

TITLE IX PROGRAM ASSESSMENT

UNIVERSITY OF MARYLAND
BALTIMORE COUNTY

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REVIEWER'S NOTE

We wish to thank the students, staff and faculty of UMBC who gave their time to participate in this review. The contributions from members of the community were critical to our ability to gather documents and information and engage in the conversations necessary for this review.

We are extremely grateful for the energy, passion, and candor of individuals with whom we spoke who pushed themselves to share stories, experiences and reflections so that we might have a deeper understanding of the issues and hurdles associated with addressing gender-based harm on campus. In particular, we acknowledge the individuals who found the courage to share with us their deeply personal stories so that the larger community might benefit from their experience.

Finally, we recognize the challenge that UMBC has set for itself by embarking on this review. A challenge that includes the hard work of individual and institutional reflection, questioning assumptions of deeply held beliefs and contemplating alternatives to established patterns in order to move toward overt, thoughtful, recognizable action that propels the institution to achieve the culture change it seeks. We offer our assessment and recommendations as one of many steps toward this goal.

Respectfully submitted,

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EXECUTIVE SUMMARY

In January 2019, we were asked by the University of Maryland Baltimore County (UMBC) to conduct a comprehensive review and assessment of current University processes, policies, procedures and practices related to their prevention of and response to campus sexual misconduct and interpersonal/relationship violence. We were not asked to conduct a personnel review, nor did we do so.

Following a review of information including policies, procedures, practices, comments gathered through two open forums, information submitted by community members through an online Google form, and on-site interviews, we offer the following assessment of current UMBC practices and recommendations for improvement that are based on state and federal laws and guidance, best and emerging practices among higher education institutions and evidence-based strategies for relationship violence and sexual violence prevention and harm reduction.

Overall, UMBC generally has the components necessary for a compliant Title IX program. At the same time, in order for the University to move beyond compliance and toward the true cultural and community change they seek, the University will need to address the following challenges:

- The lawsuit filed in 2018 regarding the handling of sexual assault complaints continues to have a negative impact on the campus today. This impact is felt by students, staff and faculty many of whom continue to struggle with how to balance what they know of the institution's positive actions and intentions against the negative information about the institution's actions reported in local papers. Despite the efforts of the institution to provide information about how it responded and correct inaccuracies in some media reports, students rarely turn to sources other than their friends to confirm the accuracy of media reports. As a result, the university's efforts to address the community's concerns and build trust were not as successful as administrators had hoped.
- Placement of the Title IX function in the General Counsel's office, even with a dotted line to the President, compromises the effectiveness of the Office of Human Relations (which includes the Title IX function) and promotes a sense among many community members that the University is only concerned with compliance and defending the university. This unusual structure not only adds to the existing perception that the university only cares about protecting itself from legal risk, it also contributes to the perception that the institution "speaks out of

both sides of its mouth”, on the one hand stating that it cares for individuals but appearing to hide behind “legalistic language” and policy language when stating its actions when describing its response to gender-based harm.

- There are neither sufficient formalized support services for individuals who have experienced gender-based harm, nor any formalized support services for individuals who have been accused of violating university policy. While the Title IX Coordinator can, and should, be, available to answer questions or provide generalized support to any individual bringing forward a complaint, the Coordinator cannot be the support person throughout the process for either party, nor have “off the record” conversations with either party. National best practices dictate that support services be provided by someone outside the Title IX office, and to both those who have suffered gender-based harm and those who have been accused of committing gender-based harm. Although there are a number of caring staff and faculty dedicated to the well-being of students, some of whom are devoting many hours to individual students impacted by gender-based harm, the institution has not tasked any one person or office with the responsibility for providing such support to people who have either experienced gender-based harm or been accused of committing it, preferring instead to rely on the good will of individual staff and faculty to provide such services. This unofficial structure has led to frustration and burnout on the part of some individuals who provide support without the necessary infrastructure and resources to do so.
- There is a fundamental campus-wide misunderstanding of the role of the Title IX Coordinator and the Title IX response, resolution and adjudication processes. Aside from a lack of understanding of the full role and responsibility of the Title IX Coordinator or the actual process the office performs during an investigation and resulting adjudication of a complaint of gender-based harm, most individuals within the community do not realize the options available to address concerns that do not present potential policy violations but nonetheless run counter to the institution’s values, and the obligations of the Title IX Coordinator to help address such concerns so that they do not become potential policy violations in the future.
- The Title IX complaint resolution process is not easily understood by individuals who are engaged in the Title IX complaint resolution process, and many report a lack of communication (particularly regarding the status of investigations) during the investigation process. As a result, individuals who are engaged in the Title IX

process often feel left out of their own process, and unsure of whether the institution is even handling their complaint or cares about the impact of the resolution process on their academic and work lives. Thus, according to many of the students with whom we spoke as well as some administrators, individuals do not seek assistance from the Office of Human Relations and/or discourage others from seeking assistance for fear that they will become embroiled in a process that occupies time and takes great energy but from which they derive little satisfaction.

- There is no process for reviewing and analyzing the data gathered by the institution regarding incidents of gender-based harm, and also a lack of (de-identified) data provided to the campus community. The lack of a process for reviewing and analyzing data gathered is a missed opportunity for the institution to proactively engage in prevention efforts and adjust and improve process and procedure. Further, the lack of information sharing contributes to a lack of transparency in the work of the Office of Human Relations and thus a lack of trust on behalf of community members that the institution takes these issues seriously and is willing to hold itself accountable for improving its response to reports of gender-based harm.
- There is no formal process for reviewing and analyzing the data gathered by the institution regarding incidents of gender-based harm and the factors that may contribute to such harm (for example, data on alcohol transports, alcohol or drug use by students, or data on other student disciplinary matters). The lack of a process for reviewing and analyzing data gathered is a missed opportunity for the institution to proactively engage in prevention efforts and adjust and improve process and procedure.
- While there has been limited coordination of training efforts between some offices, there is no central coordination of all university-wide training or prevention education efforts. Such a lack of coordination contributes to inconsistency in concepts, definitions and understanding of process and procedures, sometimes by the very individuals who have a responsibility for assisting individuals who has been impacted by gender-based harm, and to misunderstanding, confusion and frustration on the part of the individual seeking assistance.
- There is a lack of overall coordination of the information regarding available resources and how to access them, and the information that is available (through

websites, brochures, handbooks) is not organized or presented in ways that allow a user in crisis to easily access the specific information they are seeking.

Although there are many university websites providing information, and there have been multiple trainings offered, there is still insufficient easily accessed and digestible information for those who are seeking resources and information about what to do in the immediate moments following a traumatic event. This lack of clarity about what services and resources are offered and which service or resource is appropriate for the circumstance can lead to frustration and confusion on the part of the person seeking assistance.

- The news articles related to the 2018 lawsuit contributed to diminished trust in the UMBC Police Department.
- Certain procedural practices can be clarified or improved. Sections of university policy and written procedures lack clarity resulting in an insufficient shared understanding of certain procedural elements and inconsistent applications of written procedures.
- Obstacles to reporting. Primary among these obstacles is the fear that many students have that the university “will fail them” resulting from the information they read in news articles regarding the 2018 lawsuit and their subsequent conversations with fellow students who report dissatisfaction with the Title IX process, as well as confusion regarding the reporting and resolution process.

Based on our review and analysis of the information gathered and the current infrastructure at UMBC for addressing and responding to issues related to sexual harassment and gender-based harm, we offer recommendations in the following areas:

- Role and Position of the Title IX Coordinator
- UMBC Police Department Role in the Title IX Process
- Data Gathering, Analysis and Reporting
- Training and Prevention Education
- Complainant/Victim/Survivor Support
- Respondent Support
- Mental Health/Counseling Services
- Policy and Procedural Changes
- Improvements to the Title IX Reporting, Response and Adjudication Process
- University Communications and Websites
- Changes to Existing Infrastructure

- Culture Change

These recommendations balance best and emerging practices against the current challenges facing the institution including gaps in process and procedure, and the understanding, perceptions and attitudes the larger UMBC community has regarding these issues and how they are handled by the institution. These recommendations are offered to assist UMBC to achieve its goals of improving its response to reports of sexual harassment and gender-based harm and its desire to change the attitude and culture of the UMBC community regarding sexual harassment and gender-based harm.

METHODOLOGY

During February and March 2019, we conducted five days of in-person conversations and subsequent phone conversations to assess the effectiveness and impact of training, prevention efforts, communications, and the processes and procedures in place to respond to reports of sexual harassment and sexual violence. In total, the reviewers spoke with more than 175 students, staff and faculty in connection with this review (Appendix A). These individuals included those with a responsibility for one or more aspects of the university's response infrastructure, and individuals who have had interactions and experience with the resolution process, or who expressed an interest in the institution's handling of complaints of sexual harassment or sexual violence. In determining the list of groups with which the reviewers met, attendance was left up to the individuals who were invited to each of the interview sessions. Additionally, it is noted that in an effort to protect the privacy of individuals who shared their personal stories and address the fears of being identified that many conveyed to us during this review, prior to beginning this review and before and/or during each of the interviews, the reviewers confirmed with the institution and with individual participants that individual contributions to this report would be anonymous and confidential. Out of an abundance of caution, because the institution is generally aware of the identities of those who were interviewed, we intentionally did not parse the data in any way that might allow for the identification of any particular participant.

Prior and subsequent to our onsite visits, we reviewed more than 80 pieces of information, material and websites related to the university's prevention education, training, response and resolution protocols related to sexual harassment and sexual assault (Appendix B), materials and websites related to peer institutions (Appendix C), and studies related to training and prevention education (Appendix D).

The recommendations provided are the result of conversations with UMBC community members (both individuals and groups), a review of the documents, materials and websites and best and emerging practices in prevention education, training and response to reports of sexual harassment and gender-based harm. The reviewers recognize that the observations and recommendations are limited to information gleaned from the 175 individuals with whom we spoke and to the documents reviewed.

Following the conclusion of this review, on April 23, 2019, we received from UMBC some factual corrections and requests for clarification of some of our observations and recommendations. Factual corrections along with additional clarifying statements were incorporated into the body of this document.

ASSESSMENT OF THE UNIVERSITY'S TITLE IX PROGRAM

Our assessment of the University's Title IX program included a comparison of UMBC's Title IX program with a) practices of other peer higher education institutions, b) national best and emerging practices, c) evidence-based strategies for prevention of sexual violence; and, d) the requirements set forth in state and federal law.

Based on the available data, the number of reported sexual assaults that occur either on campus or between two or more members of the campus community appears low for a campus the size¹ of UMBC. At the same time, there appears to be a significant percentage of students who have experienced either sexual assault or abuse prior to coming to UMBC who continue to be impacted by such trauma while at UMBC and who seek support for the prior trauma when they arrive at UMBC.

The reviewers note that the majority of the undergraduate population of UMBC does not live on campus. These individuals appear to be the least likely to get information about available programs and resources, unless they are active participants in a student organization or academic department. These students are also most likely to be the students who also experience issues that are not supported by the staff on campus such as food or housing insecurity, and transportation issues.

Additionally, although not part of the scope of this review, conversations with students, staff and faculty in connection with this review revealed that many of the students who are impacted by gender-based harm also face mental health and emotional challenges that are sometimes but not always related to the gender-based harm. Further, individuals with whom we spoke from a cross-section of the university community emphasized that a significant number of students who attend UMBC have responsibilities in addition to those traditionally associated with being a student (e.g. working for income to sustain one or more family members, caring for the health or well-being of one or more family members) that impact one or more parts of the student's overall educational experience. Both the mental health challenges and the additional responsibilities of a significant portion of the student population appear to result in a desire for support services that exceeds the current infrastructure and availability of such services. Such a situation has contributed to a campus community in which individual staff and faculty who have a desire to assist students find themselves

¹ It is not known if this is because there are, overall, a lower number of sexual assaults experienced by UMBC students during their time at UMBC, or because the sexual assaults are occurring but not being reported. It is also noted that many students stated a preference for working out issues of sexual harassment and sexual assault within their cultural or friend groups rather than involving outsiders.

providing support to students above and beyond the regular demands of their positions. This in turn appears to be leading to burnout and frustration because it appears the university permits this to happen despite the burden on faculty and staff by not taking steps to appropriately fund such services or add to or reorganize its infrastructure in order to offer such services.

It is noted that past campus surveys offer some information that differs from the information shared with the reviewers during the on-site interviews. For example, in the March 2016 survey administration, 88% of the survey respondents reported receiving written, or verbal/on-line information about the definition of sexual assault and 53% reported receiving written, or verbal/on-line information about where to get help if someone they knew was sexually assaulted, and 62% of the survey respondents believed it was likely that the university would handle the report of sexual violence and/or sexual assault fairly. In the 2018 survey, of the survey respondents that reported receiving training related to sexual violence (50.3% of those who responded to the survey), 88.5% believed that the training was very useful or useful in increasing knowledge about the definition of sexual violence; 87% believed that the training was either very useful or useful in increasing knowledge about reporting an incident of sexual violence; and 79% believed the training was very useful or useful in increasing knowledge about the school's procedures for investigating an incident of sexual violence. In that same 2018 survey, 81.1% of the survey respondents either strongly agreed or agreed that the school would take the report seriously if someone reported an incident of sexual violence to a campus authority, and 72% said they would be comfortable reporting a sexual assault to campus law enforcement.

Overwhelmingly, students interviewed by the reviewers painted a different picture of the university, expressing that they had doubts as to whether the university would handle their reports of sexual assault fairly, expressing confusion about university policies and procedures regarding sexual violence, and unable to correctly answer basic questions about university resources and procedures. There are several potential reasons for the disconnect. First, in 2016, only 5% of the total graduate and undergraduate population completed the survey; in 2018, while 13% responded to part of the survey, only 4% of respondents fully completed the survey. Thus, the non-response rate is high, and there is thus a strong possibility of nonresponse error.² In

² Nonresponse error refers to the condition wherein people of a particular ilk are systematically not represented in the sample because such people are alike in their tendency not to respond. Indeed, there could be multiple groups of people who fail to respond in a study because such groups, by their very nature, are disinclined to respond (e.g., introverts, extremely busy people, people with low esteem).

addition, students reported to us that the news articles following the 2018 lawsuit, and the subsequent discussions they held with their friend and peer groups, diminished their trust in the university's responsiveness to reports of sexual assault.

Overall, UMBC generally has the structure and components necessary for a compliant Title IX program. However, the University faces certain challenges which, if not addressed, will prevent the university from moving beyond compliance to achieve the true cultural and community change they seek.

A lawsuit filed in 2018 regarding the handling of sexual assault complaints continues to have a negative impact on the campus today.

In 2018, a lawsuit was filed, in which it was alleged that the university mis-handled multiple sexual assault complaints. After the filing of the lawsuit, multiple articles were printed in the local press, including in the student newspaper. There were several campus protests as well. Almost everyone with whom we spoke commented that they themselves, as well as the campus, were negatively impacted by either those articles or the subsequent campus discussions, and that they continue to feel the effects today. Many of the students and faculty with whom we spoke revealed confusion regarding the obligations of campus police as compared with those of local law enforcement. Several students also noted that their previously positive feelings about the administration changed due to some of the discussions they had with their peers regarding the lawsuit. In addition, it appears that students and faculty who led various informal campus discussions regarding the lawsuit presumed that all of the allegations in the complaint must be true, which significantly contributed to the campus-wide distrust in the university, campus police, and campus administrators. The university has tried to address both the campus confusion and lack of trust through open listening sessions (coordinated by students, and attended by members of the administration), multiple communications from the President and other leaders to the campus community, and the creation of new committees.

When speaking with students, it became apparent that UMBC students rarely turn to UMBC websites, emails from the President, the student paper, or mainstream media for their news. Instead, students appear to get most of their information from social media

When persons who respond differ substantially from those who do not, it becomes difficult to say how the entire sample would have responded, and so, generalizing from the sample to the intended population becomes risky.

and from each other. Students noted that they rarely turn to sources other than their friends to confirm the news they are receiving. As a result, the university's efforts to address the community's concerns and build trust were not as successful as administrators had hoped.

While a small number of students were offended that there was not more talk about the lawsuit by faculty who were teaching their classes, the reviewers also noted that for numerous survivors the frequent discussions about the sexual assaults in the news was both overwhelming and distressing to them.

A number of individuals also shared with the reviewers that campus discussions and the campus response to the protests were on the one hand tone deaf because they missed the underlying concerns that individuals had with the university's response to the protests, and on the other hand too focused on sex assault and gender, to the detriment of those relating to harassment due to race, religion, national origin, or any protected category other than sex/gender. As one student articulated, "There is a concern that the emphasis on gender pushes other concerns to the back. There is not the same level of response to harassment/assault due to race, religion, or other forms of intolerance."

Placement of the Office of Human Relations in the General Counsel's office compromises the effectiveness of the Office of Human Relations and promotes a sense that the University is only concerned with compliance and defending the university.

The Office of Human Relations includes the Title IX Coordinator, and handles all allegations of sexual harassment and sexual assault, protected class harassment, and all forms of protected-class discrimination. This is in keeping with nationwide best and emerging practices, as there are greater efficiencies when all equity-related investigations are conducted within one office, and this also sends a message to the community that any one protected class is no more deserving or important than any other.

The Human Relations office is under the supervision of the General Counsel, with members of university counsel serving in the roles of Title IX Coordinator and Title IX investigators. This is an unusual construct, one neither in keeping with current OCR guidelines nor best practices. As detailed in Appendix C only one of UMBC's peer institutions has the Title IX Coordinator listed as an employee of the Office of General Counsel. Additionally, while all schools within the University of Maryland system have the requirement that all investigations be reviewed for legal sufficiency, at least six

campuses do not house the Title IX Coordinator within the Office of General Counsel. Because the Office of Human Relations falls under the supervision of the General Counsel, the office is perceived by members of the community, including those individuals who seek the assistance of the Office of Human Relations as “too legalistic,” and ill-equipped to provide support for complainants and respondents going through the Title IX investigation and adjudication processes.

Further, housing the Title IX Coordinator within the Office of General Counsel is not in keeping with current guidance from the Office of Civil Rights, current best practices, or the structure found at most of UMBC’s peer institutions. This is in large part because the role of counsel is generally to defend the institution, whereas the role of the Office of Human Relations is to serve as an advocate for a fair and neutral process. Thus, even though university counsel best serves the institution by correctly and honestly following the evidence and reaching an honest conclusion in each and every investigation, the public perception has long been that the two roles are at odds. It is due to this perceived lack of neutrality by university counsel that the Office of Civil Rights has held that the Title IX function should not report to the Office of General Counsel. Instead, the role should report up through a division that serves all sectors of the university (students, faculty, staff), or to the President’s Chief of Staff.

