

Section 6.00
SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE AND OTHER
RELATED MISCONDUCT POLICY & PROCEDURES

6.01 UMBC Links for Policy, Procedures and Resources:

<u>UMBC's Policy on Sexual Misconduct:</u>
<u>UMBC's Student Sexual Misconduct Procedures:</u>
<u>UMBC Resources for Sexual Misconduct & Interpersonal Violence</u>
<u>UMBC Events & Programs</u>

6.02 Safety Procedures:

UMBC is committed to fostering a safe, welcoming, and inclusive campus environment for all members of the campus community. UMBC recognizes its responsibility and strives to maintain an environment which is free from acts of sexual assault, relationship violence, domestic violence, stalking, and other forms of sexual misconduct. Persons who have been subjected to sexual assault, dating/relationship violence, domestic violence, and/or stalking are strongly encouraged to immediately report the incident to the UMBC Police Department. The following steps are also strongly suggested:

1	<i>Call Police</i>	Immediately by dialing 55555 or 410-455-5555. The University Police can assist with providing transportation to the Catonsville District Court for orders of protection, transporting victims to local hospitals, issuing campus ban/restriction letters, and assist with contacting other police agencies.
2	<i>Call a sexual assault counselor. You will not have to give your name.</i>	<p>Rape Crisis Hotline 410-828-6390 BALTIMORE COUNTY TurnAround, Inc. 401 Washington Ave., Suite 300 Towson, MD 21204 p (410) 377-8111 Hotline: 443-279-0379 www.turnaroundinc.org</p> <p>The <u>Maryland Coalition Against Sexual Assault</u> 1-800-938-RAPE</p> <p>Additional Resources provided in Section 6.09</p>
3	<i>Report the crime</i>	Report the crime in the jurisdiction where the crime occurred. Also, reports are encouraged to be made with the University, to the University's Title IX Coordinator, Bobbie L. Hoye, by contacting 410-455-1606

Section 6.00
SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE AND OTHER
RELATED MISCONDUCT POLICY & PROCEDURES

4	<i>Evidence will disappear if not preserved and collected</i>	Evidence needs to be collected, and the police officer, once contacted, will offer guidance in this area. If possible, take steps to preserve text, email, voicemail messages, social media postings, photographs, and/or written documents (cards, notes, letters)
5	<i>Drug/ alcohol use will not be used against you</i>	The victim's safety and well-being is the primary goal of our department. Therefore, do not worry about legal citations for minor violations that happened at the time of the attack. The University also has an Amnesty provision in the Sexual Misconduct, Interpersonal Violence, and Other Related Misconduct Policy.
6	<i>Medical/ Mental health</i>	We can help victims obtain appropriate medical and mental health assistance, on or off campus
7	<i>Fight the urge to shower or clean yourself until after you meet with police.</i>	Do not bathe, shower, douche, change your clothes or disturb anything at the crime scene. Extremely valuable physical evidence can be obtained from you, your clothing and objects at the scene of the crime.
8	<i>SAFE exam = Sexual Assault Forensic Examination</i>	A Sexual Assault Forensic Exam ("SAFE") should happen as soon as possible after the sexual assault. If you are not sure about prosecution, you are encouraged to immediately file a police report in order to obtain a medical evidentiary examination. A SAFE exam is performed at a hospital, by a specially trained nurse, and at no cost to the victim. You always have the right to change your mind and not to pursue a criminal complaint.
9	<i>Seek medical advice</i>	Even if you do not wish to make a report to the police, you are still encouraged to seek professional medical advice. It is important not to forget the possibility of sexually transmitted diseases and/or pregnancy.

Section 6.00
SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE AND OTHER
RELATED MISCONDUCT POLICY & PROCEDURES

6.03 Safety Procedures (Stalking): Stalking is unpredictable and dangerous. No two stalking situations are alike. There are no guarantees that what works for one person will work for another, yet you can take steps to increase your safety.

