

COLLEGE *of* SOUTHERN MARYLAND



STUDENT POLICY GUIDE



TITLE IX

AND CSM

Title IX prohibits sex discrimination.

All students; male, female, and gender non-conforming students are protected from sex-based discrimination, harassment, or violence.

1

Sexual Harassment, including sexual violence, is a type of sex discrimination and is banned by Title IX.

2

Sexual Harassment creates a hostile environment when it interferes with or limits a student's ability to participate in, or benefit from, CSM's educational programs or activities. Sexual harassment is a Title IX violation.

3

Sexual violence includes sexual assault, non-consensual sexual contact or intercourse, exploitation, intimidation, dating, domestic violence, and stalking. This includes situations in which a person is incapable of giving consent due to drug or alcohol use. Sexual violence is a Title IX violation.

4

If you decide to report a Title IX issue, you have the option to make a private report by contacting the Title IX Coordinator. The privacy of all individuals will be protected whenever possible. CSM is required to conduct a prompt and thorough investigation of all reports of sexual misconduct.

5

You are encouraged to report sexual harassment and violence to the Title IX Coordinator. Under Title IX, CSM is required to take prompt action to end the behavior, prevent its recurrence, and address the effects.

6

If someone tells you they have experienced a Title IX issue, offer support, listen to their concerns, and encourage them to make a report with the Title IX Coordinator. CSM staff and faculty members are mandatory reporters of information related to sexual misconduct. They are REQUIRED to share what they know with the Title IX Coordinator.

7

Retaliation against any member of the CSM community who reports a Title IX concern is strictly prohibited. CSM will take steps to protect students and employees from reprisal.

8

CSM's Title IX Coordinator is Kevin R. Hunter. He is located at the Student Equity and Success office, La Plata Campus, AD Building, Room 220A. He can be reached at 301-934-7891 or titleix@csmd.edu.

9

COLLEGE OF SOUTHERN MARYLAND

TITLE IX TASK FORCE

The Title IX Task Force was created to support the College of Southern Maryland's implementation of policies and practices to continue the compliance as related to existing, and more specific new 2020 Title IX legislation. This new regulation requires schools to act in meaningful ways to support survivors of sexual misconduct, without sacrificing important safeguards to ensure a fair and transparent process. The Task Force will review existing college policy and practices as well as recommend enhancements to support the college's compliance. The Task Force will also update policy and procedures and communicate changes to the CSM community. Discussion within the Task Force will address the areas including Prevention, Education, Advocacy, and Reporting & Response to students, faculty, and staff.

MEMBERSHIP

Kevin Hunter, Chair, Title IX Coordinator

Dr. Mitchell Levy, Academic Affairs

Michelle Ruble, Student Equity and Success

Sidney Person Hammond, Human Resources

Dr. Sybol Anderson, Diversity and Inclusion

Denise Mohun-Hintze, Public Safety

Lisa Creason, CWD

Marcy Gannon, Finance

Craig Patenaude, General Counsel, Executive Official

Dr. Tracy Harris, Student Equity and Success, Executive Official

MEETING TIME

The Task Force will meet monthly beginning August 2020 and at which time will determine the frequency of future meetings.

KEY PROVISIONS OF THE DEPARTMENT OF EDUCATION'S NEW TITLE IX REGULATIONS

- Restores fairness on college campuses by upholding all students' right to written notice of allegations, the right to an advisor, and the right to submit, cross-examine, and challenge evidence at a live hearing
- Protects students and faculty by prohibiting schools from using Title IX in a manner that deprives students and faculty of rights guaranteed by the First Amendment
- Requires schools to select one of two standards of evidence, the preponderance of the evidence standard or the clear and convincing evidence standard – and to apply the selected standard evenly to proceedings for all students and employees, including faculty
- Protects students and faculty by prohibiting schools from using Title IX in a manner that deprives students and faculty of rights
- Defines sexual harassment to include sexual assault, dating violence, domestic violence, and stalking, as unlawful discrimination on the basis of sex
- Empowers survivors to make decisions about how a school responds to incidents of sexual harassment.
- Provides a consistent, legally sound framework on which survivors, the accused, and schools can rely on
- Requires schools to offer clear, accessible options for any person to report sexual harassment
- Requires the school to offer survivors supportive measures
- Shields survivors from having to come face-to-face with the accused during a hearing and from answering questions posed personally by the accused
- Provides "rape shield" protections and ensures survivors are not required to divulge any medical, psychological, or similar privileged records
- Requires schools to offer an equal right of appeal for both parties to a Title IX proceeding
- Gives schools flexibility to use technology to conduct Title IX investigations and hearings remotely

WELCOME

BOARD OF TRUSTEES

The governing body of the college is appointed by the governor from citizenry of Calvert, Charles, and St. Mary's counties. The board consists of nine members, each given a five-year term of office. The following are board members as of July 1, 2020.

- Jay W. Webster, Chair
- Shawn B. Coates, Vice Chair
- Maureen Murphy, PhD, Secretary and Treasurer
- Kenneth W. Abell
- Sonja M. Cox
- Jose M. Gonzalez
- Samuel C. Jones
- Christy Lombardi
- Cordelia S. Postell
- John W. Roache, MD

Nondiscrimination Policy

The College of Southern Maryland does not discriminate on the basis of race, color, national origin, gender, disability, age, sexual orientation, religion, or marital status in its programs or activities. The associate director of Disability Services—La Plata Campus, Learning Resource Center (LR Building), Room 123, 301-934-7614—has been designated to handle inquiries regarding discrimination on the basis of disabilities. The executive director of Student Affairs—La Plata Campus, Administration (AD) Building, Room 220A, 301-539-4746—should be contacted for student discrimination inquiries. Human Resources—La Plata Campus, Campus Center (CC Building), Room 212, 301-934-7700—should be contacted to handle all other discrimination inquiries.

ADA Policy

Individuals with disabilities who require special accommodations in order to participate in the college's instructional programs should notify the academic support/ADA coordinator at 301-934-7614 at least six weeks before the class begins. Requests made after this deadline will be considered on an individual basis and addressed whenever possible.

ADMINISTRATION

Dr. Maureen Murphy

President, College of Southern Maryland

Dr. Eileen D. Abel

Vice President of Academic Affairs

Dr. Bill L. Comey

Vice President of Operations and Planning

Dr. Tracy A. Harris

Vice President of Student Equity and Success

Tony R. Jernigan, CPA

Vice President of Financial Services

Ellen Flowers-Fields

*Associate Vice President of
Continuing Education and
Workforce Development*

Avis McMillon

*Associate Vice President of
Marketing and Communication*

Craig W. Patenaude, Esq.

*General Counsel and Vice President of
Human Resources and
Organizational Development*

CSM COVID-19 HEALTH AND SAFETY PRECAUTIONS

The health and well-being of our students, our employees, our faculty, and our larger community is our utmost priority. To ensure that we are acting safely and responsibly, CSM's Return to Campus Plan has been vetted by the Maryland Higher Education Commission (MHEC) and the health officials of St. Mary's, Charles, and Calvert Counties.

We have enacted rigorous, COVID-19-specific improvements to cleaning and sanitization of college facilities, including more frequent cleaning of high-contact and -traffic areas, UV sanitization, physical barriers, and personal protective equipment.

In conjunction, the college has implemented comprehensive health and safety guidelines governing on-campus activities and interactions.

Everyone—whether student, faculty, employee, or visitor—must abide by these guidelines at all times while on campus.

These include: mandatory temperature screenings; the use of face coverings or masks by persons over the age of 2; strict physical distancing; and more. We strongly urge all members of the college community to read these guidelines before arriving to avoid delays or difficulties. CSM policy guidelines are available on-line at ready.csmd.edu/covid-19/return-to-campus-plan

CSM COVID-19 policy is subject to change at anytime per the Maryland Department of Health guidelines.

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POLICIES AND REGULATIONS

STUDENT CODE OF CONDUCT

SECTION I. AUTHORITY AND PURPOSE OF THE STUDENT CODE OF CONDUCT

1. AUTHORITY

The Board of Trustees has authorized the college to establish this Code of Conduct for the purpose of defining the rights and responsibilities of students at the College of Southern Maryland, and establishing a fair and equitable system of procedures for dealing with allegations that a student has violated this code and/or other college rules and regulations.

The President has granted authority to develop policies for the administration of the student conduct system, conduct initial reviews, render decisions, and apply appropriate sanctions in cases of alleged violations of the Student Code of Conduct to the Vice President of Student Equity and Success, and as expressly provided herein, the Student Conduct Administrator and Conduct Review Panels.

Unless otherwise identified by the Vice President of Student Equity and Success, the Student Conduct Administrator on the La Plata Campus and at the Waldorf Center for Higher Education is the Vice President of Student Equity and Success. The Student Conduct Administrator may appoint an alternate Student Conduct Administrator at his/her campus, on a case by case basis, at his/her sole discretion.

2. PURPOSE OF THE STUDENT CODE OF CONDUCT

The College of Southern Maryland is primarily an academic community dedicated to meeting the diverse needs of the greater community in which the institution serves. In order to protect and preserve an environment conducive to educational excellence, the college has established the Student Code of Conduct and its associated processes to educate students of their academic, civic, and social responsibilities as individuals and as groups. The general principles set forth in the Student Code of Conduct provide students with clear guidelines as to what is expected of

them as members of an academic community, and the kind of unacceptable behavior that may result in college disciplinary action.

When students choose to attend the College of Southern Maryland, they accept the rights and responsibilities of membership in the College's academic and social community. Each person has the right and ability to make personal decisions about his or her own conduct. Just as importantly, each person has the responsibility to live with the consequences of his or her decision-making. Recognizing its role in developing a sense of responsibility in students, the college uses admonition, example, counseling, and guidance in preference to formal disciplinary proceedings. When a student's behavior demonstrates otherwise, the college will consider all appropriate disciplinary action.

SECTION II. DEFINITION OF TERMS

1. College - the College of Southern Maryland

2. College Premises - all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the college, including adjacent streets and sidewalks.

3. President - the President of the College of Southern Maryland

4. Instructor - any person hired by the college to conduct classroom or teaching activities or who is otherwise considered by the college to be a member of its faculty.

5. College Official - any person employed by the college, performing assigned administrative or professional responsibilities.

6. College Community Member - any person who is a student, instructor, faculty member, college official or any other person employed by the college. A person's status in a particular situation will be determined by the Vice President of Student Equity and Success.

7. Student - includes all persons taking courses at the college, either full-time or part-time, pursuing credit and/or continuing education studies sponsored by the college with the exception of those enrolled in the Dual Enrollment Program and children under the age of sixteen who are enrolled in continuing education courses (e.g. Kids' and Teen College). Persons who withdraw after allegedly violating the Student Code of Conduct or who are not enrolled for a particular

term but have a continuing relationship with the college are considered "students." This Student Code of Conduct does apply at all locations of the college.

8. Student Organization - any number of students who have complied with the formal requirements for college recognition

9. Complainant - any person who submits a complaint alleging that a student violated this Student Code of Conduct. When a student believes that they have been a victim of another student's misconduct, the student who believes they have been a victim will have the same rights under this Student Code of Conduct as are provided to the Complainant, even if another member of the college community submitted the complaint itself.

10. Respondent - any student accused of violating this Student Code of Conduct.

11. Student Conduct Administrator - a college official authorized by the Vice President of Student Equity and Success to conduct investigations, hold conferences, and impose sanctions upon any student(s) found responsible for violating the Student Code of Conduct. The Vice President of Student Equity and Success may authorize the same Student Conduct Administrator to impose sanctions in all cases.

12. Conduct Review Panel – one or more trained college community members authorized by the Student Conduct Administrator to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a student is found responsible for a Code violation.

13. Appeal Officer – an individual authorized by the Vice President of Student Equity and Success to review the findings of student conduct proceedings to determine if there is cause to alter the original decision or affirm the decision. The Vice President of Student and Instructional Support Service, or designee, will serve as the appeal officer for behavioral misconduct complaints and the Associate Vice President of Academic Affairs and/or the Student Conduct Administrator or designee, will serve as the appeal officer for academic misconduct.

14. Policy - means the written regulations of the college as found in, but not limited to, the Student Code of Conduct, the college Web site and Usage of Technology Resources policy, the credit and continuing education schedule of classes, and college catalog.

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15. Cheating - includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic materials (4) engaging in any behavior specifically prohibited by an instructor in the course syllabus or class discussion.

16. Plagiarism - includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

17. Hazing - an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

18. Weapon - includes, but is not necessarily limited to, ammunition, fireworks, explosives, dangerous chemicals and/or firearms. Weapon means any instrument of offensive or defensive combat and any device designed or traditionally used to inflict harm or injury. Weapon includes but is not limited to explosives, firearms, bows, slingshots, switchblades, daggers, blackjacks, brass or metal knuckles, hunting knives, nunchaku ("nun-chucks"), dirk knives, bowie knives, star knives, sand clubs, razors, stun guns, Tasers, throwing stars and any device capable of projecting a ball, pellet, arrow, bullet, missile, shell or other material. Weapon includes any object that could be reasonably construed as a weapon. Weapons and ammunition will not be possessed (regardless of whether a federal or state license to possess same has been issued to the possessor), stored, used or displayed at any college owned, leased or rented facility or at any college-sponsored activity at any other location. Exceptions for the possession, storage or display of weapons or ammunition may be granted in limited circumstances. Applications

for such exceptions will be made in advance to the Executive Director of Public Safety and Preparedness. Weapon does not include a penknife (that is, a folding knife), without a switchblade, provided that the blade is no more than 4 inches.

19. Misuse of the college network - considered to be, but not limited to, the following acts: Installing any software or hardware on any college computing device without authorization from a college official; using the college's computing resources for illegal activities of any kind; using the college's network in such a way that would disrupt the use of the network by other users; using the college's computing resources to submit, publish, display or retrieve/download any inappropriate material, including material that is defamatory, abusive, obscene, profane, gang-related, sexually threatening, racially offensive or illegal; using the college's computing resources to intentionally or knowingly create or disseminate denial of service attacks, viruses, worms, Trojan horses, or any computer code that will self-replicate, damage, hinder or alter the performance of any computing device; using the college's computing resources to defeat, interfere with or circumvent any security measures, controls, accounts, record keeping systems or standard technical measures used by copyright holders to identify and protect their rights; using any computer connected to any of the college's networks as a server, hub, router, or other network sharing device; using the colleges computing resources to commit fraud (including phishing) or to send mass e-mail (defined here as 50 or more unwanted e-mail in any seven day period), unauthorized entry into a file for any purpose, unauthorized transfer of a file, use of another person's identification and/or password; failure to abide by all copyright, trademark, and license restrictions; selling or bartering goods or services. The College has the right to monitor and track computer activities.

20. All other terms have their natural meanings unless the context dictates otherwise.

SECTION III. STANDARDS OF CONDUCT

1. JURISDICTION OF THE COLLEGE STUDENT CODE OF CONDUCT

a. The College Student Code of Conduct applies to conduct that occurs on college premises, within the online learning environment, at college sponsored activities, and to off-campus conduct that adversely affects the college community and/or the pursuit of its objectives. Each student is responsible for their conduct from the time of enrollment through the actual awarding of a degree. This includes conduct that may occur before or after classes end, during the academic year and periods between terms of actual enrollment, and after a degree is awarded if conduct is not discovered until after graduation.

b. The Student Code of Conduct also applies to a student's conduct if the student withdraws from the institution while a disciplinary matter is pending. Student Conduct proceedings may continue without the student's participation, and/or a hold may be placed on the student's record until the matter is resolved. The Vice President of Student Equity and Success will decide whether the Student Code of Conduct will be applied to conduct occurring off campus, on a case by case basis, at his/her sole discretion.

c. Individuals enrolled solely as Continuing Education students are expected to uphold the standards of behavior outlined in this Code. Additional guidelines for behavior may be provided by Continuing Education. Individuals who violate these standards are subject to action at the discretion of the Vice President of Continuing Education and Workforce Development, or designee. Action may include restricting and/or dismissing students from Continuing Education programs or activities.

2. BASIC PRINCIPLES

a. The college has a responsibility to clarify standards of behavior which are considered essential to its function as an educational institution. Students are expected to obey the law, show respect for properly constituted authority, perform contractual obligations, and observe a standard of conduct appropriate for the college.

b. Disciplinary action will be taken when any student or group of students who:

I. Fails to observe the general standards of conduct or any specific policy, rule, regulation or college procedure adopted by the college.

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II. Acts in a manner not in the best interest of the college community.

c. Instructors and staff may set the standards of behavior that are within the guidelines and spirit of the Student Code of Conduct or other College policies for classrooms, events, offices, and areas, by announcing or posting these standards early in the semester or term.

3. ACADEMIC STANDARDS

Completing one's own academic work is essential to knowledge attainment and development of the student. The College expects students to complete their assignments with integrity and honesty, which includes using one's own thoughts and materials in writing papers, citing sources of borrowed material, taking exams, and participating in other classroom-related activities. The behaviors outlined below constitute a violation of the College's expectations regarding academic integrity.

A1) Plagiarism, whether intentional or unintentional, of another's work or ideas without acknowledgement of the source

A2) Acquiring term papers or other assignments from any source and presenting those materials as the student's own work

A3) Cheating on quizzes, tests, examinations, or other assigned academic work

A4) Obtaining a copy of a quiz, test or exam in advance without the knowledge and consent of the instructor

A5) Attempting to benefit from the work of another student, or attempting to hinder the work of another student

A6) Using a term paper or other assignment in more than one course without permission of the instructors

A7) Falsification or alteration of official or unofficial records such as academic transcripts, academic documentation, and admissions applications

A8) Taking a course or portion of a course for another student or allowing another individual to take a course or a portion under a false or assumed name

4. BEHAVIORAL STANDARDS

The College considers the following behavior as inappropriate for the College community and in opposition to the core values set forth in this document. Violations that are not specifically mentioned may still be subject to disciplinary action. These expectations and rules apply to all students and those found responsible for committing acts of misconduct are subject to the sanctions outlined in this Code of Conduct. The College encourages community members to report all incidents that involve the following actions.

B1) Dishonesty, including providing false information or intentionally evading legitimate financial obligations

B2) Any conduct that constitutes a violation of published handbooks, contracts, or behavioral agreements specific to College programs, activities, or operations.

