create a campus environment free from sexual and gender based violence." The CCRT's purpose is to "improve the University's services and programs and create a culture of systematic change, informed by recognized best practices and survivor focused interventions." Members of the CCRT involved in the adjudication process receive annual training internally and/or via external sources (e.g. BRAVE, ATIXA, MCASA, etc.) related to sexual assault, dating violence, domestic violence, and stalking, and the University's response protocols and adjudication process.

The University also observes and holds a series of ongoing awareness programs for faculty/ staff, and students throughout the year in alignment with the major awareness months (e.g. Domestic Violence Awareness Month in October, National Stalking Awareness Month in January, and Sexual Assault Awareness Month in April). As a part of Sexual Assault Awareness Month, University criminology faculty routinely coordinate 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. Student Peer Educators collaborate with

TurnAround, Inc. and other local sexual violence organizations to bring speakers to campus to discuss issues surrounding consent, sexual violence, etc.

Beginning in 2016 and every two years thereafter, the University conducts a Campus Climate Survey to solicit feedback on the University's initiatives and identify areas of strength and areas in need of address or improvement. The results are shared and discussed at the CCRT. The most recent survey was completed in Spring 2022.

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 five days (120 hours) 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 and performs SAFE exams, as well as the Greater Baltimore Medical Center (GBMC) in Baltimore County. The University will ensure the student or employee has transportation to medical care when the Title IX Coordinator or Sexual Violence Resource Coordinator is notified that the student requests medical attention. The Office of Public Safety can also provide the above arrangement for after-hours calls.

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 your 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, text messages, 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 referenced in the University's Title IX Policy and Procedures located in the Appendix, the University has Supportive Measures available including University issued "no-contact" or "no-trespass" orders, room

reassignment, counseling, and/or other academic accommodations. Additionally, the University will work with victims to support their 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, 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. A copy of the University's [*Policies, Reporting, and Resources*](#) guide on sexual misconduct is prominently displayed on the University Title IX page (<http://www.ndm.edu/titleix>).

Prohibition on Retaliation

NDMU prohibits 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.

As referenced in NDMU's Sexual Misconduct Policy, retaliation is defined as "behavior or speech that is intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or [the University's Sexual Harassment and Other Sexual Misconduct] Policy or because an individual has made a report or complaint, testified, been interviewed as a witness, assisted, or participated in any manner in an investigation, proceeding, or hearing related to a matter covered by [the University's Sexual Harassment and Other Sexual Misconduct] Policy." The University will impose sanctions on any faculty, staff, or student found to be engaging in retaliation, or individuals who encourage third parties to retaliate on their behalf.

Parties are encouraged to report any concerns of retaliation to the University's Title IX Coordinator.

Sex Offender Registration – Campus Sex Crimes Prevention Act

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

CAMPUS SECURITY POLICIES, CRIME PREVENTION & 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 (BIT) to address situations where a person is displaying disruptive or threatening behavior. The objective of the BIT is to put in place a structured process for evaluating potentially threatening situations (i.e. danger to their own or other health and safety) that occur at the University. The multi-disciplinary team is comprised of qualified members from around the NDMU community, including but not necessarily limited to: the Associate Vice President of Student Life, Associate Dean of Case Management and Community Standards, Director of Inclusion and Accessibility, Director of Risk Management and Public Safety, Director of the Counseling Center, and the Title IX/504/ADA Coordinator.

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, in accordance with the Student Code of Conduct or Employee Handbook.

Victim Rights

Your Rights as a Crime Victim:

The State Constitutional Amendment for Crime Victims' Rights and implementing laws entitle crime victims to various rights and services including the right to participate in the criminal justice process. 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 at <https://www.stattorney.org/resources/victims-witnesses>. An informational chart of victim's rights is available at: <http://goccp.maryland.gov/wp-content/uploads/victims-rights-chart.pdf>

For more additional 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://goccp.maryland.gov/victims/> or the Office of Maryland Attorney General at <http://www.marylandattorneygeneral.gov/Pages/VictimServ/default.aspx>

Student Conduct

The Office of the Dean of Students

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

The Student Code of Conduct 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 Censure, Disciplinary Probation, fines and restitution, 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 the Dean of Students 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 the Dean of Students 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 Dean of Students, Associate Dean for Case Management and Community Standards, or designee at the campus where the incident occurred.

The Office of the Dean of Students also provides outreach programming designed to inform and educate students and to promote NDMU principles. Please visit the Student Life homepage at <https://www.ndm.edu/student-life> where you may 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 Code of Conduct for Students are published in the Student Handbook at <https://www.ndm.edu/student-handbook> . If you have additional questions or wish to request a hard copy of this information, please contact the Office of the Dean of Students.

Missing Student Notification Policy

In compliance with the Missing Student Notification Policy of the Higher Education Opportunity Act of 2008 as amended, the Offices of Public Safety and Housing 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 Housing and 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 Housing 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 to determine his or her 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, locating the resident's vehicle, and calling their cell or other known phone number(s).

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 Residence Life staff. Public safety will also report and coordinate its efforts with the appropriate law enforcement agencies within 24 hours in full compliance with federal statutory and regulatory requirements.

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 and makes available the Daily Crime and Fire Log for the last 60 days, Monday – Friday during normal business hours to members of the public. This log identifies the nature, date, time, general location, and disposition of the complaint of all criminal incidents and alleged criminal incidents that are reported to the Office of Public Safety for the required geographic locations. An entry, an addition to the entry, or a change in the disposition of a complaint will be recorded within two business days of the reporting of the information to the Office of Public Safety, except if the disclosure is prohibited by law, if the disclosure would jeopardize the confidentiality of the victim, or other limited circumstances.

The most current 60 days of information is available at the Office of Public Safety located at Gibbons Hall, room 002. Upon request a copy of any maintained Daily Crime and Fire Log (up to seven years) will be made available for viewing, within 48 hours (two business days) of notice.

Crime Prevention and Safety Awareness Programs

In an effort to promote safety awareness, NDMU's Office of Public Safety maintains a strong working relationship with the local 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

- On-and off-campus meetings and discussion with Baltimore City Police Northern District and other law enforcement agencies.
- Campus Security Authority Training
- Sexual Misconduct (Title IX) and Responsible Employees Training
- Safety cooperation with Loyola University and Homeland Association
- Crisis Response and coordination with the Mayor’s Office of Emergency Management and the Maryland Emergency Management Agency
- National Collegiate Alcohol Awareness Week (October)
- Domestic Violence Awareness Month (October)
- National Stalking Awareness Month (January)
- Sexual Assault Awareness Month (April)

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 Associate Dean of Case Management and Community Standards.

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 Associate Vice President for Student Life; or (3) they are authorized at third-party events on campus. This applies to events sponsored by University offices.

The Associate Vice President for Student Life may approve alcoholic beverages for use at campus gatherings if all 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.

Alcohol permit forms are available in the office of the Associate Vice President for Student Life and must be submitted at least 10 business 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:

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.

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.

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, may be subject to immediate suspension or expulsion.

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 to not only 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 and 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 employees, violations are subject to disciplinary action, up to and including immediate dismissal, or, as a condition of continued

employment, may be required to successfully complete drug or alcohol abuse counseling or rehabilitation. Criminal or civil actions do 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 – Faculty, Staff, and Students

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, which can be called 24 hours a day, 7 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, and can assist individuals in identifying referrals, treatment programs and other community services.

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

Alcoholics Anonymous
8635 Loch Raven Blvd
Baltimore, Maryland 21286
410-663-1922 intergroup@baltimoreaa.org
<https://baltimoreaa.org/>

Narcotics Anonymous
217 North Warwick Avenue
Baltimore, Maryland 21223

1-800-317-3222

baltoareana@ymail.com

<https://www.baltoareana.org/>

Education – Faculty, Staff, and Students

The University provides educational programs, including an online alcohol training, designed to promote lawful and responsible use of alcohol and prevent the use of illicit drugs. These programs include information on alcohol and illegal drugs, the consequences of the use and abuse of these substances including the interaction between abuse and sexual misconduct, the role of individual responsibility and personal liability, and this policy.

These programs are available to any member of the University community and are primarily offered through the Division of Student Life and the Office of Human Resources.

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

Heroin and Opioid Addiction and Prevention

In accordance with Sections §11-1201 through §11-1204 of the Education Article of the Annotated Code of Maryland and in alignment with the University's Substance Abuse and Drug-Free Workplace Policy, Notre Dame of Maryland University ("NDMU" or "the University") has adopted a *Heroin and Opioid Addiction and Prevention Policy*. NDMU strives to provide a healthy, drug-free, and safe learning environment for students, faculty, and staff. The University recognizes the growing epidemic of heroin and opioid related abuse and deaths in Baltimore City, the State of Maryland, and nationwide. As well as the health and safety issues such an epidemic may pose for the University community, on and off campus.

Incoming full-time students in the Women's College, College of Undergraduate Studies, and College of Graduate & Professional Studies (including the School of Pharmacy ("SOP")) will be required to participate in a face-to-face (or online in some cases) heroin and opioid addiction and prevention awareness training. The trainings will be facilitated by certified faculty and students of NDMU's SOP. NDMU will also provide part-time students with easily accessible online resources that will alert and educate them regarding heroin and opioid addiction and prevention.

In an effort to protect the health and safety of the campus community, NDMU will maintain an easily accessible supply of overdose-reversing medication to be used in the case of emergencies. Public Safety Officers and other designated personnel will be trained to: recognize the symptoms of opioid overdose; in the procedures for the administration of overdose-reversing medication; and in the proper follow up emergency procedures related to opioid overdose.

The University will report to the Maryland Higher Education Commission, on or before October 1st of each year, regarding each incident at NDMU that required the use of an opioid overdose-reversing medication. The Chief of Staff will be responsible for submitting the report, in collaboration with the Substance Abuse Policy Review Committee.

This policy will be reviewed biennially by the Substance Abuse Policy Review Committee to determine its effectiveness and make changes if necessary.

Policy Review

This policy will be reviewed biennially by the Substance Abuse Policy Review Committee comprised of the Associate Vice President for Student Life, Vice President of Finance & Administration, Director of Risk Management & Public Safety, Director of Human Resources, Chief of Staff, or their designees, representatives of the Student Government Association, and members of the faculty, to determine its effectiveness, make changes if necessary and to ensure that sanctions are consistently enforced.