- If you are in **immediate danger**, call **911**.
- Trust your **instincts**. Don't downplay the danger. If you feel you are unsafe, you probably are.
- Take **threats** seriously. Danger generally is higher when the stalker talks about suicide or murder, or when a victim tries to leave or end the relationship.
- Contact a crisis hotline, **victim services agency**, or a domestic violence or rape crisis program. They can help you devise a safety plan, give you information about local laws, weigh options such as seeking a protection order, and refer you to other services.
- Develop a **safety plan**, including things like changing your routine, arranging a place to stay, and having a friend or relative go places with you. Also, decide in advance what to do if the stalker shows up at your home, work, school, or somewhere else. Tell people how they can help you. [Click here to learn more about safety plans.](#)
- **Don't communicate** with the stalker or respond to attempts to contact you.
- Keep **evidence** of the stalking. When the stalker follows you or contacts you, write down the time, date, and place. Keep emails, text messages, phone messages, letters, or notes. Photograph anything of yours the stalker damages and any injuries the stalker causes. Ask witnesses to write down what they saw. [Click here to download a stalking incident and behavior log.](#)
- Contact the **police**. Every state has stalking laws. The stalker may also have broken other laws by doing things like misconducting you or stealing or destroying your property.
- Consider getting a **court order** that tells the stalker to stay away from you.
- Tell **family, friends, roommates, and co-workers** about the stalking and seek their support.
- Tell security staff at your job or school. Ask them to help watch out for your safety.

Section 6.00
SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE AND OTHER
RELATED MISCONDUCT POLICY & PROCEDURES

6.04 **How To Make Reports of Sexual Assault, Relationship/Dating Violence, Domestic Violence, and Stalking and Seek University Assistance:** In addition to the University Police, there are a variety of welcoming and accessible ways for UMBC community members to raise concerns and report instances of sexual assault, relationship/dating violence, domestic violence, stalking, and other sexual misconduct issues and to seek assistance.

Reports can be made through the following:

Confidential Medical Assistance & Counseling			
University Health Services (For Students):			410.455.2542
Counseling Center (For Students):			410.455.2472
INOVA EAP (For Faculty and Staff):			1.855.694.6682
Quasi-Confidential Support and Access to Resources			
Women's Center: (For Students):			410.455.2714
Title IX Team (For Reporting and Responding Party)			
Shawn M. Bediako	Math/Psych (Room 306)	bediako@umbc.edu	410.455.2349
Cory Bosco	Commons, (Room 2B14)	cbosco@umbc.edu	410.455.3319
Nicole Else-Quest	Math/Psych, (Room 325)	nmeq@umbc.edu	410.455.3704
Jamie Gurganus	Engineering (Room E225J)	jmedof1@umbc.edu	410.455.8439
Lisa Gray	Commons (Room 2B23)	lisamgray@umbc.edu	410.455.8478
Tom Mandato	Retriever Activities Center (Rm 330)	tmandato@umbc.edu	410.455.3083
Tawny McManus	Math/Psychology (Room 227)	tmcmanus@umbc.edu	410.455.3856
Samantha Smith	Erickson Hall (Room 040)	samsmith@umbc.edu	410.455.3752
Katie Weir	Off-Campus Student Services, Commons, A102	kweir@umbc.edu	410.455.2027
Non-Confidential Support and Access to Resources			
Bobbie L. Hoyer	Title IX Coordinator		410.455.1606
Vice President of Student Affairs Office			410.455.2393
Mosaic Center			410.455.2686
Student Disability Services			410.455.2459
International Education Services			410.455.2624
Office of Financial Aid & Scholarships			410.455.2387
Off Campus Student Services			410.455.2770

Section 6.00
SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE AND OTHER
RELATED MISCONDUCT POLICY & PROCEDURES

6.05 Agreement with Baltimore County Police Department

Due to the sophisticated investigative resources required to properly investigate certain sex crimes, the UMBC Police Department has entered into an agreement with the Baltimore County Police Department to take primary investigative responsibility for investigating first and second degree rapes and first and second degree sex offenses. UMBC Police will also assign an investigator to facilitate internal University incident management and internal review and adjudication protocols.

6.06 Administrative Considerations

(1) **Confidentiality:** UMBC is committed to protecting the confidentiality of victims and other necessary parties. Unless under a mandatory court order, records will not be publicly released to non-affected parties connected to the University Administrative process.