There are not sufficient formalized support services for individuals who have experienced gender-based harm, nor sufficient formalized support services for individuals who have been accused of violating university policy.

The UMBC Title IX Resources Team is held out to the community as a resource to assist individuals through the Title IX process (though it is unclear among community members as to whether it serves both individuals who have experienced gender-based harm and those who have been accused of it, or just the former). Such support is also provided by the Office of Human Relations. In addition, the Office of Human Relations is available to provide information regarding the Title IX process to those who have been accused of having violated university policy.

National best practices have embraced formalizing support and assistance for both complainants and respondents in units separate and apart from the Office of Human Relations. Appendix C lists the support processes in place at both peer institutions and at those considered to be at the forefront of national best practices in this area. In addition to formalizing support for complainants and respondents going through the Title IX process, UMBC has not formally identified an individual or office specifically charged with providing immediate trauma support to survivors as well as connecting

the survivor with resources, ensuring the survivor can access those resources, and then ensuring that the survivor can be connected with long term trauma support and care, if needed. While UMBC has identified the Title IX Resources Team to assist complainants in sexual assault cases, this resource does not appear to be well understood, widely known, or consistently used.

There is a fundamental campus-wide misunderstanding of the role of the Title IX Coordinator and the Title IX response, resolution and adjudication processes.

Of note is the fundamental campus-wide misunderstanding of the role of the Title IX Coordinator. Most students and faculty interviewed, along with an overwhelming majority of administrators, believe that the Office of Human Relations only handles investigations, and do not understand that the Title IX Coordinator is the individual charged with ensuring all aspects of a response to Title IX-related concerns, from training to providing interim measures and ensuring that appropriate resources are in place, to resolving complaints by multiple methods including investigations. Appendix E reflects a list of common elements of job duties typically assigned to a Title IX Coordinator.

Some interviewed also expressed frustration that the Title IX Coordinator does not offer more care and support to victims, and does not use a “we believe you” response model. It appears that this frustration stems from a lack of understanding regarding the need for the Title IX Coordinator to be neutral, and to be an advocate for the overall process rather than an advocate or supporter for either party.

The reviewers also note the overwhelming lack of understanding of the Title IX response and resolution process by most of those interviewed, including students, faculty, and staff. This campus-wide lack of understanding has contributed to hurt feelings, misunderstandings, incorrect information being circulated, unrealistic expectations, and the creation of myths about the Office of Human Relations that have in themselves become a barrier to reporting. There are multiple websites with information, some of it conflicting with information on other websites, and an overall lack of clarity. Above all, there is no one website with concise, accurate information regarding sexual harassment and sexual assault.

Members of the campus community also lack a fundamental understanding of certain critical components of a comprehensive response to allegations of sexual assault but nonetheless are critical of practices that are required by law. This lack of understanding has led to frustration and misperceptions regarding university obligations. By way of

example, because there is a lack of understanding of the requirements for Timely Warnings under the Clery Act, there is frustration and anger when the required warnings are sent for thefts but not certain sexual assaults that do not meet specific Clery Act requirements.

Sometimes there is confusion regarding the Title IX process from the very individuals who have a role in the process. For example, members currently serving on the Board of Review were not certain if the vote they take regarding their determination of a policy finding or corrective action needs to be a majority vote or one of consensus.

Additionally, there is confusion regarding the role of the Title IX Resources Team. Although several university websites only state that the Title IX Resources Team assists complainants, university policy and the Human Relations website state that the Title IX Resources Team supports both complainants and respondents.

Currently, the Office of Human Relations handles concerns beyond Title IX, including Title VI, Title VII, and concerns regarding all protected classes (including but not limited to race, religion, national origin). This construct is ideal and should be maintained, as it demonstrates that no one protected class is more deserving than another, allows for the seamless handling of intersectional concerns, and allows for greater efficiency. Although, the office is currently configured this way, this broader reach is not well known to, or understood by, multiple community members with whom we spoke.

The frequency and quality of communication regarding the Title IX complaint resolution process is not easily understood by individuals who are engaged in the Title IX complaint resolution process.

Individuals going through the Title IX investigation and adjudication process and individuals supporting those going through the Title IX investigation and adjudication process consistently raised concern and frustration regarding the lack of communication coming from the Office of Human Relations about their investigation (e.g. status, timeline, next steps). The lack of routine and/or consistent information and/or updates about the process combined with the length of time many of the investigations were purported to have taken leads to frustration on the part of complainants and respondents and contributes to their lack of confidence in the process and a general sense of a lack of transparency about the process.

There is a lack of data provided to the campus community.

Currently, there is no dissemination of de-identified or aggregate data related to the handling and resolution of reports and complaints of gender-based harm. Further there is no dissemination of the data showing the numbers of students seeking support for these issues who declined to make the university aware of their specific concerns. As a result, individuals within the broader campus community make assumptions about the number of reports made to the institution and how those reports were handled. This has greatly contributed to the distrust the community has in the university's ability to address and handle these issues.

There is no process for reviewing and analyzing the data gathered by the institution.

It appears that the university is not gathering, reviewing, and analyzing the totality of data and information available to it. Currently, there is no single repository of all information regarding cases relating to gender-based harm. Further, there is no formal mechanism for gathering and sharing the data available from the Office of Human Relations, UMBC Police Department, the counseling and health centers, or the Women's Center. As a result, the university is unable to conduct regular, systemic reviews, a search for patterns, or any data-driven process to drive the allocation of resources and effort, or to develop data-driven training and prevention education programs.

The failure to conduct regular, systemic reviews is also driven by the approach of having so many committees involved in issues relating to gender-based harm but no one committee or individual designated by the university as the sole individual or entity with this responsibility.

It is also noted that, to be effective, such systemic reviews require input from various repositories of critical information. For example, campus mental health and medical providers could provide de-identified aggregate data on alcohol and drug usage, an increase or decrease in confidential reports of sexual assault, trends in student mental health cases, and other valuable information. Similarly, data on alcohol-related transports, if any, might provide an additional data point that would be useful in designing data-driven prevention education efforts. Data regarding the number of individuals served by the Women's Center for issues related to sexual harassment or sexual assault would be useful in determining the type of support services needed and resources needed to provide such service, and another data point useful in designing prevention education efforts.

In order for such a process to be effective, the Title IX Coordinator must be apprised of all complaints, including those that a reporting party, supervisor, or administrator believes are not sufficiently severe to rise to the level of a policy violation³.

There is no overall coordination of training or prevention education efforts.

Currently, there is a patchwork of training and prevention education efforts occurring throughout the university. Both are handled through various committees as well as multiple offices and divisions including the Women's Center, Mosaic, Student Affairs, Athletics, Title IX, and Human Resources. However, there is no central coordination of all university training efforts, any one office or individual responsible for all training or prevention education efforts, nor any central record as to all trainings and prevention efforts that take place. As a result, some of the training materials are inconsistent, which can place a burden on students when different individuals receive slightly differing interpretations of key concepts. For example, one training from the Women's Center uses the term "mandatory reporter" (which more commonly is intended to refer to legal requirements relating to state requirements that professionals with certain licenses report specified types of abuse to law enforcement or outside agencies), whereas other training materials as well as university policy use the phrase "responsible employee." In another example, there is confusion regarding the difference in responsibilities between a quasi-confidential resource and a confidential resource, with many misunderstanding the responsibilities of each. This confusion extended to some of the individuals who serve as quasi-confidential and confidential resources.

Training for RA's is also inconsistent in explaining confidentiality and the difference between "confidential," and "private." Based on our interviews, there appears to be confusion by some of the RA's who are unable to apply the definitions of the RA training to the phrase quasi-confidential, which is used at UMBC to describe those who are permitted to refrain from disclosing personal details when a student makes a disclosure.

It is also noted that the training for students has been required but not mandatory, with no consequences for those who did not take the training.

³ It is understood that some offices and individuals have been designated as confidential or quasi-confidential. Nothing in this section is intended to conflict with those obligations as relates to confidentiality.

Review of the trainings revealed that the content of the training includes critical information regarding sexual harassment and sexual assault and information regarding how and to whom to report and available resources, but when students were queried about the training, it was revealed that students have zero or very limited recollection of the content of the online training program. Several students reported that they simply clicked through as quickly as possible. Others reported that, knowing that there were no consequences, they did not take the training. As for the recent in-person trainings for employees, those who already had a background in Title IX and related concepts found them interesting and particularly valued the interactive portions of the training that allowed individuals the opportunity to work through reporting problems and issues. At the same time, an overwhelming number of those interviewed found that the training did not provide sufficient practical information (e.g., what to say and what not to say to a student disclosing a sexual assault, or specific steps they should take to make when filling out the reporting form such as whether or not to include the reporting student in that process).

There is both a lack of information regarding available resources and how to access them, and a lack of coordination of such information.

The university, through certain offices and centers, also offers many brochures and flyers that address issues of gender-based harm, including materials on supporting survivors and a resource guide. Despite the existence of these resources and multiple university websites and communications, there is still insufficient centrally-available information on how to access resources and services, the differences between confidential and non-confidential resources, a concise explanation of the different services offered on campus, and how to get a SAFE exam, among other topics. As one student noted, "There are so many access points that students are overwhelmed with where to go." Based on past work reviewing numerous institutions, the reviewers note that better clarity of communications correlates positively with greater trust in the process.

At UMBC, university websites containing information regarding sexual assault and sexual harassment include outdated web pages that remain accessible with information about the Voices Against Violence (including the Voices Against Violence Incident Reporting form). Additionally, there is conflicting information regarding the Title IX Resources Team. The Women's Center, Retriever Courage and Human Relations sites all state that the Title IX Resources Team serves individuals who have experienced some form of sexual violence, yet the policy that appears on the same Human Relations site states that the Title IX Resources Team serves both individuals who have experienced sexual violence and those accused of committing sexual violence.

Some web pages include as “resources” information on events and awareness programming, making it harder for someone in need of immediate help to find concise information for a victim of a sexual assault to use in the hours and days immediately following an assault. (See Recommendations section, page 41, for information on topics that should be provided on web pages, along with suggestions for organization of other related information.) This lack of clarity on how to access resources has also contributed to the campus’s anger and frustration on these issues. By way of example, taxi vouchers are available to victims of a sexual assault who require transportation to one of the area hospitals that conducts SAFE exams. However, there is no clear information on the availability of the taxi vouchers, or clarity on how to get a voucher. It is noted that numerous students and staff who claim to understand university resources incorrectly identified the offices that have taxi vouchers available.

The university does have many resources for victims of sexual assault at various offices and locations throughout the university, some of which are not known to students. For example, while timely emergency visits are available to victims of immediate past trauma at the Counseling Center, this is not widely known. Further, the availability of night and weekend support from trained counselors was also not known, and for those who knew of this service there was an incorrect belief that the caller would first have to provide identifying information to UMBC police in order to be connected to the on-call counselor.

There are many committees devoted to issues of gender-based harm at UMBC which marginalizes the role of the Title IX Coordinator and contributes to a duplication of effort and inefficiencies.

The UMBC campus has numerous dedicated students, faculty and staff with an overwhelming desire to help individuals impacted by gender-based harm and to guide the campus toward improving its response to, and handling of campus sexual assault. This desire to support victims of gender-based harm and to craft a university response that is responsive to their needs is clear. Their passion and involvement have raised awareness of these issues and contributed to the formation of numerous committees to address these issues, but no one individual or committee has been identified as taking the lead on these efforts. Thus, although there are a number of committees staffed with dedicated individuals who are devoted to improving one or more aspects of survivor support and the investigation and adjudication process, the lack of clearly identified leadership with the authority to act on this work has meant that despite the work of these committees, little action has been taken regarding their work. Such a situation contributes to individuals or groups working at cross purposes, duplication of effort,

and to fatigue and burnout as individuals see little action for their efforts. As one interviewee noted, "There is a committee for everything, but no execution."

There is diminished trust in the UMBC Police Department

An overwhelming number of community members interviewed noted that their trust in the UMBC Police Department has been greatly diminished since the filing of a lawsuit in September 2018 in which it was alleged that Chief Dillon tried to discourage a sexual assault victim from making a report. The filing of the lawsuit was then followed by publication of numerous articles linking the campus police to errors allegedly made by local law enforcement. The allegations and news articles have greatly damaged the confidence of many members of the UMBC community in the campus police department and has negatively impacted the willingness of some victims to come forward.

The UMBC Memorandum of Understanding with Baltimore County Police Does Not Meet the Standards of the Violence Against Women Act (VAWA)

The Memorandum of Understanding (MOU) with the Baltimore County Police Department (BCPD) meets the general expectations for such an agreement, with the exception of section A, #3. This section states that in the case of first- and second-degree rape, UMBC will notify BCPD and that the county police will then investigate, suggests that UMBC PD will always refer first and second-degree rape allegations to law enforcement. This conflicts with section 304 of VAWA amending the Clery Act, which states that a campus must provide students and employees with the option to notify or decline law enforcement. This includes being referred from a sworn campus police department to local law enforcement, such as Baltimore County police. If the victim wants law enforcement involved, the campus should offer to assist in making that connection. While some believe that names are withheld unless the student has consented to having their name disclosed to Baltimore County PD, this practice does not appear to be consistent and is not reflected in the MOU.

The UMBC PD's timely warnings could be improved

The Clery Act requires that colleges and universities subject to the jurisdiction of the Clery Act issue a Timely Warning when certain types of crime ("Clery crimes") occur within the school's Clery geography, and there is either an imminent or immediate threat to others or a threat of repeated danger and the issuance of a timely warning will not negatively impact an investigation. Often times timely warnings also include tips relating to the crime in question. The reviewers note that, of the timely warnings

reviewed, several mention the race of the suspect, which can often stoke racial prejudice without providing sufficient information to identify and avoid the suspect. In addition, it is noted that some of the tips offered in the timely warnings are vague.

Certain procedural practices can be clarified or improved

The reviewers did not identify conflicts between sexual misconduct policies and other written university policies but did identify gaps between university policies and procedures and best practices. For example, the policy notes that, when an interview is recorded, “The Reporting Party and Responding Party may review the transcript of their own respective statement, in the presence of a University official, by scheduling an appointment with the Office of Human Relations.” The better practice is to automatically provide each person interviewed (including witnesses) with the notes from that interview and ask that they review the notes and notify the investigator within a reasonable time frame, such as 72 hours, of any edits, corrections, or additions. In this way, any corrections or additions can be made as early as possible in the investigation process, making the entire process more efficient.

In addition, certain aspects of university policy and written procedures lack clarity and thus there is insufficient shared understanding of certain procedural elements, thus allowing for inconsistent application of the written procedures. For example, university procedures allow the parties “reasonable” requests for extension of time to review the draft investigation report, but do not provide sufficient clarity as to whether or not multiple requests will be permitted. University policy also allows for the potential consolidating of reports “where the evidence of the other conduct is inextricably intertwined with the alleged Prohibited Conduct under the Policy, or sufficiently related by their nature to be reasonably addressed and resolved in a single Investigation and/or Board of Review.” It is not clear whether this consolidation could apply to investigations of conduct that is outside Title IX policy (i.e., when another act of alleged misconduct is so inextricably intertwined with the alleged Title IX violation). In addition, one investigator reads back interview notes to each party to ensure accuracy, and another does not.

Also, it is noted that VAWA covers all stalking, but stalking is only referenced in relation to sexual or gender-based stalking. In keeping with federal law, it is necessary that all stalking cases, even if not related to sex or gender, get all VAWA procedural protections.

Multiple students who had been part of process noted that the information regarding the appeals process and deadlines “was buried” in the outcome letter, and that the process was not easily understood.

Obstacles to reporting

The university’s recent climate survey results noted that an overwhelming percentage of survey respondents answered that they knew how to make a report and believed that their concerns would be properly handled by the institution. On the other hand, during our onsite interviews with students who had not reported a sexual assault, many of them expressed a reluctance to report based on their belief that the school will fail them, a belief they formed as a result of discussions they had with other students or negative articles they had read. It is noted that some individuals who had not experienced a sexual assault expressed a heightened sense of fear or concern for their personal safety as a result of these same conversations and articles. Other obstacles identified by some students included not understanding with whom their information would be shared, and overall confusion regarding the process even after consulting available websites.

RECOMMENDATIONS

The following recommendations are the result of conversations with community members, our review of materials and best and emerging practices. Recognizing that the university does not have unlimited funds and may need to prioritize or make difficult choices in the allocation of those funds, where a recommendation contemplates additional resources, we strongly recommend that those additional resources not be limited in application to issues of sexual harassment or gender-based harm, but also incorporate or be responsive to all forms of harassment and discrimination. Finally, these recommendations take into account the constraints of the USM systemwide policy and are not intended in any way to conflict with that policy.

Role and Position of the Title IX Coordinator

The Title IX Coordinator is intended to be the one individual with overall responsibility for, and oversight of, all Title IX complaints as well as identifying and addressing any patterns or systemic problems that arise during the review of such complaints. Even when multiple individuals or offices are deputized or authorized to carry out parts of the process, ultimately there must be one employee charged with coordinating the school's efforts to comply with and carry out their responsibilities under Title IX, including training, data-gathering, investigations, alternative resolutions, adjudications, and an appropriate hand-off to the correct individuals in the event of an appeal. This responsibility also includes monitoring outcomes, identifying and addressing any patterns, ensuring the sufficiency of interim measures, and assessing effects on the campus climate, and this can only be accomplished if this one designated campus authority is properly involved and informed of the proceedings of all cases. The goal for the individual in that role is to ensure that the school's students, staff, faculty and all officials comply with their legal obligations as well as the spirit of Title IX. At UMBC, it does not appear that there is a shared understanding of the Title IX Coordinator role by key individuals or groups on campus. Instead, many think of the Office of Human Relations as solely the investigations unit, and do not understand (or take advantage of) the full scope and necessary neutrality of the Coordinator's role in responding to and resolving reports and complaints, providing interim measures or addressing climate and systemic issues, among others.

