

REVISION HISTORY:

Approved by the President March 30, 2015, replaced VI-1.30(A) to comply with USM VI-1.60 (ef. June 27, 2014, revised June 19, 2015); Revised August 26, 2015; Revised August 14, 2020; Revised March 24, 2023 to update links; Revised August 1, 2024 to comply with revisions to USM VI-1.60 (ef. August 1, 2024) and to replaces UMB VI-1.01 (A); UMB VI-1.05(A); UMB VI-1.05(B); UMB VI-1.60(A)-1; UMB VI-1.60(B); and UMB VI-1.60(C).

VI-1.60 A – UMB POLICY ON SEX DISCRIMINATION TITLE IX

I. PURPOSE

The University of Maryland, Baltimore (“UMB” or “the University”) is committed to providing a working and learning environment free from Sex Discrimination, as defined in the Definitions section, below,¹ through training, education, prevention programs, and policies and procedures that promote prompt reporting, prohibit Sex Discrimination and Retaliation, and promote a timely, fair, and impartial investigation and resolution in a manner that eliminates Sex Discrimination, prevents its recurrence, and addresses its effects.

UMB also prohibits any policy, practice, or procedure, or any employment action, concerning the current, potential, or past Parental Status, family status or marital status of a Student, employee, or applicant for admission or employment, that treats persons differently on the basis of sex.

II. APPLICABILITY

All UMB Students, faculty and staff employees, applicants for admission or employment, and third parties and contractors under UMB control, are subject to this Policy. This Policy applies to Sex Discrimination occurring within UMB’s Education Program or Activity and fulfills the obligations of UMB to address Sex Discrimination prohibited by Title IX of the Education Amendments of 1972 (“Title IX”). This Policy implements the University System of Maryland (“USM”) VI-1.60 Policy on Sex Discrimination.

Conduct described by this Policy but not prohibited under Title IX (including, but not limited to

sexual misconduct that involves a minor.

- B. Academic Freedom. This Policy is not intended to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom.
- C. Guidance. UMB encourages those who are unsure of whether a situation is controlled by this Policy to ask questions and seek advice through the Title IX Office or the Consultation Line, available at <https://www.umaryland.edu/bac/consult-with-us/>.

III. DEFINITIONS

For purposes of this Policy, the following definitions apply:

- A. Complainant is an individual who is alleged to have been subjected to Sex Discrimination who is a Student or employee, or who was participating or attempting to participate in the Education Program or Activity at the time of the alleged Sex Discrimination, whether or not that individual initiated the Complaint.²
- B. Complaint means an oral or written request to the University that objectively can be understood as a request to investigate and make a determination about alleged Sex Discrimination.
- C. Confidential Employees are:
 - i. Employees whose communications are privileged or confidential under Federal or State law;³
 - ii. Employees whose communications are specifically designated as confidential for the purpose of providing services related to potential Sex Discrimination; or
 - iii. Employees who are conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex Discrimination.⁴
- D. Consent is knowing and voluntary willingness to mutually participate in a particular sexual activity or behavior.
 - i. Consent must be given by a person who has the ability and capacity to do so.

² A parent, guardian, or other authorized legal representative with the legal right to act on behalf of the Complainant may also file a Complaint on behalf of a Complainant.

³ The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.

⁴ The employee's confidential status is only with respect to information received while conducting the study.

- ii. Consent may be expressed either by words or actions.
- iii. Consent may be withdrawn at any time.
- iv. Consent cannot be obtained by force, threat, coercion, fraud, manipulation,

UMB Education Programs or Activities, but who may have connection to or be involved in such activities (e.g., patients, clients, visitors, affiliates over whom the University does not exercise control, etc.).

- K. Parental or Family Status means the current, potential, or past status of an individual who is, with respect to another person who is under the age of 18 or is 18 or older but is incapable of self-care because of physical or mental disability:
 - i. A biological, step, adoptive, or foster parent;
 - ii. A legal custodian or guardian;
 - iii. In loco parentis; or
 - iv. Actively seeking legal custody, guardianship, visitation, or adoption.

- L. Party means a Complainant or Respondent.

- M. Pregnancy or Related Conditions means the current, past, or potential presence of any of the following conditions:
 - i. Pregnancy, childbirth, termination of pregnancy, or lactation;
 - ii. Recovery from pregnancy, childbirth, termination of pregnancy, or lactation;
 - or
 - iii. Medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation.

- N. Protected Activity includes making a good faith report or complaint under this Policy, opposing a practice one reasonably considers to be discriminatory under this Policy, or otherwise participating in any manner of the investigative or grievance processes covered by this Policy.