(2) **Rights of the Reporting Party and the Responding Party:** In order to provide accessible, prompt and fair methods for reporting, investigating, and responding to complaints of Sexual Misconduct, the University has developed procedures. Throughout the process, both the Reporting Party and the Responding Party have the following rights:

- To a prompt, fair, and thorough investigation
- To have the choice to be accompanied by a Support Person, Attorney, or Non-Attorney Advisor of choice throughout the process
- To be informed of available UMBC and non-UMBC resources and supports
- To participate or decline to participate in the process, with the knowledge and understanding that the University may proceed with the process, despite a decision to refrain from participating
- To have an equal opportunity to present relevant witnesses and evidence throughout the investigative and adjudicative process, and to have similar and timely access to information to be used during any process
- To notification in writing, at the same time as the other party, of any decision, resolution, outcome, and/or appeal, and of any Board of Review or Appeal Board of Review meeting date, time, and decision.
- To have the right to appeal any initial outcome

(3) **Disciplinary Actions or Sanctions:** 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 UMBC community, or so deleterious to the educational or working environment, that it requires severe disciplinary action, up to and including termination from the University or severe sanctions, up to and including dismissal from the University.

Section 6.00
SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE AND OTHER
RELATED MISCONDUCT POLICY & PROCEDURES

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

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

UMBC, upon request, will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to: the alleged victim, or the next-of-kin when the victim is deceased.

- (4) **Accommodations:** Assistance will be made available in changing academic and living situations after an incident of alleged sexual misconduct if requested by the victim and if these changes are reasonably available. Counseling, mental health and other student services are available, both on campus and in the community, for victims of sexual misconduct. UMBC can provide written notification to victims about options for: available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures. UMBC will provide such accommodations regardless of whether the victim chooses to report the crime to the UMBC Police or other police agency.
- (5) **Interim Protective Measures:** Interim Protective Measures are temporary actions taken by the University prior to concluding the investigation which may be applied to the Reporting Party, Responding Party, and other involved UMBC community members as appropriate to ensure their—or others'—safety and well-being. Interim Protective Measures may be requested by the Reporting Party or the Responding Party, or the University can initiate the Interim Measures in the absence of a request, at any time, during the process. The range of Interim Protective Measures can include, but are not limited to:

Section 6.00
SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE AND OTHER
RELATED MISCONDUCT POLICY & PROCEDURES

- Access to counseling and medical services and assistance in setting up initial appointments, both on and off campus
 - Imposition of a campus “No Contact Order”
 - Rescheduling of exams and assignments
 - Providing alternative course completion options
 - Change in class schedule, including the ability to drop a course without penalty or to transfer sections
 - Change in work schedule, work location or job assignment
 - Arranging for class incompletes, a leave of absence, or withdrawal
 - Change in campus housing assignment or housing license
 - Assistance from University support staff in completing University housing relocation
 - Restricting access to certain University facilities, resources, or activities pending resolution of the report
 - To the extent practicable, preserving eligibility for academic, athletic, or other scholarships, institution-based financial aid, or program eligibility
 - Providing academic support services, such as tutoring
 - University-imposed leave or suspension for the Responding Party
- (6) **Exclusions:** Counselors with UMBC are not considered “Campus Security Authorities,” when acting in their professional counseling roles [668.46(4) Code of Federal Regulations] and therefore, not required to report statistics concerning incidents of sexual misconduct. Contact the Counseling Center (410-455-2472) for more information. Please also refer to the comprehensive [University System of Maryland Policy on Sexual Misconduct](#).
- (7) **Investigation and Adjudication Process:** The investigative and adjudication processes are conducted by officials who receive annual training on issues related to sexual assault, relationship violence, domestic violence, sexual misconduct, and stalking and on how to conduct an investigation and processes that promote fairness and accountability.

Section 6.00
SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE AND OTHER
RELATED MISCONDUCT POLICY & PROCEDURES

6.07 Policy Definitions

Sexual Assault I: Sexual Assault I is defined as any act of non-consensual sexual intercourse (vaginal, anal, or oral). For purposes of the Policy, non-consensual sexual intercourse can occur between UMBC community members and between a UMBC community member and a Non-UMBC community member. Sexual intercourse includes vaginal or anal penetration (however slight) by a penis, object, tongue, finger, or any body part; and oral copulation involving mouth to genital or genital to mouth contact.