Currently the Office of Human Relations falls under the supervision of the General Counsel. As a result, the office is perceived by members of the community, including those individuals who seek the assistance of the Office of Human Relations as "too legalistic," and ill-equipped to provide support for complainants and respondents

going through the Title IX investigation and adjudication processes⁴. Further, due to the potential conflict of interest and responsibility (whether real or perceived) between the General Counsel's office duty to defend the institution, and the role of the Title IX Coordinator as neutral arbiter with responsibility for ensuring the institution meets its Title IX obligations, it is recommended that the Office of Human Relations be removed from the office of General Counsel and the Title IX Coordinator not report to the General Counsel. Given the current organizational structure, UMBC may consider moving the Office of Human Relations and the Office of Human Relations position under the Vice President for Administration and Finance with a dotted line reporting relationship to the President to ensure the overall independence and neutrality of the position. Alternatively, UMBC may wish to have the position report to the President's Chief of Staff or directly to the President. Further, it is recommended that UMBC clarify for the campus the full role and responsibility of the Title IX Coordinator, and how members of the community may contact the Title IX Coordinator.

UMBC Police Department's Role in Title IX

The UMBC police department will need to take active steps to build trust between the department and the UMBC community. Without a concerted willingness to recognize the erosion of trust and the impact of that erosion, any additional steps that are taken risk being seen as lacking in authenticity. In addition, communication and education efforts need to start anew, as students do not have a complete understanding of the necessary lines of division between campus police and local law enforcement, and the reasons why campus police involve law enforcement in the event that certain crimes are reported to the campus.

The reviewers recommend that the university consider the adoption of many of the strategies that have evolved to address community policing in troubled communities. These steps include enhanced transparency and communications, reducing bias, improving cultural competency (particularly as relates to gender, sexual assault, and dating and domestic violence), increasing visibility, and engaging in positive relationship building within the community. UMBC Police Department might also consider adopting some of the strategies used by other campus police departments to

⁴ While the UMBC Title IX Coordinator does provide support in the form of explaining process and helping students to understand their rights and options, putting interim measures in place, and other similar forms of support, she should not be in the position to be a support person or advisor assisting any one party, nor can she provide ongoing confidential support. Not only does she not have time to perform those roles, doing so would put her at odds with the entirety of the Title IX process, which is to be a neutral advocate for the process rather than an advocate for any individual student.

re-establish trust between campus police and the university community (Appendix F) With those overarching principles in mind, the reviewers recommend creating a community liaison officer position within UMBC PD to create a bridge between the student community and UMBC PD. The community liaison officer should be someone with great sensitivity to issues of bias (including perceived bias), childhood trauma, mental health, and the needs of underserved populations. The community liaison officer should be available to walk through the campus community, assist in coordinating more effective communications from campus police, and work with student and community groups to ensure that issues of concern are properly brought to the attention of Chief Dillon and others in leadership, and then addressed through constructive dialogue. As noted above, responsibilities for such a position should include but not be limited to:

- Interface both in-person and electronically with the community
- Conduct outreach to student groups
- Attend events and student group meetings to bring the concerns of the students back to the Chief and the department for assessment and action as appropriate and then communicate back to the students and student groups what actions UMBC PD can and will take to address their concerns.

The reviewers further recommend that everyone in the department augment the training they currently receive related to sexual violence with training on trauma, the impact of childhood sexual assault/abuse, the myths and biases inherent in sexual assault cases, and cultural competency. Given the general distrust in the campus community it is strongly recommended that all such training be provided by qualified individuals from outside the department, even though there may be highly competent individuals within the department who could deliver components of such training. Campus police should also receive annual training in practices including lethality assessments in cases of dating and domestic violence.

It is also noted that, at this time, there are no trained sexual assault detectives within the UMBC police department. The reviewers do not recommend that multiple⁵ sexual assault detectives be hired at this time, as the reviewers believe the cost of hiring such specialists can better be used to provide other needed resources at UMBC; and the current relationship between the Department and the student community is such that the handling of those cases directly by the Department at this time would not be well-received by the student community and as a result may chill reporting. However, the

⁵ It is presumed that the university would need more than one specially trained detective in order to cover all shifts.

lack of sufficient trained sexual assault detectives makes even more important the relationship between campus police and local law enforcement.

The MOU with the Baltimore County Police Department should also be amended to clarify that UMBC PD will contact BCPD *only* if the victim has given assent in order to be in keeping with section 304 of VAWA amending the Clery Act.

Data: Gathering, Analysis, Reporting

In order to better understand the experiences that students, staff and faculty may have regarding sexual harassment and sexual violence while working and learning at UMBC, the Title IX Coordinator must first be apprised of all reports of harassment and discrimination that become known to the university (through its responsible employees) including those issues which may not appear to be a potential violation to university policy, and those reports need to be maintained and analyzed by the Title IX Coordinator. Further, in order for the UMBC community to better understand how UMBC responds to and addresses reports of sexual harassment and sexual violence and gain trust in the university's efforts to address these issues when they arise, it is necessary for UMBC to make such data and information regarding its efforts available to the community in an easily accessible and transparent way.

Thus, the reviewers strongly recommend that:

- The Title IX Coordinator have access to a data management system that allows for the maintenance, tracking and manipulation of data;
- Responsible employees report to the Title IX Coordinator all issues of sexual harassment or gender-based violence even if the responsible employee does not believe that the issue may violate university policy;
- The Title IX Coordinator track all reports of sexual harassment and gender-based harm even in instances when the reported conduct does not have the potential to violate UMBC policy;
- The Title IX Coordinator collect and track at a minimum the following:
 - Name, title and contact information of reporting party
 - Name, title and contact information of complainant
 - Name, title and contact information of respondent
 - Location of incident
 - Type of incident (discrimination, assault, dating/domestic violence, stalking)
 - Method used to address and resolve the issue (alternative resolution, investigation, other)

- Outcome of the resolution method (respondent found responsible for violating policy, respondent not found responsible for violating policy, other)
 - Discipline or other corrective action applied if any
- The Title IX Coordinator and/or her designee(s) analyze the data gathered to identify patterns, opportunities for training and prevention education and process improvement;
- On an annual basis the Title IX Coordinator provide at a minimum the following aggregate, de-identified information in an easily accessible format:
 - Number of reports received by type (discrimination, assault, dating/domestic violence, stalking) and broken out by respondent type and complainant type (student, staff, faculty, other)
 - How the reports were addressed and resolved (outreach, alternative resolution, investigation, other)
 - Outcome of resolution process (number of respondents found responsible and not responsible for violating policy and what if any corrective action was applied)

Once the data has been gathered, it is recommended that the Title IX Coordinator then meet regularly (at least 4 times per year) with the Director of Student Health, the Director of the Student Counseling Center, the Director of Student Conduct, a representative from UMBC PD, the Women’s Center, the Mosaic Center, and any other offices that may capture or collect data related to student and employee well-being on campus. By reviewing this data and exchanging information, the Title IX Coordinator may be more likely to identify trends, patterns or systemic issues before they become endemic, and can also redirect scarce resources (for example training, prevention education, or enhanced monitoring) to certain areas or programs, as may be appropriate.

Training and Prevention Education

The reviewers strongly recommend that training and prevention education efforts be separated, and that responsibility for the development, delivery and tracking of those efforts be clearly assigned. Content for both training and prevention education should be approved by the Title IX Coordinator to ensure that the information provided is in keeping with the university’s policies and procedures. The tracking of completion data should be done by the Title IX Coordinator (for skills-based training), Student Affairs

(which should be charged with ensuring⁶ appropriate consequences for those students who do not timely complete the training), and Human Resources (tracking of faculty and staff completion data, and ensuring appropriate consequences for those employees who do not timely complete the training).

Training

Within this report, the reviewers are referring to training as including those efforts that are designed to ensure that employees have the skills required to perform tasks.

Training content on matters relating to gender-based harm, sexual harassment/discrimination, and sexual assault should be reviewed by the Title IX Coordinator, who is responsible for ensuring the accuracy of the content, and that the content is in line with UMBC policy and also Title IX.

The reviewers strongly recommend the following trainings use real-world examples that include scenarios and examples that closely resemble experiences one is actually likely to encounter at UMBC:

- Responsible Employee Training:⁷ 60-90 minute training, delivered no less than every 18 months, for all non-confidential and quasi-confidential employees. Training should be highly practical and explain how to identify issues that might be considered a form of gender-based harm; how to appropriately forward information that has been brought to their attention; how to include the student or reporting party in the referral process; appropriate and inappropriate statements to make to any reporting party (i.e., how to avoid shutting down a reporter, victim-blaming or biased comments, comments diminishing the severity of the reported conduct); information about on and off-campus resources; and an overview of the university's response protocols so that the responsible employee is less likely to transmit inaccurate information. This training should include the differences between the university's administrative processes and the criminal process, as well as an explanation as to the limitations of each. In addition, it should be better explained to responsible employees that making a

⁶ While the consequence may be carried out by some other office, such as the Registrar, the directive should still be coordinated through Student Affairs.

⁷ The reviewers recognize that Responsible Employee training is both a form of training designed to help the employee develop the skills required to recognize issues that may need to be referred to the Office of Human Relations and to then make an appropriate referral, but also a form of prevention education, in that increased referrals are also likely to have a positive impact on providing greater support to survivors/victims and also may lead to better enforcement of institutional policies.

referral to the Office of Human Relations will generally not result in a university investigation unless the student so requests. Given some of the misperceptions regarding interim measures that exist among faculty, the training should also include a brief explanation regarding interim measures that are available at UMBC, as well as an explanation as to why it is important that the Title IX Coordinator be informed of all requests for interim measures.

- Responsible Employee training should also be provided to any student worker who is considered a Responsible Employee. It is imperative that any student who is also a Responsible Employee, along with that student's supervisor, be notified of that obligation and expectation.
- Contingent employees should be trained on how to recognize prohibited discrimination and harassment, and their duties as a responsible employee.
- Panel Review Board training: Annual training on myths and biases of sexual assault and relationship violence; relevance of evidence; appropriate and inappropriate uses of impact statements; demeanor evidence and cultural competency; credibility and reliability of evidence; the neurobiology of trauma; due process and fundamental fairness; pattern evidence; an overview of appropriate and inappropriate questions to ask and training in how best to ask potentially sensitive questions; and a general overview of best practices in investigations so that they can better recognize the thoroughness, or lack thereof, in any investigation report.
- All clinical staff (Health Center and Counseling Center): Ensure that all clinical staff can identify signs of behaviors of concern (sexual assault, relationship violence, stalking) and make appropriate referrals; ensure that all clinical staff have complete understanding of the entire Title IX investigation and adjudication processes so that they can provide accurate information to patients; consider enhanced outreach efforts to victims of childhood abuse and who are thus at greater risk of being a victim of sexual assault or relationship violence. This training should include the differences between the university's administrative processes and the criminal process, as well as an explanation as to the limitations of each.
- Student Organizations, Graduate Student Association (GSA), and Student Government Association (SGA); The head of every student organization should have annual training on how to respond to allegations of sexual harassment, sexual assault, and relationship violence brought to their attention, so that they are in a better position to understand resources available and appropriate steps to take, rather than "just talk to both students" or "kick one of them out." Such training should be mandatory and tied to use of space or the release of funds.
- Training for all deans and department chairs on university expectations when

concerns of gender- based harassment or discrimination are brought to their attention, including training on resources available to guide faculty to ensure they make clear there is no place for homophobia, transphobia, or misogyny. Such training might include use of some of the same methodologies that have already been put in place to address racism and diversity through the STRIDE program.

- All “first responders,” and individuals most likely to receive information regarding potential concern from a student (including coaches, trainers, assistant coaches, advisors, student advocates, including all counselors and staff in the Women’s Center, Health Center, Counseling Center) should be trained on all aspects of the investigation and adjudication processes at UMBC, so that they are provided the most up-to-date and accurate information to those who have been impacted by acts of gender-based harm. This training should include the differences between the university’s administrative processes and the criminal process (including a clear explanation as to when UMBC PD involves local law enforcement, and why), as well as an explanation as to the limitations of each. This training should also include education on recent changes to the federal guidance for interim measures, as well as current best practices for interim measures, so that the first responders better understand why each interim protective measure should be considered on a case-by-case basis and not as a default position.

In addition, it may be helpful to develop and disseminate a “script” that can be used by Responsible Employees in the event that one receives a report of potential gender-based harm, as recommended in one of the trainings from the Women’s Center. The ability to have a document to review and use serves as a form of “just in time” refresher training. Some institutions print such a script, along with other critical information (websites, phone numbers, resources) on a brightly colored laminated piece of card stock (the size of a traditional file folder) that can easily be stored in a faculty or staff member’s desk, and easily seen and accessed when needed.

Prevention Education

Prevention education should be offered to students, staff, and faculty on an ongoing basis. Prevention efforts are important to help individuals identify inappropriate behaviors in themselves and others, learn what they can and should expect from others around them, change their own behaviors as needed, increase their willingness to intervene, and ultimately change the overall culture in the UMBC community.

The Department of Education defines prevention programs as, “Programs to prevent dating violence, domestic violence, sexual assault, and stalking.

- (i) Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that -
 - (A) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
 - (B) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.
- (ii) Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees . . .

The Center for Disease Controls (CDC) has also addressed best practices in prevention efforts, particularly in the area of sexual assault and sexual violence as a public health issue. Thus, the lessons from the CDC are directly applicable to campus sexual assault prevention efforts. Additional information regarding evidence-based strategies can be found in Appendix D.

Studies conducted to date have not found any one form of prevention education that directly results in reducing the number of sexual assaults on a campus. However, multiple studies have identified the positive impact of a comprehensive prevention education program on helping community members develop a greater willingness to intervene. In addition, certain prevention education methods have been found to be more effective; (a) using a combination of teaching methods (small educational workshops, large group motivational speakers, social media campaigns, online instruction, interactive theater) has shown better outcomes than using only one modality. The inclusion of active learning opportunities has also been found to increase effectiveness, as have small boosters of information and the addition of social media campaigns designed to increase community knowledge on a given topic and to provide members of a community directions for changing behaviors. See Appendix D for links to relevant studies.

Further, the reviewers recommend that prevention efforts for students be tailored to both the life-cycle of the student and their status, with smaller doses of education delivered more regularly over the span of the student's enrollment at UMBC rather than relying solely on one long on-line training session delivered just prior to a student's first semester at UMBC. As increased doses of training lead to enhanced outcomes, the reviewers recommend that the university develop a curriculum of prevention programming that can be implemented at different stages, and that differs appropriately and pedagogically for undergraduate students, transfer students, visiting students, and graduate students. For example, incoming freshmen might not yet be ready to take on some of the nuances of bystander education but might be better equipped for those lessons after spending at least few weeks at UMBC; similarly, incoming freshmen might not yet be in dating or domestic relationship with others, and so training on healthy relationships and the signs of an abusive relationship should be offered a second time, and in greater depth, later during the student life-cycle.

The reviewers also recommend that all trainings incorporate language that is in keeping with policy language. For example, UMBC policy refers to "reporting party," whereas some existing training programs use only the term "survivor" or "victim." It is recommended that trainings make use of multiple terms, such as "survivor," "victim," "reporting party," or "individual(s) impacted by relationship violence," so that more individuals can choose the label they believe to be most appropriate to them, and are better able to connect the training to the policy. In addition, whenever trainings are provided that focus on "We believe you" language, care should be given to ensure that there is also a discussion of the need for fairness, equity, and due process within the response, investigation, and adjudication processes. This is of growing importance, as more and more courts are faulting campuses for a presumed lack of balance simply due to the fact that much of the training to-date uses language more favorable to a complainant's perspective.

Prevention education programs that should be considered include, at a minimum:

- Incoming freshman students should receive a short, clear, streamlined 20-30 minute training immediately prior to starting classes on four key topics: (1) the university's definitions of sexual assault and consent, (2) the role of alcohol and its impact on an individual's capacity to consent to sexual activity, (3) how to make a report of sexual harassment or sexual assault and how to access resources, and (4) top tips for being a good bystander. See prevention education section below for additional prevention education training efforts for students. This training should include the differences between the university's

administrative processes and the criminal process (including a clear explanation as to when UMBC PD involves local law enforcement, and why), as well as an explanation as to the limitations of each. The training should be mandatory, with consequences (e.g. hold on registration) for those who do not take the training.

- Within a few weeks after the start of the academic year, incoming freshmen should receive additional training that includes more information on recognizing signs of inappropriate conduct and learning how to intervene, what happens with a student's information once a referral is made to the Office of Human Relations, and an explanation of the overall investigation and adjudication process so as to increase students' trust in the university's processes. The training should also clarify whether or not respondents are covered by the amnesty provision in the Title IX policy.
- Incoming transfer, visiting, and graduate students should receive the same training as above, with the exception that the training might occur either prior to the start of classes or within the first two weeks of the academic year. This training should include the differences between the university's administrative processes and the criminal process (including a clear explanation as to when UMBC PD involves local law enforcement, and why), as well as an explanation as to the limitations of each. The training should be mandatory, with consequences (e.g. hold on registration) for those who do not take the training. Training for graduate students should also include information about signs of unhealthy relationships/relationship violence, and their reporting obligations when working with undergraduate students.
- For all students, additional training should be provided on a regular basis. Such additional training should also be mandatory. The ongoing training should be practical and include an explanation of how to identify issues that might be considered a form of gender-based harm,⁸
- All students, including graduate students, should receive annual in-person bystander education, which should include training on how to recognize forms of harassment and discrimination, and provide skills for safe intervention. It is strongly suggested that bystander education be limited for incoming freshmen, and then expanded later during the student life cycle as the students gain confidence and the ability to pay more attention to the students around them, and improve their ability to be a skilled bystander.
- For all student trainings, students should be reminded that they can reach an on-call confidential counselor by first contacting the campus police department and

⁸ For example, transgender students are not uniformly aware that some of the issues they face in classrooms and in student organizations are potentially a form of gender-based harassment and could be reported to the Title IX Coordinator for redress.

asking to be connected. Students should be told that they are not required to provide their name or identifying information in order to access this resource.

- The Residential Life resource guide should be expanded to include information on dating on domestic violence and stalking, as well as an expanded explanation of a SAFE exam and appropriate methods for preserving evidence.