- O. Relevant as used with respect to evidence or questions for Parties or witnesses means related to the allegations of Sex Discrimination or Retaliation under investigation as part of the grievance processes provided in this Policy. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex Discrimination occurred, and evidence is Relevant when it may aid a decision

- Q. Respondent means a person who is alleged to have violated UMB's prohibition of Sex Discrimination under this Policy.
- R. Retaliation means intimidating, threatening, coercing, or discriminating against any individual by the University, a Student, or an employee or other person authorized by UMB to provide aid, benefit, or service under the UMB Education Program or Activity, for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has reported information, made a Complaint, testified, assisted, participated or refused to participate in any manner in an investigation, grievance process,

iii. Incest—Nonforcible sexual intercourse between persons who are related to

W. Sex Discrimination means exclusion from participation in or being denied the benefits of any Education Program or Activity of UMB on the basis of sex, including Sex Stereotypes, Sex Characteristics, Sexual Orientation, Gender Identity, and Pregnancy or Related Conditions. Sex-Based Harassment is a form of Sex Discrimination.⁸

X. Sex Stereotypes means fixed or generalized expectations regarding a person's aptitudes, behavior, self-presentation, or other attributes based on sex.

Y. Sexual Orientation means the identification, perception, or status of an individual as to that individual's physical, romantic, or emotional attraction to another person.

Z. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

AA. Student means a person who has gained admission to UMB.

BB. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- i. Restore or preserve that Party's access to the University's Education Program or Activity, including measures that are designed to protect the safety of the Parties or the University's educational environment; or
- ii. Provide support during the Title IX grievance processes or informal resolution process.

Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact applied to one or more Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, training and education programs related to Sex-Based Harassment, no-contact or no-trespass orders, and other similar measures.

IV. NON-TITLE IX DISCRIMINATION

Unlawful discrimination, including sex-based discrimination, is regulated by other state and federal laws and prohibited by USM and UMB policies on nondiscrimination and equal opportunity.

⁸ In circumstances where different treatment or separation on the basis of sex is permitted, UMB prohibits different treatment or separation on the basis of sex in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, except as permitted by 20 U.S.C. §§ 1681 and 1686 and their corresponding regulations.

Definitions provided in this section are pursuant to Maryland or federal law other than Title IX. Sex-

V. REPORTING

UMB encourages the prompt reporting of an allegation of Sex Discrimination or Retaliation, whenever possible. Reporting of an incident close in time to its occurrence will enhance UMB's ability to promptly and effectively investigate complaints, protect the UMB community, and discipline and educate offenders.

- A. The following persons have a right to make a Complaints of Sex-Based Harassment, requesting that UMB investigate and make a determination about alleged discrimination under Title IX:
 - i. A Complainant;
 - ii. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant;
 - iii. The Title IX Coordinator, after making the determination specified in Absence or Withdrawal of Complaint or Allegations Section below.
- B. In addition to the persons listed in paragraph above, the following individuals who observe, become aware of, or have been subjected to forms of Sex Discrimination other than Sex-Based Harassment, may also submit a Complaint:
 - i. Any Student or employee; or
 - ii. Any person other than a Student or employee who was participating or attempting to participate in a UMB Education Program or Activity at the time of the alleged Sex Discrimination.
- C. Any individual may report an incident of Sex Discrimination or Retaliation, regardless of whether they are the alleged victim, and such reports may be made at any time.
- D. Complaints or reports of Sex Discrimination or Retaliation should be made through any of the following methods:
 - i. Title IX Coordinator
Stephanie Suerth, MPA, CCEP
Acting Title IX Coordinator
Office of Accountability and Compliance
620 West Lexington Street
Baltimore, MD 21201
Direct Telephone: (410) 706-5212
Email: Titleix@umaryland.edu
 - ii. UMB Ethics Point Hotline

1. Reports may be submitted to the UMB EthicsPoint Hotline anonymously.¹⁰
 2. UMB Hotline Webpage: <https://www.umaryland.edu/umbhotline/>
 3. File a report online:
<https://secure.ethicspoint.com/domain/media/en/gui/28588/index.html>
 4. File a report by telephone: 866-594-5220
- iii. Confidential Reporting
1. On Campus Confidential Reporting
 - a. UMB Student Counseling Center staf
 - b. UMB Employee Assistance Program staf
 - c. UMB Health Service Providers (working in their capacity as

i. Pregnancy or Related Conditions. If a S

statements or knowingly submitting false information during Title IX processes. Complaints or statements made in bad faith are not legally protected from reprisal or disciplinary action. Parties, witnesses, or others participating in the processes will not be disciplined for making "false statements" solely based on UMB's eventual determination that Sex Discrimination did or did not occur.

- G. Measures to Facilitate Reporting and Participation. UMB encourages the reporting of Sex Discrimination by individuals who have been subjected to Sex Discrimination and by witnesses. Sometimes, such individuals and witnesses are hesitant to report Sex Discrimination or to participate in resolution processes because they fear that they themselves may be accused of policy violations. It is in the best interest of the UMB community for individuals who have been subjected to Sex Discrimination and witnesses to report misconduct.
- i. Amnesty. To encourage reporting, UMB prohibits student conduct action, except for mandatory interventions for substance abuse or where UMB is required by law to make a report, for a violation of alcohol or drug use policies by a Student who reports Sex-Based Harassment to UMB or to law enforcement, or who participates in the grievance process for allegations of Sex-Based Harassment as a witness, if UMB determines that:
 1. The violation occurred during or near the time of the alleged Sex-Based Harassment;
 2. The Student made the report of Sex-Based Harassment, or is participating in an investigation as a witness, in good faith; and
 3. The violation was not an act that was reasonably likely to place the health or safety of another individual at risk.
 - ii. Bystander Intervention. UMB encourages community members to assist individuals who have been subjected to Sex-Based Harassment or Sex Discrimination during or after an incident when it is safe to do so. UMB offers training in bystander intervention.
 - iii. Consensual Sexual Conduct. To encourage reporting and participation, UMB will not discipline Parties, witnesses, or others participating in the process for engaging in consensual sexual conduct based solely on UMB's eventual determination whether Sex Discrimination occurred. This provision is not intended to alter or replace the requirements of UMB VII-2.10(B) Policy Concerning Consensual Relationships.
- H. Monitoring. The Title IX Coordinator shall:
- i. Monitor the UMB Education Program or Activity for barriers to reporting information about conduct that may reasonably constitute Sex Discrimination; and
 - ii. Take steps reasonably calculated to address such barriers.