B3) Forgery, duplication, unauthorized alteration or use of any college document, record, key, or identification

B4) Theft of property or services

B5) Trespassing on College premises or other unauthorized use of College property or services

B6) Destroying, damaging, or defacing the property of the College or of others

B7) Causing or threatening actual or reasonable fear of harm to any person

B8) Disorderly conduct or communications intended or reasonably likely to harass, intimidate, harm, or humiliate another

B9) Participation or complicity in acts of hazing (see definitions for hazing definition)

B10) Using any device to make an audio or video recording of any person without his or her prior knowledge or effective consent

B11) Disrupting the peace, the educational process, college operations, or sponsored activities

B12) Harassing, discriminating, or committing acts against an individual or group based on actual or perceived identities as outlined in the Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation or Policy on Discrimination, Harassment, and Retaliation Other than Sex

B13) Threatening, harassing, intimidating, or retaliating against any person who has or may file an allegation of misconduct against you, provide information during proceedings or investigations of alleged misconduct, or serve as a member of a review panel

B14) Complicity with or failure of any student or organization to appropriately address known or obvious violations of the Code of Student Conduct or law

B15) Failure to comply with the direction of authorized College employees/representatives performing his/her duties, or a request to identify one's self or produce requested identification

B16) Knowingly violating the terms of imposed disciplinary sanctions

B17) Violating traffic safety rules, or obstruction of the free flow of pedestrian or vehicular traffic

B18) Use of skateboards, roller blades, push scooters, or similar manual powered or motorized devices

B19) Misuse of the college's technology resources (see definitions for acts considered to be misuse)

B20) Smoking, using tobacco or e-cigarette products on campus

B21) Bringing animals into buildings, with the exception of animals that provide assistance under the Americans with Disabilities Act (ADA), or failing to control or clean up after animals brought to campus.

B22) Gambling, which may include bets on live or online activities or unauthorized raffles, lotteries, sports pools

B23) Illegal or unauthorized use, possession, manufacturing or dissemination of alcohol, or public intoxication

B24) Possession, use or distribution of an illegal drug, controlled substance, or look-alike drug

B25) Unauthorized use, manufacture, distribution, or possession of weapons (see definitions for items considered to be weapons)

B26) Any other act which is a violation of local, state or federal law

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SECTION IV. VIOLATION OF LAW AND COLLEGE DISCIPLINE

1. College disciplinary proceedings may proceed against a student accused of conduct that potentially violates both criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to any pending civil or criminal legal action. Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President of Student Equity and Success. Determinations made or sanctions imposed under this Student Code of Conduct will not be subject to change due to the outcome of any legal outcome arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

2. When a student is charged by federal, state, or local authorities with a violation of law, the college will not request or agree to special consideration for that individual because of his or her status as a student. If an incident is also being processed under the Student Code of Conduct, the college may advise off-campus authorities of the existence of the Student Code of Conduct and of how incidents are typically handled within the college community. The college will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the college community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

SECTION V. INTERIM SUSPENSION

1. If a complaint alleges behavior that causes concern for the safety and/or security of the campus community an Interim Suspension may be issued by the Vice President of Student Equity and Success, or designee. During the interim suspension, student privileges will be revoked including access to college premises and/or activities, attendance in classes, a classroom(s), including class attendance, and/or to one or more campuses (and/or all other college activities or privileges for which the student might otherwise be eligible, as the Vice President of Student

Equity and Success, or designee, may determine to be appropriate.

2. Interim suspension may be imposed only:

- a) to protect the safety and well-being of members of the college community or preservation of college property
- b) to protect the student's own safety and well-being
- c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the college

3. The interim suspension does not replace the regular conduct process, which will proceed on the normal schedule, up to and through a Conduct Review Panel, if required.

SECTION VI. COMPLAINT RESOLUTION PROCEDURES

1. REFERRING BEHAVIOR FOR STUDENT CONDUCT REVIEW

a. Any individual may submit a complaint alleging a violation of the Student Code of Conduct has occurred by completing the Reporting form for Student Conduct and Behavior Concerns. A complaint should describe the conduct in question and, if known, the identity of the person or persons alleged to have engaged in misconduct. Filing of a complaint assumes that the complainant wishes to initiate an inquiry that may result in disciplinary action if the respondent is found responsible for the alleged misconduct. The College reserves the right to initiate the student conduct process based on available information even if a formal complaint has not been received.

b. To encourage reporting, an individual who reports sexual misconduct, either as a victim, complainant, or a witness, will not be subject to disciplinary action by the College for their own personal alcohol or drug use occurring at or near the time of the incident, provided that the health or safety of any other person was not or is not at risk.

c. Instructors have the authority to validate or dismiss allegations of academic misconduct within their own courses. Through their investigation and conversations with the respondent, the instructor may also find students responsible for academic misconduct when the information gathered supports such a judgment.

2. REPORTS RELATING TO SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE, STALKING, AND RETALIATION

Acts of sexual harassment, including sexual discrimination, sexual assault, domestic and dating violence, stalking, and retaliation are strictly prohibited. Complaints alleging this type of misconduct will be investigated and resolved in accordance to the grievance procedures outlined in the Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation under the guidance of the college's Title IX coordinator.

3. CLASSROOM CONDUCT

a. The College supports the principle of freedom of expression for both instructors and students and respects the rights of instructors to teach and students to learn. Classroom behavior that seriously interferes with either

- the instructor's ability to teach the class or
- the ability of other students to learn is in opposition to these values

When a student's behavior is disruptive, but not to the level of class removal, these steps are recommended:

i. The instructor responsible for the class where the alleged disruptive behavior occurred will discuss the inappropriate behavior with the student. The instructor will describe to the student specific changes expected in and the student will be provided an opportunity to modify his/her behavior with the changes identified. The instructor will provide the student with a written, dated summary of his/her discussion with the student, and the instructor will retain a copy for their own records.

ii. If a student believes the instructor's expectations are unreasonable, he/she may discuss the matter with the instructor's division chair or supervisor.

iii. Should a student's behavior continue to be unacceptable, the instructor will notify the appropriate division chair or supervisor of what has occurred and will share the written summary of the discussion with the student and other pertinent information. The division chair or supervisor may wish to initiate additional discussion with the instructor and/or the student. If the division chair or supervisor and the instructor are unable to resolve the matter, the situation may be referred to Student Conduct, including any previous documentation related to the behavioral issues.

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b. When a student's behavior in a class is seriously disruptive and requires immediate action, the instructor has the authority to remove a student from that class period. After a student is removed, the instructor should schedule a time to meet with the removed student to address the behavior and further reiterate classroom expectations. This meeting may also include the academic division chair or supervisor. Instructors are encouraged to complete a Behavioral Incident Report when behavior rises to the level of classroom removal.

4. NOTIFICATION OF COMPLAINT AND INVESTIGATION

a. When a complaint or information alleging misconduct is received, the Student Conduct Administrator, or designee, will conduct a preliminary investigation. During the investigation the Student Conduct Administrator will collect and review all relevant information and, as necessary, conduct interviews with complainant, respondent, and any appropriate witnesses. The respondent will be sent a written request to participate in a mandatory meeting with the Student Conduct Administrator. Involved parties will be contacted using their home address and electronic mailing address on record with the Registrar for all conduct-related matters.

b. During the mandatory meeting with the respondent, the complaint and behaviors that allegedly violated the Student Code of Conduct and potential sanctions will be reviewed; the student will have the opportunity to respond to the complaint; reasonably access and review any information collected; and to review and ask questions regarding the student conduct procedures and the student's rights in the procedures. The complainant will also be provided with a comparable meeting opportunity.

c. Throughout the student conduct process both the complainant and the respondent have the right to be assisted, at their own expense, by an advisor of choice. Advisors must be a member of the college community and may not be an attorney. Advisors will not be permitted to actively advocate, speak, or submit information on the behalf of the complainant or respondent. If a student chooses to be accompanied by an advisor the student should select an advisor whose schedule allows attendance at the scheduled date and time for all conduct proceedings since delays will not normally be allowed due to the scheduling conflicts of an advisor.

5. POTENTIAL OUTCOMES OF INVESTIGATION

A. Complaint Dismissed

If the Student Conduct Administrator does not find, based on a preponderance of evidence, that a violation of the Student Code of Conduct occurred and/or if the investigation indicates that the student is not responsible for the violations the complaint will be dismissed.

B. Informal Resolution

If the respondent accepts responsibility for violation(s) during the student conduct process the respondent and the Student Conduct Administrator may discuss a resolution plan, which may include agreed-upon sanctions. A student may appeal sanctions issued through the normal appeal process if sanctions are not agreed to.

C. Formal Conduct Conference

In the event that an informal resolution is not possible, the complaint will be resolved through a formal conduct conference if potential sanctions do not include dismissal or expulsion. Complaints that may result in dismissal or expulsion will be referred to a Conduct Review Panel. If agreed upon by the respondent and the Student Conduct Administrator, the conduct conference may be held immediately following the informal resolution attempt by signing a document waiving the student's right of advanced notice or may be scheduled for a future date. Outcomes of a formal conduct conference may be appealed through the normal appeal procedures. Formal Conduct conferences will be held following the procedures outlined below.

6. CONDUCT REVIEW PANELS

A Review Panel consists of one or more members of the college community who have been designated as panelists by the Student Conduct Administrator, or designee to review complaints alleging misconduct and recommend sanctions if the respondent is found responsible for misconduct.

A. Conduct Conference and Review Panel Procedures

Proceedings held by a formal conduct conference or Review Panel will be conducted according to the following guidelines:

i. Complaints heard by a Conduct Review Panel will be scheduled in a timely manner, generally not fewer than five or more than fifteen calendar days, to allow the complainant and respondent to prepare for the conference. Minimum time frames may be waived if both the complainant and respondent agree and a Conduct Review Panel can be convened in the shorter time period. Maximum time limits for scheduling of conduct proceedings may be extended at the discretion of the Student Conduct Administrator. Students will be notified in writing of the Review Panel conference in a letter sent electronically to the email account of record and via standard mail sent to the home address of record.

ii. Review Panel conferences will be conducted in a private, closed session

iii. There will be a single verbatim record, such as a tape recording, of all information presented during a conduct conference or Review Panel. However, deliberations will not be recorded. The record will be the property of the college.

iv. The Review Panel may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witness during the conference by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Vice President of Student Equity and Success, or designee to be appropriate.

v. The Complainant, Respondent, and their advisors, if any, will be allowed to attend the entire portion of the Conduct Review Panel at which information is received, excluding private deliberations. Admission of any other individual to the conduct conference or Review Panel will be at the sole discretion of the Student Conduct Administrator or Review Panel Chairperson. Students must inform the Student Conduct Administrator of the name of the advisor, if any, at least three days in advance of the conference or Review Panel.

vi. When resolving complaints involving more than one respondent, the Student Conduct Administrator or Review Panel Chairperson, at his or her discretion, may permit the conduct conference or Review Panel to conduct a separate or joint review of the complaint.

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vii. If a Respondent, with notice, does not appear for a conduct conference or Review Panel, the information in support of the complaint will be presented and considered even if the respondent is not present.

viii. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code of Conduct proceedings. Pertinent records, exhibits, and written statements, including Student Impact Statements, may be accepted as information for consideration at the discretion of the Review Panel Chairperson. All procedural questions are subject to the final decision of Student Conduct Administrator or Review Panel Chairperson.

ix. The Complainant, the Respondent, and the Conduct Review Panel may arrange for witnesses with direct knowledge of the complaint to present pertinent information to the panel. The college will attempt to arrange the attendance of potential witnesses who are members of the college community, if reasonably possible, and who are identified by the Complainant and/or Respondent at least two weekdays prior to the panel review. Witnesses will provide information to and answer questions posed by the Student Conduct Administrator or Review Panel members.

x. Respondents and/or Complainants may direct and suggest questions to the Review Panel Chairperson to be answered by each other or by other witnesses. This method is used to preserve the educational tone of the panel review and to avoid creation of an adversarial environment. Questions of whether potential information will be received will be resolved at the discretion of the Student Conduct Administrator or Review Panel Chairperson.

xi. After the portion of the conduct conference or Review Panel concludes in which all pertinent information has been received, the Student Conduct Administrator or Review Panel will determine, by majority vote if consisting of more than one person, whether the Respondent has violated each section of the Student Code of Conduct which the student is alleged to have violated. The Review Panel's determination will be made using a preponderance of the evidence standard determining that it is more likely than not the Respondent violated the Student Code of Conduct. The Review Panel will compile and forward its written findings and recommended sanctions to the Student Conduct Administrator within ten (10) calendar days after the conclusion of the Panel conference.

xii. Decisions made by the Student Conduct Administrator or Review Panel are considered final, pending the normal appeal process.

B. Students Will Be Notified

Students will be notified in writing of the outcome of any conduct proceedings via a letter sent electronically to the email account of record and via standard mail sent to the home address of record. Written notice will include:

- i. The specific standard of the Student Code of Conduct that was violated;
- ii. The sanction(s) imposed and the date(s) on or periods for which they are in effect;
- iii. A statement of the student's right to appeal in writing
- iv. A statement that failure to file a request for such an appeal within the time provided will be deemed a waiver of the right to an appeal.

SECTION VII. APPEALS OF ACADEMIC AND BEHAVIORAL MISCONDUCT DECISIONS

Should the Respondent(s) disagree with the findings of an instructor, Student Conduct Administrator, or Review Panel an appeal right exists to request reevaluation of the complaint. Individuals involved in the original consideration of the complaint will not review or decide any appeal request.

A. A decision reached by an Instructor, Student Conduct Administrator or Review Panel may be appealed by the Respondent(s) or Complainant(s) to the designated appeal officer within 10 calendar days of sending the decision. Appeals should be submitted in writing and delivered to the Student Conduct Administrator, or designee.

B. Except as required to explain the basis of new information, an appeal will be limited to a review of the academic work in question, any supporting documentation, and in behavioral misconduct complaints, the verbatim record of a Review Panel or conduct conference for one or more of the following purposes:

- i. Proper procedures were not followed. Deviations from designated procedures will not be a basis for appeal unless significant prejudice results.
- ii. There is new relevant information not reasonably available at the time of the conference or the imposition of the sanction(s).

iii. The information gathered does not clearly support the finding(s).

iv. The sanctions are inappropriate relative to the violation.

C. If an appeal is upheld, the complaint will be returned to the instructor, original Student Conduct Administrator, or Review Panel for reevaluation to allow reconsideration of the original determination and/or sanction(s). The appeal officer may choose, at their discretion, to request a division chair or supervisor, new Student Conduct Administrator, or new Review Panel to reconsider the complaint if necessary. If an appeal is not upheld, the complaint and any associated sanctions will be considered final and binding upon all involved.

SECTION VIII. POTENTIAL SANCTIONS FOR VIOLATING THE STUDENT CODE OF CONDUCT

In order to resolve a complaint of misconduct and educate students found responsible for violations of the Student Code of Conduct by an instructor, Student Conduct Administrator, or Review Panel students may be subject to one or more of the following sanctions. Students will be notified in writing of the outcome of any conduct proceedings via a letter sent electronically to the email account of record and via standard mail sent to the home address of record.

1. ACADEMIC STANDARDS VIOLATIONS

The college expects academic honesty from its students. The following sanctions may be imposed upon any student found responsible for violating the Academic Standards set forth in this Code of Conduct:

A. First Infraction

i. For the first Academic Integrity Violation the instructor will, at a minimum, assign the student a "0" or its equivalent on the paper, examination, or presentation in question. The instructor will discuss the assignment in question with the student and explain the reason for the grade.

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ii. Additionally, the instructor will inform the Executive Director of Student Affairs, or designee of the infraction in writing and the Executive Director of Student Affairs or designee will issue a Letter of Warning to the student and notify him or her of the consequences and implications of this infraction.

B. Second Infraction

i. The instructor will, at a minimum, assign the student a “0” or its equivalent on the paper, examination, or presentation in question. The instructor will discuss the assignment in question with the student and explain the reason for the grade. Additionally, the instructor will inform the Executive Director of Student Affairs, or designee of the infraction in writing. If it is determined that a second violation has occurred, the Executive Director of Student Affairs, or designee, will make the instructor aware that additional sanctions will apply.

ii. In addition to a grade of “0” or its equivalent on the assignment in question, a second Academic Integrity Violation, either in the same course or in another course, will also result in an automatic “F” in the course in which the second infraction occurred. The student will be issued another Letter of Warning and, absent a successful grade appeal, be barred from further class participation.

iii. In cases where the second infraction occurs in the same course, the instructor will notify the student and explain the reason for the “F” in the course. Otherwise, the Executive Director of Student Affairs or designee will notify the student of the “F” in the course and apprise the student of the implication of this second infraction. The “F” may not be changed to a “W” for any reason.

C. Third Infraction

i. The instructor will, at a minimum, assign the student a “0” or its equivalent on the paper, examination, or presentation in question. The instructor will discuss the assignment in question with the student and explain the reason for the grade. Additionally, the instructor will inform the Executive Director of Student Affairs, or designee of the infraction in writing. If it is determined that a third violation has occurred, the Vice President of Student Equity and Success, or designee, will make the instructor aware that additional sanctions will apply.

ii. In addition to a grade of “0” or its equivalent on the assignment in question and an automatic “F” in the course in which the third infraction occurred the student will be notified that a complaint has been filed against him or her for

violating the Student Code of Conduct and the matter will be referred to a conduct conference or Review Panel for resolution.

iii. If the Review Panel determines that the student has violated the academic integrity standards for a third time, the Student Conduct Administrator will notify the student that he or she will receive an automatic “F” for the course and will be immediately suspended from the college for one or more semesters as deemed appropriate by the Student Conduct Administrator or Review Panel. The “F” may not be changed to a “W” for any reason.

2. BEHAVIORAL STANDARDS VIOLATIONS

As stated previously, the College has certain behavioral expectations of all students. When a student is found responsible for violating the Student Code of Conduct the sanctions below may be imposed to resolve the complaint and educate the involved students. Sanction(s) will be finalized and imposed by the Student Conduct Administrator for cases heard by a Conduct Review Panel. The Student Conduct Administrator is not limited to sanctions recommended by members of the Review Panel and may alter sanctions as deemed necessary. More than one of the sanctions listed may be imposed for any single violation.

The following sanctions may be imposed to resolve violations of the Student Code of Conduct:

A. Warning – A notice in writing to the student that the student is violating or has violated institutional regulations.

B. Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

C. Loss of Privileges – Denial of specified privileges for a designated period of time.

D. Fines – Previously established and published fines may be imposed.

E. Account Hold – A restriction placed on a student’s account that prevents registration and other account actions

F. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

G. Discretionary Sanctions – Work assignments, essays, service to the College, or other related discretionary assignments.

H. Suspension – Exclusion from one or more classes, exclusion from other privileges or activities, and/or exclusion from one or more campuses as set forth in the notice of suspension, for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

I. Dismissal – Termination of student status for an indefinite period. The student may be readmitted to the college upon written request and with specific approval of the President.

J. Expulsion – Permanent termination of student status without possibility of readmission.

K. Revocation of Admission and/or Academic Award – Admission to or academic awards from the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining the award, or for other serious violations committed by a student prior to graduation.