The reviewers recommend that a committee that is advisory to the Title IX Coordinator be empowered and authorized to develop a prevention education curriculum for both undergraduate and graduate students. The university is encouraged to draw on the talents of both students and faculty (particularly those with expertise in education and prevention education) in the creation of such a curriculum in order to ensure that the curriculum devised resonates with students in a meaningful way and addresses issues they are likely to face in their living, learning and social environments (classrooms, labs, student organizations, living situations, parties and social events). Potential members of such a committee might include the Community Health and Safety Specialist in Student Affairs, a representative from the University Health Center (including those any who are on the health education staff), a representative from student counseling, an administrator who works closely with commuter students, the director of the Mosaic Center, the director of the Women's Center, and two or more academics with expertise in prevention education. In order for such a committee to be successful, it would be important to ensure that other similar, possibly self-appointed, committees are not also performing the same or similar work within the University.

It is also noted that the Athletics Department is conducting significant training for its athletes, most of which is coordinated by each team's coach. The prevention education committee and Title IX Coordinator might provide to the Athletics Department a list of approved trainings, with directives as to which are mandatory, and which are not. In addition, any training or prevention education delivered to sports teams should be scheduled to take into account the athletes' schedules, meaning that some training and prevention education sessions would need to occur in the early morning, in the evening, or on a weekend, to ensure 100% participation by athletes.

Prevention education efforts for faculty might be modeled on successful aspects of the STRIDE program. The university may wish to consider whether such a program, whether STRIDE or a similar program, could be used to address gender-based harassment and discrimination between and among faculty and graduate students. Such a program may also be used in combination with a faculty development program to help faculty develop better and more effective ways of confronting and addressing issues of sexual harassment when it occurs within their classroom or between and among their

academic colleagues, and to find ways to incorporate social justice, fairness and respect into their regular coursework in an effort to improve the overall climate of the university community on gender-related issues.

Additionally, consider possible ways the institution may be a proactive force for systemic change both on campus and within the local community by:

- Utilizing the IHU course or similar credit-based course that delivers curriculum that honors the expression and exploration of a diversity of ideas and opinions, and incorporates notions of respectful personal and professional behaviors and healthy relationships that is rooted in the discipline and curricular experience of each college.
- Offering students and faculty the opportunity to create curricular and co-curricular programs that leverage the existing expertise of faculty and staff and the desire of interested students such as those studying public health and education to partner with local middle and high schools to create and deliver age-appropriate programs to middle and high school students regarding respect, consent and healthy relationships.

Complainant/Victim/Survivor Support

Currently, there is no one office charged by the university with providing support and advice to those who have experienced sexual assault, although there is a patchwork of administrators and offices that are providing certain aspects of such support and assistance. While the UMBC Title IX Coordinator does provide support in the form of explaining process and helping students to understand their rights and options, putting interim measures in place, and other similar forms of support, she should not be in the position to be a support person or advisor assisting any one party, nor can she provide ongoing confidential support. Not only does she not have time to perform those roles, doing so would put her at odds with the entirety of the Title IX process, which is to be a neutral advocate for the process rather than an advocate for any individual student.

The reviewers strongly recommend that one specific position be created and identified as the primary support also trained to provide emotional support as a resource for individuals who have experienced sexual assault. This may be augmented by strong coordination with other individuals and offices on campus, and also by an MOU with TurnAround or a similar organization. To most effectively deliver such support in ways that incorporate a student's academic and learning situation, it is recommended that

the position have a dual report in Student Affairs (particularly for any programmatic work) and in the Student Counseling Center (for all clinical or confidential discussions). The person holding the position should be an individual protected from any requirement that they disclose the contents of their discussions with any victim. Under Maryland law, such protection is only available to clergy⁹, trained and certified clinicians who are hired to fill that clinical role, or social workers who are hired specifically to provide confidential services. Thus, it is critical that the individual in this role be privileged under Maryland law, or else there is significant risk that in the event of a lawsuit, the advocate might be required by a court to disclose the content of any discussions with the victim.

Ideally, the individual in this role would be available to provide immediate assistance to the student, connecting the student with medical care and/or a SAFE exam, helping the student understand their options when dealing with law enforcement and the university administrative processes. The individual in this role would also be expected to provide immediate support to a victim through a 24/7 phone number and would also accompany any student who needs immediate medical assistance or a SAFE exam at a hospital, and then provide psychological support for the next few weeks. Longer-term crisis and trauma support and medical care would then be handled through either a local rape treatment center, the student counseling center, or the student health center. The additional services such a position would provide include: explaining the nature of a forensic sex assault exam, helping to arrange transportation in order to get an exam and providing support during the exam, providing support during court hearings and investigations, offering advice on how to file for a restraining order, providing advice regarding gathering critical evidence (i.e., collecting phone logs, recovering deleted text messages), explaining the differences between the criminal process and university processes as well as the purpose of a university process and consequences of either participation or non-participation and the steps of the process, and, connecting the student with campus resources for navigating the university process and addressing academic and living needs as appropriate. Further, by ensuring that this position is also a confidential counselor/social worker, they are not put in the position of having to disclose, during any legal proceeding, the conversations with the purported victim, as such conversations would be privileged.

Several students requested that UMBC hire a SAFE nurse for the campus. The reviewers do not recommend a campus SAFE nurse in part because this may result in a

⁹ While a member of the clergy could fill this role, it is expected the role will more likely be filled by a licensed social worker or certified clinician.

victim having a long wait for the nurse to arrive, and, more importantly, due to concerns about proper storage of forensic evidence.

Respondent Support

A sound, equitable, and compliant Title IX process recognizes the need to have one or more individuals who provide support and navigational help to any student accused of violating its policies against sexual harassment or sexual assault. However, these individuals do not always serve in a confidential capacity or as a confidential resource to the respondent.

It is recommended that the university identify one or more individuals to provide Respondent support services. To most effectively deliver such support in ways that incorporate a student's academic and learning situation, it is recommended that the person in this role have a position in Student Affairs and that such a position not be connected to the adjudication process for that individual student. Such services would include, at a minimum: helping the accused student to understand university policies and processes as well as their rights and procedural protections; the purpose of the university process and consequences of either participation or non-participation and the steps of the process; connecting the accused student with access to the offices and units on campus who can assist the student with academic and living needs as appropriate; connecting the student with confidential mental health services; providing support during court hearings and investigations; providing advice regarding gathering critical evidence (i.e., collecting phone logs, recovering deleted text messages); explaining the differences between the criminal process and university processes as well as the purpose of a university process and consequences of either participation or non-participation and the steps of the process.

The university should also determine whether this should be a fully confidential position, so as to provide protection to any respondent who may disclose or reveal actions on their part that violate university policy; having a fully confidential individual¹⁰ who provides support to respondents also increases the equivalency with the recommendation for a fully confidential victim/survivor support counselor, and is in

¹⁰ To be fully confidential under Maryland law, the individual would have to be clergy, a psychiatrist, a licensed psychologist, licensed psychiatric mental health nurses specialist, licensed social worker, or a professional counselor (one who is certified, licensed or exempted from licensure as a counselor who practices professional counseling and is counseling students practicing under supervision of a licensed counselor).

keeping with current state and federal expectations for greater equity in the provision of support services to both complainants and respondents.

Additionally, we recommend that it be clarified that the Title IX Resources Team members are available to help any respondent. Additionally, a pool of staff and faculty might also be trained to act in the role of advisor through the university process to both complainants and respondents. Advisors help those who are participating in a university process to navigate the process so that each knows the steps in the process and how to participate in the process, and what their rights are during the process. Such a position does not advocate on behalf of either a complainant or respondent but may accompany a complainant or respondent to any administrative meeting in connection with the process.

Mental Health/Counseling Services

Currently, UMBC has a counseling center and it appears they struggle to fill the needs presented by students who present with various challenges, conditions, and mental health concerns. The reviewers also note that UMBC has a large population of students who report having experienced sexual violence or child abuse prior to enrolling at UMBC. The reviewers strongly recommend that UMBC consider the addition of one more counselor, to help address the longer-term needs of survivors of traumatic experiences (whether or not due to gender-based harm) and to remove the burden from other offices and individuals trying to provide for students in need. In addition, it appears that commuter students make up the majority of those seen, and thus the reviewers recommend that UMBC take continued steps to make its counseling center easily available to its commuter students, many of whom face challenges (unsafe or crowded housing, food insecurity, working additional jobs to support their families) not faced by as many of those living on campus.

Suggestions Regarding Procedural/Policy Changes

The following suggestions do not incorporate the structural or procedural recommendations identified elsewhere in this report. Should those recommendations be adopted, it will be necessary to also reflect those changes in the corresponding procedures.

Additionally, it is understood that UMBC is subject to the University System of Maryland (USM) policies. None of the suggestions made below are meant to conflict with USM policy or suggest that UMBC deviate from its obligation to follow USM policies.

Amorous/Sexual Relationship Policy

The policy contains a requirement on faculty and/or a supervisor “to distance” themselves from any kind of evaluation involving their partner. However, there is no definition of what “distance” means or how one is expected to go about doing so. It is recommended that there be greater clarity or definition regarding what is meant by “to distance” and that there be some instruction or guidance provided as to how one is to go about creating distance to ensure that no conflict exists between a faculty member and their student or a supervisor and their supervisee.

UMBC Interim Policy on Prohibited Conduct, Interpersonal Violence and Other Related Misconduct (2017)

Section B. 5. Refers only to stalking that is related to sexual or gender-based stalking. The Violence Against Women Act covers all stalking and provides procedural protections for stalking cases that are not related to gender-based incidents. It is strongly recommended that all stalking cases, even those not related to sex or gender, receive all of the VAWA procedural protections and that this be clearly set forth in UMBC policies and procedures.

Section VI covers “incapacitation” but does not provide any indicia of the state of incapacitation that the university might be using to determine when someone is incapacitated. It is recommended that the policy include some indicia of incapacitation that the university will use to determine such a state (e.g. vomiting, slurred speech, inability to control one’s physical movements). This can also be a helpful guide for both community members and investigators, and can reduce the likelihood that an investigator would base a finding on being “drunk” or “intoxicated,” rather than incapacitated.

Section IX (D) refers to the obligations of “quasi-confidential employees” as “confidential unless there is a continuing threat of harm determined by the university”. It is recommended that it be made more clear what “continuing threat of harm” to the university means and who determines such a threat. Further, the university may consider better explaining the limits of a quasi-confidential employee when such an individual must respond to a subpoena, so that students better understand the risks they take when speaking with any non-confidential and not-privileged resource.

Additionally, the policy currently refers to “support persons, attorneys or non-attorney advisors.” It is recommended that there be greater clarification regarding how many individuals in total are permitted to accompany each party through the response, investigation and resolution process so that reasonable privacy of the parties is

maintained. Having a limit is strongly encouraged; it is most common that there be either only one advisor, or a total of two in order to allow for both one advisor and one support person.

UMBC Interim Procedures for Reporting and Responding to Reports of Sexual Misconduct, Interpersonal Violence and Other Related Misconduct

Section IV uses the term “interim protective measures” for all interim measures whether they are “protective” or “supportive”. It is recommended that the university clarify when it initiates “interim protective” measures versus “interim supportive” measures and what measures fall under each category.

Improvements to the Title IX Response, Reporting and Adjudication Processes

Reporting Process

UMBC is encouraged to consider creating a completely electronic version of their reporting form, and placing this form online on the Title IX website and links to the form on other university websites that encourage or direct individuals to make a report (e.g., counseling center, Women’s Center, UMBCPD, etc.)

The reviewers recommend that the university review and revise as needed protocols to be followed by all employees (including RA’s) of Residence Life, any of whom may be the first to respond to a report of sexual assault. The purpose of such a review and revision is to ensure that the steps in the reporting process do not unnecessarily require a victim to share details about what happened more than necessary in order to get connected to police, the Office of Human Relations and other campus or off-campus resources.

The reviewers recommend that the Office of Human Relations, together with other offices offering supportive services, work with existing student support services at Shady Grove to ensure there is support for UMBC students taking classes at Shady Grove who report sexual harassment and gender-based harm. In addition, faculty and administrators at Shady Grove should be provided with regular training to best understand how to refer a concern to the UMBC Office of Human Relations, and best practices for making such a referral.

Currently, the same person who implements any interim measure for students is also the person who must hear and decide the appeal of that interim measure. It is

recommended that the duty of implementation and decision regarding the appeal of that same measure not fall to the same person.

Investigation Process

Develop a process to better coordinate the investigation or resolution process when there are concerns that, when read in their totality, fall within the jurisdiction of multiple offices (e.g. sexual assault and destruction of property) so that complainants and respondents do not have the burden of multiple investigations, and to ensure that multiple investigations are not being conducted on the same issue(s), which is both inefficient and leads to the risk of contradictory findings.

Make clearer in notices of investigation and in communications regarding interviewing that should an individual participating in the Office of Human Relations need assistance with accommodations for a disability, the Office of Human Relations will assist in making available appropriate accommodations¹¹ so that all individuals may fully participate in the investigation or resolution process.

Because there appears to be some inconsistency in the carrying out of those aspects of the process where the policy is silent, ensure that all investigators charged with investigation are consistent in their carrying out of the investigation process. This can best be done by conducting an occasional de-brief with the investigators, the Title IX Coordinator, and counsel.

When a respondent or witness is not available during the investigation process, consider alternatives to in-person interviewing to ensure a timely process such as conducting interviews by Skype or Zoom, and a willingness to conduct interviews outside of business hours.

The reviewers recommend that the Office of Human Relations implement regular communications protocol by which to communicate regularly with both parties at least once a month to inform them of the status of the investigation and adjudication process.

Ensure a process by which whenever there is a dating or domestic violence case, the investigator consults with the Behavioral Risk Assessment and Consultation Team before providing notice to the accused in order to evaluate whether the act of putting the respondent on notice might be a precipitating factor to further violence.

¹¹ This may be in the form of a referral to the appropriate disability services office.

Adjust the process for evidence review such that the institution discontinue the practice of emailing the evidence to both parties for review. Emailing draft reports and attachments exposes each party to the possibility that the other may easily disseminate select parts of the evidence in an effort to embarrass or discredit the other party. Thus, we recommend either in-person, proctored review of all evidence, or sharing of documents through an online document-sharing software that allows the viewing of materials but eliminates the downloading or forwarding of the information. Give directions on what students can/cannot do with draft report.

Write reports so they do not have to be redacted, and provide each party with a separate witness key.

It is highly recommended that all investigators adopt the practice of sending to each party and or witness a copy of the notes taken by the investigator during their interview for the individual to review, edit as necessary and approve. In this way, any disagreements can be resolved early in the process and the investigator does not proceed through the process with any incorrect assumptions. While it is recognized that some of these steps may prolong the investigation process slightly, the reviewers believe that transparency and ensuring accuracy are critical components that should be added into the process despite the additional time or burden on the investigator that may result. Should this practice be adopted, in order to avoid causing undue delays, the review of notes should include a timeframe for response and clarification that a lack of response by such deadline does not preclude the process from moving forward.

Investigation Outcome

When communicating the outcome of any investigation to either the complainant or respondent, consider extending an invitation to meet with either the investigator or the Title IX Coordinator to review the investigation process, outcome and next steps.

Additionally, when attaching to the communication the investigation report, it is recommended that attachments and any witness key not be included in or to protect the privacy of individuals should the report be disseminated or shared by either party. Attachments and witness keys may be made available to both parties upon request, but it is strongly recommended that the complainant and respondent not possess these documents in the same way as they may possess the redacted investigation report.

Title IX should provide to the Student Conduct Office a copy of the outcome letter of any investigation in which a student is found responsible for violating university policy

so that Student Conduct can have a complete record of all university violations and associated discipline in order for Student Conduct to carry out its obligations.

Title IX should provide to HR a copy of the outcome letter of any staff member who is found responsible for violating university policy so that HR can have a complete record of all university violations and associated discipline in order for HR to carry out its obligations.

Board of Review

Currently, General Counsel attends the Board of Review hearing in order to assist with legal and procedural questions and to draft the outcome documentation. We strongly recommend that this practice be discontinued. Although the University of Maryland system requires that all parts of the process be reviewed for legal sufficiency, this does not mean that General Counsel needs to be present during a Board of Review hearing or to draft any document related to the process. We also suggest that the Title IX Coordinator not be present during the hearing, to minimize the potential discomfort for the students who are being interviewed. Instead, both the Title IX Coordinator and the General Counsel can be on hand and/or available by phone should the Board wish to consult either with a procedural or legal question.

Although not preferred, in order to streamline the adjudication process and limit the number of individuals who have knowledge of a report of sexual violence, UMBC may wish to consider using a single adjudicator for the review process instead of the current structure of a multi-member Board. It is also recognized that additional clarification on this point may become available once the Department of Education issues its new guidelines, and that case law on this subject is still evolving.

Because additional administrators may add additional stress to the complainant and respondent going through the process, it is strongly recommended that either the Title IX Coordinator or the investigator be present during the Board of Review proceeding but not both.

University-Wide Communications

Given the number of students who state that they rarely read emails from the university, the reviewers recommend that the university consider using different and more targeted avenues to disseminate information regarding university resources. The reviewers believe that the university will be more successful in their communications by utilizing the informal communications structures already in place such as sending

messages out through student organizations, academic departments, or athletics teams. The university should also consider providing critical information on identifying inappropriate behaviors, reporting options, resources, and bystander intervention techniques in places students may gather or visit, such as the commuter lounge, bathrooms, and shuttle buses.¹² Given the difficulties in reaching commuter students, the university might also consider including information about resources when disseminating parking permits.

Certain key campus administrators should consider taking a more public role in university discussions regarding sexual assault. For example, the Title IX Coordinator or a representative from that office should be present for all campus trainings on sexual assault, as well as at student orientations and campus awareness events. It is further recommended that the Title IX Coordinator attend at least one meeting with each academic department and at least one meeting of the academic senate each year.

Individuals on campus want to know what action(s) the university takes when there is an incident on campus which potentially impacts safety and security of an individual or the broader campus community. Thus, as appropriate given the circumstance, UMBCPD is encouraged to consider the provision of follow-up information as to what action(s) they are taking to address the concern and not just to warn the campus of the concern.

All of those interviewed understood the Office of Human Relations as the office responsible for investigating allegations of sexual assault involving students. Few of those interviewed understood that the Office of Human Relations handled other concerns as well, such as sexual harassment, gender discrimination, LGBTQ harassment or discrimination, or gender-based bullying. Additionally, few of those interviewed understood the full scope of the role of the Title IX Coordinator. Thus, the reviewers recommend that websites, trainings, and future communications more clearly articulate the scope of the types of concerns handled by the Office of Human Relations, as well as the services offered by that office.