VI. MEDICAL ATTENTION

report; coordinating or implementing reasonable modifications for Students who are Pregnant or experiencing Related Conditions, other reasonable accommodations for individuals with disabilities, Supportive Measures, Sanctions, Remedies; or initiating a Violence Risk Assessment.

- ii. The Complainant(s) and Respondent(s);
 - iii. The Parties' advisors, if applicable; or
 - iv. Any potential or actual witnesses; or
 - v. Pursuant to state or federal law (e.g., the Maryland Public Information Act).
- B. Parties. To the extent that Relevant evidence or other records obtained solely through the grievance process or informal resolution process are shared by a Complainant or Respondent with a witness, family member, advisor, or other third party, the Complainant or Respondent must inform those individuals that the information is to remain confidential and may not be shared or discussed with anyone other than those who are already known to have such knowledge (e.g., other witnesses or family members who have also been provided such information).
- i. The evidence and records obtained solely through the grievance process or informal resolution process may not be publicly disclosed by any Party, advisor, or witness.
 - ii. This expectation of privacy extends to any information disclosed by the Title IX Coordinator, or designated investigator(s), to the Parties or witnesses during interviews or other meetings, particularly as it related to other witness or Party statements.
- C. Witnesses. Any potential or actual witnesses who are contacted by the Title IX Coordinator, or designee, or by a Party, are expected to adhere to the privacy expectations set forth in this Section.
- D. Failure to Comply. Failure to comply with this Privacy Section may result in separate disciplinary action.
- E. First Amendment. Nothing in this Section should be construed as a restriction of an individual's First Amendment or other protected rights.
- F. Reporting to Governmental Authorities and Legal Actions. Nothing in this Section should be construed as a restriction of an individual's protected rights to file good faith reports to applicable governmental authorities or to seek other legal action.

VIII. PREGNANCY RELATED CONDITIONS

- A. Employees.

Reasonable accommodations for employees experiencing Pregnancy or Related Conditions are offered pursuant to the Pregnant Fair Workers Act¹¹ as required by USMVI-1.00 Policy on Non-Discrimination and Equal Opportunity and UMB's nondiscrimination policies.

B. Students.

Treatment of Students experiencing Pregnancy or

2. Certification that a Student who is Pregnant or is experiencing a Related Condition is physically able to participate in a class, program, or activity, will not be required unless:
 - a. The certified level of physical ability or health is necessary for the class, program, or activity;
 - b. UMB requires such certifications of all Students participating in the class, program, or activity; and
 - c. The information obtained through the certification is not used as a basis for prohibited discrimination.

IX. LACTATION SPACE

UMB provides dedicated lactation spaces for all Students, faculty and staff employees, and visitors. These lactation spaces are clean, shielded from view, free of intrusion from others, and may be used for expressing milk or breastfeeding as needed. For more information about UMB's lactation spaces, visit the SMC Campus Center Lactation Center website: <https://www.umaryland.edu/campuscenter/building-resources/lactation-center/>.

X. PROCEDURES FOR ADJUDICATING COMPLAINTS SUBJECT TO TITLE IX

- A. Initial Assessment. The Title IX Coordinator is responsible for receiving and reviewing a broad range of concerns and complaints which may or may not implicate Title IX.
 - i. Purpose of Initial Assessment. When receiving a complaint, concern, or report, the Title IX Coordinator, or designee, shall conduct an Initial Assessment which is intended to evaluate:
 1. Whether the factual allegations contained in an initial complaint or report may reasonably constitute Sex Discrimination or Retaliation under Title IX such that they should be subject to the processes set forth below;
 2. Whether the factual allegations contained in an initial complaint or report should be investigated or reviewed under a different nondiscrimination policy and procedures; or
 3. Whether the factual allegations should be referred to another office / unit (e.g., Human Resource Services, Student Affairs, etc.) where the factual allegations would not reasonably constitute discrimination or retaliation under the University's nondiscrimination policies, but may warrant review, investigation, or other action for other reasons.
 - ii. Gathering Basic Information. As part of the Initial Assessment, the Title IX Coordinator may speak to the Complainant or gather other preliminary information necessary to complete the Assessment.
 - iii. Additional Considerations for Initial Assessment. In performing this evaluation, the Title IX Coordinator shall consider whether the individual is participating in a UMB Educational Program or Activity; the degree of control

the University has over the alleged Respondent; and the degree of control the University has over the environment in which the conduct occurred.