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 web site at:

<http://www.ndm.edu/about-us/find-people-offices/public-safety>

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 sub categories 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 – defined as the willful (non-negligent) 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 his/her age or because of his/her temporary or permanent mental incapacity.
 - Incest – is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape – is defined as 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 – 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 – 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 – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- Stalking – 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 – are a criminal offense that manifests evidence that the victim was internationally selected because of the perpetrator’s bias against the victim. See the *Categories of Bias* below. Hate Crimes include all of the crimes listed above in addition to the following crimes:

- Larceny/Theft—the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- 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 of 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 Bias:

- 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, transgender, or con-conforming.
- 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 people whose members identify with each other, through common heritage, often consisting of a common language, common culture, and/or ideology that stresses common ancestry.
- National origin – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- Disability – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, 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.

Non-Campus 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.

Crime Statistics

NOTRE DAME OF MARYLAND UNIVERSITY						
Offense	Year	On Campus	Student Housing (subset of On Campus)	Non-Campus Building or Property	Public Property	Unfounded
CRIMINAL HOMICIDE						
Murder and Non-negligent Manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
SEX OFFENSES						
Rape	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Fondling	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Incest	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated Assault	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0

NOTRE DAME OF MARYLAND UNIVERSITY									
Offense	Year	On Campus	Student Housing (subset of On Campus)	Non-Campus Building or Property	Public Property	Unfounded			
ADDITIONAL OFFENSES									
Dating Violence	2019	1	0	0	0	0			
	2020	0	0	0	0	0			
	2021	0	0	0	0	0			
Domestic Violence	2019	0	0	0	0	0			
	2020	0	0	0	0	0			
	2021	0	0	0	0	0			
Stalking	2019	1	0	0	0	0			
	2020	1	0	0	0	0			
	2021	0	0	0	0	0			
REFERRED FOR DISCIPLINARY ACTION									
ARREST									
ACTION									
Other Offense	Year	On Campus	Student Housing	Non-Campus Building or Property	Public Property	On Campus	Student Housing	Non-campus Buildings or Property	Public Property
Liquor Law Violations	2019	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Drug Abuse Violations	2019	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Illegal Weapons Possession	2019	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
NOTES:									
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 and an officer will then respond to the building to 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

- Meletia Hall – networked alarm system, smoke detectors, and full sprinkler system.
- Doyle Hall – networked alarm system, smoke detectors, and no sprinklers.
- Doyle Hall Dining – networked alarm system, smoke detectors, full sprinkler and Ansul system.

Supervised Fire Drills

Officers from the Office of Public Safety conduct mandatory supervised fire drills for each residence hall in the fall and spring semesters. 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 2021, one unannounced fire drill was conducted in each residence hall buildings each semester, four (4) total. Routine announced fire drill were held during the summer months for summer camps and A Child's Place every two weeks for a total of 8 drills in MBK and LeClerc Hall.

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

The University is committed to providing a healthy, comfortable environment for students, faculty, staff, and guests. Smoking, including cigarettes, cigars, pipes, and electronic smoking devices, is prohibited in all buildings on the University campus. Individuals who wish to smoke or use other tobacco products must do so outside of any building, at least **thirty feet away from any building**, or in any designated areas, in a manner that does not in any way 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;
- Number of injuries requiring medical care;
- Number of deaths; and
- The value of property damaged

Please note – both residential halls are located on the NDMU main campus / 4701 N. Charles St. / Baltimore, Maryland 21210

There were no fires in either of the residential halls or on campus in 2020 or 2021. There was a minor fire incident in one of the resident halls in 2019 with no injuries reported – Fire alarm activated and utilization of portable fire extinguisher to suppress fire before arrival of Baltimore City Fire Department.

A campus fire should be reported directly to 911, or to any member of Public Safety by dialing extension 6666 on campus or (410) 532-6666 by cell.

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, safest exit door. If you are above the first floor, use the nearest (primary) staircase to exit the building. Use another staircase (secondary) if your first choice is blocked or not safe. Do not open the door if it is hot to the touch (use back of hand to touch). Look for another exit. If you are unable to exit, contact the switchboard at the emergency extension by dialing extension 6666 on campus or (410) 532-6666 by cell or 911 for Baltimore City Fire Department.

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 when not occupied 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, classrooms locked when not occupied
- Don't provide access to unauthorized persons into buildings or classrooms, including holding doors for individuals unfamiliar to you (also known as "piggybacking" or "tailgating")
- Do not carry large amounts of money with you
- Lock all valuables, money, jewelry, checkbooks in a lock box or locked drawer
- Keep a list of all valuable possessions including the makes, models, and serial numbers
- 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
- 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, password, bank account or credit card information.

Persons involved in identity theft often use computers or other forms of technology and 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.
- Never give your credit card information, passwords, date of birth, or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a free annual credit check on a regular basis to assure there is no suspicious activity (<https://www.annualcreditreport.com>).
- 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 key means of protection

APPENDIX

NOTRE DAME OF MARYLAND UNIVERSITY

INTERIM POLICY ON SEXUAL HARASSMENT AND OTHER SEXUAL MISCONDUCT

Notre Dame of Maryland University Notice of Non-Discrimination

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, color, creed, disability, genetic information, marital status, national or ethnic origin or ancestry, race, religion, sex (including pregnancy, sexual orientation, or gender identity or expression), veteran status or any other characteristic protected 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, etc..

Inquiries or concerns regarding the application of this statement and related policies may be referred to:

Greg FitzGerald, Title IX/504/ADA Coordinator
Notre Dame of Maryland University
4701 N. Charles Street
Gibbons Hall, Room 106
Baltimore, MD 21210
(410) 532-5109
TitleIX@ndm.edu

Office for Civil Rights – Regional Office
U.S. Department of Education
The Wanamaker Building
100 Penn Square, East-Suite 515
Philadelphia, PA 19107
Telephone: (215) 656-8541

Office for Civil Rights – National Office
U.S. Department of Education
LBJ Dept. of Education Bldg.
400 Maryland Ave, SW
Washington, DC 20202
Telephone: (800) 421-3481

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SEXUAL MISCONDUCT POLICY

I. Policy Statement

Notre Dame of Maryland University (“the University”) seeks to foster and maintain an atmosphere of inclusivity and mutual respect for all members of the campus community. As such, the University is committed to providing a working, learning, and living environment free from Sexual Harassment and Other Sexual Misconduct (“Prohibited Conduct”). Sexual Harassment is a form of discrimination prohibited by state and federal laws (including Title IX of the Education Amendments of 1972 as amended (“Title IX”), the Campus SaVE Act, and Title VII of the Civil Rights Act of 1964 as amended), may constitute criminal activity, and is a form of Sex Discrimination in violation of the University’s Non-Discrimination Policy.

Sexual Harassment is a broad term describing a range of prohibited behavior and conduct as defined in Section III below. Other Sexual Misconduct (“OSM”) is a term describing other prohibited behavior and conduct, including Sexual Coercion or Sexual Exploitation as defined in Section III below, which may or may not constitute Sexual Harassment as defined under the Title IX regulations. Sexual Harassment and OSM are prohibited by the University and will not be tolerated.

The University endeavors to foster a climate free from Sexual Harassment and OSM through training, education, and prevention programs, as well as by following policies and procedures that promote prompt reporting. This also means the University works to investigate and resolve Formal Complaints of Sexual Harassment and OSM in a reasonably prompt timeframe. It will also take prompt action to effectively address and work to prevent Sexual Harassment and OSM.

Retaliation against someone for participating in the University’s grievance procedures regarding this Policy is prohibited. This includes any form of Retaliation (e.g., intimidation, threats, coercion, or discrimination) against any individual who (i) has been the Reporting Party or Responding Party under this Policy, (ii) reports or files a complaint alleging a violation of the Policy, and/or (iii) cooperates or participates in any meeting or proceeding under this Policy (including providing information, assisting, or testifying).

Members of the University Community found to have violated this Policy will be subject to disciplinary action in accordance with the University’s Policies and Procedures.

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

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education’s implementing regulations at 34 C.F.R. Part 106, the University’s Title IX Coordinator has primary responsibility for coordinating the University’s efforts to comply with and carry out the University’s responsibilities under Title IX. The Title IX Coordinator oversees the University’s response to reports and complaints that relate to Prohibited Conduct, monitors outcomes, identifies and addresses any patterns, and assesses effects on the campus climate, so

the University can address issues that impact the wider campus community. No employee (other than law enforcement) is authorized to investigate or resolve reports of Sexual Harassment or OSM without the involvement of the Title IX Coordinator.

II. Scope and Applicability

The University has jurisdiction over all reports of Prohibited Conduct under this Policy when it has actual knowledge of Prohibited Conduct in connection with University educational programs and activities. This Policy applies to all members of the University community including students, faculty, staff, as well as guests, contractors and other third parties over which the University has substantial control who are attempting to participate or participating in a program or activity.

Education Program or Activity includes: all University operations (including but not limited to employment), as well as locations, events, or circumstances over which the University exercises substantial control over both the person who engages in Prohibited Conduct and the context in which the Prohibited conduct occurs.

This includes, but is not limited to:

- a. University premises, or at facility, office, regional center education program or activity, or property owned and controlled by the University;
- b. Any on or off-campus NDMU sponsored, recognized, or approved employment or educational program or activity, in the United States; or
- c. Any building owned or controlled by a student organization that is officially recognized by the University, whether such a building is on campus or off campus.

In addition to allegations of Sexual Harassment falling within Title IX jurisdiction, the University may also address allegations of Sexual Harassment and Other Sexual Misconduct under this Policy affecting its students or employees that take place outside an “educational program or activity,” take place outside the United States, or otherwise fall outside Title IX jurisdiction, including, but not limited to, providing supportive measures or pursuing disciplinary action for violating this Policy.

III. Definitions

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

- A. Actual Knowledge** means notice of Sexual Harassment or OSM or allegations of Sexual Harassment or OSM to the Title IX Coordinator or any University official who has authority to institute corrective measures on behalf of the University.
- B. Advisor** means a person chosen by a party to provide advice and consultation to that Party, in accordance with this Policy and Procedure. An Advisor may be an attorney or another individual. A Party’s Advisor also conducts cross-examination on behalf of that Party at a Hearing, if applicable, in accordance with this Policy and Procedures. An Advisor shall not be an active participant or speak on behalf of a Party except for the purpose of providing cross-examination at a Hearing. If a Party does not have an Advisor, the University will provide without fee or charge to that Party, an Advisor of the University’s

choice, to conduct cross-examination on behalf of that Party; an Advisor appointed by the University acts in a confidential capacity on behalf of the Party and is not otherwise involved in the proceedings.