Memorandum of Understanding with BCPD, and Timely Warnings

The reviewers recommend that the MOU in place with BCPD be revised to make clear that any victim of a crime has the right to decline to have their name or identifying information provided to law enforcement. In addition, the reviewers offer a suggested

¹² Also see Appendix D.

template for timely warnings as well as a flowchart created by Southern Illinois University (Appendix G).

Websites

The multitude of websites with information regarding sexual assault was noted by the reviewers as a concern. At the same time, the reviewers noted that many students stated that they do not actually read the information the university places online and do not know where to go for the information they are seeking even though the information exists online in multiple places. Additionally, when reviewing the websites, it was found that some websites have conflicting or out of date information.

Thus, the reviewers strongly recommend one comprehensive and completely unified web presence to be the sole repository of information relating to sexual assault and that other websites where students do get other information that is critical to them (such as student clubs, organizations, athletics, Women's Center, Mosaic, Counseling Center, academic departments, student services) then provide a link to the one central website. In this way, there is less risk of conflicting language or out-of-date guidance provided to the community, and students are being directed to the information from other trusted sources on campus.

The reviewers recommend that the university provide a better explanation of a SAFE exam. The following language is merely a suggestion, and should be tailored to meet community needs:

Medical Assistance/SAFE or Forensic Exam: An individual who experiences sexual assault or any other form of interpersonal violence is strongly encouraged to seek immediate medical attention. If you go to a hospital as a result of a sexual assault, you are entitled to a free evidence collection examination performed by a Sexual Assault Nurse Examiner ("SAFE Nurse"). In Baltimore, the preferred hospital for such an exam is (insert name of preferred hospital) where they have specially trained nurses on call 24 hours a day for such purposes. SAFE Nurses can assess injuries related to physical trauma; evaluate for sexually-transmitted infections and possible pregnancy; provide medical care (including medications to prevent infections and pregnancy); and can, within the first 120 hours after a sexual assault, administer a "forensic exam." During the forensic exam, the SAFE Nurse documents and collects evidence of sexual contact and/or physical trauma (including injuries to

the body and genitals), trace evidence, biological fluids, and identifiable DNA. When there is reason to believe that an assault may have been facilitated by the use of drugs or alcohol, the forensic exam may also include the collection of urine and blood samples for toxicology testing. Students and Employees are not required to report an incident to law enforcement or the University in order to receive medical attention or a forensic exam. For assistance in this process, contact (insert preferred UMBC 24/7 contact). Regardless of whether a forensic exam is obtained within the first 96 hours after a sexual assault, Students and Employees are encouraged to seek follow-up care to address any ongoing medical concerns, including those related to sexually-transmitted infections and pregnancy.

The main, comprehensive website should be reviewed by the Title IX Coordinator, and all changes should be approved, in advance, by the Coordinator to ensure accuracy of the information provided. This website should have clear information for those who recently experienced an act of sexual assault or relationship violence, with information on how to get to a safe place, how to get a SAFE exam, how to arrange for transportation, and how to preserve evidence (including how to recover deleted text messages, social media postings, and emails). Currently, much of that information exists on the Human Relations website "Help and Support" page, and some of the information is also on the web pages for Retriever Courage and The Women's Center. Because the currently-available information is mixed in with information about support groups to join, advocacy efforts, and information on academic advising, the critical information buried within that page is too hard for a person in trauma to find. Also, the website should easily be found by typing in search terms from the UMBC main page such as "help for rape," or "sexual assault help" and be located within 3 clicks.

The reviewers recommend that the Title IX support information be organized as follows:

- Each page should have a "quick leave" button at the top that users can click to quickly exit the website, erase the history, and immediately take them to a neutral page, such as the Google home page, or a national news service home page.
- Coordinator's name and contact info; contact info for the office and identification of other staff in office.
- Click HERE "I have just been sexually assaulted" that takes the user to a page with information on:
 - getting to a safe space

- preserving evidence
- reporting options for students and employees, including rape treatment center and how to get to one, law enforcement, 24/7 confidential support options, health and counseling resources, and the Office of Human Relations, delineated by whether they are confidential or non-confidential
- alcohol amnesty policy
- retaliation policy
- Click HERE “What if I don’t want an investigation?” that explains other options and the factors used by the Title IX Coordinator in deciding whether or not to proceed with an investigation against a reporting party’s wishes.
- Click HERE: I want to file a complaint of sexual assault
 - Student assaulted by student: click HERE to go to links to sexual misconduct policy, process for investigation, including appeals, retaliation policy, external reporting options
 - Student assaulted by employee: click HERE to go to links to sexual misconduct policy, process for investigation, including appeals, retaliation policy, external reporting options
 - Student assaulted by non-community member: click HERE for reporting options
 - Employee assaulted by employee: click HERE to go to links to sexual misconduct policy, process for investigation, including appeals, retaliation policy, external reporting options
 - Employee assaulted by student: click HERE to go to links to sexual misconduct policy, process for investigation, including appeals, retaliation policy, external reporting options
- Click HERE: I have been accused of sexual assault
- Click HERE for general information about sexual misconduct and discrimination, including links to sexual misconduct policy, process for investigation, including appeals, retaliation policy, counseling
 - Alcohol amnesty policy
 - Links as listed above for immediate resources and for reporting
- Bystander tips/ training
- Click HERE for additional support, including information about the Women’s Center, the Mosaic Center, LGBT¹³ Student Union, and more (such as other support or affinity groups).

¹³ According to the LGBT Student Union website, <https://campuslife.umbc.edu/student-organizations/list-of-student-organizations/lgbt-student-union/>, the group serves communities broader

The reviewers also noted the significant amount of misinformation currently circulating through the campus and suggest that the website include an FAQ section that can squarely and clearly address certain key areas in which the misinformation and confusion is contributing to a lack of trust in the university processes. Some of the topics that might be addressed in this manner include:

FAQ:

- Whether or not faculty are required to include information regarding Title IX reporting on the syllabus;
- Clery Timely Warnings – an explanation as to why certain crimes are reported (those that meet the three requirements of geography, definition, and likelihood of recurrence) and others are not. The reviewers believe this is important, as some students and employees have incorrectly concluded that not putting out a timely warning for every act of sexual misconduct is a sign that the university is hiding something;
- A clear explanation of the difference between advisors, advocates, and support persons in the Title IX process;
- An explanation that the mere act of having a concern referred to the Office of Human Relations will not necessarily trigger any investigative process;
- Information as to whether or not the counseling center discloses to the Office of Human Relations or law enforcement information about the identity of students being treated if the student discloses a past sexual assault;
- An explanation as to the factors used by the university when deciding whether or not to launch an investigation over a complainant's wishes;
- How to get taxi vouchers in order to get to a hospital that can perform a SAFE exam, along with information as to whether or not campus police would be able to take a student to the hospital for an exam (and whether the student needing transportation is permitted to refrain from disclosing their name or other identifying information to campus police);
- An explanation as to how to reach the counseling center after hours, along with an explanation that any student needing to connect with the counseling center need not provide their name or other identifying information in order to speak with a counselor;
- An explanation as to why local (Baltimore) law enforcement is brought in for some cases and not for others;

than the LGBT community, however for purposes of consistency, the moniker from the official website is used here.

- Information regarding the counseling center's practice of referring out those cases that might require longer-term care beyond the means of the counseling center, along with an explanation that neither transportation difficulties nor cost should prevent a student from seeking care;
- An explanation as to what information can be shared with the campus community, and why certain information cannot be shared (such as the identity of every person accused of sexual misconduct along with details of the allegations);
- Information as to what information will be shared, and with whom, during the investigation process;
- An explanation of how information provided to staff in Residential Life regarding a potential sexual assault is handled. The FAQ should set forth explicit information on where the referral information is sent and who may become privy to that information.
- An explanation of jurisdiction, so that the campus community may better understand which cases fall under the jurisdiction of the campus Office of Human Relations, and which do not.

Finally, the reviewers recommend that any UMBC website with information for victims of a sexual assault be built in a manner that is easily viewed on a smartphone.

Changes to Existing Infrastructure

In an effort to assist the Title IX Coordinator with providing more timely communications to individuals engaged in the Title IX process and to provide an easy to reach resource within the Office of Human Relations for individuals who have questions about the process or the status of their case and thus transparency, it is recommended that UMBC create a case manager position within the Office of Human Relations. Responsibilities for such a position would include but not be limited to:

- Conducting initial outreach and follow-up communication to complainants. Such communication would include a list of all available resources and the rights and reporting options available to a complainant, and an invitation for the complainant to meet with either an investigator or the Office of Human Relations;
- Scheduling appointments for the Office of Human Relations and investigators to meet with complainants to conduct an initial intake;
- Providing regular case status updates to complainants and respondents (at least once a month and at each stage of the investigation or resolution process);

- Checking in with complainant and/or respondent 30-60 days following the conclusion of an investigation or resolution, to assess and determine whether any additional follow-up or action is required, or if any additional resources or assistance is needed for either the complainant or respondent; and,
- Maintain and track data and information and generate reports as needed.

In order to allow for an increase in information sharing and responsibilities related to training and education within the various communities of the university, and to lessen any perceived obstacle to reporting it is recommended that UMBC create Deputy Title IX coordinators for athletics, student organizations (including commuting students) residence life, human resources and faculty. The Deputy Title IX coordinator position(s) is meant to provide additional assistance to the Title IX Coordinator with particular tasks related to the Title IX process including but not limited to: training and education; assisting complainants with understanding with whom their information would be shared; and acting as a liaison to the office and process. Increasing the number of individuals who are knowledgeable about the process and who can represent the Title IX Coordinator and Title IX process that students, staff and faculty already trust can help increase trust in the Title IX Coordinator and process.

The responsibilities of a deputy can be fluid and changing depending on the needs of the Title IX Coordinator. It is important to note that such duties can be added to existing responsibilities and thus it is not necessary to create new full-time positions for these roles. Additionally, if the individual acting as a deputy performs any function within the Title IX response and resolution process, it must be made clear to those individuals as well as their supervisors and the broader community that the Title IX Coordinator is ultimately responsible for the work performed by those individuals within the Title IX context. As a result, the Title IX Coordinator supervises the Title IX work of a deputy even though they may not hold supervisory responsibilities for that position, even though they may not hold supervisory authority over the deputy in any other capacity.

Currently, the counseling center provides short-term counseling for students and connects students with longer-term counseling needs with external resources. Based on our conversations, there appears to be a significant number of students coming to UMBC with mental health needs for which they seek support from the counseling center including some who have experienced some form of trauma prior to their arrival on campus, some of which is exacerbated by their experiences while at UMBC. Due to the impacted schedule of the counseling center, the reviewers understand that it is not uncommon for there to be a 2-week waiting period to see a counselor which can be

difficult for a student who has experienced sexual violence or some other form of violence¹⁴. Given the needs expressed for services and resources to support individuals who have experienced gender-based harm and other forms of harassment and discrimination or other issues that may intersect with an act of gender-based harm, it is recommended that UMBC assess whether it has a sufficient number of counselors on staff at the counseling center to meet the needs for both immediate crisis counseling and the short-term or ongoing counseling the center is designed to support. Additionally, it is strongly recommended that the counseling center website clearly state how the counseling center works, how many sessions are generally available to an individual (or a clearer explanation that there is no maximum and that the number of sessions is determined on a case-by-case basis), the circumstances under which an individual may be referred to community resources and whether or not a student may still contact the counseling center when/if they are referred to community resources.

Culture Change

Many faculty with whom we spoke indicated that incidents of harassment and discrimination among and between faculty and graduate students that violate UMBC's stated values and are disruptive to the teaching and learning environment but that fall short of violating policy are not effectively handled and are typically left unaddressed. Such situations if left unchecked and unaddressed place many individuals who experience such incidents with the options of marginalizing themselves and their work so as not to encounter such behavior or to leave the department altogether to avoid having to endure such behavior.

It is strongly recommended that:

- a) department chairs and deans report to Title IX behaviors that may not be so severe as to violate UMBC policies but nonetheless cause disruption to the academic and working environment and fall short of UMBC's stated values of equity and inclusion, so that the Title IX Coordinator can record the behavior, monitor issues over time, and assess whether action is required if the same or similar behavior persists or is later reported (e.g. training, or more formal intervention up to and including an investigation);
- b) department chairs and deans be empowered to work with the Title IX Coordinator to develop a response protocol that permits chairs and deans to

¹⁴ The reviewers understand that students in crisis may be seen promptly.

actively respond to an incident quickly and as close in time to the alleged behavior as possible. Such a response may include methods of resolution that include identifying and naming the behavior as inconsistent with the university's values, issuance of some warning, periodic but formalized check-ins to ensure the behavior has not continued, education, expectation-setting, or any other means short of disciplinary action that clarifies the problem with the behavior, its impact on individuals and the organization, and next steps should the behavior continue. Additionally, it is recommended that faculty be empowered and encouraged to call out behavior of their colleagues that falls short of university values regardless of whether the behavior rises to the level of a potential policy violation. In both instances appropriate follow-up to the Office of Human Relations should occur so an assessment may be made as to whether any additional steps should be taken to address the incident or concern.

(c) faculty peer education, using the STRIDE program as an example of potentially effective peer education, should be broadened to include issues of gender discrimination and harassment (Appendix H).

(d) faculty and/or the faculty development center are incentivized to find ways to integrate into their curriculum content that there is no place for harassment or discrimination, in a way that incorporates or is reflective of the discipline or pedagogy of a course.

In addition, to help prepare graduate students, require academic departments or colleges to provide training to graduate and professional students about how to recognize and appropriately address issues of harassment and discrimination within the workplace and their profession prior to or alongside internship opportunities or at the very least prior to graduation.

Finally, whether a faculty member or administrator acknowledges and addresses (and if appropriate, corrects) harassing or discriminatory behavior within the purview of their position (e.g. in class, in lab, in the course of their managerial/supervisory responsibilities) is a powerful statement of just what UMBC permits and allows. Thus, it is recommended that UMBC establish an expectation of all faculty and administrators to be educated about appropriate ways to call out behavior that falls short of UMBC's stated values rather than allowing harassing and discriminatory comments and behavior to go unaddressed in the moment.

Many members of the UMBC community have questions about how many reports of sexual harassment and sexual assault are made to the university, and what action the university takes in response to those reports. The campus currently does not provide such information to the community. This lack of information in turn often results in a lack of understanding of the issues by members of the community, and assumptions that if information is not provided, the university must not want people to know. This breeds distrust of the institution and fuels assumptions and myths that then become the narrative among the community, which in and of itself may be a barrier to understanding and education on these issues. Thus, it is strongly recommended that information and data regarding sexual harassment and sexual assault be provided to the UMBC community. Sharing de-identified, aggregate information helps the community to know that the University takes seriously its obligations and is willing to provide information to the community about how it satisfies those obligations, including what reports have been made, how they are being handled, and whether individuals who have been found to violate UMBC's policy are held accountable. This helps to increase transparency about the work of the Office of Human Relations and as a result, fosters trust in the process, procedures and actions of the administration. We recommend that UMBC provide de-identified data to the university community in one location, that the data be drawn from all of the places/resources at UMBC to which someone may turn to either formally report or seek confidential services such that a complete picture of gender-based harm at UMBC can be communicated and the university can communicate its efforts to address and confront the issues. Such information should be presented in de-identified, aggregate formats, be vetted for duplication and overlap such that the following may be understood:

- All the entry points of the campus where a report of sexual harassment and sexual violence were made
- The path(s) those reports took either through the Title IX process or outside of the Title IX process (if someone did not want to engage the Title IX process)
- The actions taken by the Office of Human Relations and/or other offices at the university in response to those reports

It is recommended that at a minimum, under the supervision of the Title IX Coordinator, the following information be provided on one website, whether in a downloadable report format or only in electronic format:

Data from confidential and quasi-confidential resources (Women's Center, Counseling Center

- Number of individuals seeking assistance for sexual assault, stalking, dating/domestic/interpersonal violence that occurred while a member of the UMBC community
- Number of individuals seeking assistance for a sexual assault, stalking, dating/domestic/interpersonal violence that occurred prior to becoming a member of the UMBC community

Data from UMBCPD

- Number of reports of gender-based harm including sexual assault, stalking, dating/domestic/interpersonal violence

Data from Office of Human Relations

- Number of reports received by type (sexual harassment, sexual assault, sexual violence, stalking, dating/domestic/interpersonal violence)
- Source of the report (responsible employee, complainant, third party)
- Location of the incident (on-campus, off-campus, prior to enrollment/work at UMBC) and status of respondent
- Desire of complainant for form of resolution (investigation, alternative resolution, no action)
- Number of reports that were resolved by investigation
- Number of reports that were resolved by an alternative form of resolution
- Number of reports that were closed due to insufficient information to take action
- Number of reports that were closed at the request of the complainant
- Number of individuals provided with interim measures and type of interim measure
- Number of investigations where the respondent was found in violation of policy and type of corrective action taken
- Number of investigations where the respondent was found to not be in violation of policy

In addition, given the low level of trust within the UMBC community in the UMBC police department, the lack of understanding of the Title IX process (and the resulting lack of trust), the reviewers recommend that UMBC PD officers routinely walk all areas of the campus and talk with students, staff and faculty and inquire about their concerns and ways in which individual officers and/or the department may assist. It is also recommended that UMBC PD seek out opportunities to talk with student organizations and be provided enough time during orientation activities to present on issues of safety and to talk plainly about how to be safe at UMBC, and what actions the police department takes to keep members of the campus community safe.

OTHER

The reviewers also note that many materials are made available to survivors of violence and abuse, particularly through the Women's Center and other offices as well, including Human Relations, Student Affairs, and the Counseling Center. The reviewers suggest that the available materials be broadened to take into account the many students who are survivors of harassment due to race, religion, and various forms of discrimination, as well as issues not necessarily relating to a protected class but nonetheless deeply impactful on survivors, such as those who are survivors of food insecurity and unstable homes. This may be done by the Women's Center, or perhaps by the Women's Center in connection with other offices.