Sexual Assault II: *Sexual Assault II is defined as any act of non-consensual sexual contact (however slight) without consent. For purposes of the Policy, non-consensual sexual contact can occur between UMBC community members and between a UMBC community member and a Non-UMBC community member. Non-consensual sexual contact means any intentional touching of the intimate body parts of another person, causing another person to touch someone's intimate body parts, or disrobing or exposure of another person without consent. Intimate body parts may include genitalia, groin, breast, buttocks, or clothing covering them, or any other body part that is touched in a sexual manner. Non-consensual sexual contact also includes attempted non-consensual sexual intercourse.*

Relationship (Dating) Violence: Relationship Violence is defined as physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual, or economic abuse directed towards a person who is or has been in a social relationship of a romantic or intimate nature with a UMBC community member. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound another. Relationship Violence can be a single act or a pattern of behavior.

The existence of a social 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.

Section 6.00
SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE AND OTHER
RELATED MISCONDUCT POLICY & PROCEDURES

Domestic Violence: Domestic Violence is defined as physical violence such as Sexual Assault I and/or II, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual, or economic abuse directed towards: a.) a UMBC community member's current or former spouse or intimate partner; b.) a person with whom the UMBC community member shares a child in common; c.) a person who is cohabitating with or has cohabitated with the UMBC community member as a spouse or intimate partner; d.) a person similarly situated to a spouse of the UMBC community member; or e.) any other person who is protected from those acts under the domestic or family violence laws of Maryland. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound another. Domestic Violence can be a single act or a pattern of behavior.

Sex and Gender Based Stalking: Stalking is defined as a form of Sexual Intimidation, when there is a course of conduct that would cause a reasonable person to fear for their immediate health or safety or the safety of others, or suffer substantial emotional distress, which is directed at a specific person based upon that person's Protected Status.

6.08 Training, Education, Awareness, Prevention Programs

HAVEN Training: Campus drinking, sexual assault is a critical issue that affects an entire college campus. To address this issue, UMBC requires all incoming students complete Haven. Haven relies on proven prevention theories and educational strategies to help students understand the many aspects of the sexual assault issue. The program's primary focus is to educate students about relationships and decision-making, including: ethics of relationships, alcohol's effect on relationships, the ability to give consent, important definitions and debunking myths associated with sexual assault.

Green Dot Training: Green Dot Training is a bystander intervention training program that educates students, faculty, and staff members on how to identify and prevent the perpetration of power-based personal violence, including sexual violence, partner violence, or stalking. Green Dot Training challenges its audience to engage in a new behavior or set of behaviors that will make violence less sustainable within any given community. For more information, please contact greendots@umbc.edu.

Section 6.00
SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE AND OTHER
RELATED MISCONDUCT POLICY & PROCEDURES

[Peer Health Educators](#): The Peer Health Educators are UMBC students who are well trained in various health related topics, especially those that are pertinent to college students at UMBC. They can provide your class, residence hall, organization, etc. with a variety of health education programs in areas of General Health & Wellness, Sexual Health, Nutrition, Alcohol, Tobacco & Other Drugs, Mental Health, and Healthy Relationships. Contact Samantha Smith at samsmith@umbc.edu, x5-3752, or visit the Office of Health Promotion in Erickson Hall to request a program.

[Women's Center](#): The Women's Center collaborates with other UMBC organizations to promote anti-violence education and advocacy programming, particularly during Sexual Assault Awareness Month in April and Relationship Violence Awareness Month in October. The Women's Center helps facilitate anti-violence advocacy through:

- The Clothesline Project
- Take Back the Night rally and march
- Supporting Survivors of Sexual Violence workshop - student and/or faculty/staff version
- Facilitated dialogues and events to counter rape-culture including skills related to consent and bystander intervention

6.09 Additional Resources:

- [House of Ruth](#), local domestic violence provider
- [Maryland Network Against Domestic Violence](#)
- [Maryland Peace Orders Instructions](#)
- [Peace Order Application](#) [Peace Order Supplement](#) [Continuation](#)
- [Maryland Coalition Against Sexual Assault](#)
- [National Sexual Assault Hotline](#)
- [National Sexual Violence Resource Center](#)
- [Gay and Lesbian National Hotline](#)
- [Assistance for Stalking Victims](#)
- [Stalking Resource Center](#)
- [Maryland Abuser/Violence Intervention Programs](#)