C. Complainant (or Reporting Party) is defined as the individual who is alleged to be the victim or subject of Prohibited Conduct under this Policy.

D. Consent is defined as knowing, voluntary, and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. It must be given by a person with the ability and capacity to exercise free will 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 or assumed from silence, passivity, or a lack of objection or resistance. 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. The absence of a negative response, such as silence or a failure to physically resist does not equal consent.
- 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. 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.

E. Days means business days. Days when the University is closed for inclement weather, emergency closure, and/or officially designated holidays, shall not be counted.

F. Discrimination on the Basis of Sex is defined as disparate treatment of a NDMU community member based on their sex (including pregnancy, sexual orientation, gender identity or expression), that unreasonably interferes with or limit a community member's access to employment or conditions and benefits of employment; ability to participate in, access, or benefit from educational programs, services, or activities; or ability to participate in, access, or benefit from the University's extracurricular programs.

Complaints of Discrimination on the Basis of Sex are not resolved under the Title IX Hearing Process.

- G. Formal Complaint** means a document filed by a Reporting Party or signed by the Title IX Coordinator alleging Prohibited Conduct against a Responding Party and requesting the University proceed with the resolution process. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by e-mail, or any additional method designated by the University in accordance with these Procedures.
- H. Hearing Officer** means an individual designated to preside over the Hearing and has decision-making and sanctioning authority within the adjudication process.
- I. Hearing Panel** is a body of Hearing Officers identified by the University to serve as decision makers regarding evidentiary and factual decisions regarding responsibility for alleged violation of this Policy.
- J. 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. Incapacity is a state in which someone cannot make a decision because they lack the ability to fully understand what is happening and therefore cannot consent even if they appear to be a willing participant.

Incapacitation may result from a number of causes. A person can be incapacitated through the use of drugs, alcohol, or any other intoxicating substance, or when they are unconsciousness, asleep, or otherwise unaware the sexual activity is occurring. Further, mental or physical disabilities or cognitive impairments can cause an individual to lack the capacity to consent to sexual activity or behavior. 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.

Incapacitation due to alcohol and/or drugs is a state beyond drunkenness or intoxication. Incapacitation is a state in which a person lacks the ability to understand the nature of their sexual activity or behavior. Also, when an individual passes from a state of drunkenness or intoxication to a state of Incapacitation, they no longer have the ability to give consent under this Policy.

Further, for the purposes of determining Consent, the University will consider whether the Responding Party "knew" or "should have known" that the Reporting Party was Incapacitated. The University will make this determination by assessing whether, based on the totality of the circumstances and context, a sober, reasonable person in the same situation (as the Respondant) "knew" and/or "should have known" that the Reporting Party was Incapacitated.

- K. Investigator** means a professionally trained University staff member or third-party contractor designated to conduct an impartial, fair, and unbiased investigation into an alleged violation of this Policy.
- L. Preponderance of the Evidence** means that it is more likely than not that a Policy violation had occurred.
- M. Reporting Party** – See definition for Complainant.

- N. Respondent (or Responding Party)** is defined as the individual alleged to have engaged in conduct that could constitute Prohibited Conduct under this Policy.
- O. Responsible University Employee** includes any university administrator, supervisor, faculty member, public safety officer, coach or trainer who are not confidential resources. See Article III.
- P. Sanctions** means disciplinary and other consequences imposed on a Responding Party who is found to have violated this Policy. See Section X.
- Q. Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Reporting or the Respondent to restore or preserve equal access to Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of the parties or the University's educational environment, to deter Prohibited Conduct under this Policy, or ensure the integrity of the investigative and/or adjudicative processes. See Section VII.
- R. University Community** means University students, faculty, staff, and third parties (visitors, volunteers, applicants for admissions or employment, vendors, and contractors).

IV. Prohibited Conduct

This Policy prohibits Sexual Harassment, Other Sexual Misconduct, and Retaliation as set forth below. Prohibited Conduct can occur between strangers or acquaintances, including people involved in intimate or sexual relationships. Prohibited Conduct can be committed by any person, regardless of gender identity, and can occur between people of the same or different sex, sexual orientation, or gender expression

- A. Sexual Harassment I** means conduct in the United States, in an Education Program or Activity, on the basis of sex that satisfies one or more of the following:
- 1. Quid Pro Quo:** An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.
 - 2. Hostile Environment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.
 - 3. Sexual Assault:** An offense classified as a sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sex offenses are any sexual acts directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent (Non-Consensual Sexual Penetration or Fondling); also, unlawful sexual intercourse (Incest or Statutory Rape).

a) Sexual Assault I (Non-Consensual Sexual Penetration): Penetration, no

matter how slight, of the genital or anal opening of the body of another person with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.

- b) **Sexual Assault II (Fondling):** The touching of the private body parts of another person for the purpose of sexual gratification without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - c) **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d) **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
4. **Domestic Violence:** Conduct which could be felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth Complainant protected from those acts by domestic or family violence laws of Maryland.
5. **Dating/Relationship Violence:** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
6. **Sex and Gender Based Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: a. Fear for their own safety or the safety of others; or b. Suffer substantial emotional distress.

B. Other Sexual Misconduct

1. **Sexual Harassment II:** Sexual Harassment II is defined as any unwelcome sexual advance, unwelcome request for sexual favors, or other behavior of a sexual- or gender-based nature, when such conduct has the effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive to create a working, academic, residential, or social environment, that a reasonable person in similar circumstances would find intimidating, hostile, humiliating, demeaning, or sexually offensive.

Sexual Harassment II 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.

An isolated incident, unless sufficiently severe or pervasive, generally does not amount to Sexual Harassment II. However, a single incident, if sufficiently severe, may constitute Sexual Harassment II.

2. **Sexual Coercion:** The use of unreasonable pressure in an effort to compel another individual to initiate or continue sexual activity against the individual's will. A person's words or conduct are sufficient to constitute Sexual Coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Sexual Coercion includes but is not limited to intimidation, manipulation, express or implied threats of emotional physical harm, and/or blackmail. Examples of Sexual Coercion include but are not limited to causing the deliberate Incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal sensitive information if the other party does not engage in the sexual contact.
3. **Sexual Exploitation:** Taking non-consensual 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. Non-consensual sexual advantage refers to any action and/or conduct taken without consent in furtherance to benefit from, to take advantage of, or to attain sexual opportunity.

Sexual Exploitation may include: Intentionally observing, spying on, or listening to person(s) involved in sexual activity or behavior or in any state of undress, without their consent; allowing others to observe sexual activity or behavior of another person or allows others to observe another person in any state of undress, without the consent of all the person(s) involved; Photographing or recording someone (via audio, video or otherwise) involved in sexual activity or behavior, or in any state of undress, without their consent.; Sharing or posting images such as photographs or video/audio of someone involved in sexual activity or behavior or in a state of undress, without their consent. This is applicable to anyone in possession of the images/audio, even if the individual in possession of the images/audio was not responsible for the creation of the original images/audio and was not engaged in the recorded sexual activity or behavior; Removing a condom during sexual intercourse without the consent of the other person; or the act of intentionally misleading another person to believe a condom is being used during sexual intercourse; Prostituting another person, including the use of threat, coercion, or abduction to force another person to perform sexual acts with others in exchange for payment; Inducing Incapacitation of another by providing drugs, alcohol, or other substances—with or without their knowledge—with the intent to impair their ability to withhold consent or their ability to knowingly consent to sexual activity or behavior, regardless of whether sexual activity or behavior actually occurs. If sexual activity or behavior does occur, such conduct may also constitute Sexual Assault; Indecent Exposure which is exposing one's intimate parts, such as genitalia, groin, breast and/or buttocks to someone without their

consent. This behavior is the deliberate showing of intimate parts of the body and may, but does not necessarily have to, include a sexual act. Engaging in sexual activity in public, witnessed by non-consenting person(s), is also a form of Indecent Exposure.

4. **Attempted Sexual Assault:** An attempt to commit Sexual Assault.

C. **Retaliation** means behavior or speech that is intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or this Policy or because an individual has made a report or complaint, testified, been interviewed as a witness, assisted, or participated in any manner in an investigation, proceeding, or hearing related to a matter covered by this Policy.

Retaliation includes bringing charges against an individual for violations of other institutional policies that do not involve Sexual Harassment, but arise out of the same facts or circumstances as a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX.

V. Reporting Prohibited Conduct to Law Enforcement

Victims of Sexual Misconduct have the right to file criminal charges with the appropriate law enforcement officials where the Prohibited Conduct occurs. The University will assist members of the community who wish to report Prohibited Conduct to law enforcement. Reporting Parties also have the right to decide not to notify or contact law enforcement.

The University may also report such incidents to appropriate law enforcement officials when the safety of the campus is in jeopardy or the Reporting Party/potential Reporting Party cannot do so him/herself. Information obtained through the criminal investigation may be used for consideration in the University disciplinary process.

VI. Reporting Prohibited Conduct to the University

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 promptly report and/or seek support, regardless of when or where an incident occurred.

A. Who May Report

Any person may report Prohibited Conduct (whether or not the person reporting is the person alleged to be the victim of conduct).

B. How to Report

Members of the community are encouraged to report directly to the Title IX Coordinator. However, individuals may also report to a Deputy Title IX Coordinator who shall promptly inform the Title IX Coordinator. Reports may be made in person, by mail, by telephone, by email, or online.

Title IX Coordinator

Gregory FitzGerald
Chief of Staff
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TitleIX@ndm.edu

Deputy Title IX Coordinator for Student Life

Meaghan Davidson
Associate Vice President of Student Life & Dean of Students
Knott Hall #218
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Mdavidson@ndm.edu

Deputy Title IX Coordinator for Human Resources

Terri Shrader
Director of Human Resources
Theresa Hall #207
(410) 532-5155
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Please Note – Since these positions may change from time to time, Reporting Party is advised to check the University website for the current list.

Prompt reporting to the Title IX Office maximizes the University's ability to obtain evidence, identify potential witnesses, and conduct a thorough, prompt, and impartial investigation. While there are no time limits to reporting Prohibited Conduct, if too much time has passed since the incident occurred, the delay may result in loss of relevant evidence and witness testimony, impairing the University's ability to respond and take appropriate action.