APPENDIX A

INDIVIDUAL AND GROUP CONVERSATIONS

INDIVIDUAL AND GROUP CONVERSATIONS

Individuals

Lisa Akchin, Associate Vice President, Engagement
Fritzie Charne-Merrewether, Special Assistant to the Vice President of Student Affairs
Alyssa Combs, Police Officer, UMBC Police Department
Jeff Cullen, Director, Student Conduct
Paul Dillon, Police Chief, UMBC Police Department
Candace Dodson-Reed, President's Chief of Staff
David Gleason, General Counsel
Davonya Hall, Associate Director, Student Conduct
Tim Hall, Athletic Director
Freeman Hrabowski, President
Bruce Hermann, Director, University Health Services and Counseling Center
Bobbie Hoye, Title IX Coordinator
Erick Kim, Civil Rights Investigator, Assistant General Counsel
Derrick Johns, Police Officer, UMBC Police Department
Soonhee Lee, Interim Assistant Director, Counseling Center
Kim Leisey, Associate Vice President, Student Affairs
Pat McDermott, Vice Provost Faculty Affairs
Kimberly Moffitt, Associate Professor, Language, Literacy & Culture Program
Jess Myers, Director of Women's Center
Bruce Perry, Deputy Police Chief, UMBC Police Department
Sandy Riggs, Associate Director, University Health Services
Kris Sagun, Associate Director, Counseling Center
Dan Sexton, Administrative Lieutenant, UMBC Police Department
Chet Smith, Detective Police Officer, UMBC Police Department
Samantha Smith, Assistant Director of Health Promotion, University Health Services
Jacki Stone, Community Health and Safety Specialist, Student Affairs
Morgan Thomas, Civil Rights Investigator, Assistant General Counsel
Valerie Thomas, Associate Vice President, Human Resources
Nancy Young, Vice President, Student Affairs

Groups

Board of Review
Campus Life/Student Organizations
Fraternities and Interfraternity Council
Faculty/ Staff Advisory Committee
Graduate Student Assistants, Research Assistants and Teaching Assistants

GSA and SGA
Head Coaches, Assistant Coaches, Trainers and Sports Medicine Staff
LGBTQIA Student Union
Mosaic Center Staff
Peer Education and Relationship Violence and Prevention Peers
President's Council
Religious Affiliates
Residential Life Staff
Residential Life - RSA
Student Advisory Committee (SAC)
Retriever Courage
Sororities and Panhellenic Council
Student Affairs Staff
Student Athletes
Survivors
University Health Services and Counseling Center Staff
We Believe You
Women's Center Advisory Board
Women's Center Staff

APPENDIX B

MATERIALS REVIEWED

DOCUMENTS, MATERIALS AND WEBSITES

COMMUNICATION TEMPLATES

Investigation Final Outcome Letter Sample, March 2018, September 2018.

Notice Board of Review Outcome Letter Sample, March 2018.

UMBC PD Follow-up Electronic Mail Misuse & Threat Assessment, March 28, 2018.

UMBC PD Follow-up Harassment, March 14, 2018.

UMBC PD Follow-up Threat Assessment, April 6, 2018, March 7, 2018, May 8, 2018.

UMBC Sample Crime Alerts, February 2017, September 2017, April 2017, October 2017, September 2018, October 2018, November 2018.

UMBC PD Supplement Case Report, Harassment & Threat Assessment, January 11, 2018.

Notice of Investigation Sample Email, January 2019

MEMORANDUMS OF UNDERSTANDING (MOU)

Draft MOU with Baltimore Area Higher Education Coalition to Baltimore County Police Department.

MOU with Baltimore County Police Department, May 2001.

MOU with Baltimore Area Higher Education Coalition Against Sexual Violence and Internal Campus Partners, February 2016.

MOU with Baltimore Area Higher Education Coalition Against Sexual Violence and External Partners (TurnAround, Inc. and Baltimore County Police, February 2016.

MOU with TurnAround, Inc.

POLICIES

UMBC Amended Policy on Sexual Misconduct

UMBC Code of Student Conduct

UMBC Interim Discrimination Complaint Procedure, July, 21, 2017.

UMBC Interim Policy on Prohibited Sexual Misconduct

UMBC Interim Title IX Procedures for Students, Effective August 30, 2017

UMBC Non-Discrimination Statement

UMBC Policy on Amorous and Sexual Relationships, July 1, 2004.

UMBC Sexual Misconduct, Interpersonal Violence, and Other Related Misconduct Policy and Procedures, Updated August 30, 2017.

UMBC Student Complaint Resolution

University System of Maryland (USM) Policy on Sexual Misconduct, Amended June 19, 2015.

Universities at Shady Grove, Protocols Prohibiting Sexual Misconduct, September 2016.

PREVENTION EDUCATION & TRAINING MATERIAL/WEBSITES

3rd Millennium Classrooms Online Training Programs: Consent and Respect V5 and Not Anymore

Annual Campus and Board of Review Training, September 14, 2018.

Athletic Teams Sexual Misconduct Training, Spring 2018.

Campus Life and SABSC Student Title IX Training, August 2018 (ppt).

Faculty/Staff Supporting Student Survivors Handout (ppt).

Faculty/Staff Supporting Student Survivors of Sexual Violence, August 2018 (ppt).

Faculty/Staff Title IX & Sexual Misconduct Training, July 2018, November 2018.

Green Dot webpage

<https://my3.my.umbc.edu/groups/greendot>

Green Dot 2.0 Manual

Healthy Sex Communication Workshop Ideas, 2019.

RA Title IX Training, August 2018 (ppt).

Relationship Violence Awareness Month (RVAM and MQ Prevention Education (ppt)

Residential Life RA Manual, 2017-2018.

Sexual Harassment Training, and Training Scenarios, July 2018.

Title IX Presentation to UMBC Accountability Team, October 2018 (ppt).

Title IX Programming, Education and Training Report, January 2019.

Title IX and Sexual Misconduct Prevention Training (All Employees), January 16, 2019.

Title IX Sexual Misconduct Seminar, Participant's Evaluation Results, October 15, 2018.

Training: Awareness, Prevention and Response webpage

<https://humanrelations.umbc.edu/sexual-misconduct/training-and-advocacy/>

Training on Consent, Residential Life Passive Program

UMBC Orientation, "Be Your Best Self Quiz"

UMBC Orientation "Be Your Best Self" (video)

UMBC Relationship Violence Awareness and Prevention webpage

<http://rvap.umbc.edu/rvap/healthy-relationship/>

Yes, No, Maybe So Inventory Stock List, 2019.

RESOURCES

Relationship Violence Awareness Month Instagram

Relationship Violence Awareness Month (RVAM) “Just Ask” flyer, October 30, 2017.

Relationship Violence Awareness Month Panel Discussion Flyer, 2017.

Residential Life Resource Guide

Resource Guide on Sexual Misconduct, Interpersonal Violence and Other Related Misconduct

Sexual Assault Awareness Month (SAAM) Panel Discussion for Students and Panel Questions, April 2017.

Universities of Shady Grove Title IX Response Guidelines

Women’s Center Information Packet Provided to Victims of Dating/Domestic Violence or Sexual Violence. (The packet includes the Voices Against Violence Incident Report form).

SURVEYS

Haven – Understanding Sexual Assault, UMBC Impact Report, 2017-2018.

Report on Campus Climate and Sexual Violence at Maryland Colleges and Universities, Vol. 2, Oct. 2018, MSAR #10622.

Maryland College Alcohol Survey (MD CAS) Results for 2016, 2017, and 2018.

Take Back the Night Program Assessment, 2016.

Take Back the Night Survey Results, 2017, 2018.

UMBC Alcohol Edu for College Impact Reports for 2015-2016, 2016-2017, 2017-2018 and Fall 2017.

UMBC Campus Climate and Sexual Assault (CCSA) Survey Results, 2016.

UMBC Campus Climate Survey, 2018.

WEB PAGES

Counseling Center webpages

<https://counseling.umbc.edu>

Health Services webpages

<https://www.umbc.edu/uhs/>

Human Resources Title IX Resource webpages

<https://humanrelations.umbc.edu/sexual-misconduct/>

Office of General Counsel webpages

<https://ogc.umbc.edu>

Retriever Courage webpage

<https://courage.umbc.edu>

Student Affairs webpages

<https://studentaffairs.umbc.edu>

UMBC Police Department webpages

<https://police.umbc.edu>

Women's Center webpages

<https://womenscenter.umbc.edu>

OTHER

Office on Violence Against Women (OVW) College Grant Strategic Plan – UMBC (with updates), and Grant Projects.

Religion and Spiritual Diversity & Learning at UMBC (A Development & Support Plan),
Memorandum of Understanding/Letter of Agreement

Title IX/Sexual Misconduct Report Form

UMBC Clery Annual Security Report, 2018.

Women's Center Data Re: One-to-One Meetings and Referrals Related to Sexual
Harassment and Sexual Violence Support, 2016-2017, 2017-2018, 2018- March 2019.

APPENDIX C

PEER INSTITUTIONS

INFORMATION REGARDING PEER¹⁵ INSTITUTIONS

George Mason University

Title IX reports to	Vice President of Compliance, Diversity and Ethics
Alternative resolution?	Yes
Hearings?	Yes, if Student Conduct determines there was a violation and the respondent contests the charges.
Policy violation decision-maker	Student Conduct Director or designee. If Respondent contests, a Hearing Officer decides.
Sanction decision-maker	Hearing Officer makes recommendation to Student Conduct Director, even if respondent accepts responsibility and waives the hearing. Student Conduct Director or designee makes final decision.
Grounds for appeal	<p>If respondent waives hearing and admits responsibility, only severity of sanctions can be appealed.</p> <p>Grounds for appealing after hearing:</p> <ul style="list-style-type: none"> • Material procedural irregularity that had significant impact on outcome; • Bias of hearing officer; • Severity of sanction; • Discovery of new and material information that was unavailable at time of hearing, and would likely have resulted in a different outcome.
Appeal decision-maker	<p>If Title IX Review Committee declines to open a formal investigation, complainant may appeal to VP of CDE within five days; VP's decision is final.</p> <p>If insufficient evidence of violation is found, it is not referred to Student Conduct and parties get Letter of Determination. Parties can appeal LOD to VP of CDE within five days; VP's decision is final.</p> <p>If policy violation has been determined, Appeals Officer decides.</p>
Appeal hearing	No
Office of Human Relations size	2 (at main campus)
Other of note	Policy modeled after U of Virginia's, according to 2017 Task Force Report. Title IX Review Committee (Coordinator, U Police rep and Student Conduct rep) evaluates all reports of prohibited conduct and makes decisions about interim measures and whether or not to move forward with an investigation.
Complainant support	Student Support and Advocacy Center, fully confidential, can also provide support for respondents
Respondent support	Several staff in Dean of Students office, student conduct. 40 hours training provided to support respondents, and Dean of Students also can be available.
Website	https://diversity.gmu.edu/sexual-misconduct

¹⁵ This list of peers was developed through IPEDS data, UMBC's "Comparative and Peer Data" website, and articles in established publications comparing UMBC to other "up and coming" institutions.

Johns Hopkins University

Title IX reports to	Vice Provost for Institutional Equity
Alternative resolution?	Yes
Hearings?	Resolution, sanctions and appeals of sexual misconduct complaints when the respondent is a faculty or staff member will be governed by the office of the dean of the appropriate division (when faculty) or U personnel policies (when staff). For complaints of sexual assault, relationship violence and stalking, regardless of status of complainant/respondent, and for all sexual misconduct complaints when complainant/respondent is a student, hearing will take place if 3-member resolution panel determines that it cannot decide case on investigative report and parties' comments alone.
Policy violation decision-maker	Resolution panel
Sanction decision-maker	Resolution panel
Grounds for appeal	For student respondents, procedural error that could have affected determination/sanction; new, previously unavailable information that could have reasonably affected determination/sanction; excessiveness or insufficiency of sanction. For faculty/staff respondents, policy states that "if divisional or unit procedures allow an appeal with respect to procedural errors, findings or sanctions, such right to appeal shall be available equally to complainant and respondent."
Appeal decision-maker	For student respondents, Vice Provost for Student Affairs. For faculty/staff respondents, unclear.
Appeal hearing	No
Office of Human Relations size	Office of Institutional Equity has 13 people, including administrative staff; appears that they also do T7 and ADA complaints.
Other of note	
Complainant support	24/7 Sexual Assault helpline, confidential
Respondent support	None specifically listed, but sexual misconduct policy states that "Both the complainant and the respondent and any supporters* will have access to a neutral staff member within the University to explain and answer any questions about the disciplinary process." *AKA advisors or support persons
Website	Sexualassault.jhu.edu

SUNY Binghamton

Title IX reports to	Director of Risk Management and Administrative Compliance
Alternative resolution?	Yes
Hearings?	Yes
Policy violation decision-maker	3-member Student Conduct Board
Sanction decision-maker	3-member Student Conduct Board, subject to review by Director of Student Conduct
Grounds for appeal	Grounds not specified; students may appeal finding of violation, the sanction imposed, or on the basis of procedural errors.
Appeal decision-maker	For cases involving any form of harassment or sexual violence, sexual assault, sexual act, domestic violence, dating or sexual violence or stalking, the same right of appeal will be extended to both parties. The non-appealing party will be notified of the appeal and may submit a statement of their position with respect to the appeal. Appeals for these cases will be considered by a trained interpersonal violence panel. Either party may appeal the decision of the panel. Appeals of panel decisions are decided by the vice president for student affairs or associate vice president/dean of students. Appeal decisions of the vice president or associate vice president/dean of students will be made utilizing the same standards used for other vice president or associate vice president/dean of students appeals. Decisions of the vice president or associate vice president/dean of students are final and there is no further appeal.
Appeal hearing	Yes, possible.
Office of Human Relations size	Unclear; there are 4 people in the Risk Management and Administrative Compliance Office, but only 1 is identified as Title IX (the Coordinator/Senior Compliance Officer/Clery Act Coordinator/Interim Affirmative Action Officer)
Other of note	The investigative/appellate procedure is difficult to find; there is no link to it on the Title IX web page. It appears to be managed entirely by Student Conduct. In the Coordinator's "Welcome Message," he does say that he is responsible for determining if the U will move forward with an investigation into a reported incident and that he is charged with making sure that the University complies with Title IX.
Complainant support	Sexual Assault and Violence Response (SAVR) Team
Respondent support	None identified
Website	https://www.binghamton.edu/rmac/title-ix/

University of South Florida

Title IX reports to	Vice President of Institutional Equity Complaints against employees are filed with Diversity, Inclusion & Equal Opportunity (DIEO); complaints against students are filed with the Office of Student Rights and Responsibilities (OSRR). Title IX Coordinator is Associate VP and Chief Diversity Officer, who sits in DIEO. It is unclear what the relationship is between the Coordinator and OSRR.
Alternative resolution?	Yes
Hearings?	DIEO: No OSRR: yes; accused student given choice between administrative officer or University Conduct Board
Policy violation decision-maker	DIEO: Director of Equal Opportunity and Compliance OSRR: Administrative Officer or University Conduct Board
Sanction decision-maker	DIEO: Policy does not address OSRR: Administrative Officer or University Conduct Board
Grounds for appeal	<p>DIEO:</p> <ul style="list-style-type: none"> a) Additional relevant evidence has been discovered that the appealing party was not aware of during the investigation, b) Relevant facts, presented during the investigation, were not considered, and/or c) Witnesses with relevant information, whose names were given during the investigation, were not interviewed. <p>OSRR:</p> <ul style="list-style-type: none"> a. To determine whether the Formal Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code was violated, and giving the Accused Student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results. b. To determine whether the sanction(s) imposed was extraordinarily disproportionate for the violation of the Student Code, which the student was found to have committed. c. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Formal Hearing. Outcomes of criminal or civil cases have no bearing in any aspect of the process, including the appeal.
Appeal decision-maker	DIEO: Appears to go to President. OSRR: Dean of Students

Appeal hearing	DIEO: No OSRR: No
Office of Human Relations size	6, including VP, Coordinator, admin, two deputies and an investigator. It is unclear how many individuals work in OSRR.
Other of note	Complaints filed with DIEO must be filed within 120 days of incident, or as provided by law. OSRR complaints should be made within a "reasonable time" and no later than 6 months, except in "extraordinary" cases. "DIEO will provide a copy of the Final Investigative Report and Determination Letter to the Complainant, Respondent, USF President, Provost (if applicable), Office of the General Counsel, head of the Respondent and Complainant's unit/area (if applicable), Chair of the academic unit (if applicable) and the Dean of the College (if applicable)." DIEO may dismiss a complaint at any time during the investigation of the complaint. Reasons for dismissal may include but are not limited to: 1) lack of participation in the investigation by the Complainant; 2) the prima facie case for a protected category allegation not being met; and/or 3) DIEO has determined that the Complainant has filed a false complaint or made a material misrepresentation of the facts to the Investigator or other DIEO Office personnel.
Complainant support	Center for Victim Advocacy, within Student Affairs
Respondent support	None identified
Website	https://www.usf.edu/diversity/title-ix/

University at Albany

Title IX reports to	Office of Equity and Compliance, which houses Title IX, reports to Associate Vice President for Enterprise-wide Risk Management and Compliance, although according to announcement from President's Office in May 2018, announcing the creation of this new ERM Office, the "Title IX component" will retain its direct line to the Office of the President. AVP for ERM reports to Finance and Administration
Alternative resolution?	yes
Hearings?	Yes, if accused is student and is facing removal from housing, suspension or expulsion. If accused is employee, process governed by collective bargaining agreement.
Policy violation decision-maker	If accused is student, Student Conduct Body. If employee, process governed by collective bargaining agreement.
Sanction decision-maker	Student Conduct Body makes a recommendation; unclear who final decision-maker is.
Grounds for appeal	New evidence, procedural error, severity of sanction
Appeal decision-maker	Vice President of Student Affairs or designee
Appeal hearing	No
Office of Human Relations size	Office of Equity and Compliance, which houses Title IX, appears to have 5, including a graduate assistant.
Other of note	A Title IX team investigates complaints of sexual misconduct. If the accused is an employee, the investigation is conducted by HR and the Title IX Coordinator or designee in accordance with applicable collective bargaining agreements. The team's report does not opine on credibility or contain findings of fact or opinions as to whether the conduct alleged can be proven by the preponderance of the evidence or not. The report determines if the complaint, if accepted as true, alleges a violation of policy, and if so, which policy or policies. If it does allege a violation, it is referred to Community Standards for further action if the accused is a student. If the accused is an employee, collective bargaining agreements control the disciplinary proceedings.
Complainant support	The Advocacy Center for Sexual Violence, confidential
Respondent support	<ul style="list-style-type: none"> • NYS Bar Association • Community Standards • Counseling Center • Employee Assistance Program (EAP) • University at Albany Human Resources
Website	https://www.albany.edu/titleIX/