M. Withholding Academic Award – The college may withhold granting an award otherwise earned until the completion of the process set forth in this Student Conduct Code of Conduct, including the completion of all sanctions imposed, if any.

Student organizations found responsible for violations of the Student Code of Conduct may subject to:

A. Sanctions A - G listed above

B. Suspension - loss of selected rights and privileges for a specified period of time

C. Organizational deactivation - loss of all privileges, including college recognition, for a specified period of time

SECTION IX. DISCIPLINARY RECORD RETENTION AND DISCLOSURE

I. All student conduct records will be filed and retained in the Office of the Vice President of Student Equity and Success.

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2. Disciplinary records will typically be purged seven years after the resolution of the complaint. Upon graduation, students may submit a written request to expunge their disciplinary record. Each request will be considered on a case-by-case basis taking into account the offense and any requirements the college may have to maintain such documentation for an extended period of time.

3. An exception exists to offenses that result in college expulsion or revocation or withholding of an academic award. These offenses may not be expunged and will be notated in the student's permanent academic record. The college will maintain disciplinary records as part of the student's education record in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C.S. §1232g ("FERPA").

4. A student's education record, including disciplinary records, will be disclosed only with written consent of the student's parents or the eligible student (in the case of a student 18 years of age or older), except as otherwise allowed pursuant to FERPA and its implementing regulations. Examples of appropriate disclosures of disciplinary records without consent include disclosure of information:

A. To other school officials within the institution when there is a legitimate educational interest in the information in order to exercise or complete their responsibilities on behalf of the institution;

B. Concerning disciplinary action taken against the student for conduct that poses a significant risk to the safety or well-being of that student, other students, or other members of the school community to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student;

C. Regarding any violation of any Federal, State, or local law, or of any rule or policy of the institution governing the use or possession of alcohol or controlled substance to a parent or legal guardian of a student if the student is under the age of 21 and the institution determines that the student has committed a disciplinary violation with respect to such use or possession; and

D. To complainants in cases alleging violations of II.A.7: Gender-based or sexual misconduct. The complainant has a right to be informed of the outcome, essential findings, and relevant sanctions, in writing.

E. The name, nature of the violation and the sanction, for any student who is found in violation of a College policy that is also a

"crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property, and kidnapping/abduction. The College may release this information publicly, and will release this information to the complainant in any of these offenses, regardless of outcome.

SECTION X. INTERPRETATION AND REVISION STATEMENTS

1. Any question of interpretation or application of the Student Code of Conduct will be referred to the Vice President of Student Equity and Success or his or her designee for final determination.

2. The Student Code will be reviewed at least every four years under the direction of the Vice President of Student Equity and Success or his or her designee.

3. The college may place these policies and regulations on its Web site. If it does so, the official version of the policies and procedures will be those on the web site, which may be revised from time to time and without written notice.

The College encourages all members of our community to participate in creating a safe, welcoming, and respectful environment on campus. Ultimately, each member of the community is expected to assume responsibility for his or her conduct, to report behaviors that may violate this policy, and to take reasonable and prudent actions to prevent or stop acts of sexual misconduct.

This policy prohibits a broad continuum of behaviors, all of which constitute a form of sexual or gender-based harassment or discrimination, sexual assault or relationship violence. In general, sexual assault means physical sexual acts perpetrated without effective consent. In general, relationship violence means any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. Prohibited conduct that may violate this policy includes sexual harassment, sexual assault, sexual exploitation, domestic and dating violence, retaliation, and stalking. This document may use the term "sexual misconduct" to refer to any or all of those prohibited behaviors.

The College will respond according to the severity or pervasiveness of the offense and the threat it poses to the community. Individuals who are found responsible may face disciplinary sanctions up to and including dismissal and/or termination of employment.

The College will not tolerate retaliation against an individual who makes a report, participates in a resolution process, or assists as a bystander to stop sexual misconduct. Retaliation, whether actual or threatened, destroys the sense of community and trust that is central to a quality environment.

Community members engaging in retaliation will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly.

The College will make every reasonable effort to stop retaliation immediately, to conduct a complete and thorough investigation of alleged acts of retaliation in a timely manner, to provide remedies to victims of retaliation, and to sanction the perpetrators of retaliation as appropriate.

POLICY ON SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE, STALKING, AND RETALIATION

I. PURPOSE

The College of Southern Maryland is committed to creating a safe work and learning environment of tolerance, civility and mutual respect. This policy is enacted to prohibit sexual harassment, including sexual discrimination, sexual assault, domestic and dating violence, stalking, and retaliation; to establish complaint procedures to investigate allegations of violations of this policy; and to provide appropriate sanctions for violations of this policy.

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II. SCOPE

This policy applies to all members of the College of Southern Maryland community, including all faculty, staff and students, volunteers, third-party vendors and contractors, visitors and others engaged in business with the college.

All College of Southern Maryland community members have a responsibility to adhere to College policies and to local, state, and federal law. Therefore, this policy applies to behaviors that take place on the campus, at College-sponsored events, and in the course of College-related travel and off campus programs, such as (but not limited to) academic programs, field trips, study-abroad programs, internship programs, work-related conferences, etc. This policy may also apply to other off campus conduct, when such conduct is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the College community or the College.

This policy also applies to behavior conducted online, including via e-mail, blogs, web page entries, social media sites, and other similar online postings are in the public sphere and are not private. These postings by a student, faculty or staff member about another student or member of faculty or staff can subject a community member to allegations of conduct violations. The College does not regularly search for this information but may take action if and when such information is brought to the attention of college officials.

III. ROLE OF THE TITLE IX COORDINATOR

The College President has appointed Kevin Hunter, Executive Director of Student Affairs, to serve as the College's Title IX Coordinator. He will be informed of all reports of sexual misconduct and will oversee the College's review, investigation, and resolution of those reports to ensure the College's compliance with Title IX and other applicable laws, and the effective implementation of this policy.

The Title IX Coordinator is:

- Responsible for overseeing the resolution of all reports of sexual misconduct involving students, staff, and faculty as well as volunteers and third parties;

- Knowledgeable and trained in College policies and procedures and relevant state and federal laws;

- Available to advise any individual, including a complainant, a respondent, or a third party, about the courses of action available at the College, both informally and formally, and in the community;

- Available to provide assistance to any College employee regarding how to respond appropriately to a report of sexual misconduct;

- Responsible for monitoring compliance with all procedural requirements, record keeping and time frames outlined in this policy;

- Responsible for overseeing training, prevention and education efforts, and reviews of climate and culture; and

- Responsible for conducting or overseeing investigations of complaints against students.

The Coordinator is empowered to issue findings and impose sanctions for violations of this Policy regarding sexual misconduct and other forms of discrimination. The Coordinator is also empowered to issue findings and impose sanctions for any violations of the Student Code of Conduct directly related to the alleged sexual misconduct or any alleged Policy violations.

Faculty may alternatively choose to report to the Associate Vice President of Academic Affairs/ Title IX Investigator. Any member of the College community may report information about any incident of sexual misconduct to the Title IX Coordinator.

Inquiries or complaints concerning the application of Title IX may be referred to the College's Title IX Coordinator and/or the United States Department of Education:

Title IX Coordinator
Kevin Hunter
301-539-4746
krhunter@csmd.edu

U.S. Department of Education
Office for Civil Rights
ocr@ed.gov

IV. PRIVACY AND CONFIDENTIALITY

The College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. In any report, the College will make every effort to protect the privacy of all individuals involved in a manner consistent with the need for a careful assessment of the allegation and any necessary steps to eliminate the sexual misconduct, prevent its recurrence, and address its effects.

Privacy and confidentiality have distinct meanings under this policy.

A. PRIVACY

Privacy means that information related to a report of misconduct will be shared only with a limited circle of individuals—those College employees who need to know in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. The College will involve only those College employees who have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly.

B. CONFIDENTIALITY

The college encourages all individuals who may have been subject to sexual misconduct to talk to someone about what happened—so they can get the support they need, and so the College can respond appropriately. Different employees on campus, as well as off-campus counselors, advocates, and health-care providers, have different abilities to maintain the individual's confidentiality. Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other person without express permission of that individual.

Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." These professionals include medical providers, mental health counselors, ordained clergy, and off-campus rape crisis counselors, all of whom have privileged confidentiality that the law recognizes. Disclosures to these employees will not trigger a College investigation into an incident against the student's wishes.

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All other employees at CSM may be required to disclose to the Title IX Coordinator or Title IX Investigators information concerning sexual misconduct, relationship violence, and stalking of which they become aware, including identifying information about the parties involved. A report to these employees (called “responsible employees”) constitutes a report to the College - and generally obligates the College to investigate the incident and take appropriate steps to address the situation. For more information about reporting to responsible employees, see Section VIII, Reporting, of this Policy.

V. PROHIBITED CONDUCT

CSM prohibits and will not tolerate sexual misconduct in any form. Such violations are subject to any combination of sanctions, including suspension, dismissal, or termination of employment.

The following behaviors fall under the broad definition of sexual misconduct and are prohibited.

- Sexual Harassment
- Non-Consensual Sexual Intercourse
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Relationship Violence
- Domestic Violence
- Dating Violence
- Stalking
- Retaliation

A. SEXUAL HARASSMENT

Sexual harassment is any unwelcome conduct of a sexual nature (sexual advances, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature); or unwelcome conduct based on sex, sexual orientation, gender identity, or gender expression, when one or more of the following conditions are present:

- Submission to the unwelcome conduct is an expressed or implied condition of an individual’s employment, evaluation of academic work, or any aspect of a College program or activity; or
- Refusal to submit to unwelcome conduct resulted in a tangible academic or employment detriment; or

- The unwelcome conduct unreasonably interferes with an individual’s work or academic performance, or creates an intimidating or hostile academic or work environment under both an objective (a reasonable person’s view) and subjective (the complainant’s view) standard.

Sexually harassing behaviors differ in type and severity and can range from verbal harassment to unwelcome physical contact. A wide range of behaviors falls within the general definition of sexual harassment. Key determining factors are that the behavior is unwelcome, is gender-based or conduct of a sexual nature, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct.

A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical. The determination of whether an environment is hostile must be based on all the circumstances. These circumstances could include, but are not limited to the following:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether a statement is a mere utterance of an epithet that engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
- Whether the conduct deserves the protections of academic freedom. Sexual harassment:
 - May be blatant and intentional and involve an overt action, a threat, or a reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
 - Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.

- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.

- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.

- May be committed by or against an individual or may be a result of the actions of an organization or group.

- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.

- May occur in the classroom, in the workplace, in residential settings, over electronic or social media (including the Internet, telephone, and text), or in any other setting.

- May be a one-time event or part of a pattern of behavior.

- May be committed in the presence of others or when the parties are alone.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent, or pervasive pattern of unwelcome conduct that includes one or more of the following:

Physical conduct:

- Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements
- Unwanted sexual advances

Verbal conduct:

- Making or using derogatory comments, epithets, slurs, or humor
- Verbal abuse of a sexual nature; graphic verbal commentaries about an individual’s body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes, or invitations
- Offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes

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Visual conduct:

- Leering; making sexual gestures; displaying suggestive objects or pictures, cartoons, or posters in a public space or forum
- Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading, sexually oriented images that are not pedagogically appropriate
- Written conduct: letters, notes or electronic communications, including social media, containing comments, words, or images described above

Quid pro quo conduct:

- Direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists
- Offering employment benefits in exchange for sexual favors
- Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose
- Making or threatening reprisals after a negative response to sexual advances

B. NON-CONSENSUAL SEXUAL INTERCOURSE

Having sexual intercourse with another individual without Consent.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth-to-genital contact.

C. NON-CONSENSUAL SEXUAL CONTACT

Having sexual contact with another individual without Consent.

Sexual contact includes any intentional, non-accidental, and non-consensual touching of the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.

D. SEXUAL EXPLOITATION

Taking advantage of the sexuality of another person without effective consent or in a manner that extends the bounds of effective consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, and which conduct does not otherwise constitute sexual misconduct under this policy. Examples of sexual exploitation include:

- Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Prostituting another individual;
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

E. RELATIONSHIP VIOLENCE—PHYSICAL HARM AND INTIMIDATION

Relationship violence is often referred to as dating violence, domestic violence, or intimate partner violence.

Domestic violence means a felony or misdemeanor crime of violence against a person committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of Maryland;
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Maryland.

Dating violence means violence committed by a person:

• Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

• Where the existence of such a relationship shall be determined based on (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Relationship violence may involve one act or an ongoing pattern of behavior. Relationship violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation, and does not discriminate by racial, social, or economic background.

The College will not tolerate relationship violence of any form. The College recognizes that sexual harassment, sexual assault, stalking, and retaliation all may be forms of relationship violence when committed by a person who is or has been involved in a sexual, dating, or other social relationship of a romantic or intimate nature with the complainant.

F. STALKING

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others; or
- Suffer substantial emotional distress.

Stalking includes the concept of cyber-stalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome and unsolicited contact with another person.

Examples of stalking may include:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Unwelcome/unsolicited written communication, including letters, cards, e-mails, instant messages, and messages on online bulletin boards;
- Unwelcome/unsolicited communications about a person, their family, friends, or co-workers; or
- Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person.

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G. RETALIATION

Retaliation is any act or attempt to retaliate against, or seek retribution from, any individual or group of individuals involved in the investigation or resolution of a report, or engaging in bystander intervention of sexual misconduct. Retaliation can take many forms, including abuse or violence, threats, and intimidation. Any individual or group of individuals, including a complainant or respondent, engaging in retaliation will be held accountable and subject to disciplinary action.

Actions are considered retaliatory if they:

1. are in response to a good faith disclosure of real or perceived College-related misconduct, participation in an investigation of College-related misconduct, engaging in bystander intervention of sexual misconduct, and
2. have a materially adverse effect on the working, volunteering, academic, or College-controlled environment of an employee, volunteer or student; or if the faculty member, employee, volunteer or student can no longer effectively carry out his or her College responsibilities.

VI. UNDERSTANDING CONSENT: FORCE, COERCION, INCAPACITATION, AND ALCOHOL OR OTHER DRUGS

A. CONSENT

Individuals who choose to engage in sexual activity of any type with each other must first obtain consent. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity.

Additional Guidance about Consent:

- Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.

- A verbal “no” is a clear demonstration of the lack of consent.

- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.

- The responsibility of obtaining consent rests with the individual who initiates sexual activity. Prior to engaging in sexual activity, each participant should ask himself or herself the question, “Has the other person consented?” If the answer is “No” or “I’m not sure,” then consent has not been demonstrated and does not exist. An individual who initiates sexual activity should be able to explain the basis for his/her belief that consent existed.

- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to have sexual contact. See “Force” and “Coercion” for further discussion.

- An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent. See “Incapacitation” for further discussion.

- In Maryland, the age of majority is 18. Under state law, consent cannot be given for any individual under the age of 18 to participate in sexual activity with an individual over the age of 18. In addition, consent can never be given by minors under the age of 16.

B. FORCE

Force is the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

C. COERCION

Coercion is the use of unreasonable and persistent pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. Coercion may be emotional, intellectual, psychological, or moral. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity.

Examples of coercion include threatening to disclose another individual’s private sexual information related to sexual orientation, gender identity, or gender expression, and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

D. INCAPACITATION

An individual who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

In other words, a person may be considered unable to give valid consent due to incapacitation if the person cannot appreciate the who, what, where, when, why, and/or how of a sexual interaction.

Evaluating incapacitation also requires an assessment of whether a respondent should have been aware of the complainant’s incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent’s position.

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An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of giving knowing consent (e.g., to understand the who, what, when, where, why or how of their sexual interaction) is in violation of this policy.

E. ALCOHOL OR OTHER DRUGS

In general, the College considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

The perspective of a sober, reasonable person will be the basis for determining whether a respondent should have been aware of the incapacitation of the complainant.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct, and does not diminish one's responsibility to obtain informed and freely given consent.

VII. EMERGENCY AND CONFIDENTIAL RESOURCES FOR COMPLAINANTS AND RESPONDENTS

A first step for any complainant or third-party witness may be choosing how to proceed following an incident of sexual misconduct. The College provides various notification and reporting resources. A report may be made to a "Responsible Employee" or to law enforcement discussed below under section VIII. Reporting as an alternative to reporting in this manner, an individual may speak to those identified as Confidential Resources described below.

It is also important to note that CSM Public Safety and/or local law enforcement assistance are available. All individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to one's safety or physical well-being.

The College is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual misconduct, whether as a complainant, a respondent, or a third party, will have equal access to support consistent with their needs and available College resources.

The College recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The College encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources and procedural options and assistance to either party in the event that a report and/or resolution are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

A. EMERGENCY AND COMMUNITY RESOURCES

The first priority for any individual should be personal safety and well-being. The College encourages all individuals who have experienced sexual misconduct to seek assistance by contacting CSM Public Safety, calling 911, contacting local law enforcement, and/or visiting a medical facility immediately after an incident of sexual misconduct.

All individuals are encouraged to make a prompt report to law enforcement and/or to seek immediate medical treatment in response to an incident in order to address immediate safety concerns and to allow for the preservation of evidence and an immediate investigative response. The College will assist in these reporting options by arranging for or providing transportation to the hospital, coordinating with local law enforcement (including assisting with filing a police report and obtaining a protective order), and informing a complainant about the College's resources and complaint processes.

In the event of an emergency, individuals may obtain support from any of the following:

CSM Public Safety and Preparedness

La Plata, 301-934-7754
Leonardtown, 240-725-5333
Prince Frederick, 443- 550-6033
Regional Hughesville, 301-539-4898

Charles County Sheriff's Office
301-932-2222

Calvert County Sheriff's Office
410-535-2800

St. Mary's County Sheriff's Office
301-475-8008

Area Hospitals: (These are the closest hospitals if a sexual-assault evidence-collection exam is desired.)

Med Star St. Mary's Hospital
301-475-8981

Calvert Memorial Hospital
410-535-4000

**University of Maryland Charles
Regional Medical Center**
301-609-4000

B. CONFIDENTIAL RESOURCES AND SUPPORT

For individuals who are seeking confidential consultation, several resources provide confidential support, both on campus and in the local community. The trained professionals designated below can provide counseling, information, and support under legally protected confidentiality. Because these relationships involve privileged conversations, these confidential resources will not share information about a patient/client (including whether or not that individual has received services) with the Title IX Coordinator or any other employee of the College without the individual's express written permission. The individual can seek assistance and support from these individuals without triggering a College investigation that could reveal the individual's identity or that the individual has disclosed the incident, unless he/she requests the disclosure and signs a consent or waiver form.