1. Member of the Public. The University encourages Members of the

2. Investigation of Complaint (Grievance Process A). To ensure an adequate, reliable, and impartial investigation of Complaints and throughout the investigation and adjudication process, the Title IX Coordinator, or designee, will ensure that the burden is on UMB, not the Parties, to conduct an investigation that gathers sufficient Relevant evidence to determine whether Title IX Sex Discrimination or Title IX Retaliation occurred.
 - a. Conflicts of Interest. The Title IX Coordinator, designated investigator(s), or any pers &§

contacted to provide additional documentation or information, preferred order of interviews, and generally anticipated timelines.

- c. Opportunity to Pose Questions.

provided to the Parties. The form of the Draft Investigation Report is not prescribed but should minimally contain the following:

- i. A description of any allegations by the Complainant which, if true, may reasonably constitute Sex Discrimination or Retaliation as defined by Title IX.
- ii. A description of Respondent's response or explanation provided to any allegations described.
- iii. A summary of the investigative process which may include things such as the number of interviews, names of witnesses, relevant documents reviewed, etc.
- iv. A description of any relevant witness statements, including, where applicable, any explanations for why certain statements have been given more or less weight or credibility.
- v. A description of any proposed o

- Party that may be Relevant to evaluating the effects of the conduct;
 - 4. The location of the conduct and the context in which the conduct occurred; and
 - 5. Other Sex-Based Harassment in UMB's Education Program or Activity.
 - ii. By way of example, where a Complaint alleges the Respondent is engaged in Stalking, the rationale appended to the Final Investigation Report should set forth any factual findings that establish that the Respondent: 1) engaged in a course of conduct; 2) directed at the Complainant; and 3) that would cause a reasonable person to fear for their safety or safety of others or suffer substantial emotional distress.
 - iii. By way of example, where a Complaint alleges the Respondent treated the Complainant differently because of their sex (i.e., engaged in Sex Discrimination), the rationale appended to the Final Investigation Report should set forth: 1) any factual findings that establish a prima facie case of Sex Discrimination; 2) any legitimate nondiscriminatory reasons for the differential treatment; and 3) any evidence of pretext.
 - iv. By way of example, where a Complaint alleges Respondent has engaged in Retaliation, the rationale appended to the Final Investigation Report should set forth: 1) the Protected Activity engaged in by the Complainant; 2) any factual findings constituting intimidation, threats, coercion, or discrimination; and 3) any factual findings demonstrating a causal connection between the Protected Activity and the Retaliatory acts.
 - b. The Final Investigation Report including the recommended determination with written rationale will be transmitted to the Title IX Coordinator for review and approval.
 - i. The Title IX Coordinator shall review the Final Investigation Report and recommended Determination for conformity with the requirements set forth above.
 - ii. Where applicable, the Title IX Coordinator may require a designated investigator to modify the Final Investigation Report or written rationale and/or conduct further investigation as necessary to fulfill the obligations of this Policy.

4. Final Determination and Sanctions or Remedies (Grievance Process A). When the Investigation steps described above are complete and the Final Investigation Report including the recommended determination, and written rationale has been transmitted to the Title IX Coordinator, the Title IX Coordinator, or designee, shall make a final determination of whether Sex Discrimination or Retaliation as defined by Title IX has occurred using the preponderance of the evidence standard.
 - a. If a determination is made that Sex Discrimination or Retaliation occurred, the Title IX Coordinator, or designee, shall consult with the appropriate University official(s) (i.e., Respondent's Dean, Vice President, or designee) in deciding the appropriate Sanctions or Remedies, if any, in accordance with the Sanctions or Remedies section below.
 - b. The Title IX Coordinator, or designee, may set forth any additional rationale for the final determination as applicable.
 - c. The Title IX Coordinator, or designee, shall contemporaneously provide both parties the Final Investigation Report, final determination and written rationale, along with a description of the permissible bases for appeal and appeal process as set forth in the Appeals section below.
 - d. Separately, the Title IX Coordinator, or designee, shall provide the Respondent with notice of any Sanctions to be imposed if a determination has been made that the Respondent is responsible for Sex Discrimination or Retaliation.
 - e. Separately, the Title IX Coordinator, or designee, shall provide the Complainant with notice of any Remedies to be provided to the Complainant if a determination has been made that the Respondent is responsible for Sex Discrimination or Retaliation.
- iii. Grievance Process B. If after completion of the Preliminary Review, the Title IX Coordinator determines that Grievance Process B applies, the Title IX Coordinator shall initiate the process described in this section.
 1. Initiation of Grievance Process B. Initiation of Grievance B Process shall include contacting the Respondent and providing them a Notice of Allegation. A copy of the Notice of Allegation will also be provided to the Complainant.

If the Title IX Coordinator, or designee, has reasonable concerns for the safety of any person as a result of the Title IX Coordinator, or designee, providing a Notice of Allegations, the Title IX Coordinator, or designee, may reasonably delay providing the Notice of Allegations in order to address the safety concerns appropriately.