University of Hartford

Title IX reports to	Policy and office housed with Student Affairs, but Coordinator and Investigator are listed as General Counsel employees. Deputy Coordinator for faculty and staff is an HR employee.
Alternative resolution?	Yes
Hearings?	No
Policy violation decision-maker	Sexual violence, interpersonal violence and stalking complaints: Investigator proposes a conclusion as to policy violation; report and any response statements submitted by the parties are assessed by a three-member Complaint Assessment Panel, which makes the final determination. For sexual harassment complaints, HR investigates and makes conclusion.
Sanction decision-maker	Sexual violence, interpersonal violence and stalking, both student and employees: Title IX Coordinator For sexual harassment complaints against faculty/staff, HR makes a recommendation to the "appropriate Officer." For sexual harassment complaints against students, HR refers the matter to the Vice President for Student Affairs for resolution under the University Judicial Code.
Grounds for appeal	New information, error in process, sanction did not adhere to sanctioning guidelines
Appeal decision-maker	Title IX Coordinator has discretion to determine whether an appeal should be considered because it presents a claim of error in process or sanctions. The Coordinator may convene an Appeal Panel to review the appeal. In the case of new information, the Coordinator has the discretion to assess the information and either grant or deny a review.
Appeal hearing	No
Office of Human Relations size	Unknown
Other of note	Complaints involving students are submitted to the Title IX Coordinator; complaints involving faculty/staff are submitted to Human Resources. Policy cited is for sexual violence, interpersonal violence and stalking only. Policy states that existing policies/procedures for sexual harassment and discrimination remain in effect, but other than a staff policy regarding sexual harassment, they do not appear to be on the web site.
Complainant support	Sexual Assault Advisors (faculty and staff with training), not confidential, available 24/7
Respondent support	None identified
Website	https://www.hartford.edu/student_affairs/title_IX

University of Massachusetts Lowell

Title IX reports to	Appears to report to Senior Associate Vice Chancellor of Human Resources and Organizational Strategy & Effectiveness
Alternative resolution?	Not articulated
Hearings?	No
Policy violation decision-maker	For students: Conduct Officer. If alleged violation may result in removal from housing, suspension or expulsion, an investigator is assigned and recommends a finding and sanctions. If the respondent does not agree with the finding, a review panel made up of two administrators determines the finding and sanctions. Unclear who the investigator and administrators are.
Sanction decision-maker	For students: Conduct Officer. If alleged violation may result in removal from housing, suspension or expulsion, an investigator is assigned and recommends a finding and sanctions. If the respondent does not agree with the finding, a review panel made up of two administrators determines the finding and sanctions. Unclear who the investigator and administrators are.
Grounds for appeal	New evidence, significant procedural error
Appeal decision-maker	Staff person designated by the Dean of Student Affairs or designee
Appeal hearing	No
Office of Human Relations size	3
Other of note	Web site offers a nice, if longish, flow chart of the investigative process.
Complainant support	No (other than regular support services, including counseling, clergy, etc.)
Respondent support	No
Website	https://www.uml.edu/diversity/equity.aspx

University of Maine

Title IX reports to	"Title IX Student Services" is under Student Affairs, but the Coordinator is in the Office of Equal Opportunity within HR
Alternative resolution?	yes
Hearings?	Yes, for student respondents.
Policy violation decision-maker	For complaints against employees: Investigations Coordinator in the System Office of Human Resources reports findings to the Responsible Administrator. The Responsible Administrator issues the final decision, after reviewing the report and meeting, if necessary, with the parties. Students: student conduct officer, after hearing.
Sanction decision-maker	For complaints against employees: Responsible administrator, after holding a pre-disciplinary hearing and consulting with the HR partner for their department. Students: Student Conduct Officer
Grounds for appeal	Employee: Relevant procedural errors; factual errors or omissions of relevant facts; new evidence not available during investigation. Student: Procedural error omission that significantly impacted the outcome of the hearing; new evidence previously unavailable; sanction imposed significantly disproportionate to the violation and/or cumulative record of the responding party; reconsideration of existing information and whether it supports the Administrative Hearing before the Officer finding.
Appeal decision-maker	Employee: University System Equal Opportunity Director Student: Hearing Committee
Appeal hearing	Employee: no Student: yes
Office of Human Relations size	2 listed under "Title IX Student Services" including a Deputy Title IX & Sexual Assault & Violence Prevention Coordinator and a Student Life Educator
Other of note	If the Hearing Committee approves a sanction of suspension, dismissal, removal from Housing, revocation of degree or loss of recognition of campus organizations, the responding party may request a review of the finding or sanction, based on procedural error or omission; new evidence; or a significantly disproportionate sanction. The campus president or designee will appoint a Review Panel, which by majority vote can change the finding if there is clear error and the sanction if there is compelling justification to do so.
Complainant support	Rape Response Services (3 rd party), will accompany, Partners for Peace (DV issues, 3 rd party)
Respondent support	None listed
Website	https://umaine.edu/titleix/

SUNY Stony Brook

Title IX reports to	President
Alternative resolution?	Yes
Hearings?	Yes
Policy violation decision-maker	Review panel
Sanction decision-maker	Vice President of Student Affairs, after receiving recommendation from Review Panel and in consultation with the Title IX Coordinator
Grounds for appeal	Significant violation of procedures; new information previously unavailable; sanction imposed is disproportionate to the violation and the student's conduct records.
Appeal decision-maker	Designated Appeals Panel
Appeal hearing	No
Office of Human Relations size	10, including admin and advocate and navigators
Other of note	Title IX Website has robust staff section, including names and areas of specialization of staff members and the Survivor Advocate and Prevention Specialist. It also describes the roles of Sexual Misconduct Complainant Navigator and Sexual Misconduct Respondent Navigator, who collaborate and coordinate with various departments to assist the parties with resources, information and support during the investigation process. It also lists 26 Title IX Deputies, who are points of contact from major units on campus who can inform complainants of their rights and options, and communicate all information to the Title IX Coordinator.
Complainant support	Survivor Advocate and Prevention Specialist, Sexual Misconduct Complainant Navigator, Center for Prevention and Outreach, Counseling services, SAFE Center (Sexual Assault Forensic Examination) at University's Medical Center
Respondent support	Sexual Misconduct Respondent Navigator
Website	https://www.stonybrook.edu/commcms/oide-titleix/

University of New Hampshire

Title IX reports to	Associate Vice President for Community, Equity and Diversity (who reports to President)
Alternative resolution?	yes
Hearings?	Students: when the maximum sanction may include eviction, suspension or dismissal, respondent may request hearing. Employees: No
Policy violation decision-maker	Students: Hearing panel transmits findings and sanctions to Director of Community Standards. The Director approves the findings and sanctions if they are consistent with the Code and sanction guidelines. Employees: Appropriate administrator
Sanction decision-maker	Students: Hearing panel, with final review by Community Standards Director. Employees: Appropriate administrator
Grounds for appeal	Students: procedural error; sufficiency of the evidence; inappropriate sanction; newly available evidence. Employees: May grieve through the appropriate staff or faculty grievance procedures
Appeal decision-maker	Students: Appeal Officer Employees: Appropriate Administrator
Appeal hearing	No
Office of Human Relations size	5, including admin and "Special Legal Counsel"
Other of note	<p>For complaints against students: the Dean of Students and Title IX Coordinator will appoint a University complainant who will serve if conduct charges are authorized after the investigation. If conduct charges are authorized, the University Complainant will file the Report of Violation with Community Standards; the reporting party may serve as co-complainant. If conduct charges are not authorized, the reporting party may file the Report of Violation as an individual.</p> <p>For complaints against staff: investigation begins with the complainant submitting a written, signed complaint to the Affirmative Action and Equity Office. This will be provided to the accused person. The Director of the Affirmative Action and Equity Office then promptly interviews the accused. Thereafter, a reasonable effort will be made to investigate disputed facts of the case. The investigation will be completed as promptly as reasonably possible, in most cases in 20 working days. If the Director cannot resolve the matter at this stage, the Director will give the accused a formal written charge being forwarded to the appropriate administrator for action. The administrator then renders a decision.</p> <p>One of the only web sites that provides clear, live links to separate policies/processes depending on whether responding party is student or employee.</p>

Complainant support	Sexual Harassment & Rape Prevention Program; U Health and Wellness; Counseling;
Respondent support	None indicated
Website	https://www.unh.edu/affirmativeaction/title-ixsexual-violence

Virginia Tech

Title IX reports to	Assistant Vice President, Equity and Accessibility, under Operations and Administration
Alternative resolution?	Yes
Hearings?	Yes, under Student Conduct
Policy violation decision-maker	Students: The Title IX Coordinator reviews the investigative report and determines if sufficient evidence has been gathered to suggest a policy violation has occurred. If so, it is referred to Student Conduct for resolution. Hearing Committee determines if there is a policy violation.
Sanction decision-maker	Hearings committee.
Grounds for appeal	Students: Denial of procedural guarantees; newly available evidence; sanctions/findings that are "unduly harsh or arbitrary."
Appeal decision-maker	Appellate Officer
Appeal hearing	No
Office of Human Relations size	13 in the Office for Equity and Accessibility
Other of note	
Complainant support	Women's Center, Counseling, Dean of Students
Respondent support	None indicated
Website	Web site for Title IX is stopabuse.vt.edu

University of California, Riverside

Title IX reports to	Associate Vice Chancellor, Ethics and Compliance
Alternative resolution?	Yes
Hearings?	Yes, at appeal
Policy violation decision-maker	Students: Student Conduct Employees: Office of Human Relations
Sanction decision-maker	Students: Student Conduct Employees: HR (staff), Provost/Academic Senate (faculty)
Grounds for appeal	Students: In cases of suspension or expulsion, may appeal for any reason. In all other cases, appeals for new evidence not previously available, procedural error, decision was unreasonable based on the evidence.
Appeal decision-maker	Appellate Officer
Appeal hearing	Yes
Office of Human Relations size	5
Other of note	All University of California campuses offer confidential CARE office and Respondent Services Coordinator
Complainant support	Confidential CARE (Campus Advocacy, Resources & Education) Office specializing in support and trauma care for victims of gender-based violence. Also available; Counseling, Ombuds, Dean of Students, Women's Resource Center, LGBT Resource Center
Respondent support	Respondent Services Coordinator
Website	https://titleix.ucr.edu/

Schools with an individual identified specifically as a Respondent Services Coordinator

- All University of California campuses
- Sonoma State University
- University of Arizona
- Villanova University
- University of Washington (Respondent Resource Coordinator)
- Northern Virginia Community College (Respondent Navigator)
- Rice University (Title IX Resource Navigator)
- Penn State
- University of Oregon

Schools that have robust web pages devoted to respondents

- Cornell University, https://titleix.cornell.edu/guides_forms/respondant/
- Boise State, <https://deanofstudents.boisestate.edu/respondent-advisor-program/>
- University of North Texas, <https://deanofstudents.unt.edu/conduct/respondent-advisors-and-peer-advocates>
- University of Wisconsin Milwaukee, <https://uwm.edu/titleix/get-help/respondent-information/>
- University of Tennessee Knoxville <https://titleix.utk.edu/respondent-resources/>
- University of Delaware, https://sites.udel.edu/sexualmisconduct/if_you_have_been_accused/
- University of Oregon, <https://investigations.uoregon.edu/what-are-resources-respondents>
- Chapman University, <https://www.chapman.edu/students/health-and-safety/title-ix/title-ix-faqs-for-respondents.aspx>

APPENDIX D

PREVENTION EDUCATION AND TRAINING STUDIES

Prevention Education Studies

Wasco, Sharon, Pennsylvania Coalition Against Rape, (2012) *"Assessing Campus Readiness for Prevention; Supporting campuses in creating safe and respectful communities."*

https://www.ndhealth.gov/injury/ND_Prevention_Tool_Kit/docs/Assessing_Campus_Readiness_for_Prevention.pdf

"The successful end goal of primary prevention activities is the absence of a particular event or condition (for us, sexual victimization perpetration and victimization) rather than the presence of something (e.g., obtaining a degree or a job). So, evaluation of primary prevention efforts — in general — can be an elusive process. It is very difficult to figure out which programs actually work to reduce or eliminate sexual violence perpetration. However, evaluating efforts will effectively avoid this first challenge because this work is about capacity building rather than eliminating sexual violence. The overall goal is a sustainable, comprehensive sexual violence prevention program on campus. Yet challenges in evaluation remain. In community development work, change does not happen overnight. Perhaps you are starting your work on a campus that does very basic awareness-raising and education. And your end goal is comprehensive sexual violence prevention programming that develops campus leadership, builds skills, and changes policies, organizational behavior. Your evaluation will track progress towards an overall goal of sustainable, comprehensive sexual violence prevention on campus and social norms to embrace primary prevention. This kind of change can be hard to see in the short term. But, the goal is righteous. Campus prevention is truly noble and important work. You just need to hone skills in documenting incremental change."

D. Zapp, R. Buelow, L. Soutiea, (2018) *"Exploring the Potential Campus-Level Impact of Online Universal Sexual Assault Prevention Education"*

<https://journals.sagepub.com/doi/10.1177/0886260518762449>

Examines short-term impact of one particular on-line sexual assault prevention course.

Stop SV: A Technical Package to Prevent Sexual Violence

National Center for Injury Prevention and Control; Division of Violence Prevention, Center for Disease Control

<https://www.cdc.gov/violenceprevention/pdf/SV-Prevention-Technical-Package.pdf>

Victoria Banyard, Sharyn J. Potter, Alison C. Cares, Linda M. Williams, Mary M. Moynihan, Jane G. Stapleton, (2017) "*Multiple sexual violence prevention tools: doses and boosters*", Journal of Aggression, Conflict and Peace Research, https://cola.unh.edu/sites/default/files/media/2018/11/banyard_potter_cares_williams_moynihan_stapleton_2017_doses_and_boosters_2.pdf

[Alison C. Cares, Victoria L. Banyard, Mary M. Moynihan, Linda M. Williams, Sharyn J. Potter, Jane G. Stapleton,](https://journals.sagepub.com/doi/abs/10.1177/1077801214564681?url_ver=Z39.88-) (2014) "*Changing Attitudes About Being a Bystander to Violence; Translating an In-Person Sexual Violence Prevention Program to a New Campus*" https://journals.sagepub.com/doi/abs/10.1177/1077801214564681?url_ver=Z39.88-

Evaluates the effectiveness of Bringing in the Bystander™ through 1-year post-implementation with first-year students from two universities (one rural, primarily residential; one urban, heavily commuter), and finding significant change in bystander attitudes for male and female student program participants compared with the control group on both campuses, although the pattern of change depended on the combination of gender and campus.

Potter SJ, Banyard VL, Stapleton JG, Demers JM, Edwards KM, Moynihan MM, (2015) "*It's Not Just the What but the How; Informing Students about Campus Policies and Resources.*" https://cola.unh.edu/sites/default/files/media/2018/11/white_paper_87367_for_web.pdf

Report prepared for the White House Task Force to Protect Students from Sexual Assault evaluating students' knowledge of policies after receiving different kinds of trainings and numbers of trainings

Consensus Study Report, National Academies of Sciences, Engineering, Medicine, (2018) "*Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*" Ch. 6, Changing the Culture and Climate in Higher Education <https://www.nap.edu/read/24994/chapter/8>,

Studies combining anti-harassment efforts with civility promotion programs to address problematic, non-policy violation conduct, with the goal of eliminating all elements of a

hostile work environment, be they generic; based on gender, race, or ethnicity; or other factors. While there are numerous examples of successful workplace respect and civility programs, the report notes more research is needed to determine whether it is a best practice for reducing and preventing sexual harassment.

APPENDIX E

COMMON ELEMENTS OF TITLE IX COORDINATOR JOB DUTIES

Common Key Responsibilities of a Title IX Coordinator

- Direct institutional efforts for Title IX compliance
- Provide oversight and coordination of campus compliance with Title IX and all affiliated policies
- Coordinate and monitor Title IX efforts of other university offices that receive and/or investigate complaints, including but not limited to HR, academic personnel, student conduct
- Work collaboratively with HR, academic personnel, academic senate, Student Affairs, and campus police as needed
- Promptly respond to all complaints of potential violations
- Lead the office in initiating and overseeing investigations (or conducts investigations, depending upon the campus)
- Gather and monitor campus data to analyze for trends, patterns, and systemic concerns and determine and, as necessary implement, appropriate response
- Advise campus leadership and managers on Title IX and SV/SH related matters
- Disseminate information on legal and policy developments and appropriate practices
- Develop communications, including publications and web site content
- Implement and recommend relevant campus policies and procedures related to areas of responsibility
- Serve as a campus resource to complainants, respondents, third parties
- Respond to outside agencies as necessary
- Develop campus-wide programming in connection with other university offices
- Ensure that content of all university-wide training is consistent with Title IX, Title VII, and other relevant campus policies
- Participate in the development of assessment and metrics for reporting as well as to ensure campus safety resources are being efficiently engaged
- Coordinate interim measures, with other campus partners as appropriate
- Ensure proper maintenance of files and documents

APPENDIX F

BEST PRACTICES IN CAMPUS POLICING

BEST PRACTICES IN CAMPUS POLICING

After a series of incidents involving allegations of police brutality and officer-involved shootings toward people of color, the University of Wisconsin-Madison Police Department instituted a variety of programs and a holistic approach toward building and improving police and student/community relations. To better connect with the UW-Madison community, the UW-Madison PD is using community outreach programs to improve communication and build positive relationships. For example, they have designated community officers (five assigned police officers assigned to geographical areas of responsibility for community interaction, crime prevention, and problem-solving), established a Police Liaison Program, as well as a Citizens Academy (which exposes community members to a variety of Department functions. In addition, the UW-Madison PD established a Youth Academy (targeted toward Black and Latino youth) as a way to break down barriers with communities of color. In addition, at least quarterly, the Captain of Field Services submits a report to the Chief of Police regarding current concerns voiced by the communities, potential problems that have a bearing on law enforcement activities within the community, recommended actions and statement of programs. UW-Madison PD also conduct surveys to obtain citizen attitudes and opinions every two years regarding agency performance, competency, perception of officers' attitudes and behaviors, community concerns, and citizen recommendations and suggestions for improvements.

Policy

The specific policy regarding community involvement and crime prevention for UW-Madison PD can be found here: <https://uwupd.wisc.edu/content/uploads/2015/08/45.1-Crime-Prevention-Community-Involvement-11.13.pdf>.