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

Individuals may also report Prohibited Conduct to any **Responsible University Employee** including but not limited to **Public Safety**. A Responsible University Employee, as defined in **See Section VII**, must promptly notify the Title IX Coordinator of any report of Prohibited Conduct brought to their attention. The Title IX Coordinator works collaboratively with the reporting party, making every effort to operate with discretion and maintain the privacy of the individuals involved. No employee is authorized to investigate or resolve reports of Prohibited Conduct without the involvement of the Title IX Coordinator.

C. Amnesty While Reporting

The University may offer amnesty for minor policy violations (such as underage drinking or recreational drug use) to encourage the reporting of Sexual Harassment or OSM by both individuals who have experienced Sexual Harassment or OSM and witnesses.

For example, the University may not take student conduct action (except for a mandatory intervention for substance abuse) for a violation of alcohol or drug use policies by a student who reports Sexual Harassment or OSM to the University or law enforcement or participates in a Sexual Harassment or OSM matter as a witness, if the University determines (i) that the violation occurred during or near the time of the alleged conduct; (ii) the student made the report, or is participating in an Investigation as a witness, in good faith; and (iii) the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.

D. What Happens after you Report

Reporting does not require that a person file a Formal Complaint, or request that the University take any action or investigate the conduct.

The Reporting Party has the right to choose whether or not to file a Formal Complaint resulting in an investigation. Upon receiving a report of Prohibited Conduct, the Title IX Coordinator or designee shall contact the relevant individual(s) to offer support resources, schedule an optional, in-person meeting in order to discuss Supportive Measures, and explain options regarding how to proceed.

Persons reporting to the Title IX Coordinator are entitled to Supportive Measures, whether or not they chose to file a Formal Complaint.

The University recognizes that the decision whether or not to make a report of Prohibited Conduct is personal, and that there are many factors that may impact someone's decision to report, both individual and societal, to reporting.

If a person who reports wants to file a Formal Complaint they must agree to have the University provide the Respondent with a Notice of Complaint. The University may not proceed with a Formal Complaint without issuing a Notice of Investigation to the Respondent.

E. Anonymous Reporting

Any University Community member may make an anonymous report of Prohibited Conduct to the University without disclosing one's name and without identifying the Responding Party or requesting any action. Based upon the amount of information provided about the incident and the University Community member's involved, the University's response to an anonymous report may be limited.

F. Request by Reporting Party for No University Action/University Complaint

Supportive measures are available with or without the filing of a Formal Complaint.

When Prohibited Conduct is reported, the Title IX Coordinator or designee will promptly contact the Complainant or reporting party to discuss the availability of Supportive Measures and explain the process for filing a formal complaint. The Title IX Coordinator will consider the complainant's preferences and stated needs with respect to both Supportive Measures and any decision regarding a formal complaint.

A person reporting Prohibited Conduct may request that their identity not be disclosed to anyone else. A person may also disclose the Respondent's identity, but ask that the University not investigate, issue a Notice of Investigation or take any action.

Even where the person reporting does not seek any action, the Title IX Coordinator may prepare and sign a Formal Complaint if they determine, in their sole discretion, that the University wants to move forward, when doing so is not clearly unreasonable in light of the known circumstances, for example, where there appears to be a continuing threat to an individual or the NDMU community. If the Title IX Coordinator determines that the University has an obligation to move forward, the University shall communicate with the person who reported the conduct and explain the reasons why the University must proceed, and offer Supportive Measures.

In determining whether to file a Formal Complaint on behalf of the University, (a "University Complaint"), the Title IX Coordinator will consider the totality of the circumstances, by considering factors, including but not limited to:

- The complainant's wishes regarding how the University should respond to the allegations.
- 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 risk posed to any individual or to the members of the NDMU community by not proceeding, including the risk of violence;
- A pattern of alleged Prohibited Conduct by a particular Respondent or Group, or at a particular location;
- Whether the University possesses other means to obtain relevant evidence;
- Considerations of fundamental fairness, equity and due process; and
- The University's obligation to provide a safe and non-discriminatory environment.

G. Good Faith Requirement

Reports or complaints of Prohibited Conduct must be made in good faith because they are serious and have the potential to cause great harm if made without justification. Accordingly, it is a violation of the Policy for an individual to make a complaint or report in bad faith or without justification, or knowingly make false statements or knowingly submit false information during any investigation or proceeding. An individual found to have made a complaint or report in bad faith or without justification may be subject to disciplinary or other action.

VII. Preservation of Evidence

Instances of Sexual Misconduct or OSM may constitute both a violation of this policy and criminal activity. As a result, the University encourages everyone to seek immediate assistance from the Office of Public Safety or local law enforcement. Seeking assistance promptly may be important to ensure physical safety, to obtain medical care, or for other support including assistance with peace/protective orders. It may also be necessary to preserve relevant evidence, particularly forensic evidence, which can assist the University and/or law enforcement in responding effectively.

Individuals who have experienced Sexual Harassment or OSM should take steps to preserve evidence that may aid in any administrative action and/or criminal prosecution that may result. Examples of items that may serve as evidence include any recorded media such as voice mails, e-mails, text messages, Facebook or other social media messaging, and any other notes, writings, correspondence etc. that may be relevant to the case. Depending on the situation, clothing worn or other items which may serve as evidence should be preserved in their original state. Do not disturb the location where the alleged Sexual Harassment or OSM occurred, as police may want to photograph the scene upon their arrival. Law enforcement may also want to photograph any injuries suffered by the parties. If any weapon was used or any object was used as a weapon, leave it in position and do not touch it until police arrive.

The University encourages any Reporting Party to get a prompt, hospital-provided Sexual Assault Forensic Exam (“SAFE”). SAFE procedures are offered free of charge at certain local hospitals (e.g., Mercy Hospital and Greater Baltimore Medical Center) and may be pursued anonymously. SAFE procedures focus on collecting evidence and typically involve a medical/forensic exam that includes a physical exam, genital exam, and collection of swabs and samples to preserve evidence. You can decline any portion of the exam you so choose. Evidence can be collected up to 120 hours after assault but the sooner it is done the more likely that useful evidence can be recovered. Prior to a SAFE exam, it is important not to bathe, shower, douche, or change one’s clothes.

VIII. Supportive Measures

The Title IX Coordinator or designee shall offer Supportive Measures to the Complainant and Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of the parties, the safety of the community or the institution’s educational environment, deter Prohibited Conduct or to ensure the integrity of the investigative and/or adjudicative processes.

The University must maintain as confidential any Supportive Measures provided to the Complainant or Respondent, unless maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related or academic accommodations and adjustments, change in class schedule, including the ability to drop a course without penalty or to transfer sections, if such alternatives are available and feasible; modifications of a work schedule, work location, or job assignment, if such alternatives are available and feasible; arranging for an incomplete grade in a class, permitting a leave of absence, or withdrawal, including a retroactive withdrawal; change in campus housing assignment, if such alternatives are available and feasible; assistance from University support staff in completing University housing assignments; to the extent practicable, preserving eligibility for academic, athletic, or other scholarships, institution-based financial aid, or program eligibility; providing alternative course completion options, campus escort services, referrals to counseling, health services, or academic support services, restrictions on contact between the parties, changes in housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, restricting access to the University or to certain University facilities, resources, or activities pending resolution of the report, and other similar measures.

Supportive Measures may be requested by the Reporting Party or the Responding Party, or the University can initiate Supportive Measures in the absence of a request, at any time, during the process. Individuals can make a request for Supportive Measures, in-person or in-writing by contacting the University's Title IX Coordinator. The Title IX Coordinator, in consultation with the University, is responsible for implementing reasonable and appropriate Supportive Measures.

IX. 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. Responsible Employees (Non-Confidential)

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) is an employee who has been given the duty of reporting/referring Prohibited Conduct under this Policy; or (2) is someone another NDMU community member could reasonably believe has this authority or duty.

Responsible Employees are Non-Confidential 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.

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 Office of Human Resources
- All employees in the Office of Public Safety
- All employees in the Office of Accessibility and Wellness
- All NDMU Administrators (President, Provost, Vice Presidents, Associate Vice Presidents, Deans, Associate Deans, Directors, Department Chairs)
- All NDMU Supervisors
- All NDMU Faculty (including Part-time and 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 non-confidential 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.

B. 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.

Conversations with these Confidential Resources will remain confidential, except, when there is an imminent or continuing threat to health or safety (as determined in the sole discretion of the University), there a disclosure of apparent or suspected abuse of a child or dependent adult, or other basis for disclosure, such as a legal obligation to reveal such information under enforceable court order.

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 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.

Note of Caution: A Confidential Resource Employee may also function in a different capacity, such as a Non-Confidential Employee. For instance, a Professional Licensed Mental Health Provider may also administer a course at NDMU, functioning as a faculty member. In such instances, the employee's responsibility is dictated by their functioning job title at the time the report is received.

So a Professional Licensed Mental Health Provider will be considered as a Confidential Resource so long as they are functioning as a Professional Licensed Mental Health Provider, when receiving the report. If the professional is administering a class on campus when the report is received, they will be considered a Non-Confidential Employee while they function as a faculty member.

See also Section XIII for Off-Campus Confidential Resources.

C. Quasi-Confidential Resources

In addition to Confidential Resources, the University has Quasi-Confidential Resources available to provide crisis support and/or advocacy services for NDMU community members affected by an incident of Prohibited Conduct.

Quasi-Confidential Resources will report incidents of Prohibited Conduct under this Policy to the Title IX Coordinator, but are not required to share any personally identifying information to the University's Title IX Coordinator.

Quasi-Confidential Resources include:

Licensed Athletic Trainers, Non-Licensed Counselors and/or Advocates who work or volunteer at the Counseling Center or Campus Ministry, University Nurse, and the **Sexual Violence Resource Coordinator** are Quasi-Confidential Resources.

Sexual Violence Resource Coordinator

Jessie Sell
Theresa Hall #003
(410) 532-5303
jsell@ndm.edu

Conversations with these Quasi-Confidential Resources can remain **confidential**, except, when there is an imminent or continuing threat to health or safety (as determined in the sole discretion of the University), there a disclosure of apparent or suspected abuse of a child or dependent adult, or other basis for disclosure, such as a legal obligation to reveal such information under enforceable court order.

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 in accordance with the University's Reporting on Suspected Child Abuse or Neglect Policy.