Reasonable concerns must be made based on an individualized safety and risk analysis and not mere speculation or stereotypes.

The Notice of Allegation shall include:

- a. A copy of or link to this Policy describing the Grievance Process, including any Informal Resolution process that is available and/or has been requested by the Complainant;
- b. The allegations, including sufficient details known at the time to allow the Respondent to prepare a response before any initial interview;
- c. At minimum, sufficient details include the identities of the Parties involved in the alleged incident, the conduct allegedly constituting Title IX Sex-Based Harassment, and the dates and locations of the alleged incidents to the extent these details are known by the Title IX Coordinator at the time.
- d. A statement that Retaliation is prohibited;
- e. A statement that this Policy prohibits knowingly making false statements or knowingly submitting false information during the Title IX processes

allegations of Title IX Sex-Based Harassment that are not included in the original Notice of Allegations, the Title IX Coordinator, or the designated investigator(s), will provide an additional Notice of Allegations to the Parties whose identities are known.

2. Investigation of Complaint (Grievance Process B). To ensure an adequate, reliable, and impartial investigation of Complaints and throughout the investigation and adjudication process, the Title IX Coordinator, or designee, will ensure that the burden is on the complainant and the designee.

which any factual findings occurred constitute a finding that the Respondent has engaged in Sex-Based Harassment as defined by Title IX.

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has a reasonable opportunity to consult their advisor and propose any follow-up questions. This may require the Party and their advisor to listen to the audio or view the audiovisual recording in-person in the office or a secured meeting place selected by the Title IX Coordinator, or designated investigator(s).

- i. List of Witnesses. The Title IX Coordinator, or designated investigator(s), has discretion to determine which witnesses should be interviewed, with consideration given to the names of witnesses provided by the Complainant and Respondent. The Title IX Coordinator, or designated investigator(s), is not obligated to interview every witness identified where the information would be unreasonably duplicated or redundant or their—o igkg at

rules, and policies on professional and student conduct. Failure to comply may result in separate disciplinary action under the appropriate UMB policy or procedure.

- I. Draft Investigation Report. Upon completion of all interviews, including any follow-up questions or interviews, the Title IX Coordinator, or designated investigator(s), shall evaluate the Relevant evidence that has been obtained for purposes of making a determination, using the preponderance of the evidence standard, whether Sex-based Harassment as defined by Title IX occurred. Prior to making this determination, the Title IX Coordinator, or designated investigator(s), shall compile a Draft Investigation Report, which will be reviewed and approved by the Title IX Coordinator for compliance with this Policy before it is provided to the Parties. The form of the Draft Investigation Report is not prescribed but should minimally contain the following:

- i.

- i. Upon receipt of any additional comments, corrections, or supplemental information, the Title IX Coordinator, or designated investigator(s), should provide a copy of these comments to the other Party. Where appropriate based on the materiality of the supplemental comments, corrections, or supplemental information, the Title IX Coordinator, or designated investigator(s), may permit the other Party an additional three (3) business days to submit any response which should be limited to the scope of the additional comments, corrections, or supplemental information.
 - ii. The Title IX Coordinator, or designated investigator(s), will evaluate the responses and may take additional investigative steps including posing follow-up questions to witnesses or Parties or interviewing additional witnesses consistent with the investigative steps set forth above.
- n. End of Investigation. After the Parties have been provided an opportunity for review and comment as described above, the Draft Investigation Report will be finalized by the Title IX Coordinator, or designated investigator(s),

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Respondent that would change the outcome of the determination.

3. Narrowly Tailored Review. Appeals are not intended to allo

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is filed, the outcome is final on the date after which the appeals period has passed.

The Title IX Coordinator, or designee, shall take any further actions required by the final determination.

1. Providing Notifications to Parties:

- a. Any Sanctions or Remedies applicable to that Party;
- b. The date upon which the determination has been made final;
- c. A statement that Retaliation is prohibited;
- d. A reminder of the privacy requirements set forth in the Privacy Section, above; and
- e. A copy of the amended Final Investigation Report, if applicable and not already provided.

2. Reevaluation of Supportive Measures:

- a. Irrespective of the determination, the Title IX Coordinator, or designee, should reevaluate Supportive Measures.
- b. The Title IX Coordinator, or designee, may continue or modify Supportive Measures as deemed necessary and consistent with this Policy and to ensure that Supportive Measures would not otherwise violate any individual's protected rights under federal or state law.
- c. The Title IX Coordinator, or designee, should engage the same process of evaluation as set forth in the Supportive Measures section below.

3. Providing Notifications to Others, including:

- a. University of official(s) necessary for implementation of Sanctions or Remedies;
- b. University of official(s) as appropriate; and
- c. Third parties as mandated by federal and state law, or agreements or Memoranda of Understanding.

XI. SANCTIONS OR REMEDIES

The process for deciding, communicating and implementing Sanctions or Remedies, and information about appealing Sanctions¹³ (if applicable) is described in this Section.