While maintaining an affected individual's confidentiality, these individuals or their office may, however, submit non-identifying information about the incident for purposes of making a statistical report under the Clery Act. They should report the nature, date, time, and general location of an incident to the Coordinator. This limited report-which includes no information that would directly or indirectly identify the affected individual-helps keep the Coordinator informed of the general extent and nature of sexual misconduct on and off campus so the Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Coordinator, these individuals will consult with the reporting individual to ensure that no personally identifying details are shared with the Coordinator.

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The following is the contact information for these confidential resources:

ON CAMPUS

Students may receive confidential counseling from the college's counselor by contacting:

Kellie Jamison, Counselor, 301-934-7577

Jennifer Fossell, Counselor, 240-725-5328

Natasha Miller, Counselor, 443-550-6169

OFF CAMPUS

National Domestic Violence Hotline

1-800-799-SAFE (7233)

Rape, Abuse and Incest National Network

(RAINN) 1-800-656-(HOPE) 4673

Walden Sierra, Inc

301-863-6661, Waldorf

301-997-1300 ext 871, California

Maryland Coalition Against Sexual Assault

301-328-7023

Turn Around Inc

443-279-0379

While these counseling resources may maintain an individual's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law, which could include mandatory reporting to law enforcement in the case of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case.

VIII. REPORTING

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence or relationship violence, whether or not the individual plans to pursue criminal action. This is the best option to ensure preservation of evidence and to begin a timely response by law enforcement and/or the College.

The College supports victims of sexual misconduct and encourages all individuals or third-party witnesses to report any incident to the College and to law enforcement if it involves potential criminal conduct.

Making a report means telling a Reporting Resource—see Campus Reporting Resources, VIII (2) what happened-in person, by telephone, in writing, or by e-mail. At the time a report is

made, a complainant does not have to decide whether or not to request any particular course of action, nor does a complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can unfold over time. The College provides support to each individual in making these important decisions, and to the extent legally possible, will respect an individual's autonomy in deciding how to proceed. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

Any individual who reports sexual misconduct can be assured that the College will investigate all reports and resolve them in a fair and impartial manner. All individuals involved can expect to be treated with dignity and respect. In every report, the College will make an immediate assessment of any risk of harm to the College or to the broader campus community and will address those risks, including taking interim measures to provide for the safety of the individual and the campus community.

A. REPORTING TO LAW ENFORCEMENT

The College encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under Maryland law, such as sexual assault, stalking and rape. The College will assist a complainant, at the complainant's request, in contacting local law enforcement; filing a report; and obtaining a protective order. The College will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process.

The College's policy, definitions, and burden of proof may differ from Maryland criminal law. Even though the CSM Public Safety and Preparedness Department or a local law enforcement agency may determine that the alleged incident of sexual misconduct does not constitute a crime, CSM will still proceed with its investigation under this Sexual Harassment and Misconduct Policy. Neither law enforcement's determination whether or not to prosecute a respondent nor the outcome of any criminal prosecution determine whether sexual misconduct has occurred under this policy.

Investigation by CSM may be done prior to, simultaneously with, or following civil or criminal proceedings. If CSM makes the decision to delay temporarily the fact-finding portion of the investigation while law enforcement agencies are gathering evidence, CSM will take

interim measures to protect the complainant in the educational setting or employment setting as well as update the parties on the status of the investigation and inform the parties when CSM resumes its investigation. The outcome of the civil or criminal proceedings will not determine the CSM course of action nor the CSM outcome.

Charles County Sheriff's Office

301-932-2222

Calvert County Sheriff's Office

410-535-2800

St. Mary's County Sheriff's Office

301-475-8008

Maryland State Police

301-392-1200, La Plata

410-535-1400, Prince Frederick

Calling local law enforcement can help you: Obtain emergency and nonemergency medical care; get immediate law enforcement response for your protection; understand how to provide assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with victim advocate services; find counseling and support; initiate a criminal investigation; and answer questions about the criminal process.

Please remember that if someone is in immediate danger or needs immediate medical attention, the first place to report is 911.

Obtaining Protective Orders

If you are the victim of relationship violence, you may be entitled to obtain a protective order against your abuser in the State of Maryland. A protective order (also known as a "domestic violence protective order," "DVPO") is available for incidents of domestic abuse, which occurs when someone you have a specific relationship with (current/former spouse; cohabitant, which is someone with whom you have had a sexual relationship and lived with for a least 90 days in the past year and includes same-sex partners; relative; someone you have a child in common with) commits one of the following offenses against you:

- Assault
- An act that places you in fear of immediate serious bodily harm or actually causes you serious bodily harm
- Attempted or actual rape or sexual offense
- Stalking
- False imprisonment, such as holding you somewhere against your will

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You may also be eligible for a protective order if you are a “vulnerable adult” (an adult who lacks the physical or mental capacity to provide for his/her daily needs).

Note: If you are NOT eligible for a protective order (because you do not have the specific relationship with the abuser described above), but you have been the victim of abuse and need protection; you may be eligible to file for a peace order. Information about how to file for a protective order or a peace order can be found on the website of the Maryland Judiciary system: www.courts.state.md.us/courtforms/joint/ccdcvpo001br.pdf.

Protective orders can require the abuser to stay away from you, leave your home, provide emergency family maintenance to you, and attend counseling. They can be valid for up to one year and can be renewed. Peace Orders can provide only a stay away order and require counseling, and are effective for up to 6 months but can be renewed.

B. CAMPUS REPORTING RESOURCES

The College is committed to providing a variety of welcoming and accessible means so that all instances of sexual misconduct will be reported.

The College recognizes that a student or employee may choose to report to any employee of the College. For example, a student may choose to confide in a division chair, a faculty member, a director, or a coach. Similarly, an employee may choose to confide in a supervisor or a colleague. No CSM employee may promise confidentiality (except to the College’s Counselor), and all CSM employees are expected to share such information with the Title IX Coordinator or Title IX Investigator.

CSM considers all employees, other than those identified above under Confidential Resources, to be “responsible employees” under this Policy. This term is used to describe those individuals on campus who have an obligation, pursuant to Title IX, to report incidents of sexual misconduct and assault to the Title IX Coordinator or Title IX Investigators.

Responsible employees are not able to promise confidentiality to an individual who reports a violation of this Policy. Before a complainant reveals any information to a responsible employee, the employee should ensure that the reporter understands the employee’s reporting obligations-and, if the reporter wants to maintain confidentiality, direct the reporter to confidential resources.

Employees must report all relevant details about the alleged sexual misconduct that the complainant has shared.

If a reporter discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particularly incident be conducted or disciplinary action be taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students, including the reporter. If the College honors the request for confidentiality, a reporter must understand that the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the accused individual (s) may be limited. Although rare, there are times when the College may not be able to honor a reporter’s request in order to provide a safe, non-discriminatory environment for all students.

The College’s Title IX Coordinator, in consultation with legal counsel, will evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence.

When weighing a reporter’s request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:

- Whether there have been other sexual violence complaints about the same alleged perpetrator;
- Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- Whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- Whether the sexual violence was alleged to be committed by multiple individuals;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);

- Whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the reporter’s and/or victim’s request for confidentiality.

If the College determines that it cannot maintain a reporter’s and/or victim’s confidentiality, the College will inform that individual prior to disclosing their identity and starting an investigation. If the College determines that it can respect a victim’s request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

A complainant may also make a report directly to the Title IX Coordinator or a Title IX Investigator:

Kevin Hunter, Title IX Coordinator
La Plata Campus, AD Building 220B
Phone: 301-934-7891
E-mail: krhunter@csmd.edu

The Title IX Coordinator or a Title IX Investigator will ensure that the complainant:

- Receives a copy of this Policy and Procedures;
- Is advised of the option to notify law enforcement and is assisted in doing so if desired;
- Is advised of CSM’s investigative obligations and process;
- Is advised that even if the complainant chooses not to pursue the complaint, CSM may proceed with its investigation;
- Is advised of available interim measures; and
- Is advised about available resources for counseling, health, mental health, victim advocacy, and legal assistance.

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C. ANONYMOUS AND THIRD-PARTY REPORTING

Any individual may make an anonymous report concerning incidents of sexual misconduct. An individual may report the incident without disclosing his or her name, identifying the respondent, or requesting any action. The individual making the report is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator or a Title IX Investigator to investigate and respond as appropriate. Depending on the extent of information available about the incident or the individuals involved, however, the College's ability to respond and/or investigate to an anonymous report may be limited.

The Title IX Coordinator or Title IX Investigator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate and in compliance with all Clery Act obligations.

D. REPORTING CONSIDERATIONS

1. Timeliness of Report, Location of Incident
Complainants and third-party witnesses are encouraged to report sexual misconduct as soon as possible in order to maximize the College's ability to respond promptly and effectively.

However, there is no time limit on reporting violations of this policy. If the respondent is no longer a student or employee, the College may not be able to take disciplinary action against the respondent, but it will still seek to meet its Title IX obligation by providing support for a complainant and taking steps to end the harassment, prevent its recurrence, and address its effects.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that occurs in connection with College programs or events may also be covered, as may off-campus conduct that may have a substantial effect on the complainant's on-campus life and activities, may pose a threat or danger to the members of the CSM community, or may adversely impact College interests.

2. Amnesty for Personal Use of Alcohol or Other Drugs

The College seeks to remove any barriers to reporting. It is in the best interest of this community that all individuals who have been the subject of sexual misconduct report the behavior to College officials, and that witnesses share what they know. To encourage reporting, an individual who reports sexual misconduct, either as a complainant or a third-party witness,

will not be subject to disciplinary action by the College for his or her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk.

The College strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual misconduct involving students will not be disciplined by the College for any violation of the College's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

3. False Reporting

The College takes the validity of information very seriously, as a charge of sexual misconduct may have severe consequences. A complainant who makes a report that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action and may also violate state criminal statutes and civil defamation laws. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation.

Similarly, anyone who is later proven to have intentionally given false information during the course of an investigation or disciplinary hearing may be subject to disciplinary action.

E. INTERIM MEASURES

1. Overview

Upon receipt of a report of sexual misconduct, the College will impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment, prevent its recurrence, and remedy its effects. The College will maintain consistent contact with the parties to ensure that all concerns for safety and emotional and physical well-being are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the College in order to ensure the preservation of the complainant's educational, work or volunteer experience and the overall College environment.

A complainant or respondent may request separation or other protection, or the College may choose to impose interim measures at its

discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the investigative and/or resolution process.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate action to enforce a previously implemented measure. The College can impose disciplinary sanctions for failing to abide by a College-imposed measure.

2. Range of Measures

The College, at its discretion, will implement interim measures. Potential remedies, which may be applied to the complainant and/or the respondent to the extent reasonably available and warranted by the circumstances, include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus
- Imposition of an on-campus no-contact directive pending the outcome of an investigation, which means giving notice to both the complainant and the respondent that they must not have verbal, electronic, written or third-party communication with one another.
- Rescheduling of exams and assignments
- Providing alternative course-completion options
- Change in class schedule, including the ability to transfer course sections or withdraw from a course without penalty
- Temporary change in work schedule or job assignment, including other work locations
- Limit of an individual's or organization's access to certain College facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to ensure safe movement between classes and activities
- Providing academic support services, such as tutoring
- Interim administrative leave of absence
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

3. Interim Administrative Leave of Absence

If the Title IX Coordinator, after consultation with the Vice President of Student Equity and

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Success and Executive Director of Student Affairs, Executive Director of Public Safety and Preparedness, and others, as appropriate, decides at any point that the health and safety of a student or of the community is at stake, an interim administrative leave of absence may be imposed on a student who is suspected of violating this policy. In addition, interim administrative leave of absence may be used to preserve College property; pursue an investigation and/or hearing; and prevent disruption of, or interference with, the normal operations of the College. Interim administrative leave of absence will be used for short periods of time pending resolution of a report, and assumes no determination of responsibility.

During an interim administrative leave of absence, a student may be denied access to campuses or programs. As determined appropriate by the Title IX Coordinator (or designee), this restriction includes classes and/or all other College activities or privileges for which the student might otherwise be eligible.

At the discretion of the Title IX Coordinator, and with the approval of, and in collaboration with, the Vice President of Academic Affairs and/or appropriate Division Chair, alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent.

Similarly, to protect the health and safety of the community, the College may impose interim administrative leave with pay for any employee at the discretion of the Title IX Coordinator, in consultation with, and with the approval of, the Associate Vice President of Human Resources.

IX. PROCEDURES FOR COMPLAINTS AGAINST MEMBERS OF THE COLLEGE COMMUNITY

Any individual (“Complainant”) who believes that s/he has been subjected to sexual misconduct (which includes sexual harassment, sexual assault, stalking, and domestic and dating violence), or retaliation by a member of the College community, including faculty, staff, students and visitors (“Respondent”), may raise the concern and bring a complaint through these procedures.

Although a report may arrive through many sources, the College is committed to ensuring that all reports are referred to the Title IX Coordinator, who will ensure consistent application of the policy to all individuals and allow the College

to respond promptly and equitably to eliminate the harassment, prevent its recurrence, and eliminate its effects. The College is committed to take all appropriate action as promptly as possible against individuals who violate this policy, including interim or emergency action, pending the outcome of an investigation. Interim protective action may include changing academic arrangements for students, changing office responsibilities or location for employees, and prohibiting the accused offender from having contact with the Complainant pending results of the investigation. Complainants may choose among informal or formal campus administrative procedures for alleged violations of this policy.

A. INFORMAL PROCEDURE

Some complaints may be handled by informal procedures. The informal complaint process is intended to be a flexible process allowing each case to be handled according to the facts presented and the preferences of the parties. In some cases, informing the offender that the behavior is unwelcome and needs to stop immediately may be enough to stop the behavior. Whenever possible and safe, the College encourages, but does not require, students and employees to first discuss any problem with the individual involved in the complaint.

The Complainant and the Title IX Coordinator will work together to decide additional steps necessary to resolve the complaint, and in appropriate instances, a complaint may be resolved informally.

Informal complaints may be resolved by one of the following:

1. A decision to stop further action on the informal complaint.
2. A resolution of the informal complaint by agreement of the parties and with approval of the Title IX Coordinator.
3. Initiation of the formal complaint process.

Possible resolutions by agreement of the parties may include, but is not limited to, agreeing to cease the conduct claimed to be “unwelcome”; an apology by the Respondent to the Complainant and a commitment to stop the harassment; providing the Respondent with assistance to better understand the effects of his/her conduct and ways in which this behavior could be changed; participation in educational programs about discrimination, harassment and/or sexual

misconduct; verbal or written reprimands; and/or other interventions or actions aimed at ending the misconduct. They will also include appropriate remedies for the victim and the College community.

If as a result of the informal process, the accused person accepts responsibility for violating this policy, sanctions or other remedial action may result. Sanction(s) or other remedial action will be imposed by the Executive Director of Student Affairs when the accused is a student, by the Vice President of Academic Affairs when the accused is a faculty member, and by the Associate Vice President of Human Resources when the accused is a staff member.

In some cases, informal resolution may not be appropriate and it may be necessary to refer the complaint formally for resolution despite possible Complainant objection. For example, informal resolution in the form of mediation will not be used to resolve Sexual Assault/Sexual Violence complaints. Still, Sexual Assault/Sexual Violence complaints can be resolved informally where the accused individual is willing to accept responsibility without a hearing.

Either party may end the informal process at any time and may initiate the formal process as provided herein. The College will take steps to ensure confidentiality of the Complainant and Respondent during any informal complaint procedure to the fullest extent possible and to the extent maintenance of confidentiality does not interfere with the College’s obligation to address allegations of Sexual Misconduct.

B. FORMAL PROCEDURE

Formal complaints of sexual misconduct are addressed under the procedure outlined in this section. This is a college administrative process, not a criminal law process.

1. FILING A COMPLAINT.

All formal complaints under this policy must be made in writing by the complainant, describe the particulars of the alleged behavior, and be signed by the complainant. If the complaint is not available in writing, the Title IX Coordinator may document the Complainant’s statements and obtain the Complainant’s signature on those notes to signify that the Complainant agrees with the description of the alleged misconduct as recounted by the Title IX Coordinator. Complainants will be provided by the Title IX Coordinator’s office with an intake form to facilitate the process of collecting germane

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information on their complaint.

If the Complainant refuses to cooperate with the investigation, is reluctant to pursue the investigation or for any reason refuses to sign the alleged complaint, the Title IX Coordinator may go forward with the procedure as required to address the allegations in an effort to end the harassment, prevent its recurrence, and remedy its effects on the Complainant and the College Community. The Respondent, the person accused in the complaint, shall be notified of the complaint by the Title IX Coordinator and will be invited to submit a written response to the Coordinator within ten (10) College business days of receiving the notification. The Title IX Coordinator shall also notify the Associate Vice President of Human Resources and the Vice President of the appropriate unit(s) in the event of employee involvement and the Executive Director of Student Affairs in the event of student involvement in a complaint of sexual misconduct.

2. INVESTIGATION.

The Title IX Coordinator, or a trained Title IX Investigator, shall begin a neutral investigation into the claims. During the investigation, the Title IX Coordinator or a Title IX Investigator is not permitted to discuss this investigation with the College community except to the extent they are witnesses, are otherwise involved in the determination of the merits of the case to ensure that a fair and unbiased investigation is conducted, or as circumstances warrant on a need-to-know basis. Legal counsel to the College is exempt from this requirement. The investigation ordinarily will include a discussion with the Complainant, a discussion with the Respondent, interviews of any witnesses to the events, a review of any pertinent documents and any other actions deemed appropriate by the investigator(s).

The Title IX Coordinator, and any designated investigator, shall make every effort to keep the investigation confidential, although this cannot be guaranteed, and all participants in the investigation shall be subject to the requirement that all parts of the investigation remain confidential. The privacy of all parties to a complaint under this policy must be strictly observed, except insofar as it interferes with the College's obligation to fully investigate allegations of violation of this policy. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. In these cases, privacy and confidentiality should be maintained to the extent possible. The Title IX Coordinator may assist to initiate interim measures to address the allegations, as

appropriate, while the investigation is pending. Examples of interim measures that may be taken include, but are not limited to, changing a student's schedule or requesting an employee's temporary reassignment. Where appropriate, the proceedings shall be transcribed, recorded or otherwise preserved in order to make a right of appeal meaningful.

The Complainant and Respondent may each be accompanied by an advisor, who is there for consultation and support. The advisor may not actively participate in the hearing, though s/he may quietly communicate with the person for whom s/he is supporting as needed. This advisor is bound by the same requirements of confidentiality as are the other parties to an investigation or hearing.