X. Formal Complaint Standards

A. Standard of Review

The standard of review for all complaints based on alleged violations of this Policy is a preponderance of the evidence. This is the same standard of review that is used in other disciplinary proceedings and for all allegations of involving discrimination.

B. Confidentiality

The University must keep confidential the identity of anyone who has made a report or filed a Formal Complaint, anyone who has been reported as perpetrator, any Respondent, and any witness, except as permitted by FERPA or required by law or to carry out the purposes of this Policy and Title IX.

The University must maintain as confidential any Supportive Measures provided to the parties, to the extent that maintaining confidentiality would not impair the ability to provide measures. Confidentiality restrictions imposed during the investigation must not restrict a party's ability to (i) discuss the allegations under investigation, for example with a parent, friend, or other source of emotional support, or with an advocacy organization; or to (ii) gather and present evidence.

The University may require non-disclosure or confidentiality from complainants and respondents where no formal complaint is filed, and no investigation takes place.

The University may also require the Complainant, Respondent, Support Person, Advisor, Advocate or Attorney to agree not to further disseminate or disclose evidence, reports or documents shared as part of the investigation process.

C. Time Frame for Resolution

The University will generally seek to resolve every report of Prohibited Conduct within approximately sixty to ninety (60-90) calendar days after receiving a Formal Complaint, excluding any appeal. There may be circumstances that prevent the University from meeting the sixty to ninety (60-90) calendar day timeline.

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.

D. Co-Occurring Criminal Investigation

People may report Prohibited Conduct to law enforcement before, during or after reporting to the University. Therefore, the University process is not dependent on the status of or outcome of any criminal investigation or process. That means that you can report conduct to both law enforcement, and the University, or you can report only to one or the other.

Because the standards for a violation of criminal laws are different from the standards under this Policy, the outcome of a criminal investigation or proceeding does not control whether or not something is found to violate this Policy; a policy violation may be found even if law enforcement agencies or prosecutors decline to prosecute.

Since the University is required to conduct an investigation in a reasonably prompt time frame, in most cases, the University will not wait until a criminal investigation or proceeding begins or ends before conducting its own investigation or implementing Supportive Measures to protect the safety of the person reporting, and/or the entire NDMU campus 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.

Where appropriate, if there is a pending criminal investigation regarding Prohibited Conduct that is also the subject of a Complaint to the Title IX Coordinator, the University may coordinate with law enforcement consistent with student privacy rights and any applicable agreements with local law enforcement.

E. Conflict of Interest or Bias

Any individual designated as a Title IX Coordinator, investigator, or decision-maker; any decision-making body for a hearing or appeal; or any person designated to facilitate an informal resolution process, may not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

The University requires all individuals involved in responding to, investigating, and/or adjudicating matters under this Policy to disclose to the Title IX Coordinator any potential conflict of interest. A conflict of interest may arise when any of those persons, has been a participant or is related to a participant in the matter being investigated or reviewed, is related to or has had past substantial association with the Complainant or Respondent or a witness, or 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 (5) 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.

F. Presumption of Non-Responsibility

The University will presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made, or the Respondent admits the conduct. However, the University may approve an emergency removal of a Responding Party, after an individualized safety and risk analysis, where the Responding Party poses an immediate threat to the physical health or safety of the Reporting Party (or any other individual) prior to the conclusion of a grievance process (or even where no grievance process is pending). In such cases, the respondent will receive notice and an opportunity to challenge the removal decision.

G. Legal Representation Fund for Title IX Proceedings (Students Only)

Under Maryland State Law, a current or former student who makes a Formal Complaint or responds to a Formal Complaint where a Title IX investigation is initiated, and who was enrolled as a student at the institution at the time of the incident that is the basis of the complaint, may have access to counsel paid for by the Maryland Higher Education Commission (MHEC), unless the student knowingly and voluntarily chooses not to have counsel. Code of Maryland Regulations (COMAR) 13B.09.01.

A student may obtain from MHEC, through MHEC's [website](#), a list of licensed attorneys and/or legal services programs who have indicated that they will represent such students in Title IX proceedings on a pro bono basis or for reduced legal fees.

A student may contact, select and seek to retain an attorney from the MHEC list, at any time before the conclusion of formal Title IX proceedings. A student's attorney may seek reimbursement of certain legal costs and fees from MHEC's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding.

H. Rights of Parties

Parties will be treated with dignity, respect, and sensitivity by University officials during all phases of the process.

- A. The accompanying Procedures are designed to allow for a fair and impartial investigation, as well as prompt and equitable proceedings and resolutions that provide an opportunity for Parties to be heard.
- B. Parties will be given timely written notice of:
 - 1. The reported violation, including the date, time and location, if known, of the alleged violation, and the range of potential Sanctions associated with the alleged violation;

2. Their rights and responsibilities under this Policy and information regarding other civil and criminal options;
 3. The date, time, location, participants, and purpose of each Hearing, meeting, or interview that the Party is invited or expected to attend, with sufficient time for the Party to prepare to participate;
 4. The final determination made by the Hearing Officer regarding whether a Policy violation occurred and the basis for the determination;
 5. Any Sanction imposed, as required by law; and
 6. The rights to appeal and a description of the appeal process.
- C. Parties will be entitled to participate in the investigation and adjudication of the Formal Complaint in accordance with the Procedures. Parties will be provided with:
1. Access to the case file and evidence regarding the incident obtained by the University during the investigation or considered by the Hearing Officer, with personally identifiable or other information redacted as required by applicable law;
 2. An opportunity to be heard through the process;
 3. An opportunity to offer testimony at a Hearing;
 4. An opportunity to submit evidence, witness lists, and suggest specific questions to be posed to the other Party during the investigation, or to the other Party at a Hearing through the Party's Advisor;
 5. An opportunity to review testimony electronically or in a way in which the Parties are not required to be in the physical presence of one another;
 6. An opportunity to review and provide written responses to draft and final investigation reports;
 7. An opportunity to participate at a Hearing without being required to be in the physical presence of the other Party;
 8. An opportunity to appeal a determination and/or Sanction; and
 9. Notice, presented in an appropriate and sensitive format, before the start of the resolution process, of:
 - a. The Party's right to the assistance of an Advisor, including an attorney or advocate;
 - b. The legal service organizations and referral services available to the Party;

and

- c. The Party's right to have a Support Person of the Party's choice at any Hearing, meeting, or interview.

XI. Sanctions

This Policy prohibits a broad range of conduct, which 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 which may be imposed on faculty, staff, and student employees in the employment context, can include the following: no contact orders, a letter of reprimand, censure, service to the University, counseling, retraining, transfer, demotion, suspension (without pay), and/or termination. The University reserves the right to delay or refuse considerations for promotions during pendency of an investigation.

Sanctions which may be imposed on students in the academic context, can include 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. Further, the University reserves the right to delay or refuse the conferring of an academic degree – undergraduate or graduate – during the pendency of an investigation.

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

In certain circumstances, even when there are no disciplinary actions or sanctions imposed, the University reserves the right to impose certain conditions, similar to Supportive Measures, upon any party who is subject to this Policy. These conditions are designed to prevent any Prohibited Conduct under the Policy, cultivate a safe academic and employment environment, and maintain public order on campus, while supporting the University's mission and federal obligations. These conditions are not to be construed as disciplinary or as sanctions.

XII. Education, Prevention and Training

A. Prevention and Awareness Education

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

B. Training for Personnel Involved in Response and Resolution

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

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

XIII. Records Retention

The University will maintain for a minimum of seven (7) years, records of the following:

1. Investigations and Determinations. Each Sexual Harassment investigation, including any determination regarding responsibility;
2. Recordings and Transcripts. Any audio or audiovisual recording or transcript required;
3. Sanctions. Any Sanctions imposed on the Respondent;
4. Remedies. Any Remedies provided to the Complainant designed to restore or preserve equal access to the Education Program or Activity;
5. Appeals. Any appeal and the result thereof;
6. Informal Resolutions. Any Informal Resolution and the result therefrom;
7. Training Materials. All materials used to train Title IX Officers, Investigators, Hearing Officers, and any person who facilitates an Informal Resolution process; and

8. Supportive Measures. Any Supportive Measures, taken in response to a report or Formal Complaint of Prohibited Conduct. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its Education Program or Activity. If the University does not provide a Complainant with Supportive Measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

XIV. Additional Resources & Information

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 120 hours/five days 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 the Title IX Coordinator or Sexual Violence Resource Coordinator is notified that the student requests medical attention. The Office of Public Safety can also provide the above arrangement for after-hours calls.

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 Services*** 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 Services 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 clergy 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-

7145.

B. Additional Resources on Campus

Office of Public Safety	410-532-5360
Student Life Professional On Duty	443-900-5320

C. Off- Campus Resources

TurnAround Inc.	410-377-8111
(Sexual Assault & Domestic Violence Center)	
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
Maryland Courts (Peace/Protective Orders) –	
https://www.courts.state.md.us/legalhelp/domesticviolence	

XV. Clery Act Compliance and Release of Information

In handling reports related to Prohibited Conduct, the University remains responsible for complying with the 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.

XVI. University Sexual Assault Climate Survey

On or before March 1, 2016, and at least every two (2) 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).

XVII. University Procedures for Responding to Reports of Prohibited Conduct

Procedures on Sexual Harassment and Other Sexual Misconduct – Reports alleging Prohibited Conduct by students, faculty, and staff under this Policy shall be reviewed in accordance with the Procedures on Sexual Harassment and Other Sexual Misconduct.

Procedures for Reports of Prohibited Conduct against Interns, Contractors, Volunteers, Guests, Visitors, and/or Other Third Parties: If a member of the University Community is subjected to Prohibited Conduct under this Policy by an intern, contractor, volunteer, guest, visitor, or other third party, the University can/may request that a formal letter be issued to deny their access to the University.

XVIII. 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
Phone: 215.656.8541
Website: <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
Phone: 1.800.669.4000
Website: www.eeoc.gov

Maryland Commission on Civil Rights (MCCR)
19 William Donald Schaefer Tower
6 St. Paul Street, Ninth Floor
Baltimore, Maryland 21202
Phone: 410.767.8600
Website: www.mccr.maryland.gov

Individuals who wish to file complaints with these external agencies should make contact as soon as possible, to verify any applicable filing time limits and deadlines.