- A. Deciding Sanctions or Remedies. The Title IX Coordinator shall consult with the appropriate University of official(s) to decide appropriate Sanctions to impose or appropriate Remedies to implement in order to restore or preserve « individual's access to M... activity » party or other

has been made by a preponderance of the evidence that Sex Discrimination has occurred.

- i. Sanctions. The Title IX Coordinator, or designee, shall consult with and make a recommendation for Sanctions to the Respondent's Dean, Vice President, or designee, who will make a final decision on appropriate Sanctions to be imposed.
 1. Range of Sanctions for Students. Students who have been found responsible

Student if found responsible for an alleged violation of this Policy.

- j. Transcript Notation: A permanent notation on the Student's official transcript.
 - k. Other Actions: In addition to or in place of the Sanctions described above, UMB may assign any other Sanction deemed appropriate (e.g., participating in mandatory education or training).
2. Range of Sanctions for Employees. Employees who have been found responsible, by a preponderance of the evidence, for engaging in Sex Discrimination or Retaliation as defined by Title IX may be subjected to one or more of the following Sanctions:
- a. Written Reprimand: A formal statement identifying conduct that was found to be a violation of this Policy and a warning that further conduct of a similar nature may result in more severe sanctions.
 - b. Forfeiture of Leave: A requirement that an employee forfeit up to 15 days (8 hours per day) of accrued annual leave
 - c. Demotion: Lowering the employee's status, title, and, if appropriate, pay.
 - d. Suspension of University Privileges: Specific terms and length of the suspension of University privileges will be articulated and may include, but are not limited to, denial of specified UMB-related social privileges, exclusion from non-work related UMB-sponsored activities, exclusion from designated areas of campus, exclusion from participation in employee leadership roles, and/or suspension from other privileges as deemed appropriate.
 - e. Suspension Without Pay: A requirement that an employee not work and not receive pay for a defined period of time equal to one (1) or more full days and generally no more than thirty (30) days.
 - f. Termination: The separation of an employee in accordance with applicable UMB policies or procedures. Th

Sanctions or Remedies as necessary to facilitate implementation and/or as necessary to make any mandatory notifications.

- C. Appeals of Sanctions. Upon Conclusion of Steps for Adjudicating Title IX Complaints, if a final determination has been made that the Respondent is responsible for Sex Discrimination or Retaliation pursuant to Grievance Process A or Grievance Process B, the Respondent may appeal the Sanctions to be imposed where allowed by separate UMB grievance policies and procedures.
- i. Employee Respondents. UMB Employees may grieve disciplinary actions depending on the rights afforded to them based on their employee status (e.g., Exempt Staff, Non-Exempt Staff, Faculty) and the applicable USM or UMB Appointment, Rank and Tenure Policies, other faculty policies, applicable collective bargaining agreements, or other procedures under state law or USM or UMB policy. Employees may not grieve administrative and/or other remedies that do not constitute formal disciplinary action. For more information, employee Respondents should contact the Title IX Coordinator or Human Resource Services.
 - ii. Student Respondents. Rights and processes to appeal disciplinary actions depend on the policies of the applicable School or program. For more information, Student Respondents should contact the Title IX Coordinator or their Student Affairs Dean.
 - iii. Student Rights in Sexual Misconduct Matters: In the circumstance where a final determination of Sexual Misconduct involves a Student Complainant or Student Respondent under Grievance Process B, the Student may appeal the Sanction to be imposed as required by Md. Code Ann., Educ. § 11-601(d)(3)(v)(6).
 1. Appeals pursuant to this subsection shall be made at the same time and using the same process set forth in the Appeals section above.
 2. The Title IX Coordinator, or designee, is responsible for notifying Students of this right to appeal Sanctions.

XII. SUPPORTIVE MEASURES

Upon notification of a Complaint of Sex Discrimination, the Title IX Coordinator will offer and coordinate Supportive Measures as deemed reasonably available by the Title IX Coordinator, or designee.

- A. Any request(s) for Supportive Measures should be made to the Title IX Coordinator.
- i. The Title IX Coordinator, or designee, will consult with the appropriate UMB personnel to determine, coordinate, and implement Supportive Measures with consideration of the operational needs of the unit.
 - ii. Examples of Supportive Measures are provided in Definitions section above.
 - iii. Supportive Measures are not Sanctions.

- B. Supportive Measures are available to:
 - i. Complainants after a Complaint has been made; and
 - ii. Respondents after the initiation of the grievance process.
- C. In some instances, Supportive Measures such as no-contact directives, may extend beyond the conclusion of informal or formal resolution of a Complaint.
- D. Information about Supportive Measures provided to a Party will not be disclosed to persons other than the individual to whom they apply. Supportive Measures of one Party will not be disclosed to the other Party unless necessary to provide the Supportive Measure, restore or preserve the Party's access to the Education Program or Activity, or when an exception applies.
- E. Parties are entitled to timely challenge the decision of the Title IX Coordinator, or designee, to provide, deny, modify, or terminate Supportive Measures applicable to them. Parties may also timely challenge a decision regarding Supportive Measures applicable to them if circumstances change materially.
 - i. Challenges made pursuant to this Section will be reviewed by an impartial decision-maker (i.e., someone other than the Title IX Coordinator, or designee, who made the challenged decision) who has authority to modify or reverse the decision of the Title IX Coordinator, or designee, if the impartial decision-maker determines that the initial decision to provide, deny, modify, or terminate the Supportive Measures was inconsistent with the definition of Supportive Measures.
 - ii. In most cases, the Provost shall serve as the impartial decision-maker unless the Provost was otherwise involved in the implementation of challenged decision in which case the Provost shall identify an impartial designee.
- F. Where appropriate, the Title IX Coordinator, or designee, may modify or terminate Supportive Measures at the conclusion of the grievance process or informal resolution process, or may continue Supportive Measures beyond that point.
- G. If the Complainant or Respondent is a Student with a disability, the Title IX Coordinator, or designee, may consult, as appropriate, with the Office of Educational Support and Disability Services ("ESDS") to determine how to comply with Section 504 of the Rehabilitation Act in implementation of Supportive Measures.