The investigation is expected to be completed within sixty (60) days of receiving the Complaint. If the investigation cannot be completed within that timeframe, the reasons for delay should be noted in writing for the file and copied to the Complainant and the Respondent. The Title IX Coordinator will make the final decision regarding the findings of fact and recommended sanctions, if any. The standard for making the final decision shall be a preponderance of evidence, i.e., it is more likely than not that the sexual misconduct occurred.

Prior Sexual History. In general, the complainant's prior sexual history is not relevant to an investigation under this policy and will not be considered by investigators or decision-makers. However, where there is a current or ongoing relationship between the complainant and the accused, and the accused alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of the communications between the parties. The mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the complainant with other individuals is not relevant and will not be considered.

Pattern Evidence By Accused. Where there is evidence of a pattern or conduct similar in nature by the accused, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant to the determination of responsibility and/or assigning of a sanction.

3. INVESTIGATION REPORT.

A written report shall be prepared by the Title IX

Coordinator and/or the designated investigator in coordination with the Title IX Coordinator, at the conclusion of the investigation. The report shall include (1) a statement of the findings of fact concerning the alleged events; (2) a detailed statement identifying the relevant elements of the policy to support the conclusion that a violation of College policy did or did not occur; (3) a recommendation of a sanction(s), if applicable; and (4) notification of the right to appeal. The findings shall indicate one of the following:

1. The accused is responsible for violating this policy;
2. The accused is not responsible for violating this policy;
3. There is insufficient information to determine whether the accused person is responsible for violating this policy.

Both parties will simultaneously be provided a summary of the investigation report and any other materials presented to the Title IX Coordinator or investigators. Parties will be permitted to view, but not copy, the full report and materials upon request. The report and materials may be redacted when necessary to protect privileged or confidential information, to protect the safety or well-being of individuals involved in the investigation, or to comply with the provisions of the Family Educational Rights and Privacy Act (FERPA).

If the accused person is a faculty or staff member, the investigation report with findings and recommended sanctions will be provided to the appropriate administrator. When the accused is a faculty member, the report will be provided to the Vice President of Academic Affairs; when the accused is a staff member, the report will be provided to the Associate Vice President of Human Resources; when the accused is a student, the report will be provided to the Vice President of Student Equity and Success (Appeal Officers).

4. APPEAL.

A. Appeal Request

The Complainant and the accused both have the opportunity to appeal the written decision of the Title IX Coordinator or investigator. A request for appeal must be filed in writing with the Title IX Coordinator and to the Vice President of Academic Affairs if a faculty member is the

POLICIES AND REGULATIONS

accused, to the Associate Vice President of Human Resources if a staff member is accused, and to the Vice President of Student Equity and Success if the accused is a student, within ten (10) working days of receipt of the written decision.

The statement of appeal must state the specific grounds for the appeal. Appeals must be based on at least one of the following grounds: (a) the procedures described in this policy were not followed, and the failure to follow procedure may have affected the outcome of the final decision; (b) the sanction(s) recommended are disproportionate for the facts of the case and/or the violation of the policy that was found; (c) Substantive new information that was not reasonably available at the time of the investigation has now become available and may change the outcome of the final decision. When a party requests an appeal, the Title IX Coordinator shall notify the other party of the appeal request.

B. Appeal Decision

The appropriate Appeal Officer (“AO”) reviews the findings and sanctions of the Title IX Coordinator or designated investigator. At his/her discretion, the appeal officer may seek further information from the parties or the Title IX Coordinator, and will then issue a written appeal decision that affirms, overturns, or modifies the findings and/or sanctions based only on the grounds for appeal specified in this policy.

The AO will simultaneously submit the written decision to the Complainant, the accused, and the Title IX Coordinator within ten (10) working days of receiving the written request for appeal. The decision of the AO represents the final decision of the College. No other administrative processes that may be available to students, faculty or staff may be used to further appeal the decision of the AO.

C. Imposition and enforcement of sanctions.

The Title IX coordinator will be responsible for ensuring that any sanctions imposed in the final decision are implemented and completed. This may require contacting college employees in a position to enforce or monitor sanctions, such as an employment supervisor. In contacting such persons, the Title IX coordinator will only disclose as much information as is necessary to ensure that the sanctions are enforced or monitored. Failure to comply with sanctions

imposed under this policy may result in additional sanctions, including suspension or expulsion, at the discretion of the Title IX coordinator, in consultation with legal counsel.

For student violations, sanctions include a written letter of warning, a letter of reprimand, mandatory attendance at an educational program on sexual harassment or sexual assault, mandatory referral for psychological assessment and compliance with any resulting treatment plan, change in course assignment, restriction of activities and/or on access of campus facilities, probation, expulsion from the nonacademic campus activities, suspension or expulsion from the college and revocation of a degree.

In determining sanction, the Title IX Coordinator and AO should consider 1) the accused student’s prior disciplinary history; 2) the nature and violence of the conduct at issue; 3) the impact of the conduct on the complainant; 4) the impact of the conduct on the community, its members, or its property; 5) whether the accused student is likely to engage in the conduct in the future; and 6) any other mitigating or aggravating circumstances. Alcohol and drug use are not considered mitigating circumstances. Students found responsible for sexual assault involving intercourse are likely to receive a sanction of suspension or expulsion.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by outside authorities.

X. COMPLAINTS AGAINST PERSONS OUTSIDE THE CSM COMMUNITY

A. Complaints against students from other institutions or other campus visitors should be reported to the Executive Director of Public Safety and Preparedness, who will investigate the complaint and take appropriate action.

B. Complaints against employees of entities that do business with CSM should be reported to the Executive Director of Public Safety and Preparedness, who will investigate the complaint and take appropriate action.

XI. EDUCATION AND TRAINING

Education and training are a key component of maintaining an environment free from sexual misconduct, relationship violence, and stalking. CSM is therefore committed to providing effective educational and training programs implementing this policy to students, faculty, and staff.

A. Employees. The College shall require all employees likely to witness or receive reports of Sexual Harassment and Violence including, but not limited to, faculty, Public Safety, administrators, counselors, investigators and adjudicators, general counsel, student affairs personnel, coaches, any employee who regularly interacts with students, and employees who serve in a supervisory capacity to participate in Sexual Misconduct training on a routine, ongoing basis, but in no event less frequently than biannually. The training should include how to recognize and report Sexual Harassment and Violence. The Title IX Coordinator is responsible for making Sexual Misconduct prevention education available to the College Community. The Title IX Coordinator and all designated Title IX Investigators must attend yearly training on Title IX and sexual misconduct topics. Training and education about this policy and procedures will be provided for new faculty and staff.

B. Students. The Executive Director of Student Affairs/Title IX Coordinator and Title IX Investigators are responsible for developing, coordinating and/or providing consultation on Sexual Misconduct, Relationship violence, and Stalking education and training, and prevention reporting and procedures to students on a routine ongoing basis. Programs will be presented for students on a regular basis to promote awareness and risk reduction. Sexual Misconduct education information and this policy will be provided to all new students annually. This Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation including procedures and educational materials shall be distributed during these programs.

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ALCOHOL, SMOKING, AND DRUG POLICY

The college will make a good faith effort to maintain a drug-free workplace and campus, focusing primarily on prevention through education, early intervention, and providing referral services to employees and students with substance abuse problems.

In compliance with the Drug-Free Workplace Act of 1988 and the reauthorization of the higher education act of 1965, as amended by the Drug-Free Schools and Communities Act Of 1989, this policy also includes the following:

- The college does not tolerate or condone the illegal use of drugs or alcohol by employees in the workplace, or by students on the campuses, in the classrooms, or at school-sponsored events.
- Illegal use of drugs or alcohol includes the unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance.
- Employees convicted of any violation of a criminal drug statute occurring in the workplace must notify the supervisor.

Within five days after such conviction. The appropriate director will, within ten days, notify the federal funding agency when an employee is convicted of a drug-related crime. (this requirement is mandated by the Drug-Free Workplace Act of 1988). Employees convicted of any violation of a criminal drug or alcohol statute occurring in the workplace will receive appropriate disciplinary action up to and including removal and/or be required to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program as a condition of continued employment.

- A drug or alcohol abuse prevention program will be accessible to any office, employee, or student at the college. Drug-free awareness training will be provided to college employees.
- Employees must, as a condition of employment, abide by the terms of this policy.
- The college will disseminate its drug and alcohol policies to all students and employees on an annual basis.

- Every two years the effectiveness of the college's drug and alcohol program will be reviewed and changes will be implemented, if needed.

—See *Board Policy Manual, GEN: 416 (policy revised and approved: 3/25/10), HR: 4040, HRD: 1105, (policy revised: 12/06)*

The College of Southern Maryland is committed to providing and maintaining an environment for faculty, staff, and students that is drug-free, healthy, safe, and secure. Faculty, staff, and students are expected and required to report each day in an appropriate mental and physical condition, free of any illegal drugs and alcohol and capable of fulfilling their daily duties. The college supports all local, state, and federal laws related to drug and alcohol abuse, including but not limited to the Drug-Free Workplace Act and The Drug-Free Schools and Campuses Act.

Although the college recognizes drug and alcohol dependency as an illness and a major health problem affecting society, it also recognizes drug and alcohol use as a potential health, safety, and security problem. The college offers a variety of drug and alcohol abuse education and prevention programs throughout the year. It encourages students and employees to attend these programs and to take advantage of the resources provided to the college community by the Safe Communities Center.

ALCOHOLIC BEVERAGES

The Board of Trustees authorizes the sale and/or consumption of alcoholic beverages under the following circumstances:

1. If alcoholic beverages are sold, the college or other entity using a college facility, has a valid temporary liquor license.
2. The sale and/or consumption is associated with an event or activity and the anticipated audience does not include a significant percentage of minors.
3. The sale and/or consumption is confined to the Center for Business and Industry on the La Plata campus, rooms A206 and C216 on the Leonardtown campus, and room 119 on

the Prince Frederick campus, unless otherwise authorized by the college president.

4. The sale and/or consumption does not take place in an open area (e.g., hallway or foyer) of a building when it is open to people not participating in the event or activity.

5. The sale and/or consumption at the specified event or activity has been authorized in writing by the president or his/ her designee.

No alcoholic beverages may be brought to or consumed on any college campus, any college-owned or leased facility, or within any instructional setting, except as outlined above.

The president is authorized to develop and administer procedures which will implement this policy.

—See *Board Policy Manual, GEN: 411 (policy revised and approved 3/25/10)*

STUDENT CODE OF CONDUCT VIOLATIONS

(specifically regarding tobacco, drugs, and alcohol)

B20) Smoking, using tobacco or e-cigarette products on campus

B23) Illegal or unauthorized use, possession, manufacturing or dissemination of alcohol, or public intoxication

B24) Possession, use or distribution of an illegal drug, controlled substance, or look-alike drug

HEALTH RISKS ASSOCIATED WITH ALCOHOL USE

Alcohol is the most frequently abused drug. Ethyl alcohol, the form of alcohol found in beer, wine, and liquor, is a psychoactive drug. It is classified as a central nervous system depressant, although its effects are often misinterpreted as stimulating.

Low doses of alcohol significantly impair the judgment and coordination required to safely operate a motor vehicle. Moderate to high doses cause marked impairments in higher mental functions and alter a person's ability to learn and remember information. Very high doses can cause respiratory depression and death.

About one in ten people will find it difficult

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to control consumption, will have continuing problems associated with its use, and will develop the disease of alcoholism. Even those who do not eventually develop alcoholism can experience and/or cause considerable harm to themselves, others, and the community. Individuals with a family history of chemical dependency face a higher chance of developing alcoholism or other forms of drug addiction.

Women who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, alcohol use has been found to be significantly related to the transmission of HIV and other sexually transmitted infections, unplanned pregnancy, fighting, assaults, vandalism, and the incidence of acquaintance rape and other crimes.

HEALTH RISKS ASSOCIATED WITH DRUG USE

NARCOTICS

Drugs included in this classification include opium, morphine, codeine, heroin, oxycontin, methadone, Percodan, Percocet, and other opium derivatives and synthetics.

Narcotics are the most physically addictive illicit drugs. The first or second administration of narcotics results in a tremendous euphoric feeling that cannot be repeated due to the rapid development of tolerance to the drug. This leaves the user with high cravings and low benefits from continued drug use. The user must continue ingesting the drug in order not to develop withdrawal symptoms. A major physical risk associated with the use of narcotics is sudden death resulting from respiratory arrest. Other risks include infection due to IV drug use. Psychologically, cravings for narcotics can be severe.

STIMULANTS

Drugs included in this classification include cocaine (e.g. coke, crack), methamphetamine, Ritalin/Adderall, amphetamines (speed), high doses of caffeine and other stimulants. Cocaine has been known to cause sudden death by causing the heart to beat in an abnormal rhythm resulting in a heart attack. The heart attack can be sudden and unexpected and can occur at anytime when a person is using cocaine. Stimulants can cause a person to become emaciated, resulting from an increased metabolism and an extremely decreased appetite. Psychologically, cocaine and most amphetamines are extremely

addictive and affect the pleasure center of the human brain. Stimulant intoxication can lead to visual, auditory, and tactile hallucinations and delusional type thinking. After a person develops dependence upon cocaine or an amphetamine, sudden or gradual cessation in use can cause markedly diminished interest or pleasure in most daily activities. Fatigue, insomnia, and feelings of worthlessness are also common and can possibly result in suicide attempts.

PHENCYCLIDINE/KETAMINE

These drugs form a distinct category of their own because the effects produced are unlike any other drugs. Ketamine ("special k") and phencyclidine (PCP) act similarly to a hallucinogen, in some respect. In other respects they act similarly to that of a central nervous system (CNS) stimulant as well as a CNS depressant. Among their side effects are delirium, visual disturbances, hallucinations, and severe violence. Some evidence of long-term memory disorders and psychological disturbances resembling schizophrenia also has been linked to the use of these drugs.

HALLUCINOGENS

Drugs in this classification include LSD (acid), mescaline (peyote), mushrooms (psilocybin), amphetamine variants (ecstasy), and other hallucinogens. The greatest short-term risk associated with ecstasy is dehydration and overheating. Additionally, consequences that ecstasy may have on the brain include depression, anxiety, and effects on the brain's ability to think and store memories. The greatest risk associated with LSD use is a "bad trip." A bad trip can occur at any time, even occurring in individuals who have used the drug many times. A bad trip is a psychological reaction to the ingestion of LSD and is primarily based upon the user's mind set and environment at the time of administration. A bad trip can result in extreme paranoia, panic attacks, and a loss of self-control. The most extreme outcome of a bad trip can be permanent psychosis or even death.

INHALANTS

Inhalants include a wide variety of breathable chemicals that produce mind-altering results. The three major subcategories of inhalants include volatile solvents, aerosols, and anesthetics. The most commonly abused inhalants are gas, glue, paint and nitrous oxide (including whippets). A major physical consequence in inhalant use is sudden death occurring from heart beat irregularities. Inhalants produce an inebriation effect with associated bizarre thoughts, dizziness, numbness, and a lack of coordination. The intoxicated person will have problems performing even the most mundane tasks, and serious

accidents can result. Long-term effects can include brain damage, poor concentration, and memory loss.

CANNABIS

Drugs in this classification include: marijuana, tetrahydrocannabinol (THC), hashish, and hashish oil. Physical risks of marijuana use include damage to the lungs, chromosomes, and reproductive system. The most severe consequences of cannabis use affect brain functioning. Chronic marijuana use can result in changes in perception, motor activity, sensation, emotional response, motivation, memory, and states of awareness.

DEPRESSANTS

Drugs in this classification include Rohypnol and other barbiturates, benzodiazepines, Xanax, Valium, GHB and other depressants including ethyl alcohol. Depressants produce rapid tolerance. Severe withdrawal, including seizures and death, can occur if depressant use is immediately stopped. Depressants also can cause sudden death by respiratory arrest or by stroke resulting from a marked increase in blood pressure. Mixing alcohol with other depressants can be lethal.

NICOTINE

Nicotine is the powerfully addictive substance in tobacco that can "hook" a user in as few as three cigarettes. Short-term health effects related to smoking can include wheezing, coughing, frequent colds, and decreased senses of smell and taste. Smoking can also trigger asthma symptoms. Long term health effects can include chronic bronchitis, lung cancer, or cancer of the mouth, throat, bladder, pancreas, or kidney.

— Source: University of Maryland's "Student Alcohol and Other Drug Policy Resource Guide"

HEROIN AND OPIOID ADDICTION AND PREVENTION POLICY

Scope: This policy applies to all incoming students and employees.

Policy:

The college will develop and offer heroin and opioid addiction and prevention awareness training for incoming students and will train Public Safety Officers, and other designated personnel, on how to recognize and respond to the symptoms of an opioid overdose.

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STUDENT TRAINING

The College will provide in-person heroin and opioid addiction and prevention awareness training to all incoming, full-time students. Where in-person training is impracticable, the College will provide electronic heroin and opioid addiction and prevention awareness training.

CSM will provide education resources that alert and educate all incoming, part-time students regarding heroin and opioid addiction and prevention. For more information, please view CSM's Online Opioid Training and Prevention Module at www.onlineorientation.net/csmd/479/-/wc?reload=1&.

EMPLOYEE TRAINING AND EMERGENCY RESPONSE

The College will obtain and store Naloxone or other overdose-reversing medication to be used in an overdose emergency situation at the La Plata, Leonardtown, Prince Frederick and Regional Hughesville campuses.

CSM will provide training for Public Safety Officers or other designated personnel on how to recognize the symptoms of an opioid overdose.

The College will adopt procedures for the administration of Naloxone or other overdose-reversing medications and will adopt proper follow-up emergency procedures.

As specified by State law, except for any willful or grossly negligent act, Public Safety Officers or other designated personnel who have been trained and who respond in good faith to the overdose emergency may not be held personally liable for any act or omission in the course of responding to the emergency.

CSM will annually report to the Maryland Higher Education Commission each incident that required the use of naloxone or other overdose-reversing medication.

Review: This policy is effective July 1, 2017
Reference: Education Code, Sections 11-1201 through 11-1204
For more information contact:

Director, Student Affairs, ext. 4746

LOCAL, STATE, AND FEDERAL LAW DESCRIPTIONS RELATING TO ALCOHOL AND OTHER DRUG USE

Students and employees at the College of Southern Maryland are subject to federal, state, and local laws for the possession and distribution of illegal drugs.

Federal law states that it is unlawful to possess controlled substances, including marijuana, cocaine, LSD, PCP, heroin, designer drugs, etc.

(1) if the substance is cocaine, or contains a cocaine base, the penalty for simple possession is a fine and/or imprisonment from five to 20 years.