NOTRE DAME OF MARYLAND UNIVERSITY

**INTERIM PROCEDURES ON SEXUAL HARASSMENT
AND OTHER SEXUAL MISCONDUCT**

Notre Dame of Maryland University Notice of Non-Discrimination

Notre Dame of Maryland University (the “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, color, creed, disability, genetic information, marital status, national or ethnic origin or ancestry, race, religion, sex (including pregnancy, sexual orientation, or gender identity or expression) or protected veteran status or any other characteristic protected 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, etc.

Inquiries or concerns regarding the application of this statement and related policies may be referred to:

Greg FitzGerald, Title IX/504/ADA Coordinator
Notre Dame of Maryland University
4701 N. Charles Street
Gibbons Hall, Room 106
Baltimore, MD 21210
(410) 532-5109
TitleIX@ndm.edu

Office for Civil Rights – Regional Office
U.S. Department of Education
The Wanamaker Building
100 Penn Square, East-Suite 515
Philadelphia, PA 19107
Telephone: (215) 656-8541

Office for Civil Rights – National Office
U.S. Department of Education
LBJ Dept. of Education Bldg.
400 Maryland Ave, SW
Washington, DC 20202
Telephone: (800) 421-3481

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SEXUAL MISCONDUCT PROCEEDURES

I. Applicability:

These Sexual Harassment and Other Sexual Misconduct Procedures (the “Procedures”) are part of Notre Dame of Maryland University’s (“NDMU” or “the University”) Policy on Sexual Harassment and Other Sexual Misconduct (the “Policy”) and are the exclusive procedures that govern the handling of all reports or complaints of Prohibited Conduct under this Policy. Please refer to the Policy for all definition, which are incorporated herein by reference.

II. University Action Upon Notice of Prohibited Conduct

Once the University receives notice of an allegation of a violation of the Policy, it will take prompt action, in accordance with its Sexual Harassment and Other Sexual Misconduct Procedures. This obligation applies to reports of violations of the Policy regardless of whether a parallel law enforcement investigation or action is pending or whether a Formal Complaint is filed.

University action typically includes, as appropriate:

- A. Report Intake
- B. Initial review;
- C. Filing A Formal Complaint;
- D. Review/Designation of the Formal Complaint, if filed;
- E. Notice to both Parties;
- F. Supportive Measures to both parties;
- G. Investigation;
- H. Hearing; and
- I. Notice of finding to both parties (including the right to appeal).

III. Report Intake and Formal Complaint

A. Report of Prohibited Conduct

Upon receipt of a report alleging Prohibited Conduct from a Reporting Party, the Title IX Coordinator or designee will provide written acknowledgement of receipt of the report to the Reporting Party, if known, and include: a copy of the Policy and Procedures, options under the resolution process, and the *Notice of Rights and Responsibilities*.

The Reporting Party will be informed of available community and campus resources and services; available Supportive Measures as specified in the Policy their right to a Support Person and the Support Person’s role; their right to an Advisor and the Advisor’s role; their right to file a report with law enforcement; and the University’s prohibition against Retaliation.

If the report is received from someone who is not the Reporting Party or the Responding Party, the Title IX Coordinator or designee will provide written acknowledgement of receipt of the report and take appropriate action as the information provided allows. Receipt of a report

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

As explained more fully in the Policy, the Reporting Party may ask the Title IX Coordinator to take no further action beyond offering Supportive Measures, or they may file a Formal Complaint. Requests to take no further action will be assessed by the Title IX Coordinator in accordance with the Policy.

B. Initial Review

The Title IX Coordinator or designee will contact the Reporting Party to conduct an intake and initial review, which will determine whether the reported conduct, if substantiated, would constitute a potential violation of this Policy.

Based on the available information, the Title IX Coordinator will assess the Reporting Party's immediate safety and well-being and make appropriate referrals (e.g., to medical care, mental health counseling, etc.). The Reporting Party will receive information about community and campus resources and services. Supportive Measures that are appropriate can be discussed and arranged. They will also have an opportunity to ask questions and seek additional information.

While the University cannot force a Reporting Party to meet with the Title IX Coordinator for an Intake Meeting, such a meeting enables the University to conduct a thorough Initial Review, described above, of the report/complaint and take appropriate action. Where a student does not wish to meet with the Title IX Coordinator the University will proceed with assessing the report and determining whether additional action is necessary regardless of participation from the Reporting Party.

For additional information on Supportive Measures, please see the Policy.

C. Filing a Formal Complaint

A Formal Complaint alleging Prohibited Conduct against a Responding Party may be filed with the Title IX Coordinator in person, by mail, or by email using the contact information contained in the Policy.

Should the Reporting Party decide to file a Formal Complaint, the Title IX Coordinator will review the Formal Complaint and determine whether it should be dismissed or move into the resolution process.

For additional information on Requests for Anonymity or for No University Action, please see the Policy. The Title IX Coordinator has ultimate discretion over whether the University proceeds, and the Title IX Coordinator may sign a Formal Complaint to initiate the resolution process when appropriate. When the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator does not become the Reporting Party and is not otherwise a Party. Overall, the University's ability to remedy and respond to the Formal Complaint may be limited if the Complainant does not want the University to proceed with the resolution process. The goal

is to provide the Complainant with the opportunity to file a Formal Complaint and participate while balancing the University's obligation to protect its community.

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

IV. Designation of Prohibited Conduct and Dismissal of Formal Complaint

As indicated above in the previous section of this Policy, the Title IX Coordinator or designee will gather information to assess whether the reported conduct, if substantiated, would constitute a potential violation of the Policy. Title IX requires the University to determine whether the reported conduct is designated as Title IX-based Prohibited Conduct. A decision not to designate the alleged conduct as Title IX-based Prohibited Conduct constitutes a mandatory dismissal of the case for Title IX purposes. However, such a dismissal does not preclude the University from investigating and resolving a Formal Complaint of Sexual Harassment or OSM that is outside Title IX jurisdiction.

Upon receipt of a Formal Complaint, the Title IX Coordinator or designee will promptly send simultaneously to both Parties the *Written Notice of Formal Complaint* and a *Written Notice of Designation* of:

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

Title IX-based Prohibited Conduct

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

1. The alleged conduct would constitute Sexual Harassment within an Education Program or Activity against a person in the United States if substantiated; and
2. The Reporting Party is participating or attempting to participate in an Education Program or Activity at the time the Reporting Party files a Formal Complaint or when the Title IX Coordinator files a Formal Complaint because the alleged conduct meets the above definition.

Mandatory Dismissal

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

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

If the University decides to move forward with the investigation and adjudication of a Formal Complaint involving non-Title IX-based forms of Prohibited Conduct, the *Notice of Designation* will inform the Parties that the University will nonetheless be moving forward with investigating the Formal Complaint as a violation of the Policy. In such instances, both Parties will receive the same notice and process set forth in this Policy and these Procedures as if there were Title IX jurisdiction.

Dismissal under this Policy and Procedures also does not preclude a referral to another University process and/or office as may be appropriate in cases where the reported conduct may violate other University policies.

Permissive Dismissal

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

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

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

Appeal of Designation and/or Dismissal

Either Party may appeal the *Written Notice of Designation*. The bases for appeal are limited to procedural irregularity, new evidence, and conflict of interest as explained later in these Procedures.

V. Informal Resolution Process

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

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

1. Request for Informal Resolution

Either Party may request Informal Resolution, including their preferred approach of reaching a resolution, such as mediation, Responding Party acknowledgement of responsibility, and/or negotiated interventions and Remedies. Both Parties and the Title IX Coordinator or designee must agree to the process in writing. Either Party may terminate an ongoing Informal Resolution at any time prior to reaching an agreement. The Title IX Coordinator or designee has the discretion to determine whether a Formal Complaint is appropriate for Informal Resolution and which resolution approach is best utilized given the specifics of the Formal Complaint. The Title IX Coordinator or designee retains discretion to terminate an ongoing Informal Resolution process at any time, at which point the Title IX Coordinator or designee will determine appropriate next steps. The Title IX Coordinator or designee will inform both Parties simultaneously in writing of the reason(s) for terminating an Informal Resolution process.

2. Informal Resolution Not Permitted

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

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

3. Informal Resolution Permitted

When Informal Resolution is utilized, the process is voluntary and is not a requirement or condition of continued enrollment or employment at the University. In such case, Parties will receive a written *Notice of Informal Resolution* containing the following

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

precludes the Parties from resuming investigation and adjudication of a Formal Complaint arising from the same allegations; and

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

4. Mediation and Other Informal Resolution

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

5. Negotiated Informal Resolution Interventions and Remedies

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

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

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

6. Completion of Informal Resolution

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

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

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

7. Respondent Acceptance of Responsibility

The Responding Party may accept responsibility for all or part of the alleged Policy violation(s) at any point during the resolution process. If the Respondent wishes to accept responsibility and Informal Resolution is not prohibited per the above, the Title IX Coordinator may initiate the Informal Resolution process, after obtaining both Parties' voluntary, written consent, and after providing the required *Notice of Informal Resolution* if it has not already been provided. Any remaining allegations that are not resolved through the Informal Resolution process may proceed to investigation or Hearing, as appropriate.

VI. Investigation Process

When investigating a Formal Complaint, the below procedures will be utilized.

1. Notice of Rights and Responsibilities

The Reporting Party and Responding Party are required to review and sign *their Notice of Rights and Responsibilities*. The Investigator will verify that the Parties have received, reviewed, and signed their *Notice of Rights and Responsibilities* and have been provided with a copy of this Policy and Procedures to ensure the Parties have adequate information about the investigation and adjudication. The Investigator will also ensure that both Parties have had an opportunity to ask and receive answers to any questions. For staff, faculty, and third parties, the notice will be provided by the Title IX Coordinator or designee. The *Notice of Rights and Responsibilities* will include but is not limited to the following:

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

2. Written Notice of Formal Complaint

After a Formal Complaint is filed, the Parties will be provided a *Written Notice of Formal Complaint*, which will include the following:

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

3. Role of the Investigator

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

4. Overview of the Investigation

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

Evidentiary materials, regardless of relevance, may be provided by a Party; however, the Investigator will determine whether and how the evidence and witnesses submitted by the Parties is directly related to the allegations and whether and how that information will be factored into the investigation. Evidence is relevant when a reasonable person would likely accept the information as having probative value about the underlying allegations. An Investigator may exercise discretion in not interviewing a witness or considering a piece of evidence that the

Investigator deems is reasonably likely to lack relevance to the allegations of Sexual Harassment or OSM. The Investigator will also gather any available physical evidence or documents, including prior statements by the Parties or witnesses, communications between the Parties, email messages, text messages, social media materials, and other records, as appropriate and available.