XIII. OTHER RESPONSIBILITIES AND AUTHORITY OF TITLE IX COORDINATOR

- A. Absence or Withdrawal of Complaint or Allegations. In the absence of a Complaint or the withdrawal of any of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator, or

designee, has the authority to

appropriate and effective steps to effectuate Supportive Measures or other remedial measures consistent with this Policy and Title IX that would not otherwise violate any individual's protected rights under federal or state law.

- C. Consolidation of Complaints. The Title IX Coordinator, or designee, is authorized to consolidate Complaints of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sex Discrimination arise out of the same facts or circumstances.
- D. Student Employees. When a Complainant alleging Sex-Based Harassment is both a Student and an employee, the Title IX Coordinator will make a fact-specific determination as to whether the requirements of Grievance Process B apply. This determination will include, but is not limited to:
 - i. Whether the Parties' primary relationship is employment or education; and
 - ii. Whether the alleged conduct occurred while the Student-employee was performing employment-related work.
- E. Equitable Treatment. The Title IX Coordinator, or designee, is responsible for treating Complainants and Respondents equitably throughout the Title IX grievance process. Equitable treatment includes:
 - i. Providing Remedies designed to restore or preserve equal access to UMB's Education Program or Activity to a Complainant where a determination of responsibility for Sex Discrimination or Retaliation has been made against the Respondent, and by using procedures that comply with Title IX when investigating and adjudicating allegations of Sex Discrimination or Retaliation before the imposition of any Sanctions or other actions that are not Supportive Measures against a Respondent;
 - ii. Providing an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
 - iii. Applying any provisions, rules, or practices used to investigate and adjudicate Complaints under Title IX equally to both Parties.
- F. Presumption that Respondent is Not Responsible. UMB is committed to due process. It operates with the presumption that the Respondent is not responsible for the reported Sex Discrimination or Retaliation unless and until the Respondent is determined to be responsible for a Policy violation by a preponderance of the evidence at the conclusion of these Procedures. The Title IX Coordinator, or designee, is responsible for ensuring this presumption is adhered to appropriately.
- G. Emergency Removal.
 - i. At any point in time after receiving a Complaint or employee notification of conduct that may reasonably constitute Sex Discrimination or Retaliation,

the Title IX is authorized to determine that an imminent and serious threat to the health or safety of a Complainant or any Students, employees, or other persons arising from the allegations of Sex Discrimination justifies removal of the Respondent on an emergency basis.

- ii. In such cases, a Violence Risk Assessment ("VRA") should be conducted by the UMB Behavioral Awareness and Threat Assessment ("BETA") team. The VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology. The VRA is an individualized safety and risk analysis. It is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment.
- iii. Refusal to cooperate in the VRA may result in a charge of failure to comply within the appropriate Student or employee conduct process.
- iv. Respondents who are removed from a UMB Education Program or Activity under this Section will be provided with notice and an opportunity to challenge the decision immediately following the removal.
- v. For more information, see UMB XI-3.00(A) Behavioral Evaluation and Threat Assessment Policy.

H. Administrative Leave. Employee Respondents may be placed on administrative leave from employment responsibilities during the pendency of the grievance process. Such placement will be for non-disciplinary and non-punitive reasons. In consultation with an employee Respondent's supervisor, the Title IX Coordinator, or designee, is authorized to recommend administrative leave be approved by the President.

- I. Evidence. Evidentiary evaluations and determinations are the responsibility and authority of the Title IX Coordinator, or designated investigator(s).
 - i. Objective Evaluation of Evidence. The Title IX Coordinator, or designated investigator(s), shall objectively evaluate all Relevant evidence—including both inculpatory and exculpatory evidence. Furthermore, credibility determinations shall not be based on a person's status as a Complainant, Respondent, or witness.
 - ii. Impermissible Evidence. The Title IX Coordinator, or designated investigator(s), will not elicit, consider, require, rely upon, allow, disclose, access, or otherwise use any of the following as evidence ("Impermissible Evidence"), regardless of whether they are Relevant, unless an exception has been determined by the Title IX Coordinator, or designated investigator(s).