In February 2000, a law was enacted to categorize gamma hydroxybutyrate (GHB), also known as a "date rape drug," as an illegal drug. This means that anyone possessing, manufacturing, or distributing GHB may face up to a 20-year penalty.

For other illegal drugs, the penalty for simple possession is a fine of at least \$1,000 and/or imprisonment up to three years. The penalties increase if the possession includes intent to manufacture, distribute, or dispense a controlled substance, especially if done near a public or private elementary, vocational, or secondary school or a public or private college or university. Additionally, any person who violates this law shall be liable for an amount up to \$10,000 in civil penalties.

In addition to federal laws, the State of Maryland has its own laws dealing with distribution, manufacturing, and possession of controlled substances. For instance, any person who unlawfully manufactures or distributes any narcotic drug may be fined up to \$25,000 and may be imprisoned for up to 20 years for a first offense. (2) students and employees are subject to state and local laws for drinking and obtaining alcohol. It is illegal in the State of Maryland for any person under 21 to drink alcohol. (3) it is also illegal for a person under 21 to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them. (4) it is also illegal in most situations to furnish alcohol to a person under 21. (5) the penalty is a fine of up to \$500 for a first offense, and up to \$1,000 for repeat offenses.

It is important to remember that although the State of Maryland now has laws

"decriminalizing" the use and possession of small amounts of marijuana (less than 10 grams), it is still a civil offense under state law subject to fines and other penalties. In addition, State of Maryland law provides protection from state criminal prosecutions and civil fines for users of marijuana prescribed for medical reasons. However, marijuana possession and use is still illegal under federal law and smoking of marijuana in a public place is still illegal under Maryland law even for medical marijuana users. Therefore, college policy has not changed and the college will not tolerate or condone use or possession by employees or students. Such use of marijuana can be subject to federal prosecution and result in a student code of conduct or college policy violation.

Students should also be aware that marijuana use may still negatively impact your future employment, as many employers require drug testing. A conviction may also negatively impact your ability to obtain federal financial aid.

In addition, state law dictates that it is illegal to possess alcohol in an open container in any parking lot of any shopping center or retail store, unless given permission by the owner. The penalty is a fine of up to \$100. (6) It is also illegal to consume alcohol on any public property or highway unless authorized by the governmental entity which has jurisdiction over the property, with penalties including a fine of up to \$100. (7) Students and employees are also subject to state and local laws governing drinking and driving. A person may not drive or attempt to drive while impaired or under the influence of alcohol. (8) individuals under 21 with a blood alcohol concentration (BAC) of only .02 (approximately one drink) will be charged with a violation of restricted license and result in suspended license until the age of 21. (9) Any individual with a BAC of 0.08 will be presumed to be driving under the influence of alcohol. An individual with a BAC of .08 or more shall be determined to be under the influence of alcohol per se. (10) any of these violations will result in fines, imprisonment, or both. It is also unlawful to drive while impaired by any controlled dangerous substance whether or not it is illicit (prescribed or unlawfully obtained). (11) a person can still be charged with these violations even though they possess a driver's license from another state.

1. Federal law 21 USCA /sections 841 and 844 To 845a (1990)

2. Md. Code Criminal Art. Section 5-608

3. Md. Code Criminal Art. Section 10-114

4. Md. Code Criminal Art. Section 10-113

5. Md. Code Criminal Art. Section 10-117

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6. Md. Ann. Code Art. 2B, Section 19-204

7. Md. Ann. Code Art. 2B, section 19-204

8. Md. Code Transportation Art. Sections 21-902

9. Md. Code Transportation Art. Sections 16-113(b)

10. Md. Ann. Code Transportation Art. Sections 21-902

11. Md. Code Transportation Art. Sections 21-902 (c) and (d)

smoke free effective with the start of the Spring Semester 2017. This policy prohibits smoking and the use of all tobacco products within the boundaries of all College locations including all buildings, facilities, indoor and outdoor spaces and lots, walkways, sidewalks, sports venues, college vehicles and private vehicles parked or operated on College property. This policy applies to all students, faculty, staff and other persons on campus, regardless of the purpose of their visit.

The board authorizes the president, or her designee, to promulgate further detailed policies, procedures and guidelines consistent with this policy.

**College of Southern Maryland
Counseling Services**
counselor@csmd.edu

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Leonardtown Campus
Building A, Room 204-E
240-725-5328
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Prince Frederick Campus
John E. Harms Academic Center (Building A),
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443-550-6169

Kellie I. Jamison MSW, LCSW-C
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La Plata Campus, AD Building, Room 205F
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Jude House
Bel Alton, MD 20611
301-932-0700
www.judehouse.org

Maryland Community Service Locator
www.mdcsl.org

**National Council on Alcoholism and
Drug Dependence, Inc. (NCADD)**
New York, NY 10017
1-800-nca-call
www.ncaddmaryland.org

**St. Mary's County
Department of Social Services**
Leonardtown, MD 20650
240-895-7000

**The Substance Abuse and
Mental Health Services (SAMHSA)**
1-877-samhsa-7
www.samhsa.gov

Tri-County Youth Services Bureau
Prince Frederick, MD
443-975-7357
Lexington Park, MD
301-866-5992
Waldorf, MD
301-645-1837
www.tcysb.org

Walden Behavioral Health
Charlotte Hall, MD 20622
301-997-1300 or 888-912-7366
24-hour hotline
301-863-6661
www.waldensierra.org

HEALTH AND WELLNESS

STUDENT HEALTH 101

Student Health 101 is now available to CSM students. This monthly online health and wellness magazine is designed and catered for students. Each issue provides a wealth of resources on nutrition, career advice, monthly recipes, contests, and more. View the issues and sign up to receive Student Health 101 each month to your inbox.

PERSONAL COUNSELING SERVICES

Your time at college can be a positive and rewarding experience. However, it can also be a time of stress and challenge. To make the most of your college experience, CSM Counseling Services are available at all campuses to help you deal with your stresses and challenges. Counseling is confidential and free of charge to all currently enrolled CSM students.

Counseling at CSM is short-term with eight sessions per semester. It is a wellness approach to ensure mental health and well-being as well as confidence in academic achievement. Services include:

- Crisis intervention
- Individual personal counseling
- Support groups
- Couples counseling
- Faculty and staff consultation
- Referrals to other resources within the college or in the community

FITNESS AND AQUATICS CENTERS

CSM offers free access to our fitness centers and pools on all three campuses for CSM credit and non-credit continuing education students taking 45 or more hours. Just bring your OneCard to access the facilities!

SMOKE/ TOBACCO FREE COLLEGE AND WORKPLACE POLICY

The college is a smoke/tobacco-free college and workplace. All locations shall be entirely

SUBSTANCE ABUSE AND HEALTH RESOURCES

CSM employees and students should check with their insurance provider(s) for additional information and resources.

ALANON World Service (and ALATEEN)
1-888-4al-anon (1-888-425-2666)
www.al-anon.org

Alcoholics Anonymous (AA)
Call for meeting times and places
1-800-492-0209
www.aa.org www.somdintergroup.org

Calvert County Department of Social Services
Prince Frederick, MD 20678
443-550-6900

**Calvert County Health Department
Substance Abuse Services
Mental Health Clinic**
Prince Frederick, MD 20678
410-535-5400 or 410-535-3079
crisis hotline 410-535-1121

**Charles County Department of Health
Substance Abuse Services**
301-609-6600
Adolescent unit 301-609-6600
Alcohol program 301-609-6600
Mental health 301-609-6700
www.charlescountyhealth.org/

**Charles County
Department of Social Services**
La Plata, MD 20646 301-392-6400

POLICIES AND REGULATIONS

SECTION 504/ ADAA GRIEVANCE PROCEDURE

I. POLICY STATEMENT

The Americans with Disabilities Act (ADA) prohibits the exclusion of people from jobs, services, activities, or benefits based on disabilities. In addition, Section 504 states that no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Education. Further, it specifically ensures that no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination under any program or activity that receives federal financial assistance.

Consistent with its nondiscrimination policy, the College of Southern Maryland has made many accommodations to facilitate a fully accessible, to the extent possible, barrier-free environment. The College of Southern Maryland will, upon disclosure, attempt to make other reasonable accommodations if appropriate. Employee or applicant requests for ADA accommodations are handled in accordance with the Access for Employees with Disabilities policy: HR: 4005. Students requesting accommodations based on a disability should follow the Procedures for Requesting Reasonable Accommodations available at the following link on the CSM website: www.csmd.edu/about/policies/ada-grievance-procedures/index.html.

Individuals who believe they have been discriminated against, in violation of the Act, should follow the procedures described below.

II. SCOPE OF GRIEVANCE

Any student, employee, or third-party guest or visitor who believes that he or she has been subjected to discrimination on the basis of disability by employees, students, or third parties or has been denied access or accommodations required by law shall have the right to invoke this

Grievance Procedure. In general, this Grievance Procedure is designed to address the following types of concerns:

1. Disagreements or denials regarding requested services, accommodations, or modifications to College of Southern Maryland practices or requirements.
2. Alleged inaccessibility of a College of Southern Maryland program or activity.
3. Alleged harassment or discrimination on the basis of a disability.
4. Any other alleged violations of the ADA and/or Section 504.
5. Perceived retaliation due to a pending disability discrimination complaint.

This Grievance Procedure, however, is not intended and shall not supersede other College of Southern Maryland policies and procedures which may exist for addressing issues of concern unrelated to disabilities for which separate CSM policies and procedures exist, including, for example, a student appealing a grade. For these types of alleged violations, students should use the Student Grievance Policy procedures. Questions of applicability will be decided by the Executive Director of Equity and Inclusive Diversity.

NOTE: In the absence of an Executive Director of Equity and Inclusive Diversity, please contact the Title IX Coordinator.

III. ADA/SECTION 504 COORDINATOR AND OFFICE OF EQUITY AND INCLUSIVE DIVERSITY

The College's ADA/ Section 504 Coordinator is responsible for overseeing the College's compliance with all federal and state laws applicable to disabilities.

The ADA/Section 504 Coordinator ("Coordinator") is assisted in meeting compliance obligations and the coordination of this grievance procedure by the college's Executive Director

("ED") of Equity and Inclusive Diversity. The Coordinator is responsible for interpretation of ADA/Section 504 law and policy in all academic areas, student services, employment, services to the public, transportation, facilities, and any other college activities and programs subject to

the requirements of the ADA and Section 504. The Coordinator provides training to faculty, staff and administration on disability awareness, accommodation and compliance issues. The Coordinator consults on accommodation and access concerns for faculty, staff, students and guests, and reviews concerns, denials and appeals of accessibility and reasonable accommodation determinations for students, faculty, staff and guests. The designated Coordinator ("Coordinator") is:

Disability Support Services/
Student Success Center
8730 Mitchell Road
P. O. Box 910
La Plata, Maryland 20646-0910
Phone: 301-934-7614
E-mail: dss@csmd.edu
TTY: 800-735-2258

The ED of Equity and Inclusive Diversity also investigates and issues determinations regarding complaints of disability discrimination, harassment and retaliation.

IV. PROCEDURES

All disability-related grievances covered by these procedures must be filed within 60 days of the alleged violation. The college may extend this time frame when a delay is due to circumstances beyond the individual's control, e.g., illness or incapacity. As an initial matter, all grievances shall be reviewed to determine whether they are submitted within a timely manner and/or whether they contain all required information. The college shall not review a grievance that is untimely or fails to contain all required information, including a clear statement of all grounds for the grievance. To facilitate a clear and prompt resolution, once initiated, a grievance shall not be expanded beyond the issues presented in the individual's initial complaint. The college reserves the right to redirect a grievance to the proper grievance procedure or to any other appropriate review procedure.

The written complaint shall include the following:

1. A full description of the problem and any relevant facts.
2. A summary of the steps the complainant has already taken in attempt to resolve the problem, including the names of persons involved.

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3. A statement of the requested resolution and the complainant's rationale for the requested accommodations for each perceived violation.

4. Any supporting documentation.

5. The name, contact information, and signature of the person initiating the complaint.

Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for individuals upon request.

INFORMAL GRIEVANCE PROCEDURES

Students, faculty, staff, and other members of the college community who have a complaint may also first attempt to resolve the complaint informally. All complainants should first attempt to discuss the matter orally or in writing with the individual most directly responsible. If no resolution results, or the complainant feels that direct contact is inappropriate under the circumstances, complainants may contact the Coordinator who will attempt to facilitate a resolution. If the complainant is grieving determinations or actions of the Coordinator, the complainant may contact the ED of Equity and Inclusive Diversity who will attempt to facilitate a resolution.

If a satisfactory resolution is not achieved within 10 days, the Coordinator or ED will inform the complainant of his/her right to file a formal complaint.

FORMAL GRIEVANCE PROCEDURES

If no satisfactory resolution is reached after the above informal attempts to resolve the complaint are made, or if the individual chooses to bypass the above informal complaint process, he/she should submit a written complaint. Investigations of complaints will be adequate, reliable, and impartial. If the complainant attempts to resolve

the matter informally and that attempt has failed or the complainant decides to end the informal process for any other reason, the complainant will have an additional 10 days to file a formal complaint. A listing of all meetings and/or written attempts to resolve the issue should be included with the formal complaint.

A. STUDENT OR GUEST COMPLAINTS

1. a. Where the complaint by a student or guest alleges the failure to provide a reasonable accommodation, denial of an approved accommodation or service, or inaccessibility of a program or other college activity by a staff or faculty member, or third-party vendor, contractor or other engaged in business with the college, the complaint should be filed with the Coordinator. The Coordinator, or designee, shall assess the formal complaint and review all information necessary to render a written determination to the complainant and to any administrator whose authority will be needed to carry out the proposed resolution. This will include providing the complainant and accused with an opportunity to submit evidence, including identifying witnesses and documents for the Coordinator's consideration as part of the investigation.

The Coordinator, or designee, will issue a letter of determination to the complainant and the individual whose decision is being challenged of their findings within 10 days of the formal complaint.

1. b. If the complainant disagrees with the determination given by the Coordinator, he/she may seek a reconsideration of the determination by the ED, Equity and Inclusive Diversity. The ED will review the letter of determination offered by the Coordinator and all information necessary to render a written determination. If needed, the complainant shall submit any additional information and/or documents as requested. The ED will issue a letter of determination within 10 days of receiving the request, supply the complainant and relevant parties with a copy of the letter of determination, and take any steps necessary to implement his or her decision, including but not limited to, providing a copy of the letter of determination to the appropriate college officials. The decision of the ED is final.

1. c. If the complaint is against the Coordinator or designee or other member of the Disability Support Services Office, (e.g., regarding the denial of requested accommodations or access

to a college program or activity) the complaint should be filed with the ED, Equity and Inclusive Diversity. The ED will review the determination offered by the Coordinator and all information necessary to render a written determination. This will include providing the complainant and accused with an opportunity to submit evidence, including identifying witnesses and documents for the ED's consideration as part of the investigation.

The ED will issue a letter of determination within 10 days of receiving the complaint, supply the complainant and relevant parties with a copy of the letter of determination, and take any steps necessary to implement his or her decision, including but not limited to, providing a copy of the letter of determination to the appropriate college officials. The decision of the ED is final.

2. a. All other complaints of disability discrimination covered by this procedure (e.g., alleging harassment, other discrimination based on disability, or retaliation) should be filed with the ED, Equity and Inclusive Diversity. The ED or his/her designee under his/her direction will conduct an investigation of the complaint. This will include providing the complainant and accused with an opportunity to submit evidence, including identifying witnesses and documents for the ED's consideration as part of the investigation.

The ED or designee will issue a written letter of determination as to the validity of the complaint and any resolution. Unless there are extenuating circumstances, the ED will issue the letter of determination within fifteen (15) days of receiving the formal complaint. If extenuating circumstances cause a delay, the ED will notify the complainant in writing of the delay along with an anticipated timeframe for issuance of the final letter of determination. The ED will supply the complainant and relevant parties with a copy of the letter of determination and take any steps necessary to implement his or her decision, including but not limited to, providing a copy of the letter of determination to the appropriate College officials.

2. b. The complainant or any party against whom the grievance or the proposed resolution is directed may appeal and request reconsideration of the determination to the Vice President of Student Equity and Success. The request for appeal must be submitted in writing to the ED, Equity and Inclusive Diversity within ten (10) calendar days. The written request for appeal must specify the particular substantive and/or procedural errors that are the basis of the appeal, and must be made on reasons other than general

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dissatisfaction with the determination of the ED. The ED will forward the appeal to the Vice President of Student Equity and Success and also provide copies to the other parties.

The Vice President of Student Equity and Success or his/her designee shall review the student's letter, all pertinent records, and documentation. The Vice President or designee will send a written decision to the parties, the ED, and if appropriate to the division administrator whose authority will be needed to carry out the decision, within thirty (30) days of the complainant's request unless there are extenuating circumstances. If extenuating circumstances cause a delay, the Vice President of Student Equity and Success will notify the complainant in writing of the delay along with an anticipated timeframe for review and issuance of the written decision. The decision of the Vice President of Student Equity and Success on the appeal is final.

B. FACULTY AND STAFF COMPLAINTS

1. a. Where the complaint alleges the failure to provide a reasonable accommodation or denial of an approved accommodation by another member of staff or administration, the complaint should be filed with the Associate Vice President of Human Resources and Payroll ("Associate Vice President"). The Associate Vice President, or designee, shall assess the formal complaint and review all information necessary to render a written determination to the complainant and to any administrator whose authority will be needed to carry out the proposed resolution. This will include providing the complainant and accused with an opportunity to submit evidence, including identifying witnesses and documents for the Associate Vice President's consideration as part of the investigation. The Associate Vice President, or designee, will issue a letter of determination to the complainant and the individual whose decision is being challenged of their findings within 10 days of the formal complaint.

1. b. If the complainant disagrees with the determination given by the Associate Vice President, he/she may seek a reconsideration of the determination by the ED, Equity and Inclusive Diversity. The ED, Equity and Inclusive Diversity will review the letter of determination offered by the Associate Vice President and all information necessary to render a written determination.

If needed, the complainant shall submit any additional information and/or documents as requested. The ED, Equity and Inclusive Diversity will issue a letter of determination within 10 days of receiving the request, supply the complainant and relevant parties with a copy of the letter of determination, and take any steps necessary to implement his or her decision, including but not limited to, providing a copy of the letter of determination to the appropriate college officials. The decision of the ED, Equity and Inclusive Diversity is final.