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

Special Considerations

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

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

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

5. Draft Investigation Report

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

6. Notice of Opportunity to Review the Draft Investigation Report

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

If there is any new or additional information to be provided by either Party, it must be presented to the Investigator at this time. Any and all information for consideration by the Hearing Officer must be provided to the Investigator during the investigation phase of the process and otherwise will not be allowed during the Hearing. If a Party requests that additional information be considered during the Hearing, the Party must clearly demonstrate that such information was not reasonably available to the Parties at the time of the investigation, or that the evidence has significant relevance to a material fact at issue in the investigation. If a Party provides or identifies evidence after the *Final Investigation Report* is issued, and the Hearing Officer determines that it was reasonably available to them during the investigation process, the Hearing Officer has the discretion to choose to consider such information, and may draw a negative inference from the Party's delay in providing or identifying the evidence. The Hearing Officer may, at their discretion, instruct that the investigation be re-opened to consider the evidence. In such cases, the evidence will be made available to the Parties for their review and comment prior to the Hearing. If further investigation is warranted based on the Parties' written responses, the Investigator will continue the investigation, as needed. The Investigator will consider the Parties' written responses prior to completing the *Final Investigation Report*.

7. Final Investigation Report

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

VII. Participation

Throughout the process, the Title IX Coordinator, Investigator(s), and other University representatives will communicate and correspond directly with the Parties. The Parties are responsible for ensuring that their Advisor and/or Support Person acts consistent with the

definition of an Advisor and Support Person set forth in the Policy and the rules and expectations provided below. Parties are also responsible for making sure appropriate authorization exists (e.g., authorization related to the Family Educational Rights and Privacy Act (“FERPA”)) for the University to communicate the non-party participation requirements below to any Advisor or Support Person.

Advisors and Support Persons

Both a Reporting Party and a Responding Party are given the opportunity to have support or advice through the process. Both parties may have up to two individuals accompany them to any meetings, interviews, or hearings related to the matter – one (1) Advisor and one (1) Support Person. A party must provide the Title IX Coordinator with full name and contact information (physical and email address) of their Advisor and/or Support Person in advance of any meeting or proceeding. All Advisors and Support Persons must closely review the University’s Policy on Sexual Harassment and Other Sexual Misconduct and these Procedures. The Policy prohibits retaliation against any individuals filing a complaint or participating in the investigation of the complaint. Advisors and Support Persons are also protected by and subject to this retaliation prohibition. This means an Advisor or Support Person may not retaliate against any person participating in this process, nor can anyone retaliate against an Advisor or Support Person. To report possible retaliation, please contact the Title IX Coordinator at TitleIX@ndm.edu.

Notwithstanding the limit of one Advisor and one Support Person, nothing herein precludes a party from seeking reasonable accommodations, including, but not limited to, the presence of sign-language interpreters at all meetings and proceedings during the grievance process. In such cases, individuals serving in such capacity are not counted as an Advisor or Support Person.

Rules and expectations regarding the role of the Advisor:

- a. The Advisor is a person chosen by either the Reporting Party or Responding Party who may be, but is not required to be, an attorney, who provides support, guidance, assistance, and/or advice to the individual, and who may inspect and review evidence directly related to the allegations in the Formal Complaint.
- b. The Advisor may not be someone who is otherwise involved in the situation which gave rise to the complaint, such as someone who could become a witness. Similarly, in cases involving multiple parties, the Advisor cannot be another party.
- c. It is the responsibility of the Reporting Party and Responding Party to present oral and written information in all meetings and proceedings on their own behalf. An Advisor may be present during any meeting or proceeding, and may consult with their advisee quietly or in writing, or during breaks, but may not speak on behalf of the advisee to the Investigator or Hearing Officer. An Advisor may not submit any written requests (including appeals) on behalf of a party. An Advisor may ask process-related questions of an Investigator or Hearing Officer, but may never ask questions of their advisee on the record during a meeting or proceeding, and may not offer facts or submit argument on behalf of their advisee.
- d. During the live hearing only, a party’s Advisor is permitted to ask the other party

and any witnesses all relevant questions and follow-up questions, including those challenging credibility. An Advisor is a party's proxy during the hearing; the Advisor is not "representing" the party. The role of the Advisor is to relay their advisee's desired questions to the other party and witnesses.

- e. Advisors are expected to handle themselves in a respectful and non-abusive manner during all proceedings. Examples of questioning that may be harassing or abusive include, but are not limited to, (a) yelling or screaming at the other party or a witness; (b) standing and leaning into the other party's or a witness' personal space; or (c) asking argumentative questions designed to berate or belittle the other party or a witness.
- f. Advisors are not permitted to raise any objections, argue in support of a party's position, or otherwise "represent" a party. Any questions posed by the Advisor to their advisee, or factual assertions or argument provided by the Advisor to an Investigator or Hearing Officer will not be considered and will be redacted from the record.
- g. The University's communication during the process will be primarily with the parties, not with the Advisor directly. The University will copy an Advisor on communications if requested by the party. A complainant or respondent may use different Advisor(s) at various stages in the process, especially if their chosen individual cannot be available for a scheduled meeting, interview, or hearing. The University will work to reasonably accommodate the Advisors' schedules, but will not unnecessarily delay the process due to the Advisors' conflicts.
- h. This procedural process involves an alleged violation of University policy and is not a criminal or legal proceeding. Formal legal rules, including, but not limited to, any rules of evidence and procedure, are not applicable.
- i. An Advisor may be removed or replaced if they unreasonably delay the process, and/or their presence is disruptive, obstructive, or otherwise interferes with the University's handling of the matter. In such a case, the Reporting Party or Responding Party may seek another Advisor.

Rules and expectations regarding the role of a Support Person:

- a. The Support Person is someone other than an Advisor whose presence provides support to a party, and who is permitted to accompany a party in meetings and proceedings. Examples include, but are not limited to, a family member, friend, faculty member or staff member.
- b. The Support Person may not speak on behalf of the individual, directly participate in the proceedings, or submit any written requests (including appeals) on behalf of the individual.
- c. The Support Person may not be someone who is otherwise involved in the situation which gave rise to the complaint, such as someone who could become a witness. Similarly, in cases involving multiple parties, the Support person cannot be a party.
- d. A Support Person may be removed or replaced if they unreasonably delay the process, and/or their presence is disruptive, obstructive, or otherwise interferes with the University's handling of the matter. In such a case, the Reporting Party or Responding Party may seek another Support Person.

Witnesses

Witnesses are individuals who have factual information about an alleged violation of Policy. The University expects witnesses to provide true and accurate information. Anyone can be a witness if they have relevant information. All witnesses, including the Reporting Party and Responding Party, are expected to respond to questions during any meeting or proceeding on their own behalf. Witnesses should understand that some evidence may not be deemed relevant to an alleged Policy violation and therefore excluded from consideration. Witnesses are also protected from retaliation.

VIII. Adjudication Process

1. Review of the Final Investigation Report

Following completion of the Final Investigation Report, the Title IX Coordinator or designee will provide each Party and each Party's Advisor, if any, with a confidential copy of the Final Investigation Report, including all attachments, and explain the next steps in the process.

The Final Investigation Report may be provided using electronic means that precludes downloading, forwarding, or otherwise sharing. If a Party does not identify their Advisor at this time, the University will provide an Advisor for purposes of the pre-hearing meeting and Hearing and a confidential copy of the Final Investigation Report will be provided to the Party's Advisor prior to the pre-hearing meeting.

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

2. Hearing Case File

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

- a. The complete *Final Investigation Report*; and
- b. All directly related evidence subject to the Parties' inspection and review as explained in these Procedures.

3. Role of the Hearing Officer

The Hearing Officer (or Chair of the Hearing Panel if there is more than one Hearing Officer) is responsible for maintaining an orderly, fair, and respectful Hearing. The Hearing Officer has broad authority to respond to disruptive behaviors, including adjourning the Hearing or excluding disruptive persons, and will ensure efficient administration of the Hearing. The Hearing Officer will have discretion to determine the structure of the Hearing and how questioning is conducted, including but not limited to the order of witnesses to be questioned, if any, consistent with these Procedures.

The Hearing Officer will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness.

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

4. Pre-Hearing Meeting

The Title IX Coordinator or designee may, in their discretion, convene joint or separate pre-hearing meetings that includes the Hearing Officer (or Chair of the Hearing Panel if there is more than one Hearing Officer) with each Party and their Advisor, if applicable, to:

- j. Plan for the Hearing;
- k. Identify their Advisor and, if applicable, Support Person;
- l. Review the Procedures to be followed at the Hearing;
- m. Discuss the process of raising a concern that the Hearing Officer has an impermissible bias or conflict of interest as set forth in the Policy.
- n. Review the complete list of witnesses that will be asked to appear in accordance with the below exceptions;
- o. Discuss any technology that will be used at the Hearing and how to operate such technology;
- p. Discuss the time allotted for the Hearing and any time limitations; and
- q. Answer any other questions or remaining concerns prior to the Hearing.

Attendance at the pre-hearing meeting is strongly encouraged for each Party. A Party's decision not to participate may result in decisions regarding witnesses and procedural matters being made without their input. If neither Party attends the pre-hearing meeting, the Hearing Officer will determine all procedural matters in advance of the Hearing.

Generally, the University will request that all witnesses interviewed during the investigation attend the Hearing for questioning. However, the Hearing Officer, only with full agreement of the Parties, may decide through the prehearing meeting(s) that certain witnesses do not need to be invited to the Hearing if their testimony can be adequately summarized by the Investigator(s) in the Final Investigation Report or during the Hearing. Any such agreement will be confirmed in writing by both Parties. The Hearing Officer has the discretion to request the attendance of other witnesses in accordance with these Procedures.

5. Written Notice of Hearing

- a. The Title IX Coordinator or designee will use reasonable efforts to consult with all involved individuals, including the Reporting Party, Responding Party, Support Persons, Advisors, and witnesses, in order to schedule the Hearing.
- b. Parties will receive a Written Notice of Hearing at least ten (10) Days in advance

of the Hearing. The Notice will include pertinent information about the Hearing, its procedures, and the rights and responsibilities of the Parties, and will include the information below.