- B. Notification of Dismissal. Upon dismissal, the Title IX Coordinator will promptly notify the Parties of the dismissal, including the basis of dismissal and the Complainant's opportunity to appeal dismissal in accordance with Appeals of Dismissal section below.
- i. If the dismissal occurs before the Respondent has been notified of the allegations, then the Notice of Dismissal will only be provided to the Complainant.
 - ii. If the dismissal occurs after the Respondent has been notified of the allegations, then the Notice of Dismissal will be provided contemporaneously to both the Complainant and the Respondent or provided to the Respondent promptly after being provided to the Complainant.
- C. Bases for Appeal of Dismissal. The following are permitted bases for appeal:
- i. Procedural irregularity that would change the outcome of the dismissal;
 - ii. New evidence that would change the outcome of the dismissal that was not reasonably available when the dismissal was made; or
 - iii. The Title IX Coordinator, or designated Investigator(s), had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome of the dismissal.
- D. Appeals of Dismissal. Appeals of dismissals must be submitted to the Provost, or impartial designee, within five (5) business days of receipt of the dismissal. If a dismissal is appealed, the Title IX Coordinator, or designee, must:
- i. Notify the Parties, including providing the Notice of Allegations to the Respondent if not previously notified.
 - ii. Implement appeal of dismissal processes equally for the Parties;
 - iii. Ensure that the Provost, or impartial designee, has received training and did not participate in the investigation or dismissal;
 - iv. Provide the Parties a reasonable and equal opportunity to make a written statement in support of or challenging the outcome; and
 - v. Notify the Parties of the result of the appeal of dismissal and the basis for the result.
- E. Post-Dismissal Supportive Measures. Upon dismissal, the Title IX Coordinator, or designee, must offer Supportive Measures to Complainant or Respondent, as appropriate.
- F. Post-Dismissal Remedial Measures. Upon dismissal, the Title IX Coordinator must take other appropriate prompt and effective remedial measures to ensure that Sex Discrimination does not continue or occur within UMB's Education Program or Activity.

XV. PROMPT ADJUDICATION OF COMPLAINTS

The Title IX Coordinator, or designee, will make a good faith effort to complete all stages of the grievance process as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the investigation.

- A. Timeframes of Major Stages of Procedures for Adjudicating Complaints Subject to Title IX. UMB has established reasonably prompt timeframes of the major stages of the grievance process. Generally, these timeframes are as follows. However, the nature of a particular Complaint, number of witnesses, responsiveness or availability of Parties or witnesses, existence/absence of documentary evidence to be reviewed, and other factors may affect the timeframes:
 - i. Preliminary Review – Ten (10) business days
 - ii. Investigation of Complaint (which includes preparation of Draft Investigation Report and providing Parties opportunity to review and comment)
 1. Grievance Process A – Ninety (90) business days
 2. Grievance Process B – One Hundred (100) business days
 - iii. Final Determination (Grievance Process A & B) – Twenty (20) business days
 - iv. Appeals of Final Determination (Grievance Process A & B) – Thirty (30) business days
- B. Delays or Extensions of Timeframes. The Title IX Coordinator, or designee, has the discretion to permit reasonable delays or extensions of timeframes on a case-by-case basis.

The Title IX Coordinator, or designee, will provide written notice to the Complainant and Respondent of any extension of the timeframe and the reasons for delay.

XVI. INFORMAL RESOLUTION PROCESS

At any time prior to reaching a final determination regarding responsibility, the Title IX Coordinator, or designee, may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

To facilitate an informal resolution process, the Title IX Coordinator, or designee:

- A. Must obtain the voluntary, written consent of all Parties to proceed with the informal resolution process. UMB may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Complaints of Sex Discrimination.
- B. May not require the Parties to participate in an informal resolution process.

- C. Grievance processes and resolutions that are prompt and equitable and provide an opportunity for the Parties to be heard.
- D. Timely written notice of:
 - i. The reported violation, including the date, time, and location of the alleged violation, and the range of potential Sanctions associated with the alleged violation;
 - ii. The Party's rights and responsibilities under UMB's policies and procedures and information regarding other civil and criminal options;
 - iii. The date, time, and location of each meeting or interview that the Party is required or permitted to attend;
 - iv. A final determination made by the Title IX Coordinator, or designee, regarding whether a Policy violation occurred and the basis for the determination;
 - v. Any Sanction imposed, as permitted by law; and
 - vi. The Party's rights to appeal and a description of the appeal process.
- E. Participation in the grievance process, including:
 - i. Access to the case file and evidence regarding the incident obtained by UMB during the investigation or considered by the Title IX Coordinator, or designee, with personally identifiable or other information redacted as required by applicable law;
 - ii. The opportunity to be interviewed and/or offer statements to the Title IX Coordinator, or designee;

- G. Notwithstanding whether a Student accesses counsel paid for by the Maryland Higher Education Commission ("MHEC"), the presence of no more than two people, including a personal supporter of the Party's choice, an attorney, or an advocate, at any meeting or interview during the grievance process.

- H. Notice to a Student Party, presented in an appropriate and sensitive format, before the start of the disciplinary proceedings, of:
 - i. The Student's right to the assistance of an attorney or an advocate;
 - ii. The legal service organizations and referral services available to the Student;
and
 - iii. The S