More information about UW-Madison PD community involvement programs

Badger Watch is crime prevention program for UW-Madison campus. It is a collaborative effort between UW-Madison PD and community members. UW-Madison PD provides training and posts monthly updates regarding statistics, meeting information, and case updates. <https://uwupd.wisc.edu/staying-safe/badger-watch/>

UW-Madison PD Citizen Academy: Described as a collaborative 9-10 week program designed to create greater awareness and understanding between community members and police. <http://police.uw.edu/crimeprevention/citizensacademy/>

UW-Madison PD has a “Pride Team” made up of UWPD Officers and employees who are members or allies of the LGBTQ+ community. They look at training and support to “analyzing UW-Madison PD policies through an LGBTQ+ lens”

<https://uwpd.wisc.edu/about-uwpd/uwpd-pride-team/>

Miscellaneous

2017 article from the Badger Herald talking about new UW-Madison PD Chief looking to rebuild police/community relations:

<https://badgerherald.com/news/2017/01/31/new-uwpd-chief-looks-to-rebuild-police-community-relations/>

A bit of information on common themes in law enforcement partnerships in higher ed:

<https://www.naspa.org/constituent-groups/posts/campus-law-enforcement-partnerships-with-student-affairs>

From “Police Chief Magazine,” a case study in changing the culture of a campus police department. Has some good insight on weakness of traditional community policing, limitations, and some lessons learned.

[https://myusf.usfca.edu/sites/default/files/Changing the Culture of a Campus PD.pdf](https://myusf.usfca.edu/sites/default/files/Changing%20the%20Culture%20of%20a%20Campus%20PD.pdf)

Additional Source Materials Regarding Community Policing

https://cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf

<https://icma.org/articles/article/3-ways-improve-policecommunity-relations>

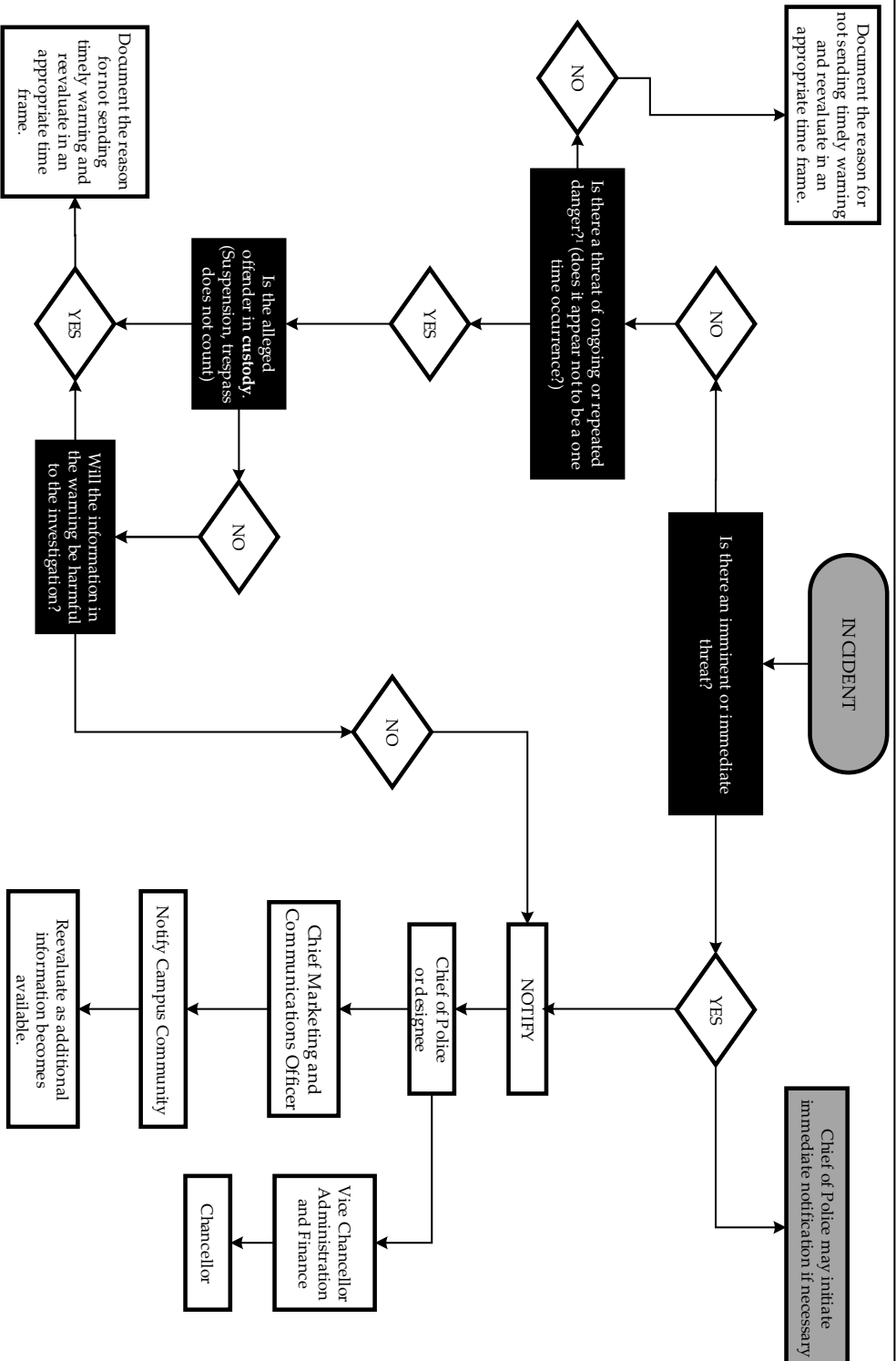
<https://www.campussafetymagazine.com/university/public-safety-department-community-image/>

APPENDIX G

MOU WITH BCPD AND TIMELY WARNINGS

Suggested Flow Chart for Analyzing Need for Timely Warning
(from Southern Illinois University)

Timely Warning and Emergency Notification Decision Chart



Timely Warning and Emergency Notification Decision Chart

Timely Warning and Emergency Notification Legal Language	
<p>What is an Emergency Notification?</p> <p>"Any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees." (Department of Education Handbook, 2016)</p> <p>What is a Timely Warning?</p> <p>"A timely notification for a Clery crime category that is considered by the institution to represent a serious or continuing threat to student and employees." (Department of Education Handbook, 2016)</p> <p>What is "Timely"</p> <p>"The <i>Clery Act</i> doesn't define "timely," the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves. This means that a warning should be issued as soon as pertinent information is available. This is critical; even if you don't have all of the facts surrounding a criminal incident that represents a serious and continuing threat to your students and employees you must issue a warning." (Department of Education Handbook, 2016)</p> <p><i>Recommendation from D. Stafford: If you can't say with certainty that no further threat exists, put out the warning or notice and do it quickly. You can always update it when and if there is no longer a potential threat.</i></p>	<p>Is the incident a Clery crime?</p> <p>The Clery Act requires colleges and universities to issues a Timely Warning Notice to notify students and employees whenever there is a threat that a serious crime is ongoing or may be repeated. This notification is required for certain specific crimes that are reported to campus security authorities or local law enforcement AND are reported or believe to have occurred on campus, on campus residence hall, non-campus building or property, or public property contiguous to campus. Notices are not limited to violent crimes or crimes against persons, and can be issued for threats to persons or to property.</p> <p>Clery Act Crime Examples include, but are not limited to:</p> <ul style="list-style-type: none"> • Criminal Homicide • Sex Offenses (Stranger or Acquaintance) • Robbery • Aggravated Assault • Burglary • Motor Vehicle Theft • Arson • Hate Crimes • Emergency Situations that are life threatening (person(s) with weapon(s), threat of violence, etc.) • Any act or immediate threat of interpersonal violence (consistent pattern of violent behavior, hate crimes, domestic situations)

Timely Warning and Emergency Notification Decision Chart

Is there a threat of ongoing or repeated danger?

This decision should be made on a case-by-case basis in light of all the facts surrounding the crime, including factors such as:

After a Clery crime is reported, determine whether the students and employees are at risk of becoming victims of a similar crime.

1. Has the perpetrator been caught?

Example: a rape is reported on campus and the alleged perpetrator has not been caught, the risk is there. (Clery Handbook, 2011)

Recent decision by DOE: suspension does not achieve the requirement, the potential of a serious threat continues. (Lasalle University Case)

2. Does the incident appear to be a one-time occurrence or fall into a pattern of reported crimes?

Example: a student sets some posters on fire after the homecoming football game, the arson is probably a one-night event. However if an unknown person is randomly setting fires on campus, there is a continuing threat (Clery Handbook, 2011)

Timing, content, and decision for issuing a Timely Warning.

The Clery Act does not define “Timely,” however it should be decided on a case-by-case basis and issued **as soon as the pertinent information is available** – the intent is to alert the campus community of continuing threats allowing the community to protect themselves. You do not have time to review video footage, interview involved parties, complete an investigation, etc.

The Clery Act does not specify what information should be included in the Timely Warning, but should include all necessary information for the campus community to protect themselves.

The decision to issue a Timely Warning includes, but not limited to:

- The nature of the crime
- The continuing danger to the campus community
- The possible risk of compromise law enforcement efforts

A general Timely Warning will include:

- Type of reported crime
- Time and location of reported crime
- Specific advice for the campus regarding steps to take to avoid becoming a victim

Unless the below information will make an immediate, material difference for public safety, avoid:

- Descriptions of alleged suspects based on perceptions of ethnicity or race
- Wording that could lead members of the community to feel stereotyped, marginalized, or profiled

Timely Warning and Emergency Notification Decision Chart

What constitutes an “Immediate or imminent threat” for issuance of an Emergency Notification?	
Emergency Notifications have a wide focus on any significant emergency or dangerous situation, which may include Clery crimes.	
An Emergency Notification is triggered by an event that is currently occurring on or imminently threatening campus.	
An Emergency Notification should be initiated for <i>any significant emergency or dangerous situation involving an immediate threat to the health and safety of student or employees occurring on campus.</i>	
Examples of significant emergencies or dangerous situations include, but are not limited to:	
<ul style="list-style-type: none">• Approaching severe weather• Medical outbreak (measles, norovirus or other serious illness)• Earthquake• Gas leak• Terrorist incident• Armed person(s)• Bomb Threat• Civil unrest or rioting• Explosion• Chemical or hazardous waste spill	
FERPA and the Timely Warning Requirement	
The Clery Act does not require confidential reporting of crime. Although personally identifiable information is generally precluded from disclosure, such information may be released in an emergency situation.	
A May 1996 Dear Colleague Letter on Campus Security Issues reads in part:	
<i>“FERPA does not preclude an institution’s compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA.”</i>	
Reference	
2016 Handbook for Campus Safety and Security Reporting – Department of Education, Office of Postsecondary Education	

Timely Warning Determination Form

Date/Time of Incident	Date Reported to Police	Incident Case Number
Clery Crime Classification		
Short Description of Incident:		
Clery Crime Geography: <input type="checkbox"/> On Campus <input type="checkbox"/> On Campus Residence Halls <input type="checkbox"/> Public Property <input type="checkbox"/> Non-campus Property		

Is there a threat of ongoing or repeated danger? ☐ Yes ☐ No

If no, why not?

Is the alleged offender known to authorities? ☐ Yes ☐ No

Is the alleged offender in custody?
(Suspension/trespass does not count) ☐ Yes ☐ No

Timely warning issued? Date: _____ ☐ Yes ☐ No

If Timely Warning was not issued, indicate reason(s):

Director of Public Safety (or designee) Signature and Date:

Suggested Timely Warning Template for Sexual Misconduct/Assault and Supplemental Information & Tips

Step 1: Draft Timely Warning Text

- Text should not include information that could identify the victim
- Text should not include private details of the case (e.g. investigation, interim measures, etc.)
- Text should include relevant information for the purpose of the warning (e.g. repeat offender, predatory behavior, etc.)

Step 2: Following the text of the timely warning message, insert the following: (Sexual assault – or – dv – or - stalking) is never the fault of the victim. While nothing is failsafe, here are some suggestions everyone should consider.

Step 3: Include a few (3-5) pertinent tips (from the list below) that are directly applicable to the incident for which you are issuing a timely warning.

Step 4: Draft a final paragraph that includes:

Please visit UMBC weblink more information on sexual violence resources and prevention.

Potential Pertinent Tips

(**Note:** only include those tips, if any, that directly relate to the incident that is the subject of the Timely Warning)

General Facts about Sexual Assault

- Crime victims are never responsible for behavior of perpetrators.
- Most commonly, sexual assault is perpetrated by someone the victim knows, typically a date or acquaintance.
- Alcohol and drugs are often used to create vulnerability to sexual assault.
- If you have been sexually assaulted, tell someone- there are resources available to help you.
- Trust your instincts, if you suspect something is wrong, or if a situation seems dangerous, you are probably right and should immediately call for help.

Consent

- Make sure you have consent. Consent is a clear and freely given “yes”, not the absence of “no”

- You must continually get consent for sexual activity. If someone is not okay with what's happening, it is your responsibility to check in. Be sure to have on-going consent from your partner.
- People who are incapacitated by alcohol or drugs cannot give consent. Signs of incapacitation may include- but are not limited to- throwing up, slurring words, stumbling, or not being able to remember conversations.

Bystander Intervention

- Be active in supporting a safe and respectful community. If you see others engaging in disrespectful or inappropriate actions, speak up and get involved, or contact someone else to assist.
- If you are a bystander and someone is behaving in a way that seems suspicious, step in and do something about it. If you don't feel comfortable or safe confronting them, call campus safety or 911.
- If you sense that something is wrong and a situation may turn unsafe, step in and do something.
- Direct, distract, delegate, and delay: there are many ways to intervene if someone is acting creepy or predatory. Distract the attention from the potential victim.
- If you witness something that doesn't feel right, you can help by getting involved. Check-in and ask, "Are you okay" or "Hey, do you know this person."
- It can feel awkward to step in and say something if you notice harmful behavior, but often all it takes is a brief introduction. Let the perpetrator know that their actions are noticed by saying, "Hey, don't I know you from chemistry?" or something to that effect.
- Be active in supporting a safe and respectful community. If you see others engaging in disrespectful or inappropriate actions, speak up and get involved, or contact someone else to assist.
- When you go out, consider going out as part of a group. People tend to step in and intervene in situations when they have friends to back them up.

Alcohol, Drugs, & Sexual Assault

- Be alert to people pressuring you or others to use alcohol or other drugs. Do not pressure others to drink or use drugs. Some sex offenders target people by using alcohol as a tool.
- Be mindful of how you feel before going out. Try to keep a clear mind before consuming alcohol and other drugs.
- Check in with yourself before going out and engaging in big groups where alcohol and drugs may be present.

Miscellaneous

- Reminders about available safety options, including shuttle, escorts, etc.

APPENDIX H

EXPANDING STRIDE FOR FACULTY

Expanding STRIDE

The following information is offered in keeping with the reviewers' recommendation regarding the expansion of the UMBC STRIDE program to address issues of gender and sexual harassment. The university may choose to use the STRIDE program as it exists, or a similar faculty peer education model. The reviewers note that the STRIDE program has thus far been successful at UMBC, in part because it places the burden of educating faculty onto other faculty who are generally from well-represented groups, rather than continuing to place a burden onto minority faculty to improve the community's overall recruitment, training, and retention as relates to diversity.

The UMBC STRIDE program is modeled on a similar program at the University of Michigan designed to address faculty diversity. According to the University of Michigan website, (<https://advance.umich.edu/stride/>), the STRIDE committee provides information and advice about practices that will maximize the likelihood that diverse, well-qualified candidates for faculty positions will be identified, and, if selected for offers, recruited, retained, and promoted at the University of Michigan. The committee leads workshops for faculty and administrators involved in hiring. Most of the workshops deal with diversity in hiring, although the STRIDE website notes that the program also seeks to address gender issues/climate surveys.

One workshop offered by STRIDE at the University of Michigan is entitled "Moving the Needle: Promoting Culture Change to Prevent Sexual Harassment." It is described as a workshop "centered around the presentation of three short monologues that depict members of academic communities disclosing their concerns about sexual harassment: a graduate student experiencing unwanted attention from her advisor, a staff member encountering explicit inappropriate comments around gender and sexual orientation from a co-worker, and a faculty member talking about his role in reporting on incidents of gender bias that have been shared with him. Facilitated dialogue paired with a presentation of research on the incidence and experience of sexual harassment invite participants to consider what is happening in their spaces and to reflect on what they can do to anticipate, respond, and create cultures resistant to sexual harassment."

The reviewers note that, in addition to UMBC, some other institutions have adopted STRIDE-like programs, including Texas A&M University and the University of Tennessee.

STRIDE is not the only peer or committee-led training approach designed to address sexual harassment. Another other such program is called "Respect is Part of the Research." The program was is a sexual harassment prevention workshop in which

graduate students and faculty are trained as discussion facilitators to lead their peers in small group discussions to eliminate the “taboo surrounding discussion of sexual harassment.” In addition to sexual harassment, these kinds of discussions could be tailored for faculty to address the incidents that are offensive and negatively impact the academic and working environment, but not (yet) not so serious as to violate university policy. According to the website, the organization began in 2013 in the UC Berkley Department of Physics by graduate students.

The Respect is Part of the Research webpage contains a [Handbook](#) for those interested in hosting their own RPR workshop. <http://www.respectispartofresearch.com/about/> The handbook has some helpful information on facilitator training and workshop structure. By using the handbook, faculty can learn to integrate “sexual assault and sexual harassment prevention into the culture of your department by having ordinary department members serve as facilitators. The pool of potential educators grows as your department grows, allowing the program to scale smoothly and effectively.”

Cornell University’s Center for Teaching Innovation (founded in 2017) provides support to Cornell University teaching community members. It has a two-day Faculty Institute for Diversity for interdisciplinary peer-group faculty to “transform a course through the lens of diversity and inclusion.” Includes some focus on inclusive teaching and strategies <https://teaching.cornell.edu/programs/faculty-instructors/institutes/faculty-institute-diversity>. The Center also just started offering the Cornell teaching community an online course (4 weeks) that explores strategies for building and sustaining inclusive classrooms. <http://news.cornell.edu/stories/2019/02/online-course-highlight-ways-foster-classroom-inclusiveness>. The Center also holds workshops (similar to STRIDE) on issues of sexual harassment, privilege, race, etc. <https://teaching.cornell.edu/programs/faculty-instructors/workshops-and-other-opportunities>