- i. The Notice will include a description of the charges of Policy violation(s), a copy of the applicable Hearing procedures, and a statement of the potential Sanctions/responsive actions that could result.
- ii. The Hearing date, time, location, purpose, and the list of participants, including the complete list of witnesses requested to attend the Hearing for questioning, will be provided.
- iii. The Hearing Officer may reschedule the Hearing if necessary to facilitate the participation of Parties and witnesses, or for other reasons that they deem to be compelling.
- iv. Each Party must have an Advisor present at the Hearing, without exception. If a Party does not have an Advisor present at the Hearing, the University will provide one free of charge for the purpose of conducting cross-examination on behalf of that Party at the Hearing.
- v. The Parties may object to the Hearing Officer(s) on the basis of demonstrated bias or conflict of interest for or against Reporting Party or Responding Party, generally, or for or against the individual against Reporting Party or Responding Party. Objections must be raised with the Title IX Coordinator or designee at least two (2) Days prior to the Hearing.
- vi. A Party's participation is voluntary and a Party may choose not to appear at the Hearing. However, if any Party does not appear at the scheduled Hearing after receiving appropriate notice, the Hearing will be held in their absence, unless there are extenuating circumstances as determined by the Hearing Officer. Any statements given by the Party prior to the Hearing will not be considered by the Hearing Officer (though the Hearing Officer may continue to consider and rely on alleged verbal conduct that constitutes all or part of the underlying alleged Prohibited Conduct itself).¹ The Hearing Officer will make a

¹ In light of *Victim Rights Law Center et al. v. Cardona (2021)* and *USDE OCR's August 24, 2021 Guidance*, any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Hearing Officer(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

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

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

6. Hearing Procedures

- a. The Hearing does not take place within a court of law and is not bound by formal

rules of evidence that apply to court proceedings.

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

demonstrate that the witness was not reasonably available or not reasonably known to the Parties at the time of the investigation, or that the witness is likely to have information that has significant relevance to a material fact at issue in the investigation.

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

maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent to provide that information for consideration.

- m. The Hearing Officer may not consider any questions or evidence about a student's history of mental health counseling, treatment, or diagnosis, unless the student consents to providing that information for consideration.
- n. The Hearing Officer may not consider questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- o. If a Party or witness does not answer the cross-examination questions that are deemed relevant by the Hearing Officer, if any, then the Hearing Officer must not rely on any statement by that Party or witness in reaching a determination regarding responsibility.²
 - i. This prohibition applies to statements made by the Party or witness at the Hearing, in the investigative report, and in evidence, such as in a police report, medical report, or other record.
 - ii. The Hearing Officer may continue to consider and rely on alleged verbal conduct that constitutes all or part of the underlying alleged Prohibited Conduct itself.
 - iii. The Party or witness's reason for refusing to answer a relevant question does not matter.
- p. A Party's or witness's failure to answer a question posed by the Hearing Officer does not trigger a prohibition against relying on that Party's or witness's other statements. However, the Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the Hearing or refusal to answer cross

² In light of *Victim Rights Law Center et al. v. Cardona (2021)* and *USDE OCR's August 24, 2021 Guidance*, any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Hearing Officer(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

examination or other questions.

- q. During the Hearing, the Hearing Officer may call for or grant requests for recesses as needed, and the Hearing Officer retains the discretion to balance recesses with the need to conduct the Hearing in an orderly and timely fashion. Each Party may request recesses if needed to speak privately with an Advisor or Support Person, or for other reasons. The Hearing Officer may suggest recesses if they feel it may be helpful to a Party, particularly during cross-examination.
- r. Each Party will have the opportunity to make a brief closing statement.
- s. The Hearing Officer may determine that multiple sessions or a pause in the continuation of the Hearing until a later date or time is needed to complete the Hearing. If so, the Hearing Officer or Title IX Coordinator or designee will notify all participants and will endeavor to accommodate all participants' schedules to complete the Hearing as promptly as practicable.

7. Written Notice of Determination

Upon completion of the hearing, the Hearing Officer shall objectively evaluate and weigh the relevant evidence to determine the outcome based on a preponderance of the evidence and will issue a written determination that includes the finding and rationale. If applicable, a majority vote is required for a finding on each allegation of Sexual Harassment or OSM.

Where credibility of the parties is an issue in determining preponderance of evidence, the rationale will include an explanation of how the Hearing Officer resolved questions of credibility.

If the Hearing Officer finds a Responding Party responsible for a violation of the Policy, prior to the issuance of the *Written Notice of Determination*, the Hearing Officer will share the finding with the Offices of Student Life and/or Human Resources to determine the appropriate sanction to be included in the written determination.

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

- a. Identification of the allegations at issue;
- b. A description of the procedural steps taken throughout the case;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding application of the Policy to the facts;
- e. A statement of, and rationale for, the determination of responsibility for each allegation; any disciplinary sanction imposed on the Respondent, and any

Remedies designed to restore or preserve equal access to the Reporting Party.

- f. A description of the procedures and permissible grounds for appeal.

The Title IX Coordinator or designee will distribute the Hearing Officer's written determination to the parties simultaneously no later than fifteen (15) business days after conclusion of the hearing, unless good cause exists for an extension of time. The University will provide written notice of any extension and the reasons justifying good cause for the extension to both parties.

8. Sanctions and Remedies

The University has discretion to tailor disciplinary sanctions to address specific situations and may use the disciplinary process as an educational tool rather than a punitive tool due to wide discretion to utilize informal resolution processes.

In determining the appropriate sanction(s), the University will examine a number of factors, including, but not limited to: 1) level of risk of harm to the community; 2) the nature and seriousness of the offense; 3) use of drugs or alcohol in the perpetration of the violation; 4) motivation underlying the Responding Party's behavior; and/or 5) the Responding Party's record of past misconduct, including prior violations of the same or similar type.

The range of possible disciplinary sanctions that the University may implement following any determination of responsibility for Student, Staff, and Faculty Responding Parties may be found in the Policy.

IX. Appeals

Grounds for Appeal

Either party may appeal the dismissal of a Formal Complaint or any allegations therein, and from a written determination regarding responsibility on the following grounds only:

1. A procedural error or irregularity that affected the outcome;
2. New evidence that was not reasonably available at the time the determination of responsibility or dismissal was made, that could affect the outcome of the matter; and/or
3. The Title IX Coordinator, Investigator(s), or Hearing Officer(s) had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally or individual Reporting Party or Respondent that affected the outcome.
4. Substantially disproportionate sanction

Mere dissatisfaction with a dismissal, determination regarding responsibility, or sanction is not a valid basis for appeal.

Appeal Timeline

A party must submit their own appeal in writing within five (5) business days of the date of the written determination is sent by the Title IX Coordinator. Failure of a party to submit their own appeal within the allotted time will render the written determination final and conclusive.

If an appeal is received from one party, the Title IX Coordinator will notify the other party in writing of the appeal submitted. The other party will be permitted to review the written appeal and any supporting documentation submitted by the other party, and will have an opportunity to submit a written response to the appeal within five (5) business days of the date the Title IX Coordinator sent the notification of an appeal. Any written response and supporting documentation to an appeal will be shared with the appealing party. No replies are permitted.

Upon receipt of a written response, or expiration of the time to provide a written response if no response is submitted, the Title IX Coordinator will appoint a trained Appellate Hearing Officer to decide the appeal. The Appellate Hearing Officer will not be the same person as the decision-makers that reached the determination being appealed, the Investigator(s), or the Title IX Coordinator.

The Title IX Coordinator will promptly provide written notice of the name of the Hearing Officer to both parties simultaneously. Within 24 hours of receipt of the notice, either party (not an Advisor or Support Person) may assert to the Title IX Coordinator, in writing, that the Appellate Hearing Officer has a conflict of interest or bias. The written objection must be filed with the Title IX Coordinator, who has the sole and final authority to determine whether good cause exists to replace the Appellate Hearing Officer. When the selection of the Appellate Hearing Officer is final, the Title IX Coordinator will provide the appeal and all related documents to the Hearing Officer.

The Appellate Hearing Officer will review the appeal documents along with the relevant written and audio/audio visual record. The Appellate Officer will defer to the original finding and sanction(s) of the Hearing Officer, remanding a matter on a specific issue(s), or modifying a finding or sanction(s) only when there is compelling justification to do so. An Appellate Officer may take one of the following actions on appeal:

1. Dismiss the appeal for failure to articulate a valid ground or grounds for appeal as set forth in this Section., upholding the initial outcome and sanction(s), if any;
2. Deny the appeal and uphold the initial outcome and sanction(s) with a rationale supporting the denial of the appeal;
3. Where there is a procedural error or new evidence that could have affected the outcome, remand the matter to the hearing officer with specific instructions on the remanded issue(s); or
4. Modify the finding and/or sanction with a rationale supporting the modification.

Upon completion of their review, the Appellate Hearing Officer will issue a written decision and rationale for the result. The Title IX Coordinator will distribute the written decision to all parties simultaneously within ten (10) business days after the Appellate Hearing Officer receipt

of the appeal from the Title IX Coordinator, unless good cause exists for an extension of time. The University will provide written notice of any extension and the reasons justifying good cause for the extension to the parties.

Appeal Format

All appeals and responses to appeals must be submitted by the Party on their own behalf (appeals and responses signed by a Party's Advisor or Support Person will not be accepted) in writing to the Title IX Coordinator via hard-copy or email to:

Title IX Coordinator
4701 N. Charles Street
Baltimore, MD 21210
TitleIX@ndm.edu

The appeal must specifically state the basis for appeal and include relevant supporting documentation. The party appealing should address the central issue of the appeal directly, as irrelevant information will not be considered. Any response to the appeal should address the central issues of the other party's appeal. An appeal is not a review of the entire matter. It is an objective review of the written documentation related to the investigatory and hearing process, and record of the hearing along with appeal-related submissions as permissible herein.

Accordingly, the Appellate Hearing Officer will not interview, question, or meet with witnesses, parties or a party's Advisor or Support Person.

The written decision by the Appellate Hearing Officer is final and is not subject to further appeal.

XIII. Final Outcome

After the appeal process has concluded (or when the time for an appeal has passed with no appeal submitted, whichever is later), the Title IX Coordinator will promptly notify the appropriate University officials as well as the Reporting and Responding Parties, in writing, of the final outcome of the Formal Complaint.