1. c. If the complaint is against the Associate Vice President of Human Resources or designee or other member of the Human Resources Department, (e.g., regarding the denial of requested accommodations or access to a college program or activity under the Access for Employees with Disabilities HR: 4005 policy) the complaint should be filed with the ED, Equity and Inclusive Diversity. The ED, Equity and Inclusive Diversity will review the determination offered by the Associate Vice President of Human Resources and all information necessary to render a written determination. If needed, the complainant shall submit any additional information and/or documents as requested. The ED, Equity and Inclusive Diversity will issue a letter of determination within 10 days of receiving the complaint, supply the complainant and relevant parties with a copy of the letter of determination, and take any steps necessary to implement his or her decision, including but not limited to, providing a copy of the letter of determination to the appropriate college officials. The decision of the ED, Equity and Inclusive Diversity is final.

2. a. All other complaints of disability discrimination covered by this procedure (e.g., alleging harassment, other discrimination based on disability, or retaliation) should be filed with the ED, Equity and Inclusive Diversity. The ED or his/her designee under his/her direction will conduct an investigation of the complaint. This will include providing the complainant and any accused with an opportunity to submit evidence, including identifying witnesses and documents for the ED's consideration as part of the investigation.

The ED or designee will issue a written letter of determination as to the validity of the complaint and any resolution. Unless there are extenuating circumstances, the ED will issue the letter of determination within fifteen (15) days of receiving the formal complaint. If extenuating circumstances cause a delay, the ED will notify the complainant in writing of the delay along with an anticipated timeframe for issuance of the final letter of determination. The ED will supply the complainant and relevant parties with a copy of the letter of determination and take any steps necessary to implement his or her decision, including but not limited to, providing a copy of the letter of determination to the appropriate College officials.

2. b. The complainant or any party against whom the grievance or the proposed resolution is directed may appeal and request reconsideration of the determination to the President or his/her designee. The President may consider the appeal or appoint a designee to decide the appeal. The request for appeal must be submitted in writing to the ED within ten (10) calendar days. The written request for appeal must specify the particular substantive and/or procedural errors that are the basis of the appeal, and must be made on reasons other than general dissatisfaction with the determination of the ED. The ED will forward the appeal to the President and also provide copies to the other parties.

The President or his/her designee shall review the complainant's letter, all pertinent records, and documentation and send a written decision to the parties, the ED, and if appropriate to the division administrator whose authority will be needed to carry out the decision, within thirty (30) days of the complainant's request unless there are extenuating circumstances. If extenuating circumstances cause a delay, the President or designee will notify the complainant in writing of the delay along with an anticipated timeframe for review and issuance of the written decision. The decision of the President or designee on the appeal is final.

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V. TIMELINES

Specified time limitations refer to the academic year, September through May. If a student presents a grievance in June or the alleged incident allegedly occurred during the summer months, the time calculation may be suspended between the end of the academic year and the opening of the following academic year in September. In such a situation, the 60-day timeframe would begin the first day of the academic year. In addition, time limitations do not include official College holidays or other closures during the regular academic year. The term “days” refers to days when the College is open for business.

VI. REMEDIES

The college will impose remedies intended to correct the discriminatory effects on the complainant or others and to prevent the recurrence of any prohibited acts.

VII. EXTERNAL COMPLAINTS

Although students are encouraged to attempt to resolve complaints pertaining to disabilities by using this grievance procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR):

Delaware, Maryland, Kentucky,
Pennsylvania, West Virginia
Office for Civil Rights, Philadelphia Office
U.S. Department of Education
Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107
Telephone: 1-215- 656-8541
FAX# 215- 656-8605; TTY 215- 656-8604

In addition, other complainants may also file a disability discrimination complaint with the responsible federal or state department or agency including the federal Equal Employment Opportunity Commission or the Maryland Commission on Human Rights.

VIII. RETALIATION

The College prohibits retaliation against any individual for filing a grievance under this process or against any other individual participating in the investigation of a grievance. Any such retaliation is against state and federal laws and CSM policy. Retaliation may be subject to disciplinary action up to and including termination. A student or any individual who has participated in the grievance process in support of the grievant may file a grievance under these procedures with the Title IX Investigator if they feel they have been retaliated against.

IX. RECORDS

The ADA/ Section 504 Coordinator and ED, Equity and Inclusive Diversity shall maintain the files and records of all complaints for which he/ she is responsible under this grievance procedure.

*References: Board Policy Gen: 417
Access for Employees with Disabilities, HR: 4005*

*For more information contact the Section 504/
ADA Coordinator at 301-934-2251, ext. 7614;
or Executive Director, Institutional Equity and
Diversity Office at 301-934-7659.
Policy Approved: 3/2016*

*NOTE: In the absence of an Executive Director
of Equity and Inclusive Diversity, please refer to
the Title IX Coordinator.*

DISCLOSURE OF STUDENT RECORDS (FERPA)

WHAT IS FERPA?

FERPA stands for the Family Educational Rights and Privacy Act of 1974, as amended. It is commonly known as the Buckley Amendment. The act, and regulations implemented by the department of education, regulate the dissemination of student educational records at all colleges and universities that receive federal funds.

WHAT RIGHTS DO STUDENTS HAVE UNDER FERPA?

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records.

These rights include:

1. The right to inspect and review a student's education records within 45 days of the day that the College of Southern Maryland receives a request for access. A student should submit to the Registrar a written request that identifies the record(s) he/she wishes to inspect. The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the student believes is inaccurate or misleading. A student may ask the registrar to amend a record that he/she believes is inaccurate or misleading. The student should write the registrar, clearly identify the part of the record he/she wants changed, and specify why it is inaccurate or misleading. If the Registrar decides not to amend the record as requested by the student, the registrar will notify the student of the decision and advise the student of his or her right to appeal the decision. A student wishing to appeal a decision should follow the general student complaint procedure found in the *Student Policy Guide*. FERPA does not address issues involved with assigning grades for academic work. A student interested in appealing grades should follow the reevaluation of academic work procedure found in the *Student Policy Guide*.

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3. The right to provide written consent before the college discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The college discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by CSM in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom CSM has contracted as its agent to provide a service instead of using college employees or officials (such as an attorney, auditor, or collection agent); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the college. Upon request, CSM also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College of Southern Maryland to comply with the requirements of FERPA. Written complaints should be sent to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue SW
Washington DC 20202-5920

TYPES OF STUDENT RECORDS CSM MAINTAINS?

CSM maintains the following:

- Admissions Records
- Advising Notes
- Skills Assessment Scores
- Cumulative Academic Records
- Disciplinary Records
- Financial Records
- Financial Aid Records

WHAT IS DIRECTORY INFORMATION?

The following items are designated "Directory Information" and may be released at the discretion of the College of Southern Maryland unless a student files a request to prevent his/her disclosure:

- Name
- Address
- Telephone number
- E-mail address
- Date and place of birth
- Photograph
- Major field(s) of study
- Campus location
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees, Certificates, Letters of Recognition, and awards received (includes Deans' List)
- Most recent previous educational institution attended.

HOW DO I REQUEST THAT INFORMATION NOT BE DISCLOSED?

Forms to prevent disclosure of directory information can be obtained at the Registrar's Office. Questions regarding your rights under FERPA should also be directed to the Registrar's Office, 301-934-7588.

PUBLIC SAFETY AND PREPAREDNESS

CSM is dedicated to the safety and welfare of all persons at all campuses. The college's safety and security program has the following goals:

- To protect people and property
- To assist in the enforcement of state, local, and college regulations within the parameters of federal, state, and local laws and ordinances
- To build and maintain a high level of cooperation between the college community and external law enforcement and other governmental agencies
- To provide regulatory, support, and miscellaneous services to improve and enhance the attainment of general college goals
- To disseminate practical and useful information relating to matters of safety and welfare

Among the Public Safety and Preparedness Department's duties are crime prevention, incident reporting, preventive patrols, crisis intervention, emergency planning, security surveys, limited alarm system administration, fire prevention, and safety inspections.

The Public Safety and Preparedness Department also provides access to alarmed buildings, unlocking/locking doors, campus escorts, initial response to crisis situations, and coordination of local emergency responses.

All CSM public safety personnel are empowered under Article 26 (Education), Maryland Code of Regulations, to enforce school security provisions. Security personnel have received in-house training. The public safety personnel are an unarmed guard force and are not authorized to arrest individuals. The public safety personnel work in cooperation with local law enforcement officials. When a breach of the peace occurs on campus, the public safety officer will summon the appropriate local, state, or federal agency for enforcement and/or investigation.

CSM's uniformed public safety officers are equipped with two-way radios with telephone patches in order to be reached at anytime.

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CSM SAFE APP

CSM's Public Safety and Preparedness Department has a safety app called the CSM Safe App. The app is designed to help public safety minimize response times during both emergency and routine security/safety situations.

APP FEATURES:

CAMPUS ALERTS

Persistent in-app notifications and push notifications for location-specific emergencies to keep you informed. An additional bulletin board feature is available for ongoing crises.

OFFLINE EMERGENCY PLANS

Action plans for active shooter, evacuation, and weather emergencies are available in your hand.

EMERGENCY CONTACTS

Listing of all pertinent phone numbers for on- and off-campus assistance with emergencies.

REPORT A TIP

Tips can be reported either via form, phone call, or text. Video or photos can be included where applicable. You may choose to identify yourself or be anonymous.

SUPPORT RESOURCES

Quick access to the support resources available to help students such as counseling, academic advising, or sexual assault help.

Download the CSM Safe App: (make into hyperlinks)

*App Store <https://apps.apple.com/us/app/csm-safe/id1467994647?app=itunes&ign-mpt=uo%3D4>

*Google Play

<https://play.google.com/store/apps/details?id=com.cutcom.apparmor.csmd&hl=en>

SERVICE HOURS

The La Plata Campus offers 24-hour security coverage.

The Leonardtown, Prince Frederick, and Regional Hughesville campuses have public safety offices with the following hours of operation:

Leonardtown Campus
Monday-Friday, 5:30 a.m.-11 p.m.
Saturday, 7 a.m.-5 p.m.; Sunday, 1-5 p.m.

Prince Frederick Campus
Monday-Friday, 7 a.m.-11 p.m.
Saturday, 7:30 a.m.-5 p.m.

Regional Hughesville Campus
Monday - Friday, 7 a.m.-10 p.m.
Saturday, 8 a.m. - 5 p.m.

CSM's Public Safety and Preparedness Department staff cannot keep our campuses safe without your assistance; it is the responsibility of everyone who comes to CSM to work, learn, or socialize to be aware of their surroundings and to report any unusual threats, sightings, or events.

ANNUAL CAMPUS SECURITY REPORT

The Annual Campus Security Report contains college policies regarding facility safety and access, law enforcement, the reporting of criminal activity and emergencies, security awareness and crime prevention programs. Information is compiled from the contents of the CSM daily crime log, incident, and accident/injury reports, and through consultation with the various county sheriffs' offices, and the dean of Student Equity and Success. The report also contains crime statistics for the college and other useful information regarding security.

Students and Employees will receive notification, in the mail, by October 1 indicating where this report is located online. The information is also available to any applicant for enrollment or employment. The report can be accessed on the Internet at Ready.csmd.edu.

REPORTING A CRIME, INCIDENT, OR EMERGENCY

All unusual incidents, crimes and other emergencies should be reported to public safety personnel immediately. However, if it is more appropriate to call the county police or rescue squad directly, contact off-campus assistance by dialing "911" from any campus phone.

The Public Safety and Preparedness Department must be called in the event of an accident or incident which interrupts normal activities of the college. The responding public safety officer will gather all pertinent information and file the appropriate report.

CSM permits victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. However, to the extent that the college knows the identity of persons reporting such crimes, the college may be legally required in some circumstances to disclose that information.

If you are a victim or witness of a crime while on campus, report to the Public Safety and Preparedness Department as soon as possible. Obtain as much information as you can about the perpetrator(s) without endangering yourself.

Try to notice such things as:

- Height, Weight, Build, Race, and Age
- Color and Length of Hair, Beard and Mustache or other Facial Hair
- Notable Characteristics (Acne, Scars, Tattoos, Glasses, Mental State)
- Color of Eyes, Clothing
- Type of Vehicle, License Plate Number, and Direction of Flight

Do not handle or disturb physical objects used or handled by the assailant or anything else at the crime scene.

When reporting an emergency, please state the following information:

- Your Name
- Location
- Telephone Number Where You Can Be Reached
- Location of Emergency
- Nature of Emergency
- Additional Information as Requested

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How the Public Safety and Preparedness Department Responds

After an offense has been reported, the campus Public Safety and Preparedness Department will commence an investigation to identify the offender or hazard, and will make a diligent effort to resolve conflicts, when appropriate. When multiple reports occur during the same time frame, the reports will be handled in the following priority order:

- Reports Involving Personal Violence or Injury
- Property Crimes
- Requests for Service

The Public Safety and Preparedness Department or administrative office will assist individuals in making reports, as appropriate, to other law enforcement agencies. If thefts of college property or if unsafe conditions are noted on college property, contact the Public Safety and Preparedness Department to file a report.

Timely Warnings

If the CSM Public Safety and Preparedness Department, or appropriate administrative office, is notified that a reportable crime has occurred which presents a continued threat to the campus community, notices and/or instructions will be communicated to students, employees, and the campus community in an effort to prevent similar crimes. Warnings may be distributed in several different ways including posting on the CSM Intranet, CSM web site, by e-mail, orally, through signage, The Friday Report, CSM.TXT, CSM Ready, or other appropriate means. The exact means of timely warnings may vary due to the situation.

Emergency Phone Locations

After contacting “911,” you should still inform campus public safety of the emergency. Emergencies can be reported from any campus phone.

La Plata Campus

- Administration (AD) Building – First and Second Floors by Elevator
- Center for Business and Industry (BI Building) – Lower Level, First, and Second Floor by Elevator; West Entrance Near Lobby; and outside
- Loading Dock
- Business (BU) Building – Main Hallway
- Campus Center (CC Building) – First and Second Floors by Elevator
- Campus Services (CS) Building – Main Hallway

- Community Education (CE) Building – Main Hallway
- Fine Arts Center (FA Building) – West Entrance Lobby; Room 127, and Near Room 149
- James C. Mitchell Center for Health Technology (HT Building) – North and South Hallways; Kitchen/Lounge Area
- Learning Resource Center (LR Building) – outside South Entrance; Room 127/Kitchen/Lounge; near Room 102; Second Floor Lobby near Room 200
- Maintenance (MT) Building – outside by Front Door
- Physical Education Center (PE Building) – Pool Area and by Gymnasium Entrance
- Francis P. Chiramonte, M.D. Center for Science and Technology (ST Building) – North and South Wing
- Parking Lots – Lot 2 West and East End; Lot 3 East Side, Center; Lot 4 North Side, Center; and Lot 8 West End Near Handicap Ramp

Leonardtown Campus

- Building A – First, Second, and Third Floors; and outside by Parking Lot Handicap Ramp
- Building B – First, Second, and Third Floors; Parking Lot; and outside Sidewalk By Parking Lot Between Building B and Building C Handicap Ramp
- Building C – First, Second, Third Floors; and Parking Lot
- Building D – First Floor and Parking Lot

Prince Frederick Campus

- John E. Harms Academic Center - First Floor by Elevator, Second Floor by Elevator, Room 209, or Room 235, West Breezeway, and Parking Lots
- Building B - First and Second Floors by Elevators or Stairwells and Parking Lots

Regional Hughesville Campus

- CT Building – Main Hallways

GENERAL STUDENT COMPLAINT PROCEDURE

Procedure provides a method of recourse to students who feel that a particular action, or series of actions, on the part of another student, a faculty or staff member, or the institution has violated accepted or stated institutional practices and standards. Student concerns appropriate to this procedure include those not covered by the following established procedures:

- Student Code of Conduct (see page 30)
- Reevaluation of Academic Work (see page 25)
- Administrative Grievance Procedure (see *Administrative Manual*, HR 4005)
- Faculty Grievance Procedure (see *Full-Time Faculty Handbook*)
- Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation

INFORMAL LEVEL

Before beginning any formal procedures, the parties involved in the complaint should try to settle the dispute through discussion. If the student wishes to have another person present at these discussions, he/she may request the presence of a staff member from the Division of Student Equity and Success, the Title IX Investigator, or any other appropriate college staff member.

FORMAL LEVEL

The student must begin formal complaint procedures within 21 calendar days of the alleged violation by submitting a written statement of the complaint to the Vice President of Student Equity and Success. The statement must explain what allegedly happened, what steps have been taken prior to the submission of the written complaint, and what action the student is requesting. The Vice President of Student Equity and Success will distribute copies of the complaint to the appropriate parties.

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If the complaint involves a college employee, the student will then meet with the faculty or staff member and his/her supervisor(s). If the complaint involves another student or the institution as a whole, the student will meet with the Vice President of Student Equity and Success and/or others deemed appropriate. This meeting should take place within 14 calendar days of the submission of the written statement. Within seven calendar days, the student will be informed, in writing, of the outcome of this meeting.

In the absence of a mutually satisfactory outcome, the student may appeal the outcome of the meeting to the president.

The student must initiate the appeal within 14 calendar days. The appeal must be in writing and explain the nature of the complaint, the reason for the appeal, and include any supporting evidence. The appeal should be submitted to the president.

The President, or designee, may:

1. Dismiss the appeal for insufficient evidence
2. Schedule an appeal hearing

If an appeal is granted, the president, or designee, will hear the appeal within 14 calendar days subsequent to receipt of the student's written request. A record will be made of the appeal hearing.

A written explanation of the appeal decision will be given to the student and, as appropriate, others involved within 14 calendar days following the scheduled hearing.

The procedures for these hearings will, for the most part, follow those outlined in Article VI, Section A, of the Student Code of Conduct.

These procedures may be modified to accommodate the nature of the complaint. (Complaint procedure 10/12/08)

UNAUTHORIZED PERSONS IN THE WORKPLACE AND CLASS SITES

Scope: This policy applies to all persons.

Definitions:

Class sites—means all locations at facilities used by the College of Southern Maryland at which learning activities for students (whether credit or continuing education) take place. “Class sites” includes, but is not limited to, classrooms, distance learning locations, computer labs, other labs, tutor rooms, and testing centers.

Unauthorized persons—mean persons other than college employees, students acting within the scope of their educational relationship with the college, independent contractors and vendors conducting business within the scope of their engagement with the college, and representatives of college partners conducting business within the scope of the entity's partnership with the college.

Workplace—means the non-public work areas at all college facilities. “Workplace” includes, but is not limited to, offices, office suites, classrooms, computer labs, testing centers, and tutor rooms.

Policy:

The college strongly discourages students (whether credit or continuing education) from bringing unauthorized persons into any class sites, such as classrooms, computer labs, other labs, tutor rooms and testing centers. Unauthorized persons are permitted in class sites only for brief time periods in rare circumstances caused by unanticipated emergencies and only with the approval of the faculty member or other college employee responsible for that location at that time period. Children who are ill are not to be brought to class sites.

The college strongly discourages the presence of unauthorized persons in the workplace. Unauthorized persons are permitted in the workplace only for brief time periods in rare circumstances caused by unanticipated emergencies and only with advance approval of the director (or higher-level supervisor) responsible for that work location.

Notwithstanding the above, unauthorized persons are not permitted in

a. any work area in which potentially hazardous materials are used or which may be a hazardous work site (These work areas include, but are not limited to, laboratories, facilities maintenance areas, attics, chemical storage areas, and loading docks.)

b. the St. Charles Children's Learning Center. (College employees are only permitted in the Children's Learning Center if necessary to perform work in the scope of their employment.)

Procedures:

Employees who observe an unauthorized person at a workplace are to contact the director (or higher-level supervisor) responsible for that work location in non-emergency situations or Public Safety if the matter cannot be resolved with the supervisor.

*For more information contact:
Executive Director of Public Safety and
Preparedness, 301 934-7754
HRD: 10/06*

WEAPONS

Scope: This policy applies to all persons at any college-owned, leased, or rented facility and to all persons attending any college-sponsored activity at any other location.

Definitions:

Ammunition—means any material capable of being projected by or from a weapon.

Weapon—means any instrument of offensive or defensive combat and any device designed or traditionally used to inflict harm or injury. Weapon includes but is not limited to explosives, firearms, bows, slingshots, switchblades, daggers, blackjacks, brass or metal knuckles, hunting knives, nunchaku (“nun-chucks”), dirk knives, bowie knives, star knives, sand clubs, razors, throwing stars and any device capable of projecting a ball, pellet, arrow, bullet, missile, shell, or other material. Weapon includes any object that could be reasonably construed as a weapon. Weapon does not include a penknife (that is, a folding knife), without a switchblade, provided that the blade is no more than 4 inches.

POLICIES AND REGULATIONS

Policy:

Weapons and ammunition are potential safety hazards. The possession, storage, use, or display of weapons or ammunition is inappropriate in the college community for any reason other than protection of members of the community.

Weapons and ammunition shall not be possessed (regardless of whether a federal or state license to possess same has been issued to the possessor), stored, used, or displayed at any college-owned, leased or rented facility or at any college-sponsored activity at any other location.

Exceptions:

1. This policy does not apply to the lawful possession and storage of disabling chemical sprays or to the lawful display or use of such sprays, when the display or use is objectively for a self-defense purpose. It is not within the scope of employment for any college employee to possess, use, store, or display such sprays.

2. This policy does not apply to currently licensed and commissioned law enforcement officers acting within the scope of their law enforcement responsibilities but only to the extent that they are legally permitted to possess such weapons and ammunition in this jurisdiction.

3. This policy does not apply to persons in the military acting in the performance of their official duties but only to the extent that they are legally permitted to possess such weapons and ammunition in this jurisdiction.

4. This policy does not apply to persons authorized by their employer, and licensed and legally permitted to possess weapons in this jurisdiction, but only if the employer is providing services to the college under a written contract approved in advance by the Executive Director of Public Safety and Preparedness, Vice President and General Counsel, and President.

5. Exceptions for the possession, storage or display of weapons or ammunition for instructional or theatrical purposes may be granted in limited circumstances. Applications for such exceptions shall be made in advance to the Executive Director of Public Safety and Preparedness and require written approval from the Vice President of Academic Affairs, the Executive Director of Public Safety and Preparedness, and the President. The Executive Director of Public Safety and Preparedness may impose additional restrictions in writing.

6. This policy does not apply to the lawful storage of a firearm, by a full-time college employee, within a vehicle parked at any college-owned, leased, or rented facility or at any college-sponsored activity provided that: a) the college employee is a “qualified retired law enforcement officer” as that term is defined in the Law Enforcement Officers Safety Act, 18 U.S.C. section 926C and has met all of the conditions therein; and b) the college employee maintains on file with the Executive Director of Public Safety and Preparedness a current identification, as defined in that Act.

Employees and students who violate this policy are subject to disciplinary sanctions under any applicable policy. Employees on contracts may have their contracts terminated or non-renewed. Violations of this policy by employees must be reported to the division head and the Executive Director of Public Safety and Preparedness, both of whom shall consult with the Associate Vice President of Human Resources and the employee’s supervisor regarding disciplinary sanctions. Violations of this policy by students must be reported to the Executive Director of Public Safety and Preparedness and the Vice President of Student Equity and Success, who shall consider the matter in conjunction with the Student Code of Conduct.

Other members of the public who violate this policy may be removed from the facility and restricted or barred from college facilities. Violations of this policy by other persons must be reported to the Executive Director of Public Safety and Preparedness and the Vice President and General Counsel who shall consult with the President regarding potential restrictions from college facilities.

Violations that may constitute unlawful activity may be reported to local law enforcement by the Executive Director of Public Safety and Preparedness or other college personnel.

See: Maryland Code, Criminal Law, sections 4-101 et seq.

Maryland Code, Public Safety, sections 5-101 et seq. and 11-101 et seq.

Law Enforcement Officers Safety Act, 18 U.S.C., section 926C.

For more information contact: Executive Director of Public Safety and Preparedness, ext. 7754.

USE OF COLLEGE NAME

No individual, group, or organization is authorized to use the college name without the express authorization of the college president except to identify the college affiliation. The board and the college do not authorize any individual, group, or organization to state or imply college approval or disapproval of any political or social stance.

PETITION, HANDBILL, AND LITERATURE DISTRIBUTION

(a) Petitions, handbills, and literature produced by organizations other than the College of Southern Maryland may be distributed only in the Campus Center Building (La Plata Campus) or the student lounge (Leonardtwn and Prince Frederick campuses). All non-college material must receive authorization from the Assistant Director for Administrative Support at the La Plata Campus or the deans at the Prince Frederick and Leonardtown campuses prior to distribution. Material that is obscene, vulgar, or libelous will not be authorized. Petitions, handbills, and literature distributed in any other area, or distributed without prior approval, will be removed.

(b) Each petition, handbill, or piece of literature must identify the person or organization distributing it.

(c) No person or organization may distribute literature by accosting individuals or by hawking or shouting.

POLICIES AND REGULATIONS

MEDICAL WITHDRAWAL AND MANDATORY MEDICAL AND/OR PSYCHOLOGICAL EVALUATION

The College of Southern Maryland is concerned about the safety, health, and well-being of all of its students, faculty, staff and visitors. The college is especially concerned about behaviors and activities that are disruptive to the college, significantly interfere with the student's education or the rights of others, or are threatening to the student or others.

In circumstances where a student is unable or unwilling to agree to a voluntary medical withdrawal from the college, the Vice President of Student Equity and Success, or a designee, may impose on the student an involuntary medical withdrawal or mandatory medical and/or psychological evaluation.

An involuntary medical withdrawal may be imposed on the student: a) to ensure the safety and well-being of members of the college community, including individuals/ members of the public that the student has contact with while in an official student role, or preservation of college property; B) to ensure the student's own physical or emotional safety and well-being; or c) to protect the normal operations of the college if the student poses an ongoing threat of disruption or interference.

After a student has been issued an involuntary medical withdrawal, the student will not be permitted on the college campuses (including classes) and will be denied access to any other college activities and privileges for which the student might otherwise be eligible, unless and until the student is subsequently permitted to re-enroll at the college.

REEVALUATION OF ACADEMIC WORK

INFORMAL PROCEDURES FOR REEVALUATION OF ACADEMIC WORK

When a student questions the accurate assessment of his or her academic work, an attempt must first be made to resolve the issue informally. The student's first step is to confer with the instructor. If the issue is still unresolved after conferring with the instructor, the student's second step is to confer with the division chair or supervisor, who will schedule a conference of all three parties.

The division chair or supervisor will keep a record of the informal process. These informal procedures must be initiated within 10 calendar days from the date the grade was assigned and concluded within 20 calendar days from the date the grade was assigned, exclusive of college closings.

FORMAL PROCEDURES FOR REEVALUATION OF ACADEMIC WORK

Except where specified, all procedures will be consistent with those outlined elsewhere in this code.

To contest a grade, the student must put into writing the reasons for the contest. The request, along with any supporting documentation, must be delivered to the office of the Vice President of Academic Affairs. The request for reevaluation of academic work must include evidence specific enough to support the probability that the grade was given as a result of capricious or neglectful evaluation of the student's performance. The Vice President's staff will deliver the letter, any attachments, and the division chair or supervisor's summary of the informal process to the Faculty Grade Review Committee (a total of three permanent instructors appointed annually by the chair of the Faculty Senate).

The committee makes its recommendation to the Vice President based on the written record and relevant inquiries. The student does not appear before the committee. Inquiries about any aspect related to reevaluation of academic work should be directed to the Vice President's Office. The Faculty Grade Review Committee cannot respond to inquiries about specific cases.

(Note: A student who has received notification that a grade was given as a result of cheating, plagiarism, or other forms of academic dishonesty may not contest the grade under this policy.) See Student Code of Conduct and Student Code of Conduct procedures).

A request for a review of a grade must be made and delivered within 30 days from the date the grade was assigned, excluding official college holidays.

1. The Faculty Grade Review Committee may:

- a) Dismiss the request for insufficient evidence;
- b) Submit findings to the Vice President. Under normal circumstances, a decision will be made within 45 business days, exclusive of college closings.

2. The Vice President, after reviewing the findings, may take the following action:

- a) Dismiss the request for insufficient evidence;
- b) Call for a reevaluation of student work, including, if necessary, any reexamination of the student.
- c) Cause the grade to be changed. Under normal circumstances, a decision will be made by the Vice President within 15 business days of receipt of the committee's findings, exclusive of college closings.

The student has a right to be informed by an instructor when a grade is assigned for reasons of cheating, plagiarism or other forms of academic dishonesty.

The Vice President's decision may be appealed by the student in writing within 10 business days to the president of the college. The president or the president's designee will conduct a review within 10 business days of receipt of the appeal to determine whether the decision was reasonable. The decision of the president or the president's designee will be final.

POLICIES AND REGULATIONS

EMERGENCY WITHDRAWAL AND TUITION REFUND POLICY

An emergency withdrawal may qualify a student for a partial refund or credit of tuition and course fees after the normal refund deadline. In order to be eligible for a refund or tuition credit, the student, or next of kin, must submit an appeal form and appropriate substantiating documentation to support such a withdrawal request prior to the end of the course. (All fees must be paid prior to receiving a refund or tuition credit). A withdrawal is considered emergency if it results from one of the reasons described below:

MILITARY DUTY

1. Student must have entered active duty involuntarily, or have been transferred involuntarily.
2. Student must provide a copy of military orders signed by the individual's commanding officer or other appropriate official.
3. Be a dependent of a military person who has been transferred involuntarily.

HOSPITALIZATION

1. Student must have certification from a physician stating that the student's medical condition required hospitalization for 72 hours or longer, and/or that the medical condition requires the student's withdrawal.
2. Required certification:
 - a. must be an original letter on official letterhead (no photocopies), and
 - b. must specifically state that the student's medical condition required hospitalization for 72 hours or longer, and that the medical condition requires the student's withdrawal from class, and
 - c. must give the date on which the hospitalization began.

DEATH

1. Withdrawal is considered emergency if the death of the student or immediate family member of the student has occurred. Immediate family members include the following: spouse, parent, child, sister, or brother.
2. Appropriate required documentation:
 - a. an official death certificate, or
 - b. a copy of a newspaper obituary notice, and
 - c. a letter from a physician (or other appropriate medical professional) verifying the student's relationship to the deceased. (If relationship is not evident, additional documentation may be required.)

OTHER EXTREME SITUATIONS

Requests for an emergency withdrawal based on other extreme situations will be considered on a case-by-case basis. Requests will only be considered for the current semester or one prior semester.

PROCEDURE

Students requesting an emergency withdrawal must complete the appeal form found on the web site at www.csmd.edu and submit it to the associate Vice President of Enrollment Management. The form must explain in detail the nature of the appeal and any specific circumstances (e.g., illness, death in the family, military transfer, etc.) that may support the appeal.

The following is the procedure for appeals for other than military duty, hospitalization, or death:

1. The appeal form must explain in detail the nature of the request, list any specific circumstances that may support the request, and provide available documentation.
2. If the request involves academic concerns, the letter is forwarded to the Vice President of Academic Affairs or the Vice President of Continuing Education and Workforce Development for investigation.
3. If the request involves situations other than academic concerns, the associate Vice President of Enrollment Management will investigate

the situation and will forward the request to the Student Services Appeals Committee for consideration. If the committee determines that a refund is justified, then it may authorize, as appropriate, a full or partial refund. The Associate Vice President of Enrollment Management will inform the student in writing of the decision.

4. A student may appeal the decision of the committee or the Vice President, in writing, to the Vice President of Student Equity and Success. The student's letter must explain the nature of the appeal and include any supporting evidence. The appeal must be initiated within 14 calendar days of notification to the student.

5. A written response shall be given to the student within 14 calendar days. The decision of the Vice President of Student Equity and Success is final.

ANIMALS ON CAMPUS

Scope: This policy applies to all employees, students, and visitors.

Definition: a living thing that is not a human being or plant

A "Service Animal" means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

RESPONSIBILITIES OF THE CSM COMMUNITY

- Allow a service animal to accompany its handler at all times and everywhere on campus except where access has been specifically prohibited.
- Do not pet a service animal. Petting a service animal when the animal is working distracts the animal from the task at hand.
- Do not feed a service animal. The animal may have dietary restrictions.
- Do not deliberately startle a service animal.
- Do not separate or attempt to separate a handler from his or her service animal.
- When it is not obvious what service an animal provides, CSM may only inquire whether
 - 1) the dog is required because of a disability, and
 - 2) what work or task the dog has been trained to perform

POLICIES AND REGULATIONS

PROCEDURES FOR ACCESS

A service animal is used by individuals with disabilities to facilitate access. If a student does not identify themselves to the Disability Support Services office, the student will be encouraged to meet with the DSS office. If it is not obvious what service an animal provides, CSM may inquire whether 1) the dog is required because of a disability, and 2) what work or task the dog has been trained to perform. If a student does not follow proper access procedures and a complaint is filed, the Dean of Student and Instructional Support will contact the student. In collaboration with the Disability Support Services Coordinator, the Dean will inform the student of the policies and procedures regarding service animals on CSM campuses. If the student fails to act in accordance with the above, it will be considered a violation of the Student Code of Conduct and the Student Judicial System process will be initiated.

Grievance

If a student does not agree with the decision made concerning the use of a service animal, the student should follow the grievance procedures as outlined in this *Student Policy Guide*.

Section 504 of the Rehabilitation Act of 1973, as amended
29 U.S.C. Part 794

Americans with Disabilities Act of 1990
28 CFR 35.104
28 CFR Part 35.136
28 CFR Part 36.104
28 CFR Part 36.302

The college reserves the right to contact animal control officials to remove any unattended animal and will not be responsible for any associated costs or for any disposition of the animals.

ANIMALS IN BUILDINGS

No animals are permitted in any college-owned building except:

1. Service Animals
2. Fish in tanks no larger than five gallons
3. Animals used in academic activities, with approval of the academic vice president, or used in or for the St. Charles Children's Learning Center.

No animals are permitted in any college-leased building except:

1. Service Animals
2. Animals used in academic activities, with approval of the academic vice president, but only if permitted by the lease terms.

ANIMALS ON THE GROUNDS

No animals are permitted on college grounds except:

1. Service Animals
2. Domesticated animals (up to 200 pounds) on a leash.

Reference:
Americans with Disabilities Act regulations, 28 C.F.R. § 36.104

For more information contact:
Executive Director of Public Safety and Preparedness, ext. 7754
GCO: 7/06

e. Any meeting, event, and/or activity that presents a conflict of interest to the mission, programs, or services of the college.

8. Any meeting, event, and/or activity is automatically cancelled when the college closes due to inclement weather or other emergency conditions.

9. Requests to use the following facilities should be made a minimum of four (4) weeks in advance of the event to ensure that adequate support services can be provided:

La Plata Campus: Center for Business and Industry (BI Building); Fine Arts Center (FA Building), Theater; Physical Education Center (PE Building)
Leonardtown Campus: Building A, Auditorium - Room 206
Prince Frederick Campus: John E. Harms Academic Center, Multipurpose Area, Room 119

10. The applicant will name a Point of Contact who will be the individual present during the scheduled event and who is authorized to make decisions during the event. The applicant will provide all information required on the CSM Facility Use Contract.

12. Outside organizations, businesses, or individuals may reserve space, when available, in the Campus Center (CC Building) lobby for the La Plata Campus and the Student Lounge or lobbies at other campuses, to present information regarding products, services, or events. Vendors may neither enter into contracts on campus, nor distribute any contracts or applications (other than applications for employment or admissions applications into an educational institution) on campus.

13. CSM is to be referenced only as the location of an event when advertising to the public and not as an endorsement of the event unless CSM has entered into a co-sponsorship agreement with the business and/or organization.

14. Outside organizations, businesses, or individuals may not schedule parties, celebrations, or activities that are essentially social or personal in nature.

20. Any room used during a meeting, event, and/or activity must be left in its original condition and may be subject to inspection by a representative of the college. This includes promotional items, fliers, and decorations. Reasonable charges may be assessed against the user for the costs of clean-up or for the repair of damaged property.

For full policy and procedures, please see GA 3008 Facility Usage.

FACILITY USAGE

EXCERPTS TAKEN FROM GA 3008 FACILITY USAGE POLICY

The College of Southern Maryland (CSM) is viewed as a community resource and in accordance with the Board Policy for the public use of college facilities, the college encourages the use of its facilities, owned, leased, or operated with the exception of the Waldorf Center for Higher Education. Facilities are available to CSM employees, recognized student groups, and to outside organizations and businesses in the form of rentals and co-sponsorships.

7. The College of Southern Maryland reserves the right to limit or refuse scheduling facilities for:

- a. Outside organizations and/or businesses requesting space on a continuing basis (e.g. every Saturday morning) for longer than 1 month.
- b. Organizations or businesses that have not complied with the Facility Use Policy in the past.
- c. Any meeting, event, and/or activity when the contract which includes the Support Services Form has not been received by the due date.
- d. Any meeting, event, and/or activity when the college is closed.



LA PLATA CAMPUS

8730 Mitchell Road
PO Box 910
La Plata, MD 20646
301-934-2251

LEONARDTOWN CAMPUS

22950 Hollywood Road
Leonardtown, MD 20650
240-725-5300

PRINCE FREDERICK CAMPUS

115 J.W. Williams Road
Prince Frederick, MD 20678
443-550-6000

REGIONAL HUGHESVILLE CAMPUS

6170 Hughesville Station Place
Hughesville, MD 20637
301-539-4730

